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The foundation for a definition: an analytic analysis of the framework of practice in which art is made

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The Foundation for A Definition: An Analytic Analysis of the Framework of Practice in Which Art is Made

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Abstract

The thesis provides an analysis of what any definition of 'art' that hopes to be extensionally adequate must include within its scope. The presumption throughout is that extension of art at any one time is that which is to be explained so that its intension should be discovered from its extension. The analysis proceeds through analysing how agents make artworks and what sorts of entities artworks are, in order to provide a framework within which any proffered definition, or objection to a definitional project, must operate. Thus, the point is *not* to critically examine the range of definitions already on offer but to set out those features of artistic practice that require inclusion within any definitional project. This project begins through demonstrating the inadequacy of empirical theories, through thought experiments using the method of indiscernibles drawn from the writings of Arthur Danto. This, in a modified form, is used throughout the thesis. There then follows an attempt to discover the most extreme cases with which a definition will need to contend through an investigation into the minimal limits of how artworks can be made and what things can be artworks. The result is that artworks have to be made so that they are identifiable as a distinct entity within a determinate category of art. A new form of 'post-empirical minimalism' that will provide classificatory limit for post-empirical definitions in terms of artistic and other relational properties is identified and defended. The thesis closes with a proposal for simple ontology of art, consistent with the framework of making set out in the preceding chapters and which can be applied to many different definitional projects and which places the ontology of even the most avant-garde parts of artistic practice within the same basic categories of artwork as canonical artworks.

CONTENTS

CHAPTER 1: DISCERNING ARTWORKS

Summary: This chapter introduces the methodology to be used in the thesis and provides its rationale. A discussion of aesthetic empiricism reveals it as inadequate to provide a definition of art because it cannot differentiate artworks from non-artworks. Danto's method of indiscernibles is introduced as a method which *can* distinguish between perceptually indiscernible artwork and non-artwork pairs. There then follows an analysis of the structure of the method which allows me to extend its application beyond cases of perceptual indiscernibility so that it can be used whenever an artwork and a non-artwork can be described as indiscernible under some description. Further analysis demonstrates that the method can be used in such a way that it can test any proposed for definition of art for ever more sophisticated levels of indiscernibility to hone in on the properties that definition entails that an artwork possesses solely in virtue of its status as an artwork.

1: Introduction: The Perceptual Object in Context

When discussing the *Mona Lisa* we describe the delicacy of the line outlining the neck or the grace of the mannered posture of the hand. Drawing a moustache on the *Mona Lisa* would invalidate these particular comments. The painting would have a new set of sentences true of it as an artwork, a set incompatible with that true of the original *Mona Lisa*. This is not always true - some changes in the physical object are irrelevant to the artistic object - a pencil line drawn on the back of the *Mona Lisa* would leave the artwork unchanged. This is because this pencil line is a change in the physical object which does not change the perceptual properties of the artwork and when we talk about delicacy or grace, we are referring to the artwork as a perceptual object.

It is argued that, at least for visual artworks, the aesthetic qualities of an artwork cannot be grasped without us first having grasped the perceptual object. Beardsley (1981), among others,[1] has argued (29-56) that the only critically relevant properties of an artwork are its aesthetic properties (which are by definition for Beardsley directly perceptible) and that to consider other properties only interferes in the aesthetic evaluation of an object.

Following Currie (1989, 17), this can be called *aesthetic empiricism*[2] because its claim is that a definition of art can be given in terms of an experience of the aesthetic properties of artworks. It is a commitment of this theory that only those properties which supervene on the perceptual properties of an object are the aesthetic content of an artwork. Other, non-aesthetic properties, whilst useful contextual guides for the appreciation of an artwork, are not critically relevant to it as an artwork. Aesthetic Empiricism is succinctly summed up by Kendall Walton (1970, 334): "Paintings and sculptures are to be looked at; sonatas and songs are to be heard. What is important about these works of art, as works of art, is what can be seen or heard in them."

It is a consequence of this view that two perceptually indistinguishable paintings must possess the same aesthetic properties. This is true even if one is an artwork and the other a non-artwork: A road sign and a painting that resembles a road sign, for instance. On a naive version of aesthetic empiricism an artwork has the aesthetic properties it does

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[1]Issues around aesthetic supervenience are set out in MacKinnon (2001). See Currie (1989, 18-28) for a sceptical analysis of aesthetic supervenience in terms of a possible-worlds analysis, arguing that any interesting version of the theory is false.

[2]David Davies (2004, 25-49) uses the same term. Davies also contains a discussion in agreement with that here, extended further at (62-74). Danto (1991) calls philosophers who hold such theories 'internalists', because they consider that all the properties of an artwork are internal to it as a physical object, as opposed to his position which he characterises as that of an 'externalist'.

because, and only because of the perceptual object it is. Its status as an artwork or otherwise is irrelevant to the question of what aesthetic properties it might have. The more sophisticated version of aesthetic empiricism has a broader notion of experience in which it is possible that some aesthetic properties of an artwork can be partly determined by our knowledge that a thing is or is not an artwork, because some of an object's perceptual properties might be affected by this knowledge of its status. In either case however the claim is that a general definition of 'art' can somehow be given in terms of aesthetic properties alone, since these are the only ones which are relevant to the appreciation of an artwork.

2.Standard Objections to Aesthetic Empiricism

Any version of this theory is in difficulty if it can be shown that there are properties which are relevant to the art-status of an object which are non-perceptual, or not deducible from an examination of the perceptual object.[3] The existence of any non-perceptual but artistically relevant properties therefore renders the theory insufficient to provide a definition of art. (Davies 2004, 39).

There are two standard objections to this empirical approach as a foundation for a general definition of artworks: Each suggests that the perceptual object alone cannot provide an adequate characterisation of artworks to the exclusion of any other thing. These objections are:

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[3]This view supposes that aesthetic properties can only be applied to objects on the basis of empirical examination. Sibley (2001, 269) states this thus: "Aesthetic appreciation and judgment of a work require first hand experience of it, where this excludes (say) verbal experience ... ".

(i) the relevance of the artwork category in which an object was made;

(ii) problems involving the intentional properties of an object as an artefact, in particular its originality.

I will discuss these objections in turn and in doing so will use conclusions from the following scenario: Consider two visually indiscernible paintings next to each other - two *Mona Lisas*. The *Mona Lisa* on the left is Leonardo's painting. The *Mona Lisa* on the right is not a product of any human agency but the result of a chance explosion in a paint factory which specialised in pigments for the restoration of Italian Renaissance paintings.[4] On aesthetic empiricism, as they have identical perceptual properties, an aesthetic property which is possessed by one of them is possessed by the other. Supervenience and their perceptual indiscernibility entail that they are aesthetically identical.

(i) The problem of artwork category.[5] Walton (1970), argues that any individual artwork has the aesthetic properties it does relative to its perceived membership of a given category of art. Categories include, not only art forms such as painting or music, but genres of work within forms: "Such categories include media, genre, styles, forms and so forth - for example, the categories of paintings, cubist paintings, Gothic architecture, classical sonatas, paintings in the style of Cézanne and music in the style of late Beethoven – if they are interpreted in such a way that membership is interpreted solely

by features that can be perceived in a work when it is experienced in the normal manner." (338-9) He uses (347) the example of Picasso's painting *Guernica*. To describe this artwork aesthetically would be to say that it is intense, striking, chaotic, jarring, unsettling etc. This is, among other things, because of its treatment of form and the subject matter depicted through these forms. For the empirical theorist these forms inhere within the perceptual object itself, irrespective of any non-perceptual properties it may have.

Walton suggests an alternative world where there is no category of art 'painting' but where there is the category of art 'guernicas'. Guernicas are objects which possess the same pattern of line and colour as the painting *Guernica* does in this world, but which are differentiated as guernicas through the varying degrees of bas-relief they each possess. Some guernicas protrude all over, others accentuate the moulding around the horses, others do so among the women. Walton contends that Picasso's *Guernica* would be perceived in this other world as a guernica. What would the aesthetician who believed in aesthetic empiricism conclude from Picasso's work were it a guernica and not a painting?

According to aesthetic empiricism *all* the critically relevant properties of an artwork are, at least in principle, present in the perceptual object. So, the painting and the guernica should have identical aesthetic properties. However, as a guernica, Picasso's work is serene, cold, minimal, perhaps even boring, whereas as a painting it is violent,

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[4]Danto (1981, 31) has Rembrandt's *Polish Rider* resulting from a similar explosion.
[5]Currie (1989, 28-34) & Davies (2004, 31-33) both discuss this objection.

disturbing and compelling. The empirical theorist is forced to deny this and to assert that the aesthetic properties of the painting and the guernica are the same - that the object's aesthetic properties defy its categorisation, even in a world where only guernicas and no paintings exist.

Walton's conclusion is that the aesthetic properties relevant to the perception of an artwork depend upon the category of art within which the artwork is considered. All paintings are flat and so flatness is a standard property for paintings. So it is of little aesthetic import that the painting *Guernica* is flat. Flatness, however, is a variable property for the category of art 'guernicas' given that individual guernicas vary from each other by the degree of bas-relief they display. So, the degree to which a particular guernica is flat or not is of major aesthetic import. It is then important for Picasso's artwork, when perceived as a guernica, that it is completely flat.

Walton argues further that category membership is not a property which can, even in principle, be discovered through empirical means alone. Correctly ascribing an artwork to a category requires knowing facts about the method and context of its manufacture. There are in fact four rules to determine category membership: An object's possession of a relatively large number of standard properties, the pleasure an object provides when experienced within a category, the artist's intentions towards the object and the previous entrenchment of that category within a community. It is only when we know these category-determining facts that we can begin to look for aesthetic properties within the perceptual object. So we have to know the category of art *before* we can begin to look

aesthetically.[6] We can conclude therefore that category properties are essential, but non-perceptual, properties of artworks which means aesthetic empiricism provides an insufficient basis for a general definition of art.

(ii) Intentional problems. Problems related to intentionality develop from the category dependence of aesthetic properties. The precise problem of intentionality faced by aesthetic empiricism has to be pin-pointed within these. It may be plausible to argue that that the aesthetic supervenes on the perceptual. However, it is not plausible to argue that *all* the critically and ontologically relevant properties of an artwork can also be given in terms of the properties which supervene upon an object's perceptual properties. That is, it would appear that there are critically and ontologically relevant properties of artworks which are not aesthetic in the above sense.[7] In the *Mona Lisa* scenario sketched above, it *is* artistically relevant that one of the perceptual objects resulted from an accident and the other resulted from the intentional actions of a maker. (Walton 1970, 336-338) (Currie 1991, 332) This means for instance, that while the two *Mona Lisas* may be aesthetically equivalent, they differ because only one has intentional properties. Some artwork properties, for instance, are present because of the causal origins of the perceptual object and not because of the perceptual object itself - but, for aesthetic empiricism, these are irrelevant to its aesthetic qualities.

As with category dependent properties it appears that the correct ascription of certain aesthetic properties relies on there being a causal link of a particular sort between the

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[6]A similar point is made by Carney (1991, 280) in respect of aesthetic features of a work which can only be predicated on the basis of knowing an artwork's style. Styles differ from categories in that they are not *solely* perceptually based.
[7]Levinson (1990, 166-167) uses the term "appreciatively relevant factor" as a catch-all for both aesthetic and relational properties.

perceptual object and its method of manufacture.[8] This is not to say that some specific causal processes guarantee the presence of an aesthetic quality; rather that certain causal histories of an object (e.g. accidental construction) preclude the possibility of the presence of some aesthetic properties. As Walton (1997, 74) states: "...a wide range of very important aesthetic qualities of works of art are not to be found in natural objects. Poems and paintings are sometimes witty or morbid, or sophisticated, but it is hard to imagine what a witty tulip, or a morbid mountain, or a sophisticated lake would be like." For Walton (73) only objects that are intentionally made can possess a style and hence style-dependent properties. This provides a bridge between the first and second arguments.

Examples of such precluded properties would be technique, skill, sensitivity or expressiveness of emotion, feeling or mood, all of which relate somehow to the manner or reason of the object's making. The accidentally produced *Mona Lisa* cannot be a manifestation of human skill; cannot demonstrate a sensitive handling of materials; cannot express the mood of the sitter or the feelings of the artist toward her, or convey a mood to an audience. Nor can it be original, have insights into the human psyche or be a creative achievement. These are all common aspects of our appreciation of artworks.

It can appear *as if* it does all these things but it cannot *do* these things. The accidental *Mona Lisa,* because of how it was manufactured, cannot be an object of which any intentional properties can, even in principle, be attributed. Artworks, however, are

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Every artwork has a unique set of such factors and in every case the set includes more than its aesthetic properties.

[8] Davies (2006, 233) states that "Some of an author's intentions seem to be essential to her work's identity and thereby central to the identification of the appropriate object of interpretation. For instance she determines its category ...". Later in the same paragraph

things which need at least to be candidates for having intentional properties attributed to them - artworks have properties that *mean* something.

The recognition of the critical relevance of intentional properties shows that the putative aesthetic equivalence of the two *Mona Lisas* is not sustainable. An accidentally produced object can display features which would show insight or originality had it been the product of intentional actions but it cannot actually possess those properties. Dipert (1986, 402) captures this: "The attribution of some intentions to a creator of the object firmly separates regarding an object as an art work from regarding it as a non-artistic aesthetic object." This is enough to refute the idea that all an artwork's critically relevant properties can be given solely in terms of it as a perceptual object. Therefore, the basis for the general definition of art offered by aesthetic empiricism is again shown to be insufficient because there is more of relevance to an artwork than merely the perceptual properties of an object, or those properties which can be attributed to an object on the basis of its perceptual properties.

This being so also rules out the use of 'hypothetical intentionalism' as a strategy to preserve the empirical basis of judgements about an artwork and provide the basis for necessary and sufficient conditions for something to be an artwork. Hypothetical intentionalism is a theory, usually applied to how artworks should be interpreted, which can be applied to how artworks should be identified. Davies (2006, 237) characterises it thus: "...the audience interprets the work on the basis of hypothesising an author and the

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he goes on: "Irony, allusion and quotation are all essentially intentional".

intentions he is most likely to have had as regards its meaning".[9] Applied to this project

this mean that an object is scrutinised to discover what properties can be truly predicted

of it if we posit that it was authored by a hypothetical agent. However, this position, if

applied solely on a basis which an empirical theorist could accept (i.e. concentrating

solely on the perceptual object's properties) is not able to distinguish between artworks

and objects which would appear to be artworks, or which we might treat as artworks. If

it ranges wider than this – for instance in trying to discern an artwork's originality by its

place within art history - then the hypothetical intentions are no longer being applied to

the *perceptual* object. To rescue hypothetical intentionalism would require a notion

which lets such facts in similar to that of Levinson's (1996) 'thick hypothetical author'.[10]

This *would* permit hypothetical intentionalism as a tool in identifying artworks, but

would cede the point that (a lot) more than the perceptual object is required, arguably it

would still require knowledge of supra-categorical properties that were not available to

experience.[11]

However, a definition, or theory of art[12] which incorporates the intentions of an agent

and originality is able to make this distinction. As the accidental *Mona Lisa* example

demonstrates, this distinction is vital if we are to have a definition of 'art' and not

(wider) concepts of aesthetic objects or objects of appreciation. The general ideas of

originality and creativity give us a basis to differentiate that sub-set within the totality of

aesthetic objects, both intentionally made and accidentally produced, which *are*

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[9] See (226, ft) for a bibliography of actual and hypothetical intentionalism, including authors that would disagree with statement above.

[10] Levinson is not himself a hypothetical intentionalist about such matters, but rather an actual intentionalist. See Davies (2006) for a rebuttal of enlightened empiricism and a reliance on a similar contextualism as put forward here as necessary to characterise an artwork.

[11] David Davies (2004) argues for a position where some properties of artworks are never perceptual. See the section on conceptual richness in chapter 6 below.

intentionally made. Specifically tailored ideas of originality and creativity *could* also allow us to differentiate, within the class of intentionally made aesthetic objects, intentionally made artworks from intentionally made non-artworks. Neither the empirical theorist nor the hypothetical intentionalist can provide a reliable basis for sorting statues from beautiful cars or paintings from maps. Also, there is no way that the perceptual object that is the accidentally produced *Mona Lisa* could show or correctly have attributed to it, originality. There is no way then, that we could tell from an examination of it and Leonardo's *Mona Lisa* as perceptual objects which was creatively original and which was not - although it is true that one is and one is not. Nor can such positions explain the difference in value between two perceptually similar artworks made at different times within the history of art (Currie 1989, 39; 1991). Originality is a property we would want to include within those relevant to artworks in particular, and to art in general, in addition to our appreciation of them as aesthetic objects. Therefore, once again, aesthetic empiricism is proved to be an insufficient basis for a general definition of art.

3: The Way Forward

We have found what is insufficient and why it is so. Now we must examine those reasons to see whether a theory can be formed which will avoid the failures of aesthetic empiricism. We need a theory which spans the perceptual and the non-perceptual, and which in particular incorporates the non-perceptual properties highlighted above.[13]

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[12]See Levinson (1990, 54) for the difference between a theory and a definition. A theory need not include a definition (anti-essentionalists) but would probably have to include a least a determinate position on whether a definition was possible (Carroll).

[13]See Margolis (1979) for a different justification and strategy to overcome the deficiencies of aesthetic empiricism.

Following Danto (1973a), we might characterise non-perceptual and non-aesthetic but artistically relevant properties, such as 'belonging to an artistic genre', 'having a style' or 'attempting to express emotion' as the 'artistic properties' of an object. The idea of artistic properties that belong to artworks rather than our experience of artworks (or art history) has explanatory value: They permit us to pinpoint and demarcate cases of art from 'simulacra' aesthetic objects such as the accidental *Mona Lisa*[14] and permit us to preserve the difference between paintings and their bookplate reproductions, and to value each independently on separate terms.[15] These are all evaluative differences which, intuitively, are important for us to make in seeking a definition of art, let alone a general theory.

Just what these artistic properties might be is as yet unexamined but an initial short-list would include those properties which have been used to demonstrate the insufficiency of aesthetic empiricism. Therefore, by definition, whatever might turn out to be these artistic properties, combining them with the aesthetic properties of an object can give a sufficient definition of art.[16] The point now is to find a method of pinpointing artistic properties and then, once we have a method of sighting them, to focus on what they might be and why they might be so.

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[14]Davis (1991, 71), utilising a scenario provided by Danto (1981, 29), argues that some aesthetic properties only become applicable to objects once they become artworks. So, both relational properties and aesthetic properties can be dependent upon artwork status and a complete description of an artwork's properties will require reference to both artwork-dependent and artwork-independent properties. Stecker (1997, 62-64) denies that this has any impact for functionalist theories.

[15]Dilworth (2005, 14) when discussing contextualist theories of musical ontology offers an example of an artistic property that plays just such a distinguishing role: "Thus a Martian piece of music, whose sonic tones are identical to an Earth symphony, could fail to exemplify sonata form, even though the Earth symphony tokens do exemplify sonata form - because sonata form is a higher level, indicated and culture specific structural form, which is not reducible to or entailed by the low level structure of the relevant sonic tokens." It would play a similar role in his preferred representational theory.

[16]This was identified under the influence of Wittgensteinian aspect perception, before Danto wrote. In 1958 Stevenson (1969, 197)) writes "... morphological similarity need not involve any sign function at all. Thus if a child, drawing lines on a piece of paper, should happen by accident to map a remote region in Siberia, its drawing would not be a sign of that region unless someone interpreted it as such, as perhaps nobody would." This is an indiscernibles thought experiment as is Aldrich's (1963, 20) description of a single figure under five different descriptions. Tilghman (1984), provides a Wittgensteinian reading of the method moving us from bare perception to aspect perception of an object which throws no light on the ontology of artworks. On

To do this, because artistic properties are non-perceptual, we need an investigative methodology that examines objects conceptually, rather than empirically. The source of the suggestions for artistic properties so far is the situation in which two perceptually identical objects which belong to different ontological categories were posited - for example an intentionally made and an accidentally produced *Mona Lisa*. Moreover, the evidence that indisputably different artworks do contain the same passages of language is empirical confirmation that this separation in properties is real. Arthur C. Danto has devised his 'method of indiscernibles' (first utilised in his philosophy of art in (1964)) to investigate just these issues.[17] So now we will now examine the method, to discover what we can take from it for our analysis of 'art'.

To demonstrate what the method was designed to achieve, it will be useful to sketch the philosophical background which prompted its use within the philosophy of art. In the 1950's philosophers such as Weitz (1956) and Ziff (1953) prompted by Wittgenstein's (1953, s.65-67) urging that we 'look and see' around the world for the bases of our classifications and the existence of our supposed essences, did indeed look at the heterogeneity of artworks about them and argued that 'art' had no essence because there was no one property which all artworks shared, nor a likely candidate to be that property. Danto, in reaction to this, and prompted by his viewing of Warhol's *Brillo Boxes*, devised a thought experiment the premise of which was that there could be two perceptually indistinguishable objects where one was a token artwork and the other a

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Tilghman's reading, all the method achieves is to illustrate the difference between seeing an object and seeing an object-as-an-artwork.

[17]See Danto (1962) for an earlier non-art related use of indiscernibles scenarios.

token 'mere real thing'. (1964, 580)[18] Danto argued that because these two objects were

indubitably tokens of different types, they had to be distinguished by non-empirical

means, since they were, by definition, perceptually indiscernible. This conclusion

undermined the empirical suppositions about the ontology of the artwork within the

indiscernible pair.

While Danto's thought did not establish that art has an essence, it did show that art is not

the sort of concept for which just looking and seeing is a sufficient method of inquiry.

The phenomenon of the indiscernibles suggested that a new method of inquiry was

needed. That token artworks may appear heterogeneous does not entail that art itself is

not homogenous. As Mandelbaum (1965, 222) pointed out: "... we should not assume

that any feature common to all games must be some manifest characteristic ... if we

were to rely exclusively on such features we should ... link solitaire with fortune-telling

and wrestling matches with fights." There could yet be an essential core underlying all

this apparent disparity. So far, however, we had not been looking in the right way.

4. A Structural Analysis of the Method

Danto uses arguments from indiscernibles in different contexts to support different

points within his theory of art but they all have the same structure as this first example

from 'The Artworld'.[19] In this first example, Danto uses the method to show that artistic

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[18]It is interesting why Danto uses Warhol's *Brillo Box* and not Duchamp's *Fontaine* as the art historical source for his indiscernibles arguments. This may be because Duchamp's ready-mades made artworks from physically unaltered objects whereas Warhol made artworks that appeared to be indiscernible to everyday objects. Although this does distinguish the two ways of working, I do not think it is vital to Danto's point.

[19]See Danto (1981) for versions of the cases discussed in the text, as well as a few others: Brillo Boxes (vi-vii); the can-opener (29-30); Pierre Menard (33-39); Neckties (39-42), Newton's laws (120-122). Danto's other writings contain innumerable indiscernibles thought experiments.

properties are needed for an analysis of the concept of 'art'. There now follows a structural characterisation of the method:[20]

1 An initial situation in which two objects (or states of affairs) are deemed identical in some way.

2 The (well founded) assertion that these two seemingly identical objects are in fact different in ways which are relevant to their identity.

3 A solution is proposed to the dilemma created by the conjunction of 1 and 2 by demonstrating a way in which the two objects are different.

4 This solution is revealed to be one which matches our prior intuitions concerning the differences of the objects revealed in step 2.

5 The solution to this dilemma is posited as a theory applicable to all similar situations to 1 above.

6 The source of the difference is suggested as an essential property that explains the differences between the objects revealed in step 2.

It should be noted that the structural analysis above makes no mention of *perceptual* indiscernibility in step 1. To generalise, the method tests claims which state that if an object possesses a property P this is sufficient for that object to be an *x*. The method

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[20]Carrier (1993, 20) contains a slightly different structural breakdown of the method. Tillinghast (2003, 138) argues that indiscernibles arguments can be applied to all artefacts made within cultural practices: "At most it [the method of indiscernibles] shows that the various kinds of painting, sculpture, prose, poem are some among the huge range that pre-suppose human understanding, that is the range of things that are what they are in virtue of being embedded in a cultural practice. The visually indiscernible object argument simply trades on a conceptual truth about the *whole class* of artificial kinds."

initially posits two objects which possess P. It then allows the experimenter to assert

with good reasons that one of those objects is an x and the other is not an x. So, the

claim is that possessing property P is not necessary for that object to be classed as an x.

There is no requirement that P has to be a perceptual property. All that is required is that

P is a candidate for a definition of art or that possession of P is essential for all artworks.

Relating this structure to the example from 'The Artworld', which does mention

perceptual indiscernibility, to differentiate two artworks, *Newton's First Law* (N1L) and

Newton's Third Law (N3L), both of which have, as their perceptual content, a single

black horizontal line on an otherwise blank canvas, gives a slightly different slant to the

generic structure presented above. This example compares two objects, *both* of which

are presumed to be artworks. In this case, the method demonstrates the insufficiency of

a property to determine the identity of a particular artwork as different from another

artwork. In this case it is the meaning of artworks, or for visual artworks, the

representational properties of artworks that cannot be determined solely by the artwork's

perceptual properties. In all applications of the method however, there is a claim that a

purported essential property of art is not essential, demonstrated by the well-founded

assertion that a non-art counterpart can be constructed which is indiscernible in respect

of that property.

There is one other structural feature worthy of note that leads on from this last point:

The commitments the method requires. The method requires a prior commitment that

one of the initially deemed indiscernible objects in Step 1 is, or could be, an artwork.

Only then can a particular application of the method be relevant to the concept of 'art'.

So, there must be some assumptions made by the experimenter about what kinds of things artworks can be prior to any particular application of the method. These prior assumptions may be substantive enough to extend into the reasons why the range of objects considered to be art are considered to be art and will bind the range of objects to which the method can be applied. Thus, it may be that the experimenter must already subscribe to a substantial, if largely intuitive, ontology of art, or ontology of individual artworks, before any application of the method can be attempted. The method does not determine art-status but instead provides reasons for attributing art-status. Let's call this commitment his 'folk conception' of art, so we can say that the set-up of an indiscernibles scenario is dependent upon the 'folk conception' of art held by the experimenter. This 'folk conception' can differ in content from experimenter to experimenter, but in one form or another it must always be present prior to any use of the method.

5. Extending the Method

Danto's concentration on perceptual indiscernibility in his (1964) application of the method of indiscernibles is just *one* application designed to attack the perceptual-based and anti-essentialist literature then prevalent. Indeed, Danto's own assessment is that *all* philosophical problems generally take the form of indiscernibles: (1981, 4): "It is a striking fact that an arrayed example of the sort just constructed, consisting of

indiscernible counterparts that may have radically distinct ontological affiliations, may be constructed elsewhere if not everywhere in philosophy."[21]

We do not have to agree with Danto's assessment of the scope of indiscernibility within philosophy (which is different from the scope of the application of the method of indiscernibles) to look to extend the method beyond its original application.

Extensions to the method are usually suggested by those seeking to attack the notion of perceptual indiscernibility itself, by arguing, for instance, that naked eye indiscernibility is not microscopic indiscernibility. Danto also repeatedly states that he intends the method not as a description of a real-life situation but as an heuristic device (for instance (1974, 140): "...I am supposing indiscernibility as a logical possibility.") If the method is seen as an heuristic device this can be agreed without ceding the wider point. And, as an heuristic device it can be applied outside of the frame of its initial target - the aesthetic basis of aesthetic empiricism. This approach is also echoed in other philosophers' analyses of the use and purpose of thought experiments generally in philosophy[22] and is echoed in Carrier's defence of the method (1993, 13-27) - he agrees that the indiscernible thought experiments are solely heuristic devices facilitating an investigation into the concept of "art'. If so, there is no need for any application of the thought experiment to be an actual instance of (perceptual or any other) indiscernibility.

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[21]See Danto (1989, 6-13) and (1993, 196) for his thought that indiscernible pairs are the key to all peculiarly philosophical problems and can distinguish philosophical from scientific inquiry. Danto (1962, 1968 & 1973b) discusses his use of the methodology within his philosophies of history and action respectively. In (1981, 139) Danto suggests that the pre-condition for philosophically fruitful indiscernible pairs occurs when one of the pair has a meaning or representational content.

[22]See for example Myers (1986) Carroll (2002, 7) "A philosophical thought experiment is not a device for reaching empirical discoveries but for excavating conceptual refinements and relationships." Dickie (1984, 63): "the Indistinguishable-Objects argument with minor adjustments applies outside the realm of visual objects."

Thus appeals to problems in constructing real-life instances of indiscernibility are not a threat to its use as a tool of analysis.

Applications of the method can therefore in principle be extended and framed to investigate different theoretical differences between objects. This can be done both in terms of the objects initially deemed indiscernible and in terms of the respect in which they are indiscernible. This will be discussed further in chapter 2.

For example, consider that through an application of the method I offer a separating theory which distinguishes two paintings with the same appearance (such as N1L & N3L) by their causal origins. When I point this out to you, instead of accepting this you reply "No, no, that's not enough!" Unknown to me the separating theory I had offered did not separate them for you, because, even given that theory, the two objects remain indiscernible within the explanatory terms of your theory. (For instance, I did not know that the two perceptually indistinguishable objects were both produced by the same maker and that this was part of the folk theory you brought to the experiment.) They are not differentiated because my proffered theory is insufficient to distinguish the objects as you know them. This kind of scenario is possible because the kind of initial indiscernibility is itself a variable which can be input into different applications of the method.

This kind of scenario also provides a basis for a further opportunity for using the method. As any application of the method is a procedure, we can imagine a set of

applications in which the endpoint of one application becomes the initial indistinguishable scenario of another. The same situation posited as the result of one application can be a situation from which another application begins. Imagined thus the method is a procedure through which we continually fine-grain our separating theories. Just as perceptual indiscernibility can be the starting point for such an investigation, it is also possible for perceptual indiscernibility to be a possibility that was left untested by a previous, more general application of the method.

Here is an example of how repeat applications of the method might work: Imagine that we live in a world where the accepted theory of art is that an artwork is an object the manifest properties of which cause a rich aesthetic experience in a spectator. The sufficiency of this theory as a definition of art is then the theory to be tested through an application of the method. Call this application* of the method. Step 1 of the application* posits two objects indiscernible only to the extent that they cause a rich aesthetic experience, one of which is not art. The application* reveals the objects as not identical in a way that is discovered to be relevant to art - in this instance it is revealed in Step 6 to be of critical relevance *how* that aesthetic experience is caused in a spectator. The initial theory is therefore proved insufficient.

The separation of objects in the application* however, permits that Danto's particular application could become appropriate - we test indiscernible representations both causing a rich aesthetic experience to test whether the perceptual object can provide a sufficient artwork ontology. If artwork – non-artwork indiscernibility is possible then the theory that causing rich aesthetic experiences is sufficient for an artwork is now

discounted. So, knowing this, we can then apply the method again to now test whether our new theory, that an artwork can be characterised in terms of its perceptual properties, is sufficient, through discovering whether indiscernibility is possible between an artwork and a non-artwork. (Note these do not have to be the same objects – there merely needs to be an artwork/non-artwork indiscernibility under a certain description). And so on, each time using the results of one experiment to form the basis of the possible indiscernibility of the next application. Thus, because the method is an heuristic device we can create an iteration of distinct applications of the method in an attempt to hone in on a sufficient definition, or characterisation, of art.

Any *one* application of the method is only one among *many* possible applications and the theory that separates at the end of the procedure will depend on the indiscernibility that is supposed at the beginning. That is, the results of any application are determined by what is taken as primitive in the initial specified situation. There are problems with what is taken as primitive within any application which I will address below in Chapter 2.

6 Why this Method Rather Than Any Other?

The method of indiscernibles is a tool which when used correctly can separate those properties which make an object the thing it is from those it shares with other objects which are identical to it under some other description. Stating matters in this way highlights the structure of the method.

In art a readymade may be perceptually indiscernible from its everyday counterpart but the set of relations in which it is situated are different and incompatible to that of the non-art object. So, the readymade, as an artwork, has a set of properties – these are its artistic properties - which the non-art object lacks and which are not manifested if the object is considered solely as an aesthetic object. [23]

Perceptual investigation of the object will, therefore, be insufficient to inform us what is true of the readymade but untrue of the non-art object. Given this, art needs an investigative method that can identify the contextual relations of an object in order to define it. The structure of arguments from initial indiscernibility shows why the method of indiscernibles is suited to investigate the concept of 'art'. Any application of the method sorts out the epistemic confusions raised by having a theory of *why* something is the object it is and being presented with a counterpart which is indiscernible in terms of that theory and yet not classified by us as the same sort of object. Thus the theory is demonstrated to be inadequate and revealed as the source of the confusion. In such situations the epistemic confusions are a consequence of hidden ontological confusions and an application of the method can reveal these confusions.[24] This is the case with the demonstration of the inadequacy of aesthetic empiricism - because it is possible to conceive of there being indiscernible art and non-art objects within the terms of aesthetic empiricism, aesthetic empiricism is revealed as inadequate. As Danto (1993, 197) states in this respect: "The purpose of such examples, in the philosophy of art at

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[23]Davies (1991, 66-69) makes this point. He argues that the possibility of indiscernibles demonstrates that only the artwork within an application of the method possess 'artistic properties' which situate that object within the history of art and it has those properties because of its status as an artwork and not before. Dickie (1984, 62) argues that indiscernible pairs demonstrate that artworks exist within a framework which is constitutive of an object being an artwork. See Stecker (1997, 62-64) for a contrary view.

[24]David Davies (2004, 22-23) argues that an epistemological argument can draw ontological conclusions if it has a premise that our ontology matches current practice in respect of the argument's subject ('a pragmatic constraint'). My use of the method of indiscernibles throughout this thesis conforms to Davies' structure.

least, is to put pressure on theories of art which endeavour to base themselves on manifest properties of artworks." The existence of readymades and the examples within this chapter that show the inadequacy of aesthetic empiricism both demonstrate that the method of indiscernibles is an appropriate device for doing this. It also shows it appropriate to investigate *which* properties of an artwork are specific or even exclusive to it as an artwork and which are not because it can isolate non-perceptual and relational properties.

CHAPTER 2: THE COMMITMENTS OF THE METHOD

Summary: This chapter builds on the last to consider some standard criticisms of the method of indiscernibles. It also reveals the commitments it requires, including the fact that in order to allow that one object within an indiscernible pair is, or could be, an artwork. We need to subscribe to a folk theory of art before we apply the method. The method itself cannot provide the basis of this folk theory since it functions solely to clarify the commitments of holding a particular theory of art, so the question of which folk theory we hold prior to applying the method becomes crucial. The notion of 'the catalogue' – the list of all artworks existing at a time *t* - is introduced. The argument is that solely by using the folk theory that results in the catalogue can the method be used to provide an extensionally adequate and descriptive definition of art. Other folk theories are discussed and revealed to be *prescriptive* towards the catalogue of artworks, but *descriptive* of other concepts. Finally, anti-essentialist challenges to the method of indiscernibles are discussed and dismissed: Its use only commits us to a limited essentialism designated within any thought experiment – so it is compatible with any plausible form of 'cluster' or anti-essentialist theory. The method, used within the restrictions of this chapter, is proposed as an ideal method to investigate a theoretical framework within which any substantive definition of art must operate.

1. Introduction

Problems standardly raised against applying the method of indiscernibles can be grouped under two headings: (a) the validity of its structure and (b) the legitimacy of the results claimed for its particular applications. I begin, however, with problems raised against the notion of indiscernibility itself from Wollheim (1993). His objection rests on the difficulties in giving any precise meaning to 'perceptual indiscernibility'. Wollheim asks (34-35) how rigorous the inspection of the objects deemed indiscernible within a

thought experiment is to be? A superficial glance, or a deep, even microscopic examination of both once we know they are artworks?[25]

Wollheim's claim is that different descriptions of perception and indiscernibility in Step 1 of an application yield different results. This means that the nature of indiscernibility has to be settled *before* any significant results can be gained from applying the method. This forms part of a wider concern of Wollheim's that the results of any application merely confirm the presumptions inherent in the initial description of the object. He argues (33) that if an application was set-up with a different notion of indiscernibility to that which Danto actually used, the thought experiment would achieve different results and so reveal a different essential nature for art. Therefore, he concludes the method cannot tell us about 'art' per se and is not a true thought experiment.

Wollheim's point about the nature of indiscernibility has force considered in relation to applications of the method which posit a *visual* indiscernibility between two objects. However, as was shown in Chapter 1, the indiscernibility posited at Step 1 need not be perceptual. All that is required at Step 1 is that the two objects be deemed to be identical under some specified description. Wollheim's argument uses the conceptual fuzziness of one particular description to make a general point about indiscernibility. However, indiscernibility per se is not a problem for the method because a *perceptually* indiscernible pair is only one among many different indiscernible pairs that the method can utilise. Danto (2000, 131) recognises this: "The question with which the book [*Transfiguration of the Commonplace*] wrestled was, 'Given two things which resemble

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[25]As such Wollheim re-focuses Goodman's (1968, 100-102) discussion.

one another to any chosen degree, but one of which is a work of art and the other an ordinary object, what accounts for this difference in status?'"

Wollheim's objection is also neutered if the experimenter is consistent within an application about what she means by 'perceptually indiscernible'. Different criteria of perception may well yield different answers at Step 6 of an application, but different criteria are simply different initial descriptions to be tested[26] - 'naked eye' indiscernibility is only one theory that the method can attack. An experimenter can stipulate the properties in respect of which the indiscernibility is described. As long as the nature of the initial indiscernibility is adequately specified at the outset of an application of the method this objection of Wollheim's can be accommodated.

Wollheim's objection is also robbed of much of its force for applications of the method involving literary works. Applications of the method to literature begin with passages of syntactically identical text. Neither a prolonged inspection, nor a quick perusal, nor a microscopic analysis of the two literary works will alter how we *perceive* the syntactic structures. We will not come to see extra words, or authorial signatures through prolonged or rigorous *looking*.[27] Prolonged consideration may, however, give rise to new critical assessments of two syntactically identical texts: This is the point of Danto's Pierre Menard example (Danto 1973a, 6).[28] These new critical assessments arise through new *understandings* of the content of those syntactic structures, not new

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[26]Sibley (2001, 260) provides argument for a method of stipulating visual indiscernibility between objects to any demanded standard.

[27]However, as Davies (2004, 29) notes " ... a broadly empiricist account of the appreciation of literary works might take their artistic properties to be those locatable in a *text* taken independently of history and authorial intention". (For criticism of this position see Currie (1991)). Even based on this position, the perception objection does not easily apply to literature.

[28]See Danto (1981, 33-39). The original story "Pierre Menard: Author of the *Quixote*" appears in Borges (*Fictions*, 88-95). It first

perceptions. As Dickie, (1974, 157) states: "One understands or fails to understand the meaning of a poetic statement; one does not perceive or fail to perceive the meaning in the same sense of 'perceive' that one perceives the design and colours of a painting or the tones of a piece of music." That there can be different interpretations of artworks is not to be confused with the fact that there can be different perceptions of artworks. Moreover, different interpretations can be generated from perceptually indistinguishable artworks without that having any impact on how or whether those artworks might be indistinguishable. This is because the perceptual object does not determine the possible different interpretations of an artwork. There remains room for the critic to work with her interpretations. Therefore, aesthetically (syntactically) equivalent artworks can generate different interpretations. The same artworks are interpreted differently according to the (non-perceptual) critical presumptions of different critics – a Marxist and a Leavisite for example. So, even for those applications of the method that *do* utilise an idea of the perceptual in which what is perceived depends upon non-perceptual knowledge, if an artwork's perceptual properties do not determine the different possible interpretations of it, Wollheim's point is not a problem for the method per se.

However, Wollheim's objection can be given more force if expanded. Whilst the existence of different criteria of indiscernibility is not a problem, the method cannot tell us *which* criterion for indiscernibility among all those possible should be used within an application. Nor can it provide reasons why one criterion above another should be utilised. Any justification for the criterion has to come *externally* to the method itself. Therefore the reason *why* one indiscernibility instead of another is chosen is a vital question for any given application of the method.

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appeared in Spanish in the magazine "Sur" in 1939, and in 1941 in Borges' book *The Garden of Forking Paths.*

How the objects to be candidates for being artworks are chosen becomes crucial. Any application of the method purporting to investigate the concept of 'art' requires a commitment that one of an initial indiscernible pair is an artwork. It is the folk theory to be tested that determines why one criterion of indiscernibility rather than another is chosen for any particular application of the method. It is both a strength and a weakness of the method that it will not reveal any theory of a concept 'x' fed into it as a *good* theory of 'x' or not. Nor can it adjudicate to fix a dispute between two experimenters' who fix the boundaries of art in different places because of their different folk theories. So, a reply to Wollheim's expanded objection must turn towards justifying the folk theory of art held prior to comparing somehow indiscernible objects within an application. We need to address *why* an experimenter should commit to one folk theory instead of another and how we choose our folk theory of art.

2. Why One Folk Theory Instead of Another?

Implicit in his acceptance of Warhol's *Brillo Boxes* as an artwork in 'The Artworld' is Danto's choice of a folk theory which includes the set of all objects which, at the time of his writing, (1964) were considered artworks by the Artworld. The justification for this is that the set of artworks decided by the Artworld is established independently of any particular application of the method (presumably in some institutional way).[29]

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[29]This is perhaps why Danto is sometimes regarded as an institutionalist. However, Danto expressly rebuffs this at (1981, vii). Rather Danto's view is that artworks are constituted by interpretations. At (1986, 39) he writes: "It will have been observed that indiscernible objects become, quite different and distinct works of art by dint of distinct and different interpretations, so I shall think of interpretations as functions which transform natural objects into works of art." And at (44): "My theory of interpretation is instead constitutive, for an object is an artwork *at all* only in relation to an interpretation."

An appeal to the Artworld cannot be made to extend applications of the method using imaginary artworks, such as N1L and N3L. Danto's folk theory of art of 'The Artworld', if it is to allow examples of fictitious artworks, must include a commitment to principles that would allow N1L and N3L to be artworks as well as those artworks that actually existed in 1964. Similarly, in all thought experiments that utilise a specified indiscernibility between fictitious artworks we need to know *why* these objects are considered artworks as well as *that* they are considered artworks. This will allow us to determine the commitments of the folk theory of art used within that application and allows us to judge whether and how that theory conforms to our intuitions about what a plausible folk theory of art might be. Possibly that these intuitions will be different to those implicit in the thought experiment and permit a challenge to the conclusions drawn through that application of the method. Fictitious examples mean the constitution of our folk theory of art can be a source of dispute.

A folk theory of art premised on affective aesthetic response might hold that only objects that arouse certain feelings in an (ideal) spectator could be artworks. An application of the method which used two objects indiscernible in respect their aesthetic function commits itself to artworks as being all objects which fulfilled this function (at least up to the time of the application). Each and every folk theory makes appeal to an intuitive grasp of the extension of 'art' but each has a very different intension underpinning that intuition.[30] Without a prior and independent justification of why one folk theory should be preferred over another all are of equal validity as folk theories of art, from which to launch indiscernibles thought experiments. Moreover, for the

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[30]That there can be different folk theories of art is implicitly endorsed in Zangwill (2002, 115): "There is no pre-theoretical notion that students are recollecting or making explicit .... The idea that students are drawing on a neutral folk concept, which they

purposes of applying the method of indiscernibles a folk theory can be a disjunctive collection of compatible folk theories - a folk theory could consist of both the aesthetic response and the aesthetic function theories. As long as the elements within the disjunction are not explicitly incompatible in respect of a given artwork, then they can both form parts of the same folk theory. One use for the method of indiscernibles is to analyse any folk theory to produce a hierarchy of its commitments and how it may conflict with other commitments. Each different folk theory produces a set of possible artworks, and each set will contain some members common to all and others unique to each. The importance of the justification of one folk theory over another is most obvious when considering these members not common to *all* folk theories.

Folk theories of art are not all equally attractive or plausible. A folk theory which produced *no* overlap with all the objects that have been called artworks thus far in human history is not plausible. I would talk nonsense if my folk theory of art were "all objects never described or treated as artworks". To be a folk theory of art, as opposed to a folk theory of something else, a folk theory must somehow appeal to include those objects that have been called 'art' and provide some basis for our existing classification.

These considerations of the restrictions put on a putative folk theory also emerge from our shared intuitions on what kinds of things could be artworks. If I were to begin a thought experiment, "Consider two identical pain-states of mine, let one of them be an artwork..." I would rightly be stopped in my tracks. Although it is not completely

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already possess, and which can be analysed at leisure, is an illusion." At (1993, 201) Danto makes clear that these are 'surface interpretations'.

inconceivable that a folk theory of art could include one of my pain states as an artwork, as a fictitious paradigm for a folk theory it is tendentious.[31]

There *are* reasons for using Danto's choice as the basis for a methodology. Rather than seek to choose a folk theory via an 'artworld', we can simply choose as a folk theory by stipulation: Let our folk theory be that which at the time of attempting the thought experiment produces the set of all and only existing artworks, or uncontroversial but non-actualised examples as possible candidates for being one of an indiscernible pair.[32] This permits a consideration of anything that is considered an artwork at this, or any past time to be the artwork member within an indiscernible pair. We can call this 'the institutional folk theory'.[33]

The institutional folk theory is defined in terms of its results, rather than in terms of how those results were obtained. Therefore, it is a disjunctive accumulation of different individual folk theories, each of which might describe how a sub-set of the theory was made. This procedure has the advantage of setting a folk theory by the set of artworks that emerge from it, rather than through any theoretical constraints on how artworks *should* be generated, although it will include members that are artworks because of individual theories that operate in this way. Indeed, *no* artworks are generated or lost by this procedure: Existing artworks are merely recognised, irrespective of how they were

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[31]Carroll (1993b, 324) discusses whether Van Gogh's ear mutilation can be seen as making an artwork and concludes that it could not because the relevant framework for self-mutilation to be presented as art was missing in the 1880's. There is more of a framework for this now but the framework for the resulting pain or for pains generally to be artworks remains elusive.

[32]That is, examples not in fact made, but which, given the extension of artworks existing at the time of the thought experiment, would not be disputed cases for any theory of art then operating. Controversial examples will come from actual examples and non-actualised examples will be such that actual artworks could be substituted for them without the loss of intuitive response to any thought experiment using the same theory.

[33]So called because the members of the set of putative artworks are there because they are regarded as artworks at the time of the

generated. This folk theory simply takes as the explanandum of the analysis all those things that are artworks within actual art history at a given time. How they got to be within art history is irrelevant - all that is required is that they are there. We can call this folk theory one based on our catalogue of artworks.

3. The Catalogue

The catalogue of artworks at any time t is the set of all things that are recognised as art at t. All objects within the catalogue now have in common that we regard them now *as* artworks. This is true whatever time t is - 1300, 1800 or 2300 AD. Therefore the membership of the set includes all the artworks made throughout history that have, under *any* theory, sustained as artworks to this time. The catalogue includes works that are lost or have been destroyed as long as there is a record of their existence *as artworks*. As such, it is an ever expanding, if not evolving, set accumulated from a mish-mash of particular and historical factors as the actual history of art has progressed. No one particular theory has led to the objects within the set being within that set and the objects within the catalogue are not there because they share some common feature or property. The catalogue of art reflects the multiplicity of theories under which art has been made - from religious or moral improvement or illustration, expressionism, imitation, romanticism and all the various art-isms of the Twentieth Century. I call this set the catalogue because, just as an artist can have a catalogue raisonnee, this set is the catalogue raisonnee of our actual art history.[34] In principle catalogues of other concepts can be built analogously – a catalogue of knighted people, or a catalogue of laws would

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application and these objects are members of that set for no other reason other than being regarded as artworks.

[4]This idea of the catalogue, as it is based on the extension of art at time t, is compatible with those theories that hold that 'art' is not the name of a class and has no history. (For example Brook (2002)). Even if not a class the term still has an extension, if in no other sense than the objects that can be referred to correctly using the term 'art'.

include respectively all knighted people or all laws irrespective of the reasons *why* a

person was knighted or a law enacted.

A folk theory utilising the catalogue of artworks differs crucially from other folk

theories. The catalogue requires only a commitment to the empirical claim that at any

time *t*, there are always some objects which are artworks and many others that are not.

Even if 'art' has no settled, ahistorical meaning or definition, it does have, at any time *t*,

an extension.[35] However, it is likely, because of the activities of artists, that this

extension has vague boundaries, with objects or events placed within or without the

catalogue as time *t* turns into *t+1*, *t+2* etc.[36] There may always be contested cases at any

time *t* but there will always be accepted cases too and disputes have varying force - no-

one now doubts the once strongly-doubted claims of post-impressionism or Dada as

issuing objects which need covering by any extensionally adequate definition of art.[37]

So, despite the possibility that the precise extension of 'art' at any time *t* might be

contested at *t*, the extension at *t-1* will not be contested, or if contested there will be

methods by which support can be given to either side in a debate.[38] The extension of 'art'

at *t-1* is clear at *t* and this can be taken as the folk theory of what could be art at *t-1*. So,

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[35]Carney uses a similar idea in his explicitly Kripkean "Style Theory of Art" at (1991, 273): "At any time in history that are a finite number of objects regarded as artworks allowing for borderline cases."

[36]It is likely that undisputed examples are only available retrospectively, so that we work effectively with the extension of 'art' at some past time at which assent of status has been agreed.

[37]Individual factors which might determine membership will depend on the folk theory to which an experimenter commits.

[38]Davies (1991,41) describes the kind of evidence that counts for constituting the catalogue when describing proceduralist definitions of art taking artworks to be those things regarded as art, taking factors such as being made by artists, discussed by critics and art historians and being presented as objects for appreciation as supporting evidence. Binkley (1976, 1977) defends this view of evidence of artworks robustly: At (1976, 95) he states "And I don't know what to say [to those who deny art status] except that these are made (created, realized, or whatever) by people considered artists, they are treated by critics as art, they are talked about in books and journals having to do with art, they are exhibited in or otherwise connected with art galleries and so on. Conceptual Art, like all art, is situated within a cultural tradition out of which it has developed .... when we philosophise about art, we initially decide what to talk about by looking to artists, critics and audiences, just as in the philosophy of science we initially decide what to study by looking to scientists." and (1977, 265): "If you deny that they are [art]then it is up to you to explain to me why the listings in Renoir catalogue are artworks but the listings in Duchamp catalogue are not. And why the Renoir show is an exhibition of artworks and the Duchamp one is not ...". Ironic then that Binkley's view would produce an extension of 'art' radically different to that generally recognised. Dickie (1977, 169-170) and (1984, 12-13) offers a similar view. Tolhurst (1984, 286) explicitly dissents from the view that being in the catalogue is any indication of whether an object is an artwork.

the idea of generating a folk theory through using the catalogue enables an experimenter to construct an application at any time in history, because we can in principle at least know the extension of the term 'art' as it was used at that time.[39]

All objects within an extension of 'art' at a time t have in common that they have been involved within the ongoing practice of making artworks, whatever that practice might consist of at that time. As such, at any time t, the current extension of 'art' is among the bases we use to make judgements about additions to the catalogue - we use it as a paradigm. These judgements will frequently be intuitive and taken as a whole form the extension of 'art' - the intuitively based catalogue of the concept. Folk theories of art which include artworks such as 'my pain state' are less attractive as a basis for a definition than others with a closer fit to these intuitions because the particular examples of putative artworks are found wanting against our catalogue-formed intuitions. A definition can be extensionally adequate without needing to include my pain states. So, there is a danger in using examples of avant-garde works which may be on the vague boundaries of the catalogue within thought experiments that appeal to catalogue-based intuitions. Different folk theories provide different intuitions for these examples.[40]

Different intuitions in respect of token objects taken to be artworks imply different commitments for a wider folk theory of art. Clarifying these commitments provides a method of discovering whether a particular intuitive judgement about a token object, if

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[A] similar thought might be implicit in Wollheim (1980, s.60).

[D]utton (2000, 231), provides a characterisation of the catalogue based methodology of this chapter when writing of those who "suppose the meaning of the term [art] is a function of its class of referents". Dutton disagrees with this methodology, questioning (231): "how would we even know when to extend the application of 'art', if we didn't have some principle of application which validates bringing new objects and performances under it. There must be stable elements in its meaning; to

made universal, can form a sustainable theoretical position that sheds light on the concept of 'art'. Some particular intuitive judgements will violate other generalisations made from other token judgements based on the same folk theory. If a violation, or contradiction, between two generalisations is discovered, then the task becomes to develop a hierarchy of these different principles, to show which are conceptually prior to others within the concept of 'art' employed by the experimenter. Of necessity then consideration of these cases in accepting both that and why they are within the catalogue are formed by intuitions about token cases, be those tokens the *Mona Lisa* or *Fontaine*. There is nowhere to begin aside from intuitions about token cases. This methodology ensures that any *particular* definition suggested by our intuitions is revisable in light of the wider community of intuitions and theories to which we are, or may become, committed. This point is well made in David Davies (2004, 49): "It is only after being 'codified' that our practice stands as a constraint on the ontology of art". These commitments too evolve as the catalogue evolves through history. Thus the modal intuitions put forward about particular cases in this analysis will be based upon the actual catalogue we enjoy at the time of providing the analysis.

The catalogue-based folk theory can be contrasted with a representative simple functionalist folk theory of art - that artworks are things produced with the intention that its primary function is to arouse an aesthetic feeling in a spectator.[41] Functionalist folk theories of art will be amongst those theories that have contributed to the formation of the catalogue: It is an historical fact that artworks within the catalogue are artworks because they were made with reference to some kind functionalist definition of 'art'.

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deny this entails that we go about arbitrarily calling anything art". Those stable elements might however, evolve through time, but as long there is *some* stable element at any time, new attributions arise from catalogue based intuitions.

Both the catalogue based approach and a functionalist account will, in deciding whether an object could be an artwork or not, appeal to intuitions about the concept of 'art'. Indeed, *any* account will seek to provide reasons to underpin intuitions about why certain objects are works of art and others are not. The functionalist will posit the production of an aesthetic feeling as a necessary feature of all the objects that are artworks. If this set of objects which produce an aesthetic feeling is compared to the catalogue some objects within the catalogue may be found wanting in this necessary feature and other objects, outside of the catalogue may possess this common or necessary feature and so be deserving of art-status. For the functionalist, items within the catalogue which do not meet the necessary functional aim of art will have been *mistakenly* included within the catalogue and should be removed from it, whereas other items that *do* meet the aim outside the catalogue should be brought into the catalogue. The theory will also issue different intuitive judgements to thought experiments which use the catalogue as their explanandum set, with the result that which objects or situations which could possibly be included within an indiscernible pair will be different. Of course, this may be a price the functionalist is willing to pay.[42]

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[1]This is a variant of Beardsley's (1983) definition. Other functionalist considerations are discussed in chs. 4-6.

[2]However, there will be some explaining to do: Kaufman (2002, 153): 'As philosophers of art we must be prepared to *deal* with the art of the avant garde, the work of the Dadaists, and the jests of Pop as a part of the ever-expanding extension of 'art', rather than barking "Not Art!"'. Carroll (1999, 182): "... the aesthetic theorist cannot stipulate what she will count as evidence in the face of massive amounts of countervailing evidence, which continues to grow daily": Anderson, (2000, 73), "...a theory of art which rejects the avant-garde, or more generally, works which cannot be understood in terms of their formal features, is, in a word, unacceptable."; Davies (2004, 17-18), "...I shall assume that 'artistic practice', properly construed, must serve as the touchstone for our philosophical theorizing about art, and that as a result, the default assumption must be that those things treated as artworks in our artistic practice are indeed artworks." See also Binkley (1977, 266), MacGregor, (1979, 722), Stecker (1997, 26), and Kivy (2006, 131) for similar statements in respect of the purpose of a definition of 'art' and philosophy's role generally. That philosophers with such different theories of art should all start from this premise shows its relative neutrality as a position.

For both approaches the explanandum of the theory purports to be 'all those objects (etc.) that are art' but the meaning and extension of 'art' is defined differently. For the functionalist the catalogue has to fit within the strictures of the theory. Objects that do not fit are not art, and not art *because* of the theory. So, in this sense, the theory produces the extension of 'art', so the explanandum of the functionalist theory is the set of all things which fulfil that function. This fixes the meaning of 'art' and the fact an object is called 'art' or treated as an artwork before an application of the method is no guarantee that it is *really* an artwork. The truth of whether an object is *really* an artwork is determined once the catalogue has been tested by the theory. The catalogue is a source of artworks so-called, from which some of the set of *real* artworks, as revealed by the theory will emerge by dint of their functional efficacy. As Stecker (1997, 49) states: "A work can be issued with impeccable credentials, can be accorded the *status* of an art object and yet not *be* one ... Functionalists deny that such items are artworks, because, to be an artwork, they must fulfil (or at least be intended to fulfil) a function of art." Such a functionalist theory may entail a set of objects which includes or is co-extensional with the catalogue but this will be a contingent fact, rather than as with the institutional theory, a conceptual necessity. Thus there will always be divergence between the extension provided by the catalogue-resulting folk theory and that provide by a folk theory that posits a property which fixes the meaning of 'art' independently of current usage, even if this divergence is not yet apparent.[43]

Therefore, any extension generated from a theory which is applied to the catalogue is inherently *prescriptive* towards that catalogue because the set which emerges from the

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[43]Recast in Quinian (1960) terms this position is that if the institutional folk theory of art is used, we assume that the explanandum of a theory of art is the set of items which get translated as 'artworks' and that the generalities of application of the term 'art" are.

theory as artworks will not necessarily be the same as the catalogue. Any such theory, in Davies' phrase (1991, 74)"... cuts across the prevailing practice in a way that would appear to be legislative rather than descriptive". Beardsley (1983, 298-315) offers such an account which explicitly does not include works such as *Fontaine* or other objects not intended to produce aesthetic gratification.[44] However, as Davies (1991, 75) also states: "In the end it is not obvious that a functional definition of art can claim to be aimed at capturing *our* concept of art rather than at legislating a new and conservative meaning for the term 'art', if the functionalist acknowledges (as surely he is forced to do) the importance that Duchamp's works have attained within the history of art". It is a consequence of holding a prescriptive folk-theory that one commits to a revisionary account of our ordinary language use of the term 'art', perhaps not just now, but also for past times (this functionalist account might also have to exclude early works designed to inspire religious devotion and not aesthetic gratification).

However, the catalogue is not tied to any *one* theory of art for its set of artworks. So, the same methodology used with the institutional folk theory can attempt to provide a descriptive analysis. The institutional theory is the *only* folk theory that can guarantee an extension of the term 'art' that fits exactly with the catalogue of art at whatever time the analysis is attempted and which does not require a change to our ordinary language use of the term 'art'. It, in effect, tracks this use – in the 13th century it may well have

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drawn from that set of items translated as 'artworks'.
[4]Other writings that question the status of canonical pieces include Tolstoy (1898). Cohen (1973, 79) calls *Fontaine*'s status into question. Sclafani (1975) catalogues a series of purported artworks, which he denies are artworks. Shusterman (1993) accepts a prescriptive account of art because is project is to provide an aesthetic theory which provides the best experience and art per se might not be the optimum vehicle for this.

produced an account that artworks are pictorial representations of biblical scenes designed to inspire religious devotion.[45]

Applications of the method using a prescriptive folk theory will provide a classification of a set of things that tell us what has been art, is art and will be art, but in a way neither determined by, nor beholden to, actual art history. In this respect Wollheim's criticism that the results of any application of the method of indiscernibles are written into its premises *is* correct. Applications of the method can only serve to illustrate the consequences of holding any particular theory.

A theory providing a prescriptive analysis of 'art' can, however, provide a descriptive analysis of another concept. The set of artworks resulting from a particular folk theory prescriptive towards the catalogue of artworks may have the same members as the set produced through applying the method to another concept in a way based upon the catalogue of that concept.[46] In each case we begin with an explanandum set constituted by the catalogue of objects taken to be 'x' - no matter what 'x' is initially taken to be. This provides a descriptive analysis of the objects classified under 'x' at this time. Taking the catalogue-based extension of a term as that which a theory of that term needs

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[45]This may *appear* to beg the question by using the catalogue to explain the catalogue. Not so. It uses the *catalogue up to time t* as the basis for a decision about whether a new object at time *t* should be an artwork. This pre-supposes the existence of the catalogue up to *t* but not the catalogue including (or not) the new work at *t*. This argument is made by Levinson (1990, 14) and endorsed by Carney (1991, 284) and (1994, 116-119)

[46]Thomasson (2003, 147) makes this point in respect of theories of the ontology of fictional characters: "What sense can we make of revisionary theories of the ontology of fiction, which treat fictional characters as having existence, identity, or survival conditions radically at odds with those assumed by ordinary literary practices? They cannot be analysing the existing concepts of competent users of the term or grounders of its reference; they also cannot be reporting empirical discoveries about the true nature of members of the kind" And in a footnote to this: "... other theories of fiction may be seen as analysing a rather different concept from the concept of the historically oriented, Western literary critic I have been describing (and thus not as revisionary for these practices but explicative of others)'.

to explain entails a commitment that the meaning of that term is fixed by its ordinary

usage. An analysis then unpacks the commitments within that ordinary usage.[47]

For instance, an initial commitment to the catalogue of objects that possess aesthetic

quality would produce the same set of objects whether the set was used to produce a

folk theory to investigate either 'aesthetic quality' or 'art'. The ordinary language use of

the concept of 'aesthetic quality' would fit the commitments of the aesthetic response

theory of art analogously to how the catalogue of artworks fits the ordinary language

use of 'art'. The same theory can be *prescriptively* classify artworks or *descriptively*

classify objects possessing aesthetic quality. Generally, the less match the results of an

application bear to the catalogue-based extension of a concept, the more distant the

initial characterisation of that concept within the folk theory is from its current usage.[48]

Whether we accept this distance from usage depends on whether we think there is a

truth beyond usage for non-natural kind terms. This, however, is not a problem for those

that who argue for a particular folk theory as essential to a concept. Thomasson (2004,

86-88) considers that coherence with our background beliefs and practices is necessary

for analysing the concept of 'art', since those beliefs determine the things we call

'artworks'. She therefore considers that descriptive analyses are the *only* kind that can be

provided: "If one accepts that there are works of art at all, the *only* appropriate method

for determining their ontological status is to attempt to unearth and make explicit the

assumptions about ontological status built into the relevant practices and beliefs of those

dealing with works of art, to systemise these, to put them into philosophical terms do

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David Davies (2004, 21) outlines a very similar method: "To offer an 'ontology of art' not subject to the pragmatic constraint would be to change the subject, rather than answer the questions that motivate philosophical aesthetics. Put bluntly, there is no alternative but to start from critical reflection on our actual artistic practice... " (21-22) "As for proposed ontologies of art that seek a ground quite independent of our artistic practice, I acknowledge the possible interest and depth of such studies, but question their status as theories of *art.*"

that we may assess their place in an overall ontological scheme ... As a result, consistency with such beliefs and practices is the main criterion of success for a theory of the ontology of works of art ... clearly any view that violates them too drastically is not talking about our familiar works of art and kinds of works of art at all."

I agree with this point, so for the proposes of this analysis, which is an attempt to provide a descriptive analysis of the framework within which any definition of art must operate, I shall using the institutional folk theory.[49] However, it important to note that this does not entail an institutional theory of art: As Stecker (1997, 79) notes, if we accept those things currently called 'artworks' as artworks this "is not what makes something art, nor is such wide recognition a necessary condition for being art". The acceptance of an institutionally based catalogue leaves open many possibilities for how that extension is formed.

To the extent that we seek to establish art's intension from drawing out commonalities among its extension, this methodology follows a 'rigid designation' or 'causal reference' model of investigating the concept of 'art'.[50] Variations of the model have been differently utilised within the philosophy of art by Carney (1975 & 1991), Lord (1977), Matthews (1979)[51] and Thomasson (2004).[52] The methodology employed in this chapter

[48] So Tolstoy's (1898) theory can be judged to have only a tangential connection to 'art'.

[49] Lyas (1976) labels this method that seeks to set out the commitments governing the usage of the term 'art' to which we have already committed, 'Socratic' and attributes its use to Danto and Dickie. Leddy (1993) offers a 'socratic' view of what the search for a definition 'should be' which excludes Dickie and Danto.

[50] The idea of 'rigid designation' as part of a causal theory of the reference and meaning of terms is derived from Kripke (1970) and Putnam (1975).

[51] Leddy (1987) attacks previous attempts to apply rigid designation models, especially, Carney (1975) and Matthews (1979). At (268) argues that because 'art' is not a natural kind, a timeless rigid designation model defining artworks from paradigms will not work. However as the catalogue has both a changing intension and extension it evades this objection. Levinson (1990, 50) says this motivates his historical definition of art, although it is set out in different terms, "... more formally that the intension of

differs from the 'rigid designation' model in that the point of this investigation is *not* to

set out a substantive definition of art but to provide the framework for any definition

and set out the criteria for an extensionally adequate definition.[53]

Other approaches to providing a definition of the concept of 'art', that are prescriptive

towards the catalogue, remain possible. However, if these approaches do not take

account of the framework set out here, the onus will be on them (a) to provide reasons

why they do not and yet remain extensionally adequate in terms of the existing

catalogue of art, the past catalogues of art, and the future practice of art, or (b) if

extensional adequacy is not their goal to explain why those things erroneously within

the catalogue have been placed there and what they are if not artworks. My contention

is that only a theory that takes account of the framework offered here can hope to cope

with challenges from indiscernible non-art counterparts.[54]

Now, whatever folk theory an experimenter brings to an application of the method there

will come a point at which no further indiscernibility between objects is possible on the

terms of that folk theory. For example, for aesthetic empiricism this point is reached

with the consideration of two perceptually indiscernible objects - on the terms of *that*

theory no further indiscernibility between objects is possible. However, if we commit to

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'artwork at *t*' is to be explicated in terms of the *extension* of 'artwork' and of 'ways artworks are correctly regarded *as art*' for times prior to *t*". In my terms we investigate the catalogue at *t* to see *why* any member of it at *t* *is* a member of the catalogue - the history moves *from* the artwork *to* the practice

[?] Thomasson demurs on whether a rigid-designation model applies but does put forward a modified causal view of the reference of the terms (2004, 85): "If one holds a descriptive theory of reference of art-kind terms however, then the reference of terms like 'symphony' is determined by the beliefs of speakers about the conditions relevant to something's being a symphony and as a result radical revisions of such common-sense beliefs cannot be correct, for any great shift from these will prevent whatever conclusion one reaches from being *about* symphonies".

[?]Currie (1989, 80) holds, in a slightly different project, that names of artworks are non-rigid designators and so could denote different things in different possible worlds.

[?]Thus the framework seeks to establish an essence for 'art' that provides the basis for a real definition. For the relationships between

a more nuanced folk theory of art, we might fail to generate an indiscernible pair

because that folk theory is sufficient to demarcate artworks in an ontologically relevant

way from non-artworks: That is, either no indiscernible objects can be found on the

terms of the folk theory, or whatever indiscernible items are found, *both* are artworks.

When this point is reached the choice is either to conclude that the folk theory is

inadequate, or that we have discovered the, or some, essential properties of art.

Whatever, this is a moment of choice for an experimenter. This is exemplified by

Danto's own use of the method. He first uses it to prove aesthetic empiricism's faults

and then (1981, 125) to supply various supports for his position that for both

autographic and allographic artworks[55] artistic properties differentiate artworks and that

artworks are essentially objects of interpretation with their interpretations depending

upon their artistic properties.[56] So, for Danto's theory, an experimenter could not

generate an art/non-art indiscernible pair which were indiscernible in terms of how they

were objects of interpretation. It is a conclusion of Danto's investigation through using

the method of indiscernibles that the artistic properties of an artwork are where the

limits of its indiscernibility lie.

Utilising the institutional folk theory is *some* insurance against having an inadequate

theory, because the intuitions with which we suggest two objects are discernible as art

and non-art are the same as those that we have used to form the catalogue of artworks.

The intuitions use the evidence of the catalogue but are not necessarily tied to the

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providing an essence of art, a real definition of 'art' and a method of identifying artworks see Carroll (2001, 76-78)

[55]The use of 'autographic' and allographic' derives from Goodman (1968)

[56]Margolis (1979, 447) notes these related, but distinct, two uses of Danto's thought experiments in Danto (1964)

catalogue – they will sanction new objects as artworks based on principles extracted from the catalogue.

If we reach a point at which we cannot generate any further indiscernibility between objects using the institutional folk theory, then we will have either reached the end of an analysis into art, or reached the limits of the applicability of the method. If the latter, because no further indiscernibility is possible, when we ascribe a property as essential to artworks we may be mistaken. Instead we may be recognising a property that the structure of the argument itself *cannot but* treat as essential – this will disfigure any definition of art emerging from an analysis that uses the method of indiscernibles. We need therefore to analyse the method to test whether it is inherently biased towards certain kinds of definition, or suggesting certain kinds of property as essential for art, and whether it is possible to use the method to test other properties that may be assumed by the structure of the method itself.

This assumed bias within the structure of the method can be tested by attempting to form an indiscernible thought experiment in terms of a function rather than in terms of objects. That is, where two indiscernible *functions* can be differentiated by the *objects* which meet that function. There is an obvious problem. That two objects are indiscernible with respect to their perceptual properties is easy to imagine. Clarity comes less readily when we're asked to test a theory that those things intended to provide an aesthetic response as their main function are artworks, through positing two indiscernible aesthetic responses and differentiating them through the objects that cause them. There is no method of measuring, nor standard for judging either the intensity or

the kind of experience posited within a non-empirical functional concept of art. Nevertheless, the scenario of two equally aesthetically satisfying responses manifested within a spectator with these responses being differentiated through being produced by art and non-art *is* logically possible and so available for use within an analysis. In fact if aesthetic supervenience is correct, their perceptual indiscernibility could give aesthetic equivalence. So how would this application run?

We are setting up a thought experiment to test the theory that provoking an aesthetic response in an audience is necessary and sufficient for an object to be an artwork. Therefore, we construct an indiscernible pair containing this commitment, with one of the pair being an artwork. The individuals within this pair need only be indiscernible in terms of the aesthetic response they generate and aesthetic enjoyment can be gleaned from an artwork, a non-artwork artefact, or a natural feature.

Indeed, Danto provides a thought experiment of this kind himself (perhaps without realising), in his discussion of Kant's example of the crow-call and the human bird imitator.[57] In (1973a, 3) & (1981, 25-26) Danto separates aurally indiscernible calls, one made by a crow, the other through a human imitation of a crow, by the fact they have different causes and issue from different objects. (Kant in fact considers the imitation of the crow-call worthless). So, the theory that aesthetic pleasure is the indicator of an artwork is modified so that the aesthetic pleasure has to be caused in a certain way. Alternatively, this indiscernible pair could be differentiated through the pleasure each

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[57]See Kant (1790) (2000). Wolterstorff (1975, 132) contains similar thought experiments involving intentional and natural sound structures.

affords, (Danto 1981, 26) (although the pair must differ in the non-aesthetic pleasure they provide, since, ex hypothesi their aesthetic effect is indiscernible). So, the theory becomes that a *certain sort* of aesthetic pleasure is the indicator of artworks. In either case, the theories that emerge from these applications of the method remain functional but modified from the theory that the application found wanting. So, it is possible to frame an application of the method in which the initial indiscernibility is functional and in which functions can be differentiated by objects.

4. Universality Vs Scope

Wollheim (1993, 31-34) also has an objection to the scope of the conclusions Danto draws from his use of the method. Wollheim points out (31-32) that Danto's conclusions are not entailed by any particular application of the method. His point is if a particular artwork lacks property *x,* (the way in which it is indiscernible to a non-artwork), this alone is no reason to extend this truth from this token artwork to artworks as a type.

In short Wollheim argues that what is true of Warhol's *Brillo Boxes* need not be true of Leonardo's *Mona Lisa*. He denies therefore that the results of any particular application of the method can be generalised beyond that artwork. He denies, therefore the necessity of there being a single property that is sufficient to make an object art. Wollheim's criticism of the method is allied to his preference for a 'cluster account' of art. His suggestion is that an object can be an artwork if it possesses at least a sub-set of a set of properties which must be present for any object to be an artwork. So, for Wollheim the best the method can suggest is that a group of *x* factors at least *x-n* of

which must be present in any token artwork (where *n* is any one artistically enfranchising property which ranges over a certain set of artworks). This is a compromise position of an essentialism for token artworks within an overall anti-essentialist framework.

Danto's original attack on aesthetic empiricism is an accusation that it itself defines the concept of 'art' in terms of one historically contingent reason (perceptual properties) that happen to make some token objects artworks. Wollheim's criticism, combined with his 'cluster account' proposal, recasts Danto's solution to be merely uncovering another historically contingent enfranchising reason why an object could be an artwork. Danto shows why Warhol's *Brillo Box* is an artwork but no more, because, on the terms of Wollheim's cluster account, different overlapping and historically contingent enfranchising reasons have to be given why each token object is an artwork.

Cluster concept accounts of art can be made consistent with the method of indiscernibles if the cluster concept account is formulated in a certain way. To see how and why we can usefully re-apply Walton's (1970) notion of a category of art. The range of objects over which a separating theory is applicable can be regulated by the category of art under which the objects are considered when the initial commitment that one of them is an artwork is made at Step 1. The experimenter simply needs to specify an initial commitment to 'an artwork of category *x*'. The separating theory at Step 6 will then apply to (at most) all objects of category *x*. This particular application of the method can then leave other artworks, not of category *x*, untouched by the analysis. This entails however, that a more sophisticated and more constrained folk theory of art

than might otherwise be required has to be fed into any application of the method. If an application only ranges over a certain category of artworks then an experimenter has to commit to a theory of art which both recognises the category as a category of art and which recognises the two objects, or states of affairs, as possible individuals within that category. Thus not only is 'consider two of my pain states, let them both be artworks' ruled out, but so is 'consider two sounds, let them both be paintings' (since sounds cannot be paintings). Restricting the scope of an indiscernibles thought experiment in this way constricts the liberty afforded an experimenter in forming an indiscernible pair, but has the effect that the indiscernible pairs that are formed are uncontroversial in their relevance to art and informative in terms of results.

This use of the method leaves the scope of the results of any application of the method open to the experimenter. She is free to construct the range of objects over which an application applies as she feels reasonable. She can choose whether the essential properties apply to a token artwork, other artworks within the same category, to artworks across different categories, or to art in general. This is because no application of the method has to apply to artworks that do not possess the properties involved in the specification of indiscernibility at Step 1 of an application.

So, the method itself does not, contra Carroll (1993a, 98) presuppose essential properties for art per se. Nor does it necessarily generate essential properties for art per se – it is experimenters that make the leap to concept-wide essentialism. There are intermediate stages available such as 'essential to Florentine portraiture', or 'essential to representational painting', or 'essential to painting'. Also because *how* the results are

extended beyond an application is a matter of the experimenter's choice, no one

application rules out the possibility that an artwork not included within the scope of that

application can possess an essential property incompatible with another discovered

through another application.

A position in which there are different locally essential properties applicable to different

clusters of artworks is consistent with the method *and* Wollheim's position, thereby

meeting Wollheim's objection to the method. It is also consistent with Wolterstorff's

(1980, 56-58) suggestion that artworks are norm-kinds, such that it is impossible that

something be an example of a norm-kind x and yet lack a property P whilst allowing art

to contain multiple norm-kinds with different essential properties: Margolis' (1980)

view that artworks are culturally emergent but physically embodied entities: Leddy's

(1993, 400) position that art can have non-absolute locally applicable functional

definitions which are pragmatically based, and thus open to revision[58] and *some* cluster

accounts.[59]

However, Berys Gaut's avowedly non-essentialist 'cluster' concept (2000) and (2005)

may not be so easily accommodated. For Gaut art has a group of jointly sufficient

conditions none of which are necessarily present in any individual artwork but which

together provide criteria for art-status – he shares Wollheim's view that proffered

definitions posit one of the accidental cluster as somehow essential.[60] So, for Gaut there

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[58]Leddy (1998, 400): "What art does not elude are *powerful* or *useful* definitions in terms of one function or a small set of organically interrelated functions, definitions which are not absolute (although often offered as such), but relativised to specific social and historical contexts".

[59]Stephen Davies (2004, 298) contains a bibliography of past cluster-like accounts.

[60]Adajian (2003) and Stephen Davies (2004) both critique Gaut's and other neo-Wittgensteinian anti-essentialist accounts. See Gaut

are no properties which are necessary for an object to possess to be an artwork,[61] but only properties which, if possessed by an object *can* be sufficient for that object be an artwork. Thus Gaut would not recognise the localised essentialism provided by restricted scope applications of the method as generating necessary conditions for artworks within that restricted scope.

The weakness in the cluster approach construed without any *necessary* properties is exposed when we realise that there are sub-categories of artworks which *can* be rigourously described in terms of necessary and sufficient conditions. The denial of the possibility of necessary conditions entails that for Gaut there can be individual artworks within a sub-category of art - for example 'Florentine Portraiture' - which lack any posited necessary property. Therefore Gaut is committed to the possibility that 'being made in Florence' or 'being a representation of a person or other living thing' is not a *necessary* property of 'Florentine Portraiture' but is only (one of) a cluster of properties which together render an object *sufficient* to be a token of 'Florentine portraiture'. This is a counter-intuitive result.[62] To be a token Florentine portrait requires more than possessing properties that suffice to make something a 'Florentine Portrait'. There are some properties, without which something *cannot* be a 'Florentine portrait'. We feel if that a painting was not made in Florence and does not depict something then it cannot be a Florentine portrait. These are *necessary* properties of Florentine portraits.

(2005) for a defence.

[1] At (2000, 29) however, Gaut states that all artworks are necessarily the product of an action, but claims this is because of the notion of *work* rather than the notion of *art*. Why 'work' entails a necessary condition and 'art' does not is not explained. Dickie (1984, 81) may make the same point "... 'work of art' implies that such objects are intentional, i.e. Are the product of an intentional activity."

[2] Gaut states that one of the cluster theory's main attractions is that it is 'adequate to intuition' (30).

Gaut could reply that there are necessary conditions why this object is a Florentine portrait, but no necessary conditions why Florentine portraits are artworks, pointing to our hidden assumption within our response that all Florentine portraits are artworks. However, use of the method only needs the *supposition* that non-artwork Florentine portraits are possible – if an indiscernible pair of two Florentine portraits one art and the other not *can* be constructed then we do not yet have a sufficient definition of Florentine portrait artworks. It may be that in order to be a Florentine portrait artwork an object may have to possesses the necessary properties of Florentine portraits considered as a type. Moreover, that object may not be able to be an artwork instance of the type 'Florentine portrait' unless it possesses these necessary properties. The point is that the result of any such an analysis can be a fairly rigid and determinate real definition of a Florentine portrait, which can serve to produce necessary conditions for Florentine portraits *as artworks*.[63]

The problem for these non-essentialist cluster accounts ironically mirrors Wollheim's criticism of Danto's jump from 'essential to this artwork' to 'essential for art per se'. Each and every individual artwork need not possess the same property for it to be true that there is always one, or some properties, which are necessary for any given object to be an artwork.[64]

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[63]This position also reveals a tension in Kennick's (1958) position that 'art' cannot be defined, and that there are no such things as 'artworks' but rather paintings, sculptures, dances etc. It is unclear whether paintings et al. can be defined for Kennick.

[64]In defence of Gaut, he may not object to the very weak disjunctive essentialism that the method requires since, for cluster theories, the disjunctive list of sufficient conditions must itself be necessary, since at least one must apply in any given instance. Gaut argues that this does not provide what the traditional search for a definition of 'art' was after.

This reading of the method including locally essential properties can also explain how there are non-art paintings and non-art dances, even though a non-art painting might share all the locally essential properties which make the *Mona Lisa* a painting. A non-art painting might essentially be a painting but lack properties that make it an artwork - (as Currie (1989, 107) points out, it might be a map or as Dickie (1984, 59) says, a primed canvas) so there can be objects which are necessarily paintings but which are not thereby necessarily artworks. This does not prevent it being a painting – artwork-paintings are a sub-set of all paintings. It is possible that it is necessary for the *Mona Lisa* to be a painting for it possibly to be an artwork. This would be true, for instance, if the only things that could be visual artworks at the time and place the *Mona Lisa* was made were paintings.

Therefore, local essential properties for artworks can be derived through describing the essential properties of all the different kinds of objects that artworks had to be given the time and place they were made. So, for any time *t* listing all the objects that could be artworks at *t* and establishing their necessary and sufficient properties as objects will then give locally applicable necessary and sufficient properties for those artworks, necessarily made from those classes of objects. Thus there can be non-art portraits, despite the fact that portraits were on the list of definable forms in which artworks had to be made at *t*. So, repeated applications of the method can reveal a local essentialism for sub-categories of art as the experimenter thinks appropriate, incorporated into a definition of art.[65]

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[5]Dean (2003) puts forward a prototype motivated theory of art as a 'radial' concept, where sub-categories of artwork have their own essential properties, but where there is no necessary and sufficient conditions for the concept of 'art' generally aside from being such that it contains these sub-categories.

This model permits that the essential properties of art are revealed through a process of repeatedly running applications of the method tailored to the different cases that could arise given actual art history. The universal applicability of the method arises from the conjoining these different locally applicable thought experiments. Any universally applicable essential property of art will be revealed if there was anything constant within *all* applications. This reading of the method allows the *Mona Lisa* to be an artwork painting for different reasons than a Merce Cunningham piece is an artwork dance and allows there to be distinct reasons why both are artwork instances of painting or dance as opposed to other things. Or: the results of individual applications may show different locally essential properties within an underlying ever-present procedural framework. Alternatively, each may be the artworks they are for different reasons but both be artworks per se for the same reason. The conjunction (or disjunction) of all the results, even if only providing a disjunctive list of locally applicable properties would provide a cluster definition of sorts.[66] That this position is consistent with Wollheim's, yet derived from using the method, demonstrates that Wollheim's criticisms do not bite on the method per se but rather only certain uses of it.

The method of indiscernibles commits us to a (very) weak essentialism but it is an essentialism of a sort. It is a commitment to there being, necessarily, at any one time, a reason or set of reasons, why any token object is an artwork as opposed to another thing, with that reason or reasons being both necessary and sufficient for the thing being an artwork as opposed to a non-artwork. How, given this commitment to essentialism

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[66]This argument bears strong resemblance to that of Matravers (2000) idea outlining weak proceduralism for institutional theories of

required by the method, is it to withstand attacks from anti-essentialists who are suspicious of essentialism both in respect of art and anywhere else in philosophy?[67]

5. The Challenge from Anti-Essentialism

To defeat the minimal essentialism required to use the method of indiscernibles, the anti-essentialist must argue that more than one action or object can be subsumed within a category without there being an essentialist core to that category. He must also explain how a general term can describe a practice if the practice does not relate different particular instances through a common core, with that core being reflected in the meaning or use of the general term. In short, the anti-essentialist will have to explain how classification is possible.

Relying on resemblance alone, even to paradigm cases of art, is insufficient because, as is standardly pointed out[68] any two objects can be described so that they resemble each other. Any claim of resemblance between two objects has to specify the basis of that resemblance. For the classification of objects as artworks we need to know why the common characteristics of two objects are suggestive of 'art' rather than some other concept. The problem for the anti-essentialist is that once a relevant criterion upon which to base the resemblance is suggested, this criterion becomes a de facto essential property of the type which all the token objects share. This is now more than mere

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art. Matravers is somewhat sceptical about the value of this position.

Weitz (1956), Kennick (1958) Binkley (1977) are examples. For a history of anti-essentialist positions derived from Weitz see Davies (1991, 5-9). See Kamber (1998) for an expansion of Weitz's position in defence of anti-essentialism for the concept of 'art'.

This vacuity of the concept is the standard objection to the family resemblance theory. The locus classicus is Mandelbaum (1965). Davies (1991, 11-12). Goodman (1968, 3-43) and (1970, 19-29) all make this point about bare resemblance.

resemblance to a paradigm however – now the two objects both possess the same property.[69]

The true anti-essentialist must argue that, for art, no generalisations can be drawn from a token object which would provide a rule or rules by which any further object can be classified as art. Rather, in each case we need to consider the other token object and make the judgement again. It is unclear whether this procedure is possible for art, since it collapses into following a rule once again. Consider: our folk-rules for art would place the *Mona Lisa* more centrally as an artwork than a Yoko Ono happening, and a Yoko Ono happening more centrally than the flowers in my study. These individual encounters with objects will force a generalisation about their centrality to art which applies to at least this sub-section of encountered works. This suggests which other, yet unconsidered, objects could be artworks - we consider objects which have the properties shared by the Ono piece and the *Mona Lisa* but which my flowers lack. So, some objects would be more characteristically 'arty' than others by virtue falling under the same core rules, formulated by extrapolation from past encounters. This is because each token instance does not legitimise a rule arising from it. Instead, the rules underpin the future ascription of art-status to objects. If a rule emerges from repeated encounters with token artworks then that emergent rule becomes a de facto test of whether the *next* token object encountered is art. Thus we move to extrapolating a rule for further application of a concept - and when rules determine the classification of objects, anti-essentialism crumbles and we begin building at least a proceduralist account of art (since proceduralist accounts, of the kinds of definition on offer, specify the least content to artworks themselves by characterising art simply as those things that emerge from a

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[69]See Carroll (2000b, 12-13) for a lucid exposition.

procedure). All the method of indiscernibles requires to be a candidate for a methodology to investigate 'art' is that two objects share the same property, so we can construct a folk theory within a framework containing practices that allow us to contrast objects as art and non-art.[70]

An analogous argument can be applied to *making* art. All proposed essentialist definitions of art are vulnerable to attack from the artistic revolutionaries of the future who will attempt to make artworks that lack the proposed essential property. However, to refute the minimal essentialism required for the method requires an artist to make art such that her actions fell outside of the procedural framework within which any individual essential enfranchising rule operated. It is very hard to do something outside of the framework within which artworks are made, and yet still be engaged in the practice of making artworks. It is not enough to simply defy established *artistic* practice. The artist who does this is merely a Duchamp or Picabia, a fellow contributor to the catalogue who remains committed to the framework of practice of making art. If an artist attempts to act independently of all the current and past practices of making art then in what sense, if any, do her actions constitute making artworks rather than another cultural practice?[71] Why are these attempts not just mistaken? As Levinson (1990, 16) points out: "One is to maintain that although consciously revolutionary artists desire that eventually their objects will be dealt with in unprecedented ways, to make them art they must initially direct their audiences to take them (or try taking them) in some way art

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Tillinghast (2004, 171ft) illustrates a similar argument:"..."Imagine a person who says, "I am playing a game without any rules at all." Suppose we ask "How do you play?" Now what can they say? Nothing. If they say anything like, "First do this, then do that", then these are the rules, ..." Levinson (1990, 18) has an analogous argument speculating on how ur-arts become arts. Levinson (1990, 7) in discussing 'art-aware makers' states: "... if their activities involve no reference whatsoever to the body of artworks preceding them - then I think we fail to understand in what sense they are consciously or knowingly producing art."

has been taken - otherwise what can we make of the claim that they have given us *art* as opposed to something else."[72]

6. Conclusion
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The structure of the method imposes no limits on what theories of art it can be used to analyse or what questions it can answer but its use does come with restrictions. It requires a prior commitment to at least one of the objects within the initial indiscernible pair being an artwork. This in turn requires an experimenter to have a folk theory of art with its own commitments that generates artworks which he brings to the application of the method. The method then tests the commitments of this theory for its sufficiency to distinguish between different artworks or to isolate artworks from non-artworks. Once applied, the method clarifies what properties the commitments reveal as essential for a particular sub-set of artworks stipulated by the experimenter. However, applications of the method itself cannot decide between competing folk-theories of art.

Some folk theories of art are preferable to others. This judgement is made based upon the degree to which any folk theory is prescriptive towards the actual art history we enjoy and the current classificatory sense of 'art' as manifested by the catalogue of artworks. Using the catalogue as the basis for the commitments of our folk theory is the nearest there is to the view from nowhere in theorising about art. A catalogue-based folk theory is the *only* choice that does not inherently presuppose a theoretical basis to 'art' before the method is applied. Consequently, it is the only choice that does not produce a

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[72]Lippard (1973, 188-9) quotes herself from 1970: "No art, no matter how much it resembles life or literature can call itself anything but art as long as it has been, is, or ever will be, shown in an art context."

classification of 'art' that is prescriptive in respect of the catalogue after an application. It is also the only hope to achieve non-circular results for a proposed definition of art through using the method of indiscernibles.

The method can be applied repeatedly to different sub-categories or categories of artworks to construct a set of essential properties for each sub-category. From the conjunction of the results of all these applications, we can produce a list of those properties that emerge as essential to artworks, or to certain sub-set of artworks (all artworks may share some essential properties, such as artefactuality, but a token painting may require additional painting-specific properties to give sufficient reasons why it is an artwork painting, rather than a non-artwork painting, or a non-painting artwork). These properties will be constituent parts of our concept of art, at least for that range of objects committed to at the outset of the analysis. The ultimate aim of this process is the fixing of the correct object of analysis across all the arts and for art generally. This will be achieved when the point at which the possibility of indiscernibility between objects no longer exists because of the sophistication of the folk theory we bring to that application.

For example, we use the method to ask why the *Mona Lisa* is an artwork and its indiscernible counterpart is not. The reasons we discover are factors which preserve the *Mona Lisa* as an artwork and which exclude the reproduction. These might be Leonardo's particular intentions or the audience's expectations from the object. Either might be a reason why the *Mona Lisa* is a painting and that paintings are artworks. This is also consistent with the position that representation, expression et al, are necessary

properties of any given individual artwork, so that the *Mona Lisa* is an artwork because of its expressive properties etc. but that this essential reason is not necessarily true of all other paintings, let alone artworks. It is possible for the locally essential properties of one artwork to all be present in another artwork and yet that other artwork not to be an artwork *because* of the possession of those properties. Possible for instance, if the framework evolves over time, perhaps because 'art' is a concept with meanings that develops through time so that the reason why the art of yesterday is art is not the reason why the art of tomorrow will be art.[73]

The method allows us, if not to provide a substantive definition or theory of art, then at least to investigate a theoretical framework within which any suggested substantive theory must operate. This investigation is the overall project of this analysis and the method of indiscernibles, used as described here, is suitable for use within this project. The substantive reasons operating within the framework are left open and may require other means of investigation. However, it is the framework which classifies objects as artworks at the time of their manufacture and which sustains them as such, not the locally essential properties that may be necessary for, and individuate, each particular artwork.

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[73]Levinson (1990, 48): "Just as the intrinsic nature of the objects that are art develops historically, so do the modes of interaction and approach that count as correct for them as artworks; they vary and evolve from one period to another, from one art form to another, from one genre to another." It is the recognition of this which requires the catalogue as the basis upon which theories of art should be formed.

CHAPTER 3: MAKING ARTWORKS

Summary: This chapter uses the methodology set out in chapters 1 and 2 to discus what artists do when they make artworks. Through a series of indiscernibles scenarios 'Art' is described as a social action type without any settled ahistorical function. Thus no type of activity either guarantees or prohibits success in making an artwork. The 'principle of choice' is proposed as the basis for characterising artwork-making actions. An analysis of artwork artefactuality concludes that the work that succeeds in making an artwork is always *conceptual,* in that it succeeds in giving an object new properties and that this is *usually,* but not necessarily, effected through an act of physically making an object. The limit on an agent's choice is therefore a limit on whether his action is sufficient to do this conceptual work. In general terms these limits are imposed by the concept of 'art' operating within the society in which the agent attempts to make art, along with external constraints such as moral and property rights. However, an agent's freedom of choice in how to make an artwork is tied to particular circumstances, materials and actions and cannot be extrapolated into general, ahistorical rules about ways of making, types of materials or kinds of skills. The test of whether a particular artwork-making action is successful is whether it gives an object new artistic properties - the test of whether that has occurred is whether after the agent has done his work using the object *not as* an artwork is considered a mistake. This framework is proposed as a general rule for how all artworks are made so that all artworks are the result of artworks-making actions by agents. This is suggestive of a concept of art that values creative precedent breaking more than any particular way of making artefacts.

1.Introduction

This chapter will provide an analysis of how artists make artworks through investigating the particular commitments for how artworks are made entailed by the institutional folk theory. This analysis will use thought experiments to show the ways in which actions, .

similar under some descriptions, can be distinguished under others. The thought experiments will differentiate instances in which an artist is performing an activity to make an artwork from instances in which he is not. In each case the thought experiment requires the commitment that one of the objects or activities described within it is an artwork, or is an activity that makes an artwork. This requires both the objects and action described within the thought experiments to be such that either could be, or result in, a member of the catalogue given its extension at the time of performing that thought experiment.

The aims are firstly to discover whether artworks *must* be made or whether they can occur independently of any agent's activity. Secondly, if artworks must be made, an aim is to provide a description of *how* they are made. If it's necessary that something must be *made as an artwork* or even *made* in order to be an artwork, then the limits of art making will provide one component in any framework for a definition.[74] However, if this is not the case then *made* artworks would be only a sub-set of the set of all artworks. In this were true then the circumstances of an artwork's genesis need not necessarily feature within a definition. Therefore, I now turn to characterising how artworks are made.

2. Can Artworks Just Occur?

If some kinds of objects or objects with certain properties are artworks just because of what they are, irrespective of how or whether they are made, for such a class of objects

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[74]Similarly George Dickie (1984, 37) writes, to distinguish analyses dealing with artworks as entities, rather than investigations into linguistic use: "The first question with which philosophers of art must deal is "What are the limits of *making?*" not what are the

there would be no way in which they were *made* artworks. Artworks would just occur whenever and wherever these objects or properties were instantiated.

If this were so it would be impossible to construct an artwork/non-artwork indiscernible pair without recourse to any causal, intentional or relational property. That there *can* be such artwork/non-artwork indiscernible pairs (for example perceptual indiscernibles) demonstrates that types of objects can never necessarily be artworks by virtue of being an object of a certain type or through certain manifest properties being instantiated. Although there might not be an indiscernible non-art counterpart for every artwork, for any type of thing that can be an artwork there can be an indiscernible non-art counterpart of an artwork which is a token of that type.

This argument would not affect the suggestion that being an artwork is a matter of having a certain cause. If this were true, there would be *no* commitment to the result of this process being a particular kind of object with certain sorts of properties, only that artworks result from a causal process occurring independently of an agent's action. A variety of artworks could occur because of *how they came about,* rather than what they are.

However, the argument that artworks are the result of a non-intentional causal process requires that artworks occur according to some kind of nomic process analogous to processes such as fire-setting. Fires will be set if the causal relationships necessary to

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limits of the use of 'art' and 'works of art'".

produce fire are met. Not all fire setting events will be caused by intentional actions. Fires do not need agents or their intentional actions in order to start. Human agency is only *one* way to start a fire. Whenever a fire *has* been set a nomic relationship exists between the performance of action and the fire irrespective of the content or existence of any agent's intention or the context in which that action is performed.[75] Furthermore, those fires that *are* started through intentional actions can be set unconsciously or accidentally. If a person rubs two sticks together and a fire starts, even if he was unaware that his action would produce a fire, that would be a fire-setting action.

If artworks can result from a causal process without an agent's actions, then these points should also be true of making artworks. However, we cannot construct a thought experiment that gives similar predictive success for artworks to occur without recourse to human agency. So, artworks are not instigated by a causal process independent of human actions or intentions. So, artworks cannot just occur through possessing a certain array of manifest properties or through originating from certain causal processes. We therefore need a different description of how artworks are made.

Consider this scenario: An artist Smith performs two separate actions which can be described as 'applying paint to a piece of wood'. Described thus, the two actions are indiscernible. However, these two actions can be differentiated as one making an artwork *Homestead* and the other a DIY project if we include either Smith's intention or the institutional context of the performance in their description.[76] This is a deeper

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[75]Price (2003, 6) concludes the same in a discussion of the limits imposed by natural laws on possible intentional actions - a copper plate used as an insulating tool – the plate does not insulate even though it was intended to do so by its artificer.

[76]Sibley (2001, 264-5) describes a similar set of physical conditions as providing an insufficient description of an agent making an

difference than the epistemological one between first and third-person access to motives. These actions can *only* be differentiated if intention or institutional context are included within their description. Such a description would even prevent the initial indiscernibility from arising. So, reference to either the intentional actions of an agent or the institutional context within which an action is performed is required to differentiate activities that make artworks from those that do not. A description of how artworks are made must make reference to this point.

The necessity of an agent's intentional action or institutional context to the description of an action is characteristic of what might be called 'social action types'.[77] Social action types, such as 'promising' or 'DIY'. differ from causally governed action types such as fire setting in how an action may achieve or fail to fulfill a purpose. Social action types fail with respect to the context within which the action is performed rather than because a nomic relationship has not been instigated. Smith's DIY fence painting succeeds in painting a fence but fails to make an artwork because his action was not performed with the aim or within the institutional context of making an artwork. Similarly, in painting *Homestead*, he paints a fence but fails to engage in DIY. The claim then is that because attempts to make artworks cannot be described independently of a context of performance, that 'making art' is a social action type.[78]

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artwork. See also Mandelbaum's (1965, 221) examples of the same observable action being performed once to play solitaire and again to tell a fortune.

Carney (1991, 272) describes 'art' (without argument) as a 'social-cultural-historical' term.

Stecker (1997, 46) writes: "It is relatively uncontroversial that every work of art is the product of some sort of intentional activity, although even here there may be room for doubt if such things as art made by computers (rather than people using computers) are a possibility." I hope this discussion reveals this issue as more complex than might first appear.

The presumption by a community is that when an agent performs an action purporting to be within a social action type the agent performs that action so that it is actually an action that achieves that function of being an instance of that social action type.[79] For social action types, the criteria for success or failure in achieving their end are set by the community in which the action is performed. So, the range of activities that an agent *can* intend to achieve a function *f* and which are permitted by that community as possibly achieving *f* are also framed by these criteria. For social action types failure to achieve a purpose will result from straying too far from the norms of the practice or from the normal context of performing an action of that type. Therefore, if making artworks is a social type, the community would expect an agent to be able to explain and demonstrate why his action should be considered as contributory to making an artwork within that community. The agent needs to demonstrate that his action is *sustainable* as one that can make an artwork given the normative constraints operating on those actions at that time within that community. This presumption of rationality is how the community separates the innovator from the madman - and society's madman loses the license to appeal to intentions to explain his actions. As Wollheim (1973, 113) states: "Deviance or eccentricity of behaviour can be explained by differences in conceptual grasp." The deviance is sometimes put down to the agent not having a sustainable explanation for what he is doing. No mater what he says, no-one believes that the man muttering to himself in the street is the second coming of Christ and we will not let him harm himself or others in trying to perform his miracles. Dilworth (2003, 50) makes this point in respect of an audience's understanding of an artwork: "Now an experienced artist's intentions about how she wishes a work to be received or

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[79]Dickie (1984, 52) and (2000) refers to art as an 'action-institution', For Dickie this is a type of action requiring that the agent understand the rules governing performing an action. He uses 'Promising', as an example - for an utterance to be a promise the speaker must understand what a promise is. The term originates in Wiend (1981, 409)). For Wiend, action institutions are distinguished from 'person-institutions' (409) in which designated people occupy roles and the rules flow from those roles

understood by viewers would typically (and should) be *realistic*, in the sense that, not only would she *want* viewers to understand her work in a certain way, but she would present it to them in such a way that it is *substantially possible* for them to understand it in the desired way". Thus, Smith can make an artwork through painting a fence if his action is considered as sustainable by the community in which he acts, whereas, the claim that my pain state is an artwork is controversial and difficult to sustain, if possible at all.

This description of how agents make artworks would be consistent with Wolterstorff's (1987) position that art is a paradigmatic social practice[80] which he characterises as (158): " ...an activity of a certain sort. Characteristically, an activity which includes the manipulation of material of one kind of another in one way or another ... [and] which requires learned skills and knowledge". 'Social action types' occur within a social practice but the term is used here in a slightly different sense, to include the idea that these skills and so on must be utilised within a social context and may have no application outside of that social context.

However, there are differences in how social action types are to be characterised within a social practice. It is consistent with the account presented thus far to suggest that artworks are similar to inheritance or property rights, that require the existence of a set of rules and a social practice in order to exist according to the community's standards.[81] The description of an action through referring it to some received practices within the

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he notion of a social practice ultimately derives from MacIntyre. (1981)

earle, (1969, 50-52). In (1995) he distinguishes between *social* and *institutional* facts (the distinction originates in Anscome (1958). The latter are a sub-class of the former which also require an ongoing institution to give them social meaning.)

community within which the action is performed allows that an agent automatically makes or is precluded from making an artwork simply by performing a certain kind of action - it is the law of inheritance, for instance, that turns the house into the child's property, not anything the child has done.[82] Similarly, the existence of the practice within a community can create the conditions for its further application – much in the way that in English Common Law particular case law judgements serve to guide the judicial judgements that follow.

So, given what has been said so far there is more than one way in which the social action type of 'making artworks' could exist. It could be that following the rules within that practice could suffice to make artworks but without requiring that they *have* to be made by agents intending to make an artwork. If so, this would be a reading of artwork making as actions that resulted in institutional facts because of the presence of the social practice of 'art'. Alternatively, if artworks are *necessarily* the product of an agent's intentional action then *these* possibilities for 'making artworks' as a social action type are ruled out.

An agent's intentions can re-contextualise an action away from the norms within a community and into a new social practice. So, an agent's intentions allow that a token action which in its observable properties is of type x, and which would usually be performed within an established social practice, to be in fact a token action of type y, within a different social practice. This means that an agent's intentions could override

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[82]Searle (1995) deals extensively with these issues. In this instance it could be argued that the child inherited because of the deceased's intentions that he should enacted through the provisions of the will.

the rules of a social practice, so that 'artwork making' actions performed outside of an institutional context could exist, *if* an agent performed an action with suitable intentions.

Moreover, by describing a token action as an agent's intentional action rather than as simply situated within a social practice, we introduce the possibility of unconventional creativity. If the possibility of unconventional creativity is an essential or profound element within the concept of art then the inclusion of agents intentions within a description of how art is made would appear fruitful. Also, if intentions can override contexts in deciding whether an action can succeed in making an artwork then this supports claims that part of the concept of 'art' is that artworks are a vehicle for demonstrations of creativity.

A deeper analysis of how 'making art' as a social action type will clarify the relationship between social context and an agent's intentional actions in determining whether an artwork is made. It will also allow us to provide substance to what is entailed by the sustainability requirement for 'making artworks'.

3. <u>Functions and Social Limits</u>

Giotto painted the Arena Chapel between 1312-1314 and Tracey Emin constructed her artwork *My Bed* in 1999. Both are artworks within the catalogue. In 1313 and 1999 respectively Giotto and Emin did *different* things to make their artworks. Both, in doing what they did, were successful in making artworks. However, the range of actions available to them to make artworks was radically different in 1313 and 1999. An

analysis of how these two artworks were made would find little in common in terms of their method of manufacture – indeed there might be complete disparity between what Giotto actually did to make the Arena Chapel and what Emin did to make *My Bed*. Nor perhaps, would there be many commonalities in the motivating factors that drove Giotto and Emin to do what they did, nor between the social practice within which each worked. So, the historical fact that Giotto and Tracey Emin could both make artworks, yet have different constraints operating on them to make those artworks suggests that what was sustainable for one to do to make an artwork was not so for the other. This in turn, suggests a premise:

That at any time *t*, there are a set of actions, *x* which could possibly contribute to make artworks, and another set of actions *y*, which could not possibly contribute to make artworks.

The individual actions within *x* and *y* are token actions and there may be types of activities which at a certain time *t* can have tokens within set *x* and tokens with set *y*. So, the precise membership of *x* and *y* will vary according to *t* and will vary at *t*. Some types of activities may, however *ahistorically* be within set *x* or set *y*. These would be respectively activities which guaranteed or were prohibited from being sustainable to make an artwork.[83] That these activities occupy these roles within these sets may be an empirical generalisation or may be a matter of conceptual necessity (that is what is to be

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[33] A prima facie suggestion of the latter might be *destruction*. However, Michael Landy's *Break Down* of 2001 involved the destruction of all his possessions and, in its shredded state, its repackaging. However, I am unclear whether this is part of *Break Down*. Lippard (1973, 179) references John Baldessari making an artwork by burning all the artworks he made between May 1953 and March 1966 still in his possession as of July 1970, and then publishing an affidavit attesting to the fact of the destruction.

discovered). If art is a social practice such that objects can become artworks through occupying roles then activities *could* ahistorically be within either set as a matter of conceptual necessity. However, if intentions are necessary and can override context in certain circumstances then claims about the sustainability of *types* of activities as being possible to make artworks are historical and empirical claims, rather than conceptual ones. The ahistorical presence of a type of activity within either set would in this latter case *always* be subject to possible challenge at some time *t,* so that at that time, a token action of that activity fell into the other set.

In other words an agent's attempts to make an artwork are always constrained by social limits. An agent's action must ulitise activities which fall within the set *x* at that time of her choice.[84] The sets *x* and *y* demarcate the range of activities that will be sustainable for an agent to claim as possibly making artworks. Moreover, the actions that can fall within the *x* set are subject to change through history, as the reasons why artworks are made changes. So, an activity can make an artwork at *t* and fail to make an artwork at time *t-1* or time *t+1*. This same can be said of the same type of action performed by different agents at the same time, or the same agent at different times: The choice of variables open to Smith may be different to that available to Brown, so Smith might be able to paint fences to make art but Brown may fail to do so. As was the case with Danto's neck-ties example,[85] Smith may be able to paint a fence to make an artwork at time *t,* but his attempt to do so at time *t-1* may have failed.

There is diversity manifested in artworks in respect of (i) the reasons why artworks have been made and (ii) the reasons why an agent's actions have been accepted as sustainably making artworks and (iii) the techniques that have been accepted as sustainably making artworks. This means that there are *no* success or failure criteria separate to the ongoing practice of making artworks against which *all* artworks can be judged. So, even if there is, at any one time in art history, an agreed purpose of art (representation, imitation, expression etc.) there is no *ahistorically constant* function that we can say 'if this action is performed for this reason then it falls within the *x* set'. Any function that we can point to cannot be described separately from the circumstances in which that artwork was made.[86]

This marks a difference between 'making art' as a social action type and other social action types, such as DIY which *do* have a settled function that can be described separately from its ongoing practice. Every individual DIY action can be described as aiming to achieve the same function – a householder's self-improvement of their property. Particular actions are within the catalogue of DIY projects if they achieve this externally defined purpose. Although there is a historical development in the specific actions which can be performed as DIY (due in main to the development of layman's tools), this purpose remains constant. The developing methodology of DIY helps it achieves its settled purpose. Indeed, this function provides both the basis for our sorting unsuccessful and/or unfinished DIY actions from successful completed ones and the

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[6]Kaufman (2002, 158) "It is not clear that *anything* should be ruled out as a possible artistic purpose ... there is no substantial purpose or function that as a matter of principle, *could not* be an artistic purpose or function, just as there are no objects that, in principle, could not be artworks..."

defeating conditions for individual actions that claim to be DIY actions. All DIY actions that meet this function will fall within set *x* for DIY.

Art differs in that both the means of achieving a function and the function to be achieved are variables for agents choosing to make an artwork. This means that the manifestation of different functional aims of artworks throughout history is *not* analogous to the development of different tools that have been used within DIY because it is not just ways of achieving the function of art that develop through new techniques but rather the supposed function of art itself that changes.

Seen thus, it is unsurprising that the set of actions which are sustainable to make religious statements to an illiterate public in the 14th Century are different from those that aim at a kind of sensational self-definition within the mores of a 21st century post-industrial society. Nor is it surprising that the actions that produced Giotto's and Emin's respective works (and which fall within set *x* of 1313 and 1999) should have little in common other than that they both produced artworks.

This is *not* stating that Emin had more tools to work with than Giotto, nor that Emin, stylistically and thematically, explored different parts of how artworks can be made than did Giotto. That would be the claim if 'making art' *was* analogous to DIY, as we could compare both Giotto's and Emin's activities to a constant and externally described function. Instead, the claim here is that Giotto could not have explored the ways in which art can be made that Emin did because what Emin did required a different

function of art to be operable that could provide a different range of possibly sustainable actions and reasons for making artworks. Had Giotto tried to make an artwork by doing what Emin did his actions would have fallen within set *y* because why Emin did what she did *was not the function, or a possible function, of art* in 1313.

In this respect, this analysis departs from Wolterstorff's (1987) view of art as a social practice. He writes (160): "In the course of the history of a practice, new internal goods may come to light and old ones become unattractive. A fundamental feature of social practices is this plasticity with respect to internal goods and goals, and indeed, external. There is no such thing as *the* purpose of farming, painting or figure ice skating." The difference is that for me the 'plasticity' of its function is sourced within the concept of 'art', not from the fact that it is a social practice, because art is a member of a sub-set of social practices that do not have a settled functional aim.

The lack of an external functional constraint suggests that the only commonality that can be stated for all the artworks within the catalogue is one in terms of *why* they were made rather than *how* or what kind of objects they are.[87] That both Giotto's and Emin's actions in making their artworks can be truthfully described as artwork-making actions despite the fact that the sets of both artwork-making actions might contain no common members suggests that the only description of an action type that could entail that an artwork will result is the action type 'art making activity'. This is a description which gathers all the multifarious activities that could contribute to making an artwork through

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[87]This point is further explored below.

that very contribution towards making an artwork.[88] As this stands this is uninformative. However, some consequences fall out of this model which provide the basis for an informative analysis.

Art's development in terms of its methodology *and* its purposes means it has a different kind of history to most other social concepts. DIY, because of its consistency of function through time, has a history in the sense of there being a temporal narrative of individual DIY achievements. Art, however, has *a temporal conceptual history as well as a temporal narrative of artworks*. This suggests that the concept itself is historical, over and above the successive chronologies of particular artworks and artists.

The idea of art's historicity runs through much recent philosophy of art although it is often hard to pin down exactly what is meant. A point similar to that made above may be made in Wollheim (1971, 234) and (1980, 167-168, s.63), Diffey (1979), McFee (1980) and Leddy (1998). Other writers have said that art is historical in slightly different senses, for instance: Levinson (2002, 367): "I claim that our present concept of art is minimally historical in the following sense: whether something is art now depends, and ineliminably, on what has been art in the past."[89] Carroll (2001, 87): "Art has an inexpugnable historical dimension because it is a practice with a tradition ...."

Levinson (1990, 7) states: "The concept of artwork is unlike that of other sorts of things that surround us - e.g. cars, chairs persons. *Artwork* seems to lack antecedent defined limits in terms of intrinsic features, even flexible ones-as opposed to car, chair, person." He makes the same point in (2006). Carney (1991, 274) states, as a feature of his theory there are "... no sufficient conditions for arthood independent of the causal history of an object". Kaufman (2002, 158), makes a similar point when discussing functionalist accounts of art: "It strikes me then, that the concept of an artistic purpose, like the concept of an artwork, is a highly *indexical* one: there is no substantial purpose identifiable as "artistic", but only a bare *type* of purpose." Kaufman builds significantly different points to those here from this.

This statement encapsulated Levinson's original claim (1990, 24): "In particular the historical definition indicates the overwhelming importance for appreciation of those past artworks/genres/ways of regard/modes of treatment which artists connect to their current productions through their art-making intentions."

without art history, there is no practice of artmaking as we know it, nor is there the possibility of understanding that practice to any appreciable extent. In this sense, history is a necessary condition for art...". Similarly, Lyas (1976, 180): "What is done in art is done in the light of what has gone before and may often be treated as a comment on what has gone before." Carney (1991, 273), "Following Danto, anything whatever can in some possible art-historical context be an artwork, though certain works could not be inserted as artworks into certain periods of art history, due to unavailability of linkage to general styles". Stecker, who differentiates himself from both Carney and Levinson in forwarding his 'historical functionalist' definition, states (1997, 87): "My definition is 'historical' to the extent that it allows a set of central art forms and art functions that evolve over time to determine which artworks are items at any time. Nevertheless this is not an historical definition ... because it does not define later artworks in terms of a relation they bear to earlier ones and it does not to give a special accounting of first art".[90]

If 'ways of artwork-making' were substituted for 'central art forms and art functions' in Stecker's formulation, our positions would be near identical. What is being claimed here is that there is a single concept of 'art' for which both the meaning and denotation develops through time with the precise manifestation of those developments depending on the developments that have gone before. This claim is rooted in the empirical catalogue-based observation that there have been different reasons both why and how artworks are made. 'Art' then, as a concept, stands comparison with others of which the same developmental history is true - 'political obligation', 'states' or 'rights', all arguably have a conceptual history as well as a history of the things which fall under the concept.

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[90]See chapter 4.5 for first art

This translates into saying that the constraints that limited Giotto's making of the Arena Chapel have been replaced with contemporary alternatives. The particular constraints in fact probably dissolved long before Emin was making her artwork in 1999. The consequence of this is that the limits imposed on Giotto in 1313 and those operating on Emin in 1999 are incommensurable. However, because art has a conceptual history the social limits imposed on any choice are indexed to that particular choice and so the particular application of those limits may not have an application much beyond that choice. This means that a general analysis of the social limits within which agents make artworks can only be given in terms of a structural description of how the social limits impinge on each other *within* any one choice no matter when it is exercised – beyond this the factors involved in a choice are variables. To show this conclusion more conclusively however we have to run through an argument that requires a prior analysis of both *how* artworks are made and whether, and if so how, artworks are artefacts. This argument will be the subject of sections 4 and 5.

4.The Principle of Choice

Despite the fact each worked in such different ways within such different social practices, both Giotto and Emin would be able to report *which* among their daily deeds contributed, or were intended to contribute, to making their artworks and which deeds were not. It would be possible for each to separate the actions that contribute to making those artworks from the totality of their daily actions. They might not be able to add the *why*, or the *how* but they could list *what* they did to make their artworks.

Among the actions performed by Giotto on a given day in 1313 or Emin in 1999 there would be some which contributed to the making of an artwork and others which were unrelated to their practice as an artist. These are truths independent of the fact that there may be no single action common to both Giotto's and Emin's list of actions that contributed to making their artworks.

Davies (1991, 86) also notes a conceptual division between an artist's activities: "Henry Moore was an artist, but it does not follow that the eggs he selected for his morning omelette were artworks, even if he chose them for their aesthetically pleasing shape, because he was not, in choosing his breakfast, acting in his role as artist."[91] Similarly, Bruce Nauman identified the boundary between his art making activity and the rest of his life through the physical convention of his studio: "I think of it [making artworks] as going into the studio and being involved in some activity. Sometimes it works out that the activity involves making something and sometimes the activity itself is the piece" (as quoted in Godfrey 1998, 128).

So, the claim is that for every artist there is a set of actions which contribute to making their artworks which form a sub-set of all the actions they perform. This means that artists opt in, as it were, to actions that will contribute to making artworks, just as they might opt in to breakfast-making actions. This can be generalised: There is a set of actions which contributed to making each and all the artworks they made that sits within

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[91]Danto (1981, 44) notes that the Brillo Box cartons were designed during the (non-art) day job of an abstract expressionist artist. A slightly more complicated example.

the set of the totality of their actions, the rest of which were unrelated to the creation of those artworks.[92] Separating an agent's artwork making actions from their other actions over the time it took to make an artwork would give an extension of all and only all of those actions that contributed to making that artwork.

These statements are true for all times throughout history, for all different kinds of artworks and apply whenever an artist performs actions to make an artwork. We can call this set the *artwork-making actions* performed by an agent to make an artwork. That an agent chooses that a token performance of a given action should aim to make an artwork is *the principle of choice*.

Similarly, for every *artwork* there is a set of all the actions that contributed to it having the precise properties it has as an artwork. This is the set of *art-resulting actions*. The idea of an art-resulting action can be extended to apply to artworks generally and defined with reference to the catalogue of artworks - the set of all art resulting actions at *t* is comprised of all those actions which cause and explain the properties of the artworks that constitute the catalogue of art at time *t*.

We need to set out the range of actions that fall within the principle of choice. The actions that provide the background conditions in order that art can be made (such as ensuring one gets a good nights sleep) can be distinguished from the actions that

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his principle can be applied to other theories of art. For instance, in institutionalist terms there are certain things an artist does within the totality of his actions that aim at producing a candidate for appreciation as an artwork and only those things that an artist does which do aim at producing such a candidate are enfranchised as making artworks by the institution of the artworld. For

contribute directly to a particular artwork (such as applying green paint to a particular part of the canvas or stretching the canvas to a particular size). An artist makes both kinds of choices when making artworks. It is the latter which are 'artwork-making actions' and which fall within the principle of choice. Artwork-making actions and background conditions can be differentiated through their functional role in producing the completed artwork. An artwork-making action and a background condition to those actions can be distinguished through the causal and explanatory role an action plays in respect to the artwork.

Artwork-making actions are intended to result in the actual possession of some property by an artwork. If they are not successfully executed then the artwork will not possess that property. Artwork-making actions are those actions performed by an agent which if successfully executed, (a) explain *why* a particular artwork has the properties it has rather than any others and (b) without which the artwork would not have the properties it has, or indeed be that same artwork it is. (This is *not a* claim that artworks have all their properties necessarily, but rather a claim that each artwork uniquely possesses just the particular combination of properties it does, so changing one property, changes the artwork). So, whenever the artist chooses how much Turpentine to mix with the paint, or whether this patch of stretched canvas should be green rather than blue, or whether to use this word instead of another, or that a note should be scored for guitar rather than piano, these are all artwork-making choices. Some actions may not be explicitly artwork-making at the time of their performance.[93] For instance someone could paint and only later decide that what they painted was to be, or be part of, an artwork. In these

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a discussion see Carroll (1999, 231).

[3]This point will be discussed in more detail in chapter 4.

cases the artwork-making action is the later *decision* that the earlier action should now form part of an artwork. The decision to utilise the painting causes it to be part of my artwork and explains why the artwork includes this bit of painting, which in these situations, is effectively being used as a ready made artefact from which an artwork can be constructed.

For each artwork the set of artwork-making actions are those which can be traced from a property of that artwork to the actions of an agent both as a cause *and* as an explanation for the presence of that property – it is a conjunctive notion.[94] Therefore, an artist can be mistaken about whether an action is artwork-making - if it doesn't explain the artwork and cause its properties then it's only a background condition, no matter what he thinks.

Wollheim (1973, 113) has the notion of artists making artworks 'under the concept of art'.[95] What Wollheim means by this is that artworks have in common that each, when individually made, was made to be an artwork, whatever that might mean in particular circumstances. In a later work (1978, 36) he also presents his idea of an 'an artist's theory' to describe how an artist comes to make what and how she did when she made an artwork. In the terms of this analysis, discovering what artist's theory was employed to make an object as an artwork can be reconstrued as discovering what folk theory of art an artist used to exercise her choice to perform this particular action to make an artwork.

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his must be distinguished from Carroll's idea of form resulting from choices (2006, 85): "the artistic form of an artwork is the ensemble of choices intended to realise the point(s) or purpose(s) of that artwork." This links the maker's intention to the aesthetic value of an artwork and would cut across the background condition/artwork-making choice distinction.

The idea is also similar to Currie's (1989, 67-69) notion of a 'heuristic path'. The heuristic path of an artwork consists of those actions and aims of the artist and the context in which he worked which together go towards determining the features of an artwork and which explain his precise achievement in making that artwork. The difference between Currie's heuristic and my notion of an artwork-making action is that Currie begins with the artwork, whereas I begin with the actions of the artist but *explain* those actions in terms of the effect of those actions on an artwork. Since the heuristic path begins with the properties of an artwork there cannot be heuristic paths for failed attempts to make an artwork. Currie's heuristic path is then more akin to my notion of an art-resulting action, since both can apply *only* to completed artworks. For me, however there can be artwork-making choices that will not result in an artwork because the work is ultimately abandoned or otherwise left unfinished. In common with actions that cause completed artworks, particular actions are artwork-making before an artwork is completed because they are defined as actions performed by an artist in order to make an artwork: Giotto was performing artwork-making actions as he applied each brush stroke to the walls of the Arena Chapel during its manufacture. Artworks that are abandoned or otherwise unfinished leave a legacy of artwork-making actions bereft of complimentary art-resulting actions. However, for Currie these could not be components of a heuristic path, since they, as it were, lead nowhere.

As part of setting out his 'performance' theory of art which argues that an artist's actions are *constitutive* of the work, David Davies (2004, 151) also distinguishes the actions

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[35]Wollheim also employs the notion at (1980, 108).

artists do to make artworks within the totality of all their actions. Davies therefore requires strong criteria to separate background conditions from constitutive actions – As he states at (152) "We surely do not want to say that a painter's pausing to make and drink a cup of coffee while executing a canvas has any place in either the identity or the appreciation of her work, let alone that it is partially constitutive of the work and therefore a condition on the work's existing in counterfactual situations". In common with Currie, Davies' criteria stem from the interpretation of the artwork, rather than the actions of the artist. For Davies, actions that form part of the artwork are (156) "the motivated manipulation of the vehicular medium, in light of shared understandings, with the aim of articulating an artistic statement, and completed by a particular work-focus." Translated from Davies' technical terms these are actions which affect an artefact and which were intended to produce an artwork from that artefact. This would exclude drinking coffee and Coleridge's taking opium before *Kubla Khan* was produced, even if he took the opium to aid composition of the poem.[96] My artwork-making model differs from Davies' in where we stop the explanation for an artwork having the properties it does. Artwork-making stops the explanation at the intentions of the agent, or (to allow for spontaneous invention) with the intentional actions of the agent. So, there are *some* artwork-making actions that would not be constitutive of the artwork in Davies' terms. For instance, stretching a canvas would not necessarily be constitutive of an artwork for Davies, since, in his terms, it affects only the vehicular medium without necessarily meeting the aim of articulating an artistic statement. So 'artwork-making' actions might include some actions which caused and explained non-aesthetic properties of the artwork, and which explained the properties of the physical artefact but do not bear on the object of critical attention. For Davies, in common with

ee also Davies (2005, 75-80) in which he refines his position so that it *may* in fact include 'artwork-making' actions excluded from his 2004 formulation, as long as they are 'internal to the practice of art' (80). This strikes me as 'ad-hoc', since 'external' actions

coffee and opium these would cause the existence of the performance of the action constituting the artwork, rather than constituting the artwork itself. For Davies (156-157) such factors impact on our assessment of the artist's achievement but are not part of the artwork itself.[97]

Coffee and Coleridge instances are extreme versions of the good night's sleep point and not different in kind - the painter's energy or the poet's imagination could have been fired in other ways yet the paint colour and the word order and choice would be unaffected. Similarly the coffee and opium could have inspired a person to do other things aside from write *Kubla Khan*. Once the opium is taken the poem remains to be written. On both positions however, the stimulating agents play no determining role in explaining why a particular artwork has the properties it has and no other.[98] They *influence* a choice but do not *force* a choice.

Background conditions may be causally linked to the production of the artwork *or* have some explanatory import but they do not possess *both* features. If a background condition was changed or absent then there would not necessarily be any change to the properties of an artwork. For example, an artist may require a good night's sleep to be able to make art the next day but the night's sleep cannot itself explain *why* a particular patch of canvas is green instead of blue. The night's sleep is a necessary condition for her to exercise successfully *any* intellectually and emotionally demanding choice. Nor

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presumably become 'internal' once two or more people do them – see section 2.5 above

[7]Levinson (1992a, 218) employs a notion from the audience's point of view to argue that we appreciate the actual brush strokes on the actual canvas and that this is irreducibly an historical matter, making proper understanding of an artwork dependent on knowing how it was made.

[8]If a drug *guaranteed* specific compositional effects then the choice to take it in order to compose could be an artwork-making

would tiredness be a sufficient cause if a painting showed some sloppiness of execution even if it might have contributed towards that sloppiness. Tiredness is the background against which *all* that day's actions are performed, not just the sub-set involved with making artworks. The tired artist still has to decide to paint and then decide how to paint a particular patch of canvas a particular colour. The act of painting is her artwork-making action because the performance of that act explains and is the cause of it having that particular property. So, artwork-making actions have a causal and explanatory roles *and* an intentional aspect that together explain the artwork's properties and the artist's actions. Everything else relevant to the manufacture of an artwork but which lacks these features is a background condition.

Lastly, despite the fact that an artwork-making action is defined in terms of the possession of properties by artworks, it is not a claim that each and every artwork is the result of these choices. That claim, concerning the *necessity* of artworks resulting from an agent's artwork-making choice, is to be tested below in Chapter 4. The claim here is that we can construct a factual statement of all the actions an agent chooses to perform as artwork-making actions for all the artworks that have been made by agents.

The principle of choice provides the basis for arguing that an agent can exercise a choice whether the motivation for any action is that it contributes to making an artwork. A similar principle of choice is applicable to *all* social action types which have success criteria based on the acceptance of a community. So, for any social action type an agent

activity, as would be the case if the artist chose to expose an artwork to get a certain patina effect. Otherwise, both are things that happened whilst the artwork was being made.

can choose that a token performance of a given action should aim to be performed as an action of that type. The point is to argue that *any* action in principle can be chosen to be performed as making an artwork and that there is no prohibition on actions that can do this aside from those that arise from their actual failure to make an artwork in a given situation.

This requires that artists have successfully executed choices if their actions result in artworks. The principle does *not* require a commitment to any success criteria arising from the freedom to exercise this choice. The conditions under which agents can successfully exercise their choice is, however, different for each particular social action type under consideration. There might be conditions independent of the artist's choice that determine whether that choice can be successfully exercised on a particular occasion. In this respect its application to 'art' is markedly different to most others. Such conditions would constrain an artist's freedom to choose how to make an artwork and so limit what actions could contribute to making an artwork. They would, in short, provide defeating conditions for particular applications of the principle of choice and provide a framework within which the exercise of that choice was sustainable as an action that could make an artwork at that time. They thus describe the normative constraints operating on an agent's choice.

The presence of such defeating conditions render the principle of choice particularly compatible with historical theories of art without being itself historical or having the

attendant problems of historical theories.[99] For instance, Carney (1991) limits the possibilities open to artists as those arising from the general styles in which artworks have actually been made up to the time at which the artist is making art, with a defeating condition that attempting to make art in a way that does not arise from a general style will fail. Levinson (1990, 3-25) requires that an agent makes something to be regarded in such a way that art is regarded or in such a way that art has been regarded during the history of art – so failure of this regard is a defeating condition for an artist's choice. Stecker (1997), adopts a hybrid view, and so has more fine-grained defeating conditions, limiting the choices available to the functions of art at or before the time of making or to objects of a kind central to artistic production at the time of his choice.

The limits imposed on an artist's choice are comprised of factors both within and outside of an artist's immediate control. Therefore, so are the defeating conditions for an exercise of an artist's choice.[100] They might broadly be characterised as personal, social and art-historical limits. Each involves a mixture of causal and intentional factors.[101] The personal limits include the artist's individual circumstances, psychology, imagination and technical skill: (Giotto's talent for drawing in naturalistic manner enabled his artwork making and Ed Wood's inability to match his results to his intentions disabled his artwork-making actions). The social limits include the

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lthough *some* of the defeating conditions change through history, they do not depend on any retroactive principle of the kind that invites the problems for historical theories. Some of these problems are discussed in chapter 4 below.

3esides these social limits others are imposed by the category of art in which the artist decides to make art (one can't make music by painting). This will be discussed in chapters 5 and 6.

2ohrbaugh (2005, 217) has the notion of a local preventing factor and at (218) states the 'Prevention Principle' which he claims expresses a general truth about the process of artwork creation. The principle is "Given a work of art W produced by an artist A dependent on the existence of {D1...Dn}, and factor F which neither (i) has effects in the locale of the production process, nor (ii) affects the presence of {D1...Dn} does not prevent A from producing W". There is undoubtedly some corollary between this principle and the principle of choice, since the artist is able to exercise her choice within the range of activities that can fill the place of F in the prevention principle.

circumstances of the production under which the artist was working: (Giotto made art in response to specific commissions from religious orders, whereas Emin enjoys the economic freedom to have her already made artworks sold on an open market). The art historical limits include the moment of art history at which the choice to make an artwork is made and the action performed and include technological limits: (Emin could arrange a bed to make art, whereas this was not open to Giotto, nor did he have access to the range of pigments available, for example, to Ingres).[102]

Carney (1991, 283) offers a similar framework in which artworks are made, in arguing for his own style theory of art: "The relation [between new objects and existing artworks] is not achieved exclusively through intentions of the would-be art maker. There needs to be a work with certain features, and there also needs to be the disposition on the part of the cognitive art community to regard the object as linked to prior artworks."[103] The account I propose is weaker that that of Carney in that there need not be a linkage through style, nor the displayed properties of an object, nor is the consent of 'the cognitive art community' required (although this might be *implied* within the social limits on an action).

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[102]Levinson's (1990, 69) idea of individual musico-historical contexts is a similar notion to an artist's choice. He writes: "... the general musico-historical contexts, consists of factors relevant to anyone's composing at *t*; the latter, which we could call the *individual* musico-historical context, consists of factors relevant to P's [where P is a specific person] composing at *t*." However, if they were not determining causes of an artwork having a particular property, some of Levinson's individual context would be background conditions here.

[103]Oppy (1993, 154) makes a similar point of a wider framework than just property rights and intentions operating during a discussion of the sufficiency of Levinson's definition. At (155) Oppy offers an explicitly aesthetic framework of social constraints and claims that such frameworks import non-historical elements into purported historical definitions of art. Again, this model can be applied to many different theories of art: David Davies (2004, 245-246) recognises a similar limit to artwork-making when he talks of artists needing to operate to shared understandings within a community of how an artistic statement can be made – for Davies this relates to what artists do, not what results from their making activity – and reflects the institutional nature of that making.

These discussions provide substance to the earlier suggestion that the logical structure of an agent exercising his choice to make an artwork is performing an artwork making action. This can be recast in terms of the principle of choice as "art x-ing", in which x is a variable denoting any activity that the artist chooses to make an artwork. The purpose (making an artwork) is constant, but the action (activity) admits of variation.[104] So, the general limit of what activities can contribute towards making an artwork is provided by the limits of the successful exercise of an artist's choice that a particular action, on a specific occasion can be substituted for 'x' in this formula.

Moreover, because one occurrence of x can be performed by an agent as an artwork-making action this does not imply that *any* or *all* other occurrences of x will, or could be. For some activities, such as laying bricks, only a minority of occurrences will be chosen as contributing to artwork making actions, whilst for those activities connected to manufacturing objects within established genres of art, the majority of their occurrences will contribute to making artworks.

Lastly, and most significantly, the principle of choice and the 'art x-ing' formula that falls out of it provide a strong basis for suggesting that an agent's intentions are *necessary* to making artworks and that the context of a certain institutional setting is *insufficient* to make an artwork. However, the 'sustainability' requirement suggests that the context in which the choice is made is *also* necessary to achieve the aim, so that artworks are necessarily the result of agent's choices within a social context.

Wollheim's (1980, s.23, 41-43) and (s. 47, 108-1100 and (s. 63 151-152) 'bricoleur' argument which asks 'why do we have these art forms and not others' is of obvious relevance to this discussion. Recast in the terms of this chapter the question is "Why can some activities make artworks and others not?"

Thus we have provided different routes to the same conclusion: (i) there is a set of *actions x* which can at any one time sustainably make artworks, with the membership of that set changing through history and (ii) the common description for how all agents throughout history make art is 'art x-ing' where what can be 'x' can change through history. So, a successful artwork making action occurs when a agent chooses to do something which falls within the x set of activities at the time of his action, with the limits of his successful choice being set by the social limits of the community in which he acts. These limits provide the basis for determining which particular actions occupy the role of the 'x' variable in respect of an agent's choices.

I will now provide substance to the constraints that operate on the exercise of an agent's choice by investigating the limits on the activities which can occupy the role of the 'x' variable role within the 'art x-ing' formula. This includes discussing whether there are any universal limits applying to *any* choice aiming to be artwork-making or whether different frameworks of possibility limits obtain in different circumstances.

5. Artworks as Artefacts

The analysis thus far permits actions which would not necessarily create a physical artefact to occupy the 'x' variable in 'art x-ing'. The catalogue also contains categories of art that do not produce physical artefacts. Moreover, those categories that as a default *do* produce physical artefacts seems also to include individual artworks that appear not to be physical artefacts. So, to begin the investigation into the limits of artwork making, I

will discuss the commitment that all artworks are artefacts – which can, following

Stephen Davies (1991,115), be called the 'artefactuality condition'.[105]

The artefactuality condition could be either a constraint which applied to the social

action type 'making artworks' per se, or could be a constraint applying within that social

action type. The artefactuality condition might provide a universal constraint on agent's

choices because if true, any attempt to make an artwork might fail because the agent's

action is insufficient to artefactualise an object. Alternatively, the condition could apply

flexibly to provide a constraint in particular circumstances. In this latter case an action

which would be sustainable in principle might be insufficient in practice because in the

circumstances in which it was performed it fails to create an artefact. In either case we

need to discover whether the artefactuality condition imposes any defeating conditions

on the successful exercise of an agent's choice that needs incorporating into the

characterisation of how artists make artworks.

To begin, we need to clarify what is meant by 'artefact'. Davies (1991,123-126)

distinguishes two uses of the term (123-124). They are:

(i) that which is modified by work in opposition to that which occurs in its natural state;

and

(ii) that which has significance for the members of a culture; that which invites

interpretation as opposed to mere explication.

The term is also used by Iseminger (1973, 4)

Although he does not state so explicitly it is clear from Davies' discussion (125) that (i) includes the manipulation of a material item, so that artefacts are items of substance, rather than things like laws or sentences. We can call this usage 'physical artefactuality'. The second, we can call 'cultural artefactuality'. Davies suggests that (i) is the common folk usage but that philosophers of art who rely on or argue for the artefactuality condition all too easily fall back onto (ii) - a much less widely accepted sense.[106]

The question of the artefactuality condition is usually presented in the following terms: Duchamp made the artwork *Bottlerack* by designating a bottlerack an artwork. As a product of an intentional action, *Bottlerack* is an artefact. Therefore, Duchamp artefactualised the bottlerack. However, Duchamp didn't *do any work* on the bottlerack save from designate it. So, if one holds the artefactuality condition in sense (i) and hold that ready-mades and found and displayed driftwood are artworks, one is committed to the claim that designating an object or picking up driftwood from a beach *physically* artefactualises those objects — a claim that is assumed to be false. Unless this assumption is challenged,[107] the argument denies both that the bottlerack was artefactualised by Duchamp when he made *Bottlerack* and that the driftwood was artefactualised when it was made into an artwork. The conclusion is that sometimes art can be made without creating a new artefact and that physical artefactuality is not

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[106]According to Davies (1991, 120-122) philosophers who use sense (i) include Sclafani (1970) whereas those who use sense (ii) include Todd (1983). These pages also provide a good overview of philosophers whose view could be either (i) or (ii).

[107]Dickie's early position was designation can artefactualise: See Dickie (1971, 106): "Natural objects which become works of art ... are artefactualised without the use of tools – the artefactuality is conferred on the object ... " & (1974, 44-45) "Natural objects which become works of art in the classificatory sense are artefactualised without the use of tools - artefactuality is conferred on the object rather than worked on it."

necessary for artworks.[108] Usually, the argument does not *deny* that either found art or

ready-mades are artworks, although this is another possible response.[109]

This argument can be accepted whilst leaving open the following possibilities: (i) that a

different characterisation of artefactuality is operating in cases such as the bottlerack

and driftwood than operates in cases of physical artefactualisation so that there is more

than one way in which artworks can be artefacts[110] or (ii) that Duchamp et al. did

'modify by work' through designating the bottlerack as *Bottlerack* and that this work is

different in *degree but not kind* to the work Michelangelo did, for instance, to make

David. Position (ii) argues for a *single* idea of artefactuality, different to physical

artefactuality, operating in *both* the Michelangelo and the ready-made cases. It denies

that when artworks are made through physically manipulating a medium, that they are

artworks *because* of that manipulation.

In this section I will defend position (ii) and argue that objects are modified by work to

make artworks in such a way that does not necessarily include the physical

manipulation of a medium. I claim also therefore that the physical artefactualisation of

an object is only *one* way to do the work required to make artworks. The work required

to make artworks is, rather, always *conceptual*.[111] This conceptual work provides the

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This is Weitz's (1956, 34) and Binkley's (1976 & 1977) position. For both 'art' is an open concept that cannot be defined. Beardsley holds sense (i) artefactuality and hence denies that ready-mades and found art are artworks. See (1982, 312): "... I think it is a mistake to confer artistic status on found objects untouched by human hands or arrangements, however aesthetically interesting, in the genesis of which no human intentions played a part."

Sclafani (1973, 113) argues that Duchamp's making of *Fontaine* " ... required the recognition and development of the notion that artistic creativity need not involve manual craftsmanship". Todd (1983, 262-263) "First I must agree that all works of art are artefacts, so long as 'artefact' is construed literally to mean something like 'product of an intentional constructive act'." Levinson (2006) states that all artworks are artefacts in this sense.

Although Collingwood (1938) makes a related point, this is not idealism: Artworks themselves are neither conceptual nor mental, but the work that makes artworks is always conceptual.

necessary condition for any object, natural or artefact to become an artwork. It is this work which specifically artefactualises an object as an *artwork*, as opposed to any other thing. Artworks have been the subject of this conceptual work which is *usually* achieved through producing physical artefacts. However, even if this physical artefactualisation of an object is necessary in some instances it is *never sufficient* to make an artwork. I claim also that artworks are physical artefacts this is because either (a) they were physical artefacts before they were artworks or (b) the work that has made them an artwork includes the physical artefacing of an object through the manipulation of a medium.

This permits the distinction of the two questions of whether an *object* is a physical artefact and whether the *artwork* is a physical artefact. *Bottlerack*, and found artworks provide explicit evidence of this distinction between the physical artefactualisation of an object and the making of an artwork from that object.

Consider: Any readymade is made once as an artefact and then again as an artwork. So at different times it is a different artefact - at the time it is physically made t until time $t+1$ it is a bottlerack (this is also true of all bottleracks) and then, at time $t+1$, when the artist designates it so, it is an artwork (this is only true of the bottlerack that is *Bottlerack*). The separate acts of authorship can also be distinguished: At time t some material is worked upon to become a bottlerack physical artefact. At time $t+1$ it becomes the subject of an agent's 'art x-ing' action so that it becomes an artwork.[112] As Levinson (1990, 12ft) points out. "There are three times of importance ... One is the

time of the physical object *Tp*. A second is the time of the intentioned object creation *Ti*,

i.e. the time at which the brute object is structured or transformed by a certain intention

concerning it. Every artwork is, strictly speaking, an intentioned object. A third is the

time of art-becoming, *Ta*."

This is not to suggest that actions such as titling, moving, displaying, pointing out,

selecting, indicating and so on are sufficient to physically artefactualise objects. The

claim is rather that these actions may be sufficient to make artworks from *either*

artefacts or natural objects.[113] When and if an object becomes a physical artefact

depends upon its own history of production, irrespective of whether or not it is used to

make an artwork at some point in that history. This same separation of the object and

artwork authorship and object and artwork artefacing can be applied to an already

existing artefact which is physically artefactualised to make an artwork. In these cases

the distinction is not manifested but it still exists.

This analysis agrees with Glickman (1976, 143) in respect of artworks made from

natural objects: "There is no conceptual absurdity in the idea of a work of art created by

somebody and made by no-one." Dickie (2000, 98) may also support this view: "Thus,

for example Duchamp used a plumbing artefact (a urinal) to produce the sculpture-like

artwork Fountain. Fountain is a manufactured artefact as a result of what happened in a

factory and an artistic artefact as a result of what Duchamp did with a factory-

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Davies does not agree that *Fontaine* meets this model (1991, 116): "Duchamp's acts resulted in the urinal's acquiring the status of art but did not affect its artefactuality. *Fountain* is an artefact but it is an artefact as a urinal, not as an artwork."
Margolis (1980) endorses a somewhat similar view, which nevertheless clings to some notion of the physical. He holds that artworks are artefacts because they are culturally emergent entities embodied within physical objects that possess an orderly array of functional properties. Although the work is upon physical objects, the work itself is not necessarily physical - at (21) he states

manufactured object - it is a 'double artefact'." However, I am unsure what 'double artefact' means – it is unclear for instance, whether artworks made from natural objects would be 'single artefacts' or whether his view does not apply to these cases. I prefer to state that the urinal has been artefactualised in different ways - physically and artistically. So, the work that makes objects artworks is different to the work that makes them artefacts. The limits that the artefactuality condition can impose on an agent's artwork-making actions will then originate in this characterisation of artefactuality. 'Art x-ing' actions, will, if successful, produce an object that is an artefact under its description as an artwork but need not produce physical artefacts.

However, there is a problem with this account as it stands. The artefactualisation of an object from the 'art *x*-ing' actions model cannot be caused by the presence of 'art' within the model since stated thus position (ii) says no more than 'art' is a practice which enables the change of the cultural significance of an object. But this *is* just Davies' sense of cultural artefactualisation, so the question of whether artworks were artefacts comes out as analytically true, since it would not be possible for something to be an artwork without being an artefact. As stated, this account just changes the meaning of 'artefact' so that it applies to all artworks. So, for position (ii) to say more than this its notion of artefactuality requires independent criteria for *why* an action might result in an object achieving this kind of artefactuality and *how* this kind of artefactuality is achieved.

So if position (ii) has any substance, it must require a specific kind of *artistic artefactuality*, drawn from the sustainability conditions that specifically pertain to and

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"... there must be an ontological difference between tokens of object types and such physical objects as bottleracks and driftwood

constrain art. Artistic artefactuality is defined by the *kind* of work done by an agent on an object that results in a successful artwork-making action. The change artistic artefactualisation brings to an object is a change from a natural state, which in this context means 'the material from which an agent chooses to make art' (the bottlerack artefact, the block of marble, the driftwood) to an artistically worked upon state (*Bottlerack, David, Driftwood*). This is a functional characterisation of artefactuality, so I can agree with Dickie's (1984, 12) functional characterisation of artefactuality, if we substitute 'social limits' for 'artworld': " ...it is the work done in creating an object against the background of the artworld which establishes that object as a work of art."

To illustrate how this idea works, consider this: Let there be two indiscernible bits of driftwood hung on a wall. Let one be an artwork, *Driftwood*, let the other hang for decoration and as a place for the house owner's pet birds to perch. Both are natural objects, but one, *Driftwood* is an artwork made from a natural object. This claim cannot be made on the basis that it is an artefact, since this would beg the question. So for the moment we do not assume that *Driftwood* is an artefact *because* it is an artwork. Irrespective of its artefact status *Driftwood* has a vastly different set of relational, non-perceptual, artistic properties to the driftwood perch or to driftwood on the beach, as a result of its designation as an artwork. Also, the designation can cause it to gain non-relational properties. As Gaut (2000, 29) states: "Selection adds to the range of properties that can be possessed by objects, and thus alters them, even if not physically. A piece of driftwood in nature cannot express despair, nor can it be about anything (since it lacks even derived intentionality), but when selected for display in a gallery it can express desuetude and be about failure and decay." And as Dickie (1974, 199)

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that can serve as the materials out of which they are made."

remarks the beach driftwood lacks a back and front (and we might add - a correct orientation), all of which it gains once it becomes an artwork.[114] Moreover, in choosing to make the driftwood into an artwork, the artist offers the driftwood as part of an ongoing social practice which routinely presents objects of great significance. Indeed, he claims his actions in designating the driftwood are in some way similar to how, for instance, Michelangelo worked upon the marble to make the artwork *David*.[115] To sustain this claim the artist needs a complex and sophisticated comprehension of the history and practice of art to realise that his action of designating physically unaltered driftwood could, at the time of his acting, be sufficient to make an artwork, with all the historical and cultural weight this entails. His actions have to be such that they can carry this weight within the social limits within which he operates. As Davies (1991, 141) notes: "The Minimalist artist works against the background of the prevailing conventions and, hence, the history of art. As a result her works must be seen as referring to all the aesthetic techniques and properties that she has eschewed". So, designating the driftwood as an artwork gives it aesthetic and artistic properties it lacked as a natural object before it was made into an artwork, without physically artefactualising it and asserts its place within an established cultural tradition.

The differing fates of the two pieces of driftwood should they become lost illustrates this. The driftwood perch may return to the beach when the homeowner's pet dies. There it will remain a natural object, one that was for a while physically transported to another location. *Driftwood*, however, if returned to the beach, returns discarded and lost under

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[14]See Dilworth (2003) on how orientation can affect properties and differentiate artworks.

[15]Danto (1981, 94) makes an analogous point about *Fontaine*, once it is an artwork, sharing its perceptual properties with Michelangelo's *Julian Tomb*. Davies (1997b, 452-3) agrees: [The sounds accompanying a performance of *4' 33"*] "...enter, as ordinary sounds do not, into an art-historical conversation with the music composed by Bach and Beethoven and with the performance tradition governing how such pieces are presented."

its description of an artwork, ripe for rediscovery or destruction, depending on its fate.[116] So, it is possible for an object to lose the artefactuality from one source whilst retaining the other.

These results provide the independent criteria as to whether an object has been artistically artefactualised. The work done on the object must be such that it adds artistic or aesthetic properties to a worked-upon object, the possession of which depend on its status as an artwork. So, the criteria for achieving artistic artefactualisation are functional. This is the work an artist must do to make his putative artwork-making action succeed. This notion of artistic artefactuality remains caused by the 'art' aspect of the 'art *x*-ing' model, *but* there are specific criteria that an agent's work has to meet to be sufficient to do this work.

A contrast with a somewhat similar account offered by Iseminger, (1973) which he dubs (4) 'the adverbial account of artefactuality', provides the final colouring to artistic artefactualisation. For Iseminger 'being an artefact' is not a property of an object. Rather some objects have some properties artefactually. (8) However, because of his view (15) that "Something is a work of art to the extent that some person or group of persons has responsibility for its having non-intentional aesthetic properties" this account requires (12-13) that Duchamp and the maker of the urinal share *Fontaine's* authorship. Iseminger would agree that the driftwood is artefactualised since for him: (9) "Considered as a piece of driftwood it is not, barring such things as a current-platting,

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Tolhurst (1984) differs. For him, the fact that an artwork can be made from an already existing object, entails that such objects are only *contingently* artworks. So, for Tolhurst, when a readymade or found artwork is discarded it ceases to possesses the contingently held property of being placed in culture so as to be regarded aesthetically. I do not see why if this is true the same is

an artefact, considered as an object on my wall or a balanced composition.... it is. This is not paradoxical...at a given time a thing may have the property F artefactuality and the property G non-artefactually". The difference between our accounts is that I allow objects to be artefactualised through work which adds intentional properties as well as that which adds non-intentional properties. Thus (i) Duchamp does not need to share the artwork authorship with the urinal maker and (ii) the work by the maker of the physical artefact is irrelevant to an agent making an artwork from that object – whatever it is and however it was made it is just the material he attempts to artistically artefactualise.

The test of adding artistic or aesthetic properties to an object may also hint at reasons *why* some attempts to make artworks succeed and others do not. Artists have tried to make art from the sky (Klein) or the Sears Building (Duchamp).[117] In both cases these attempts failed. We know they failed because neither the sky nor the Sears Building is within the catalogue of artworks.[118] In the Sears case there was no doubt a claim by Duchamp similar to that provided by the *Driftwood* artist that his actions were similar in kind to the work Michelangelo did when making *David* in that he wanted to give the building new artistic and perhaps aesthetic properties. His claim, based on the work he did – designation - was rejected and as a result he failed to artistically artefactualise the building. The result was that his designation of the Sears building as an artwork failed to be an artwork-making action.

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not true for all artworks when discarded in the same way.

[117]Both examples are from Godfrey (1998). However, Carroll (1999) and Carney (1991, 284) & (1994, 115) have Duchamp unsuccessfully designating the *Woolworth* building as art. Whilst the precise building or event may be in dispute, the principle is not. Carney (1991, 283) has a fictional example (to illustrate the inadequacy of Levinson's definition) in which a Duchamp devotee (unsuccessfully) attempts to designate the Sears building, signing it 'Mr Mutt,'. Lippard (1973, 56) mentions Tim Ulrichs 'claiming' a total eclipse of the sun as his artwork - the ambivalence in respect of the action indicated by the choice of the term

The two actions of designating *Bottlerack* and *Driftwood* were both accepted as sufficient to make artworks from those particular objects.[119] Then, because of this the bottlerack and driftwood objects were both *precluded from being regarded, or used, as they had been before* to the extent that either (a) regarding or using them either as they were used before or (b) not using them specifically as an artwork become *mistakes*.[120] The sky and the Sears Building have not had their use altered by their attempted designation as artworks and so regarding them as Klein's or Duchamp's artwork is a mistake. Similarly, in the driftwood scenario above the driftwood could be re-discovered as *Driftwood* and its discarding be regarded as a factual mistake means that its designation as an artwork is still operating, as it were, and so it remains an artistic artefact.[121] This change of use criterion is the test of whether the functional criteria required for artistic artefactualisation have been met. Carney (1991, 284) sums up this test: "It seems that an artist must succeed in some way in giving features to an object, either by modifying by work or by bringing about some cultural significance for the object (as Duchamp did in Fountain) that supports the art community's regarding it in the way some previous artworks have been regarded."

What has happened in the cases of failure is that what Carroll has called the narrative (Carroll, 1988, 1993b) and (2001, 75-100), provided by Duchamp in respect of the

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'claim'. At (233) Lippard also mentions Klein 'signing' the world in 1960. None of these examples are artworks.

For the same reason, I assert the failure of Binkley's claim (1976, 109) to have specified everything as an artwork.

Diffey (1969) requires audience acceptance for a putative artwork to become an actual artwork. For me this acceptance entails accepting that an action has artistically artefactualised an object.

Krukowski (1981, 187) holds that artwork status can be lost if a more insistent or compelling cultural interpretation of an object can be offered than that of 'artwork'. There is no problem with paintings covering stains on walls or a night in a concert hall masking a rendezvous for affairs of the heart.

Bloom (1996) has a notion of artefactuality that is similar to this. For Bloom, an artefact x is something that has been successfully made as an x, where this success is to be judged against past instances of x. Levinson's (2006) views on artwork artefactuality are based on Bloom's (1996) interpretation of Levinson. For Goodman (1968, 67) these failures happen because they fail to ensure that the objects function as an aesthetic symbol. These different theories could each provide a reason for a failure of artistic artefactualisation: The Sears building is of more use as an office building, no buildings have been made as artworks in the past and Duchamp's actions did not render the building aesthetically symbolic – ergo – it's not an artwork.

Sears building has been rejected.[122] For Carroll, a narrative is an explanatory tool that can be used to identify artworks. Carroll (1993b, 315) states: "... we identify works as artworks - where the question of whether or not they are art arises by means of historical narratives which connect contested candidates to art history in a way that discloses that the mutations in question [between the catalogue and this new piece] are part of the evolving species of art." A narrative is a (true) story constructed from the existing catalogue and history of art, to show why a particular new offering can be an artwork and be evaluated as the artwork it is.[123] The idea can be applied to an agent's claim to have made an artwork. When an agent fails we judge his work to be motivated by a narrative insufficient to artistically artefactualise a particular object. This judgement is made on a joint consideration of the work, the particular narrative, the object and the agent. So, artistic artefactualisation occurs when the narrative offered in respect of a certain object is accepted.

Narratives then provide another limit on artwork-making actions. An action can fail to be artwork-making if the narrative that supports a claim to artefactualising an object is deemed unfit to meet that purpose.[124] So, to return to our earlier Giotto/Emin example

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[2]This use of a narrative concerns solely the artistic artefactualising of individual artworks. Its use does not comment on whether there is more to 'art' than such narratives. Although Carroll would not agree, a narrative based notion of artefactuality can operate as a part of a more substantive or as part of a framework for a definition of art. Indeed, Davies (1991, 169) argues this is necessary to underpin Carroll's ideas: "Carroll's narrational strategies must reveal the organising principles that underlie art practice if they are to account for the concept's unity...To presuppose such a framework is to move in the direction of an institutional account...One might hope to do this [provide a framework] by reference to a common intentional stance adopted by the practitioners of art with respect to the history of art production and art appreciation." This *could* characterise the project of this chapter.

[13]Paluch (1971, 278) presents an idea similar to a narrative: "... objects, not particularly pleasing or interesting in themselves ... may be accorded aesthetic standing because they refer, if obliquely, to a portion of the history of art taken as contemporary significance and (or) challenge, cleverly, assumptions about art made by the art world which is the target of the artist." For Paluch these objects (which he calls 'meta-art') lose their point if stripped of their art-historical associations. See also Krukowski (1980, 71-73) where he talks of new works gaining their acceptance from old works to together form how they will influence new works; "... the status of 'artwork' is made through a 'claim' made by a candidate object to the effect that it provides a valuable *link* between a group of antecedent works and a projected 'future' work and because of this its own future candidacy should be supported." McFee's (1980) idea of a 'story' made in respect of the acceptance of the art-status of an artwork is also similar.

[24]This is not to claim to any essentially normative status for art. It means that an agent has performed actions which are inappropriate to bring about the existence of an artwork. Just as I fail to prop open my door with a sheet of paper. It is the reasons

in section 3 above it is doubtful whether Giotto in 1313 could have provided a narrative

that would have provided a sustainable explanation for his intention that an unmade bed

could be an artwork. Indeed, *we* now cannot reconstruct such a narrative for him given

the catalogue and the functions of art that were available then.[125] Perhaps, in 1313, only

certain kinds of painting or subjects of representation would have been available to

make a visual artwork. If so, only actions which produced these kinds of objects could

have met the tests of artistic artefactualisation. This means an unmade bed could not

have been an artwork at that time. The Siennese money lender who commissioned the

Arena Chapel would not have believed Giotto if he had offered one to him as an artwork

and the wildness of his ideas (compared to the social limits operating at that time)

would have rendered him thought a madman rather than an innovator. Although our

imagined Giotto, in offering an unmade bed, did something that could, ahistorically

speaking fall within the *x* set of possible artwork-making actions, given his historical

circumstances it could not be. Hence the historicity of the concept of 'art'.[126] As Danto

(1973a, 9) states: "Not everything can be an artwork at any time: the Artworld must be

ready for it"

Adding this to the characterisation of an agent's choice means that specific artistic

artefactualisation is the result of an object being worked upon within the range of

possibilities open to the maker, so that (i) the object is available for use as an item

within the catalogue of art and possesses new properties as a result of being worked

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why some art making attempts fail which is so difficult to characterise.

McFee (1980, 312) makes a similar point that in re-constructing an artist's theory we must ring-fence our thought to what he could have intended at the time of making an artwork.

Levinson (1990, 13) considers a situation in which a naïve creator makes objects designed to be regarded in such a way that happens to become appropriate for artworks 200 years later. He concludes that these objects become art 200 years after their making. Ex hypothesi, the naive creator did not make something for which it was sustainable for it to be regarded as an artwork. In my terms, therefore, the naïve creator's choice was specifically outside those available to him to make an artwork at that time.

upon by that artist and (ii) is *not* used or regarded as another non-artwork thing by the community so that *if* an attempt is made to use it as it was before it possessed those new properties, this is recognised as an erroneous use of an artwork. This despite the fact that it can still fulfill the function it had before it was artefactualised as an artwork.[127] This is how artworks can be artefacts under their description as an artwork.

The conclusions of this section can now be summed up: The questions 'Are artworks physical artefacts?', 'How does making art artefactualise?' and 'Can one make an artwork by doing *x*?' cannot be answered in general terms. Each has the answer: "Depends". I hold a particularist view in which both the success or failure criteria of any putative artwork-making action and the application of the criteria of whether an action artistically artefactualising an object cannot reliably be generalised beyond any individual attempt.[128]

This is a version of Danto's (1981, 44) maxim that 'for art, not everything is possible at all times'. It also echoes an aspect of Stecker's (1997) theory. Stecker holds that artists operating in non-central art forms at time *t* have to work harder to get their works accepted than those that work within central art forms at that time. Thus, in the terms of this analysis, Stecker endorses a context driven model of artistic artefactualisation.[129]. However, my position here is more sophisticated as it is indexed to individual

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Thus, he either failed to make artworks through his actions, or, more likely, simply made something else.

[127]Danto remarks (1986, 31) that "Duchamp shows us tools stripped of their usefulness by their uncomfortable new status". The bride stripped bare indeed.

[128]This bears comparison to Sibley's (2001, 1-22) account of the application of aesthetic concepts - indexed to particular instances, learned from examples and unnameable to a rule. Walton (1997) offers a similar account of the attribution of style properties.

[129]For criticism and discussion of this see Leddy (1998) and Stecker (1998). Khatchadurian (1974, 83) provides a similarly particularlist view of the success criteria when new offering is a work of art somewhat analogous to the operation of the social limits states here.

circumstances, not just times. It shows that it does not follow from Duchamp, in one particular art-historical time and social context, making an artwork through designating artefacts as ready-mades, that this can similarly be done by other authors at other times. This is the case even if the latter attempt was made against the background of a catalogue which contained Duchamp's works.

On most occasions now the conceptual work necessary for artistic artefactualisation is effected through an act of physical artefactualisation. In pre-Duchampian times this conceptual work may *only* have been achievable through certain kinds of physical artefactualisation of objects. It is a plausible historical claim that in order to dispense with the necessity of physical artefactualisation there had to be a long tradition of artworks made through physical artefactualisation - only when this was so secure, could we successfully dare to remove its support.[130] The limits on artistic artefactualisation themselves come from the social limits that determine whether a putative artwork-making action is sustainable. The artefactuality condition imposes limits that determine whether *particular* choices are successful but applies differently to each exercise of a choice. A general characterisation of the limits of artwork-making can only be given therefore through providing a substantive account of the social framework within which agents exercise their choices to make artworks.

6. Conclusion – The Social Framework of Artwork-making

Support for this may be that some experiments in minimalism were pre-figured in satires on art before they became artworks. See, for examples, "Les Salons Incoherant" which ran in Paris in the 1880's.

The social constraints placed upon an agent's exercise of his choice that his action should make an artwork depend on a variety of factors: (i) the previously established cultural entrenchment of the object over which he wishes to exercise that choice – there are fewer constraints to making an artwork using a canvas than there are when using a garden shed; (ii) how established or innovative the actions through which he intends to fulfill his intention to make an artwork are – a greater justification is required to make a novel from the Manhattan phonebook,[131] than is needed writing a story of one's own invention; (iii) who is attempting to make the artwork and what narrative he can provide and sustain about why he does what he does – there are fewer constraints on a novelist with a track record of successful experimentation in the arts in presenting the phone book novel than there are if a child were to claim an experimental technique;[132] and (iv) how this exercise of choice can be subsumed within the wider social norms, morality, legalities and rights operating within the society at the time he makes that choice. These conditions operate cumulatively to impose limits on the exercise of an agent's choice to make an artwork. Each has to be recognised and negotiated in order for the an agent's artwork to sustainably artistically artefactualise in a given situation.

Condition (iv) however provides the limit within which the other limits (and permissions) operate. Clashes with a community's property and other rights can provide the reasons for the practical applications of limits (i)-(iii). Seen thus, Levinson's claim (1990, 9-10) that an agent's proprietary rights over an object are an integral part of artwork-making are revealed as inadeqaute. At (10-11) Levinson discusses a scenario in which a museum displays an ornate receptacle from an ancient Mexican culture, thought

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[131]The example originates in Danto (1981).
[132]Implicit in these positions is the possibility of non-art indiscernibles of all these objects that have not been the subject of an agent's

to be extinct. A descendent of the tribe appears and demands its removal on the basis that it is a sacred object and as such should not be on public display as an artwork.[133] Levinson argues that the receptacle was never art because the curator never had the appropriate propriety rights over it. However, on the terms of this analysis the receptacle is not an artwork because the descendent has demonstrated our failure to artefactualise the object as an artwork through her continued religious use of the object. If the religion survives and the receptacle can still be used as an aid to worship it remains an object of religious devotion for believers – it artistic use has not, and cannot, usurp or augment its religious function if doing so entails it loses its religious significance. It is not that the curator didn't have the right to regard the receptacle, rather that he failed because his action was outside of the social limits operating in respect of any attempts to make or recognise the receptacle into an artwork.[134] As it stands, Levinson's position elevates one contingent aspect of the social framework into an essential one.

Such situations highlight that this is not a theory of artistic artefactualisation in which intentions are sufficient to make artworks.[135] Institutional acceptance decides whether an artwork is artistically artefactualised but this acceptance is rule-bound and depends upon a certain level of achievement demonstrated through the artwork-making actions. This non-recognition means that an artwork has nevertheless been made, whereas the recognition of an appropriate achievement based upon factual inaccuracies or mis-

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artwork-making choice.

There is a real life version of this - tablets thought by Coptic Christians in Ethiopia to be the Ark of the Covenant are stored by the British Museum and can only be viewed as per Coptic ritual by the High Priest of the Coptic Church. See Jenkins (2005).

However, Stecker (1997, 91ft) references Levinson saying in private communication that the condition should be construed as a right to conceptually determine a material. This fulfills the function I demand, but I'm unclear whether it is rights that are operating here rather than actions being performed. These situations will be also be discussed in chapter 4.

Davies (1991, 48) calls these theories 'intentionalist theories'. His account would apply to Binkley (1976, 97): "To be an artwork is not to share by identity or consanguinity properties which delineate art, but to be catalogued as an artwork: A piece." (97) The artist's choice is the *only* relevant factor.

descriptions of an agent's actions means that a mistake has been made about whether

something is an artwork (on the basis that we presumed it to be).[136]

Some absolute prohibitions may lie in these social constraints. It might be impossible,

for instance, for a concentration camp gas chamber to be an artwork and it is hard to

conceive, in this society at least, a body killed in a murder being regarded primarily as

an artwork, and being accorded artistic properties. On a more individual scale, certain

photographers appropriation of people's images (for instance Diane Arbus' photographs

in lunatic asylums or Weegee's photos of murder victims) might be problematic or at

least require greater justifications, as each might offend the moral and/or human rights

operating within a community.[137] Moreover, no matter the narrative it is extremely

doubtful that an artist can declare another person as his artwork and so no longer in

possession of their human rights.[138] Nor can I lose my property rights because my house

was now someone else's artwork. However, as Carroll (1988, 155) and (2001, 96) notes

the legality of an action alone cannot provide this limit - Picasso would make art if he

sprayed graffiti on subways and a very good artist defacing a very bad painting in a very

good way may both make art and commit a crime.[139] The precise limits are indexed to

circumstances so that sometimes we can make art by overruling any particular right and

sometimes any particular right may overrule a putative art making action. For example,

my intuitions become hazy if Picasso made a beautiful sketch on my dinner napkin -

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[36]Chapter 4 discusses such cases – where prejudice etc. means that an action that could have made an artwork had non artistically relevant factors, or factors which we deem now to be not artistically relevant, (such as the sex of the author) been removed.

[37]Krukowski (1981) holds that an artwork can stop being an artwork if moral considerations prevent it being appreciated as such. With photographs and film part of the problem is that the viewer knows that what is depicted actually exists and is not purely an invention of the artist. This leads to an unease about the exploitation of the sitter missing from considerations of art forms that do not imply the existence of the subject of the artwork.

[138]However, see the Neil LeBute play & film "The Shape of Things" for an exploration of the possibility and morality of attempt to do just this.

[139]Lippard (1973, 85) cites a 1969 interview by Patricia Ann Norvell with Steven Kaltenbach in which he talks about exploring the breaking of "laws 'that aren't really unethical' and sealing the results away in a time capsule".

would one really insist that one retained the absolute right to smudge the drawing with the soup on one's shirt? Given the greatly enhanced value to the virtually worthless napkin because of what Picasso did, my use of it might seem more immoral than his appropriation.

Other, perhaps speculative, conclusions can be drawn from this for the analysis to come. The fact that 'art' is described as a social practice without any settled functional aim may suggest that 'art' is a concept only amenable to what Stephen Davies (1991, 36-37) calls a 'procedural definition', in which *if* objects are treated according to a certain procedure then they emerge as artworks. However, the comments thus far notwithstanding, it remains open to argue that art *can* have a settled function but in a radically different way to concepts such as 'DIY'. If so, this retains the possibility that it can admit of a definition that includes reference to a function.

The concept of 'art' may have a function in terms of *why* art has different functions. At any one time within art history it may be that the concept of 'art' recognises functions that objects should fulfill but permits these purposes to develop in order to preserve the constant function of allowing creative innovation to thrive (based upon sustainable artwork-making actions within always present but constantly changing social limits). Carroll (1988, 149) expresses a similar thought when he characterises art as being: "a self-transforming historical practice with a flexible tradition that facilitates innovation."

For some philosophers, creativity entails art's 'radical openness' as a concept, meaning that because it admits of and indeed produces constant challenge to its current practices it cannot be defined: Weitz (1956, 32): "What I am arguing then is that the very expansive, adventurous character of art, its ever present changes and novel creations, makes it logically impossible to ensure any set of defining properties." And Binkley (1976, 97): "The radical openness of the concept of 'art' is the artist's freedom to discuss and challenge the concept itself in its artworks" and (99): "What makes art different is that is it centrally involved with the creation of new instances of the concept ... the concept including the feature that what falls under it has the freedom to question and expand it." However, we do not have to accept this view. As Gaut (2005, 277) states: "This argument is unsound for several reasons: It might be part of the definition of art that it is a creative practice; and practices can be creative, even though they can be defined (physics, for instance)."[140]

However, it remains possible that this functional constraint may not be a *classificatory* one but may be instead *qualitative*. The underlying purpose of allowing creative innovation may be the constant function of *good* artworks, so that all good artworks have the same function ahistorically. The nature of this ahistorical function may necessitate that artworks per se cannot have any other ahistorically constant function nor be made in ahistorically constant ways. Thus the qualitative function of 'art' could drive and explain the development in terms of *how* and *why* particular agents can make

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[10]Brook (2002, 338) offers a similar conclusion in terms of memes: "The most appropriate way in which we can use the term *art* is as a name for *the category for memetic innovation.* It is a use which contrasts informatively with the uses to which we put such terms as *design, skill* and *craft,* all of which places the emphasis on the use of established memes." Similarly, Carroll (1993b, 317): "It is an expectation of artists that they be concerned to make original contributions to the traditions in which they work." Also, Khatchadurian (1974, 77-78) explores, within a cluster account, the social limits that operate on granting new offering artwork status and concludes that such limits do not restrict creativity, but the permission of innovation rather mirrors the progressive or conservative nature of that society. Carney (1982, 89) suggests that the creation of new categories of art may be art's point.

particular artworks. This is consistent with art permitting changes in terms of its particulars whilst retaining a continuity in terms of its historical development as a single concept.[141] It could also explain why any definition of art stated in terms of these changing particulars is doomed to failure - as doomed as the attempt to define love in terms of the outcome of particular love affairs.

A concept of 'art' that includes this role for creativity also allows an attempt to be successful despite its lack of precedent and its breaking with convention and tradition as long as it breaks with current convention or historical tradition sustainably. Such an account would be a functional qualitative account within a procedural classificatory account. It would provide the basis both for differentiating indiscernible art and not-art pairs that resulted from the same actions performed within different contexts and explain why beautiful objects made outside the procedural framework were not art despite meeting its function. These objects would meet the point of good art within a different social practice. Such a concept of 'art' would place creativity conceptually prior to technique so that proficiency in an established technique for making artworks can be compromised for the sake of sustainable displays of creativity if doing so allows that a *good* artwork is made. This in turn entails that an agent's intentions in performing any token action outweigh the conventions of the community in describing the type of action he performs. Similarly, this concept would entail that the efforts of agents who fail to meet the creativity function in their artwork-making actions will fail to make a good artwork and could perhaps, if the creativity failure was extreme, fail even to make an artwork.

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[1]Leddy (1993, 399) describes art as a 'cultural essence'. For Leddy cultural essences are always present throughout history but the way they are manifested changes in detail, and the proffered essence at time *t* is built upon the weighting of elements within he

These as yet rather speculative comments concerning the role of creativity will be expanded upon in chapter 6. Before that, those elements which appear not to be the products of an agent's actions to make art and so appear to challenge this chapter's model of how agent make artworks need to be investigated. These include objects made within the appropriate social context but which were not intended by their authors to be artworks (these would provide the indiscernible counterparts for the examples used in this chapter); or objects which were made outside of the context available to make artworks at the time they were made but which are now within the catalogue; and those objects within the catalogue without apparently having been made by anyone, ever.

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history of the essence available up to time t. This entails that definitions of cultural essences are pragmatic and never ahistoically definitive.

CHAPTER 4: UNMADE ARTWORKS?

Summary: This chapter examines a variety of apparent exceptions to the framework set out in chapter 3, in particular apparent exceptions to the claim that all artworks are the result of artwork-making actions by agents. These include objects that become artworks long after they were physically made, pre-historical artworks and artworks from alien cultures. The argument progresses through an analysis of the circumstances in which we make mistakes about the artwork status of an object - the test being whether, if further information is forthcoming we choose to revise our earlier ascription of artwork-status. It is argued that the exercise of this choice constitutes an artwork-making action in the sense set out in chapter 3. A consequence of this is that in some circumstances authorship of artworks falls to the agent who makes the choice rather than the agent who made the artefact that is the object of the choice. The counter-intuitive consequences of this is faced but revealed as less revisionary of current practice than taking artwork authorship to follow the maker of the object. For artefacts co-opted into the history of art long after they are made, this means that these objects are co-opted as a result of a deliberate artwork-making action, without which they would not be artworks. This can only occur when the history of art has developed so that co-option of an artefact can successfully artistically artefactualise it. This means that particular token objects are co-opted for reasons already operating within the catalogue, rather than because of any properties an object possesses before it is co-opted. I conclude that all artworks are *made* artworks, so that *any* definition of art must include reference to how an artwork is made. Further ,that artwork-making can take so many different forms suggests that a constant theme in art might be to struggle with different ways in which art *can* be made to preserve an idea about *why* art is made.

1. Introduction

There are various artworks and genres within the catalogue such as ancient or indigenous folk-objects for which it is unclear whether (i) someone *made* them artworks or (ii) when they were clearly made by someone, whether this making occurred within

the social framework available to agents to make artworks at that time. These are objects placed within the catalogue and which appear, through being treated as an artwork, to meet the tests for artistic artefactuality but which were never the subject of artwork-making actions.

The accommodation of these artefacts within the catalogue force on us the problem that the idea of artwork-making cannot continually be liberalised simply to preserve the idea that all artworks are the product of artwork-making actions. There must be situations in which we can say of a given set of circumstances, that this was *not* artwork-making. Nor can we say that because the artworks appear to have been artistically artefactualised, how this came out *must* have been the result of artwork-making, since these artefacts appear to meet the functional criteria for artistic artefactualisation but not for reasons stemming from how they were made. In order to test whether these artworks *do* pose a problem for artwork-making or whether they are, despite initial appearances, subsumable within the *same* analysis as that given in Chapter 3, we first need to provide a clear criterion of artwork-making. Artwork-making actions need to be distinguished, in the precise circumstances in which they are performed, from (i) instances in which an agent tries but fails to make an artwork and (ii) from those in which an ascription of artwork status to an object is a mistake. This will provide criteria which can be applied to these 'imported' artworks.

This chapter will argue (a) that in *some* instances we mistake an object for a work of art (or vice versa), mistakes which we rectify on the basis of further knowledge; (b) that there are criteria to determine occurrences of this kind of mistake that serve to

distinguish these from both successful artwork-making actions and failed attempts to make an artwork; (c) that *whenever* an artwork exists there is always an action by an agent which is *necessary* for a particular artefact to become an artwork; and (d) that this action can plausibly be described as artwork-making in the terms set out in chapter 3. The overall claim is that *all* the artworks within the catalogue can be explained via the analysis of chapter 3 so that this analysis can also provide the basis for consideration of future cases.

The catalogue at any time *t* is an empirical construction of all those things called 'art' at *t*. Therefore, it is by no means conceptually pure – therein lies its usefulness. It is likely therefore, that there are a plethora of artworks of questionable status lying unexamined within its bounds. To begin I consider *mistakes,* defined as situations in which objects or situations are incorrectly treated *as if* they have met the test of artistic artefactuality.

2. Mistakes

Consider a scenario in which Brown looks at a fire-extinguisher hanging on an art gallery wall. Brown believes that the fire-extinguisher is an artwork and, on this basis, that he is experiencing an artwork. Brown subjects the fire-extinguisher to a searching interpretation based his knowledge of the history of art and other factors that he deems appropriate. However, the fire-extinguisher is there solely to comply with health and safety regulations. This is an example of a person making a mistake about the artwork-status of an object.

That beliefs about the classification of objects as artworks can be wrong pre-supposes that it can be true or false that an object is an artwork. In short, that we can make category mistakes in respect of artworks. Any theory in which art-status can exist independently of the recognition or experience of an object has factual bases for whether an object is *not* an artwork or whether an object *is* an artwork (since the world can be divided into two exclusive sets - the set of artworks and the set of non-artworks). This could be done on the basis of an object's perceptual, aesthetic or non-relational properties. However, an institutionalist may insist that it is the institution of the Artworld that determines the art-status of an object. However, even with an institutionalist view, whether or not any particular object has the right relation to the institution of the Artworld remains a fact that can be settled by criteria separate to a person's experience or beliefs.[142] For the institutionalist, mistakes are possible but are made on the basis that an object was not situated appropriately within the institution.[143]

Moreover, in real life, we know we can make mistakes about whether objects are artworks: According to Ravi Shankar the audience at the 1971 Bangladesh relief concert at Madison Square Garden took his group's long tuning up (necessitated by the heat of the arena) as its first performed piece.[144] The recognition of the possibility of mistakes occurs in philosophy too: Dickie (1974, 174) makes a point relevant to the Ravi Shankar case: "Performances do not occur on the stage at all times; in fact, they occur relatively infrequently, so temporal cues are given to indicate that the aesthetic object of a play is

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[2]Diffey (1979, 21) illustrates a non-institutional corrective for an institutional account. See McFee (1985) for a view on the truth conditions of institutional concepts as applying to art. McFee (2005) states, "... taking an artwork for a (merely) aesthetic object is *mis*taking it, misperceiving it .... We take objects to have a structure they *could* not have - as though a crack in a wall *seemed* to spell a loved one's name: it not only did not so, it *could* not so". This idea of mistaking is sufficient for the arguments here.

[3]Searle (1969, s.2.7, 50-53) argues for a distinction between brute facts which can exist independently of human culture and "institutional facts" which are only true or false within a set of constitutive rules. So here, the institution of the artworld constitutes the rules against which the question has a factual answer. Stecker (1997) does not think that institutionalists can be

about to begin (the house lights dimming and going out) and beginning (the curtain going up)." Mistakes are also a feature of some of Danto's indiscernibles thought experiments, such as at (1981, 1-3), in which a disgruntled painter's sabotage results in the 'wrong' identical red square replacing an artwork within a gallery - this trades on the possibility of non-artworks being taken as artworks and replacing them within the catalogue. So, we *do* recognise that we can make mistakes and that we can theorise on the basis of assumed mistakes about artwork-status.

The only commitment required here is that mistakes *can* be made and that criteria exist separate to a person's experiences or beliefs through which mistakes can be identified. This requires that some non-self-verifying factors affect or provide evidence for artwork-status and that *my* experience or opinion whether an artefact is an artwork does *not* make that the case. Denying this requirement entails that claims, attributions or refusals of artwork status could, no matter how deluded, never be wrong. And all these clearly *can* be wrong. It would also permit each of us to construct our own private catalogue constituted by our beliefs. This in turn, allows a person to turn everything (or nothing) into art since a person cannot make a mistake about the art-status of an object: And again this is not correct – there is always a history of the world separate from the history of art. Sclafani (1975, 456) makes these points clearly: "Without logical constraints on artmaking and arthood the concepts 'artist' and 'work of art' are rendered vacuous. Without such constraints anything anyone said about 'art' would be right and this only means nothing that anyone said would be right."

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mistaken about art status.

To analyse occurrences such as the Brown example I will use a quasi-technical phrase –
'artwork regarding'. This means simply that an agent believes that what she is
experiencing is an artwork. It does *not* specify any distinct kind of experience but only
that an agent thinks that they are experiencing an object within a certain classification.
So, Brown was having an artwork regarding experience when looking at the fire-
extinguisher because he believed it to be an artwork. However, his artwork regarding
experience was mistaken because it was based on inaccurate beliefs about the facts that
determine whether the fire-extinguisher *was* an artwork. This is why he would agree
that the fire-extinguisher was not an artwork if told that it was there to meet health &
safety regulations: Brown would concede the *mistake* of his artwork regarding.

When Brown enters the art gallery he expects artworks to be present. He visits in order
to pay regard to some objects that have *already* been made as artworks. He believes that
the conditions for him to experience objects as artworks have already been met and that
the fire-extinguisher is one of those objects - an artistic artefact. So, Brown thinks when
he experiences the fire-extinguisher, that all the activity that *made* that artefact into an
artwork has been completed. Moreover, this assumption prompts him to attribute that
status to it, to regard it as such and to attempt an interpretation. Without this
assumption he would not regard it as an artwork – so the assumption is necessary to his
belief and to his regard. Brown is attempting to assess an object he presumes is *already*
within the catalogue.[145] Brown's artwork regarding experience is based on his mistaken
belief that the artefact had been artistically artefactualised *before* he experiences it. So,

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[44] In *A Concert for Bangladesh* Apple Films 2005.
[45] Diffey (1969, 146) makes a similar point.

Brown makes a factual mistake if he thinks that he is experiencing an artwork, a mistake which remains true whether he realises it or not.

This marks the difference between the Brown case and those in which an agent *designates* a fire-extinguisher as an artwork. The difference is rooted in the basis upon which Brown identifies the fire-extinguisher as an artwork. Nowhere in Brown's thoughts, experience, intention, or reason as he stands and regards the fire-extinguisher as an artwork is there any connection with artwork-making. He is not acting in such a way that he intends to make an artwork.[146] Indeed, Brown's intentional action in paying regard to the fire-extinguisher specifically *excludes* the assumption that he is trying to make an artwork through his actions. Indeed, he would deny he was trying to make an artwork. So, Brown, by regarding the fire-extinguisher as an artwork has *not* met the test of artistically artefactualising – his regard has not changed the way in which the fire-extinguisher is used and has not given it artistic properties. So, to preserve the possibility of mistakes occurring in respect of attributions of artwork-status Brown's artwork-regarding cannot constitute an artwork-making action nor can his belief that the fire-extinguisher has *already* been artistically artefactualised serve to artistically artefactualise it.[147] An artwork-making action requires a supposition by an agent that a *new* artwork will be made, and the existing catalogue enlarged, as a result of performing this action (assuming it is successful). As Levinson (2002, 370-1) states: "There are admittedly many cases of attractive, merely utilitarian objects subsequently treated as

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Davies (1991, 177-178) offers the example of a tour guide who intends her audience to view the Grand Canyon as art. Davies argues that the difference between this and a conceptual artist who includes the Grand Canyon within an artwork might be that the latter intends that it should be regarded *as* an artwork, whilst the former intends that it should be viewed *as if* it should be regarded as an artwork. Whatever the detail, the intentions are clearly different.

Interestingly, Iseminger's 'adverbial' view of artefactuality deals with similar situations in a closely related way. He states (1973, 12): "... a piece of driftwood, just lying there, or a rainbow in which we find and appreciate aesthetic properties, is not thereby artefactualised to any degree." Iseminger's view allows him to distinguish between (on his terms) doing something and regarding

artworks by some individual or individuals, counter to, or in the absence of any artistic intentions on the part of their creators. But it is an error, I suggest, that this makes such objects into artworks: audiences, appreciators, consumers cannot make things art merely by treating them as such".[148]

So, individual instances of artwork regarding on a factually erroneous basis are insufficient to make artworks because (i) the presumptions founding the experience are different to those necessary for artwork-making and (ii) the agent, if faced with evidence that suggested that his presumptions were wrong would withdraw his claim and deny that he was trying to make an artwork, or add numerically to the catalogue[149] Therefore, individual instances of artwork regarding are not a source of unmade artworks and mistakes *do* occur.

But what if we *all* make a mistake? Is collective art-regarding sufficient to produce an artwork? Perhaps we have competing and qualified intuitions about this question. Our intuitions in particular cases appear to depend on whether we can garner any further facts or knowledge about the object. However, the same principle as above can be applied to these situations: We distinguish instances by whether, if further knowledge comes to light, we choose to recognise a mistake (and so rescind artwork-status) or to accept the object as an artwork. Discovering further evidence that would affect our attribution of artwork status forces a choice: whether to maintain that this object is an artwork or to recognise our past attribution of artwork status as a mistake. Either option

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something and thus between artists and critics.
[48]For a contrary view see Leddy (1998, 400).
[49]In both cases we are in the situation of the experimenter at the beginning of an application of the method of indiscernibles. When

is open to us. In this situation, all of us are Brown faced with the evidence that the fire-extinguisher hangs on the wall for health and safety reasons. We can recognise that what has happened to this artefact before has not been sufficient for it to be an artwork now. Something undermines its being an artwork which renders our beliefs that it is already artistically artefactualised and our belief that we are artwork-regarding, mistaken. Alternatively, we can choose to ignore this deficit and retain the object within the catalogue. However, either way, whatever choice we *do* make at the time of the discovery of error is a choice about whether the object is to be an artwork from this time onwards.

This choice provides the test for whether a mistake has been made or whether we have failed to make an artwork: A claim for the artwork-status of an object is made on which we base our artwork regarding experiences – in most cases this is assumed, implicit and collective. This claim is subject to revision if further knowledge that is relevant to its artwork-status is obtained. If this is obtained then we have the following choices: (a) we withdraw our claim, the artwork-status of the object falls and we recognise a mistake; (b) we do not withdraw our claim to artwork status - then *this choice* can be successfully or unsuccessfully challenged. A successful challenge to this choice means we have failed to make an artwork now. An unsuccessful challenge or the absence of a challenge to this choice means we succeed in making an artwork now. In this last case we have acted so to add an artefact to the catalogue that would not have been there, or would have been subject to challenge, had we not acted. So, we *do* have criteria for distinguishing successful from unsuccessful artwork-making actions and both from category mistakes. The Brown scenario is where the claim of art status is withdrawn.

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we find out what differentiates the situation from that which we take it to be, we will understand it differently.

The successful challenge to our choice that a mistake had been made might be a claim that Duchamp *did* make the Sears Building into an artwork, or that Levinson's (1990, 11) tribe could not get their receptacle back. The unchallenged or unsuccessfully challenged choice that a mistake had been made might be when icons from dead religions are accepted as artworks.[150]

This procedure does not anywhere specify the *basis* of the choices, challenges and success criteria. Therefore it can be applied across many different particular theories of art. For instance, we might make a choice of whether to keep an object as an artwork rather than treat it as a mistake, based on how well it fulfills the, or a dominant, function of art at the time of the choice. Indeed, if the functional aim of art at this time is one that can be described independently of how an object is made or the agent making it, then this will determine the objects over which a choice has to be made. Faults in how an object was made, for instance, may be considered of little importance given its great functional efficacy. So what counts as evidence for a mistake may depend on what theory of art is operating – but there will, however, always be *some* basis for these choices.

Once an artefact's true provenance is known, the question is whether the decision to keep the object as an artwork constitute *an artwork-making action* over that object by a later authority? The crucial point is that mistakes are potentially correctable and that there are criteria for correcting them. The fact that we decide that a choice has to be made shows that we recognise that our acceptance that an object has been artistically

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[i0]Pre-historic and co-opted artworks will both be described slightly differently in terms of unchallenged cases below.

artefactualised as subject to revision. Since an object can gain or lose its previous assumed status as an artwork, a *positive decision* to retain it within the catalogue of artworks is necessary for that object to have artistic properties from the time of that decision onwards. These choices *can* be described as artwork-making as they are based upon a *different* presumption from that which permit the choice to recognise the object as a *mistake*. The presumption operating in these cases is that we should act so as to *add* an object to the catalogue that would otherwise be excluded in order to retain its presence within the catalogue despite the new knowledge of its original provenance. The exercise of this choice acts as insurance against the object being correctly regarded as a mistake in the future.

This tells us *that* we have to make a choice but does not tell us *why*. The pragmatic answer might be based on whether an artefact has been valuable when regarded as an artwork. Or, if a particular artefact was an icon of an artist's achievements then the likelihood is that it would continue to be displayed, with perhaps an apologetic footnote, as part of that artist's oeuvre, rather than stripped of artwork-status altogether. (Although if the revelation distorted the artist's oeuvre significantly this would affect its standing as *his* work, but possibly not its classification as *a* work). Also, pragmatically, sometimes an object of great aesthetic worth is attributed artistic properties it strictly speaking does not have.

Pragmatics operate in how we *deal* with discoveries of error but *not* on whether or not the discoveries *are* actually of errors. This is a pragmatism that acknowledges our epistemological frailties. It recognises that mistakes have, as a matter of fact, been made

and will be made. It does not provide a conceptual loophole that prevents mistakes from being dealt with should our imperfect knowledge become perfected, or our pragmatic decision making change focus: these examples do not survive counterfactuals.[151]

This discussion of mistakes provides a basis to discuss those situations in which an object is retrospectively claimed as being an artwork made by an individual author but where that author did not make that object as an artwork. These cases reveal the choices about mistakes to be a sub-set of the choices required about accepting *any* object into the catalogue that was made outside of the social framework of artwork-making. The mistake cases have the extra feature that an artefact had erroneously been placed within the catalogue for some time prior to that choice. The analysis of these cases here as requiring a new artwork-making action forces us to consider the question of who is the author of these artworks when they are accepted into the catalogue.

3. The Authorship Question

In this section I shall argue that questions of authorship follow artwork-making actions whereas artwork status follows the causal history of an object. I aim to show therefore, that attributions of *authorship* on the basis of object's history, or attributions of a history to an object on the basis of its authorship, will *both* be mistaken.

It is a consequence of this position that retrospective claims of artwork status, if successful, are re-described as contemporary claims of successful artwork-making

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[1]That is, were the world such that further evidence was available, then the situation would not occur.

actions. So, where a critic claims that an object from the past, not yet recognised as an artwork, *is* an artwork, then the critic makes the artefact into an artwork through what Dilworth (2003, 49) calls a 'constitutive interpretation'. For Dilworth a constitutive interpretation, if performed on an object, constitutes it as an artwork. This amounts to saying that such constitutive interpretations can, in certain circumstances, be sufficient to make an artwork. The critic's case for the artefact being an artwork is the action without which it could not be an artwork. The critic, therefore, performs an artwork-making action. Another consequence is that authorship of an object alone is an insufficient basis on which to attribute both artwork status and artwork authorship.

This claim is intuitively troubling because it implies that a critic's designating action can be sufficient to give *her* authorship of an artwork. This seems to muddy the roles of critic and creator. Also, if a critic does this explicitly and self-consciously it is likely that her action would be insufficient to artefactualise an artwork without a very convincing theoretical background narrative. Even then this might be controversial and remain illegitimate for a great many of us. The troubling intuition is caused by the lack of any sense of *achievement* in the critic's actions. In terms of its aesthetic worth, or the ways in which it matters to our lives, the object is not altered pre- and post- the critic's actions. This is in marked contrast to the aesthetic effect of Michelangelo's working on the marble to make *David,* where the re-classification of the material as an artwork is perhaps the least of his achievements and incidental to its worth as a physical artefact. This highlights the minimal content of the critic's designating action or constitutive interpretation. The critic's action only re-classifies the object as an artwork and brings it within the catalogue, it does not, thereby, add value or cause the artwork to have any valuable non-relational properties. It does, however, allow some valuable relational

properties to be true of the artwork – in particular those that relate and situate the object within the history of art and those that depend on its status as an artwork.

The claim for the critic's constitutive interpretation runs into the difficulty of its sometime express disavowal by the critic themselves who may insist that her claim is that the artefact always had artistic properties and that she, as a perceptive critic, is the first to *recognise* this. However, consider the following scenario: Smith, the artist, dies. He has within his oeuvre the artwork *Homestead* and just before dying paints his garden fence as a DIY project. The result is that he produces an object perceptually indiscernible to *Homestead*. Soon, critics begin to hail the garden fence as an artwork made by Smith. They do this because (inter alia) of the fence's perceptual properties, its form and its witty commentary on his earlier work. The fence gradually seeps into monographs of Smith's work and the catalogue of artworks. Note that this critical attention and cultural acceptance is the standard kind of evidence we require for the art-status of the vast majority of artworks.

Consider an example from art history provided by Gaut (2000, 43): "The oil sketches of Neapolitan buildings made in the 1780's by the Welsh painter Thomas Jones appear not to have been considered by either the artist or his audience as artworks, but in the last forty years the sketches have been hailed as some of the most original artworks of the late eighteenth century."[152] The fact that they could have been regarded as non-artworks at that time demonstrates that the properties they had as a result of Jones' actions were

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[152]Carney (1991, 279) has an analogous example of a 1939 Raffaelli billboard not taken to be an artwork at the time despite its aesthetic properties. Carney argues that this is because billboards did not become accepted as possible sites for artworks until the 1980's. Carney (1994) states that 'first art' objects also have style properties retrospectively attributed to them.

insufficient *at that time* to make them artworks. If they weren't artworks once and they now they are, then they must have been worked upon somehow, or something must have happened to them, to make them so – (for the moment, the arguments of section 2 above notwithstanding, we entertain the thought that they may just have become artworks by being generally regarded as such by society).

However, crucially, in respect of the authorship question, we have evidence (because Jones physically made the sketches and having done so didn't consider them artworks or act in such a way as to make them artworks) that any work (in the widest sense) *necessary* to make these sketches into artworks wasn't done by Thomas Jones. Therefore the work must have been by someone or something else. So Thomas Jones, maker of the sketches was not the agent who made the sketches into artworks.

In both the Smith and Jones cases, at *t* a physical artefact was made by an agent. At *t+1*, a critic claims that this is an artwork and seeks to attribute its authorship to that agent on the basis that he physically artefactualised the object and/or because it is perceptually indiscernible to an artefact that agent is known to have made as an artwork. The critic's claim of Smith or Jones' authorship confuses the agent who makes an object with the agent who creates an artwork from that object (which can often and variously be separated).[153] As a consequence *she* in fact makes a claim for the art status of the fence through her action of attributing authorship of the artwork to Smith since up to this time

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[153] Examples within the catalogue include readymades and bronze casting sculptures. That objects can be used in artworks with or without the permission of the maker of the original object (such as newspaper cuttings in cubist paintings) also demonstrates the distinction. See Glickman (1976, 141) for a further discussion.

there have demonstrably been no actions which suffice to make these objects into artworks.

If she denies this and insists that she is *recognising* Smith's authorship of an already created artwork, then we can ask, as we did of Thomas Jones' sketches, why the fence was not recognised as an artwork from t when Smith painted it? If she denies the fence was an artwork at t but has become one since that time then we can ask who has done the extra conceptual work necessary between t and $t+1$ to turn the physical artefact into an artwork? We know that Smith did not do this work at time t, because we know he chose that his garden fence should be a DIY project and not among the sub-set of his actions which were artwork-making actions. Therefore, we have evidence that *he* did not produce *the artwork* at t.

This argument is re-enforced by considering the conditions under which we would be mistaken in artwork-regarding the garden fence. If, at any time after t but before $t+1$, we regard the fence as an artwork, we would be in the same position as Brown when he looked at the fire-extinguisher. Our mistake would have been based on some presumptions about what Smith was doing when he painted the fence. When we received the further evidence that Smith painted the fence as a DIY object, (possibly from Smith himself) then we would admit our mistake and realise that our presumption that it was an artwork was erroneous.

The critic's case for Smith's authorship is that her artwork-regarding of the fence is *not* mistaken. Her claim is that regarding the fence as Smith's artwork was *not* a mistake from any time after Smith physically artefactualised it. However, if so she is committed to the view that *our* regarding of it as a *non-artwork* from *t* onwards *was* a mistake. This claim entails that she also commits to the view that *our mistakes* could be rectified on the basis of further knowledge. In this scenario, the critic's basis for her recognition claim seeks to provide that further knowledge that will alter our position that Smith did not make the artwork.

In these cases the critic is basing her claims of artwork status and authorship on different evidence to us. She is using the object's properties whereas we are using the author's actions. The evidence upon which we each base our claims of when and why we are mistaken may not be decisive as to the fence's *status* as an artwork. However, this evidence *is* decisive with respect to Smith's *authorship*. We can say that if it is an artwork it is not Smith's artwork since we have evidence that what he did when he physically painted the fence was performed separately to his artwork-making actions. We also know, (from the existence of *Homestead*) that Smith could have chosen to paint the fence as an artwork but chose not to. We therefore have evidence that supports our view that we were *not* mistaken in regarding it as a non-artwork from *t*. Before the critic develops her interest in the fence its only intentional properties are those dependent on Smith's original exercise of choice that his fence painting was a DIY action. So, the critic wanting to claim recognition of Smith's authorship of the fence as an artwork has to ignore both (i) the separate cultural practice (DIY) in which Smith made the object and (ii) that the properties the object has by virtue of Smith's intentional DIY action are evidence against it possessing artistic properties from *t*. Hence our claims of another's

authorship of the artwork and our mistake in presuming it an artwork *because* of Smith's actions. Thus the critic makes a mistake in respect of the claim of Smith's authorship because the evidence she uses is inappropriate to support that claim. At *t+1* the fence is either the critic's artwork made from Smith's artefact made at *t,* or a non-artwork artefact made by Smith. What it cannot be is an artwork made by Smith at time *t* but recognised as *his* artwork by her at *t+1*. That construal does not fit the facts.[154]

This leaves the critic with a choice: She can either (i) claim that authorship of an object can be determined by the properties of an object, or by stylistic similarities to known pieces within an oeuvre which can override the express intentions of an agent, or (ii) she can assume someone else's authorship of the artwork.

Argument (i) could be run to apply to situations in which a critic argues that we cannot say whether someone was making something to be an artwork, then we judge on the basis of the rest of his life's output. The critic then sustains a claim of recognition of status based on the properties of artworks within Smith's established oeuvre - in particular *Homestead* - much as we might attribute authorship of an unsigned altarpiece on the basis of stylistic resemblances to other works with definite attributions.[155] He argues that there is no better comparison than a perceptually indiscernible recognised artwork made by the same author. The critic asserts that even if we know Smith's

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[4]Dickie, (1974, 46) states that curators make artworks if they display the paintings of chimpanzees because chimpanzees cannot fulfill the role of artist within his institutional definition of art. Davies, (1991, 89) attributes to Dickie the position that "anyone who confers art status on artefacts made outside the Artworld context is thereby an artist, as is the person who confers art status on a piece of driftwood."

[5]The analogy is only partial since in the style example we do not know the physical maker of the altarpiece under discussion. But see below where this argument is applied to situations of type (b).

intention and Smith's exercise of his choice when painting the fence, these facts are irrelevant to the fence's status as an artwork *and* of its authorship.

Argument (i) falls on stony ground if we examine the similarities between the Smith example and readymades: For *Bottlerack,* for instance, the critic does not attribute the authorship of the artwork to the maker of the bottlerack. Rather, she is content with Duchamp's authorship and with a catalogue of art that contains Duchamp's authorship. Consider a possible world in which art history is the same except that Duchamp physically made the bottlerack in 1907 during his time labouring in manufacturing before he became an artist. In this possible world he did not made the artwork *Bottlerack* in 1907, rather he later turned one of the bottleracks he'd previously physically made into an artwork. So, we only alter the authorship of *Bottlerack* if we discover that Duchamp had physically made the bottlerack *as an artwork.* This is true even if he made both the bottlerack object and *Bottlerack.*

Also, if we accept that an object's properties or stylistic similarities to known works can extend a known oeuvre, then for Duchamp, the minimalists and conceptualists, we'll be forced to say that virtually everything they ever did was *in fact* an artwork-making action. However, in fact it wasn't. Sometimes Marcel was just playing chess and Henry Moore was just making breakfast. The critic's practice of retrospective attribution of authorship (and thereby artwork-making intentions) to the maker of the object is illegitimate because inconsistent with the basis on which she attributes artwork-status in other situations.

Position (ii) gives up the claim of Smith's authorship of the artwork and would create a different claim on different presumptions – the critic now claims that someone, aside from her, has made an artwork from Smith's fence. And that is not a question about Smith's authorship of the fence but is one about the status or otherwise of the fence and whether it should be co-opted into the catalogue.[156] If the critic adopts this route then *both* her earlier claims to be *recognising* the fence's status as an artwork and Smith's authorship of that artwork are also withdrawn. If she accepts that her actions are a 'constitutive interpretation' of the fence, she will now claim the artwork as her own from this time.

If she denies that her actions have the effect of bringing a new artwork into the catalogue then the case for Smith's authorship and the fence's status as an artwork has not been made – it remains an artefact waiting to have a claim for art-status made for it. It remains open for us or another person - such as the critic - to make a case for the fence as an artwork. This case, however, would be made against a different presumption than the original erroneous artwork regarding of the fence, which presumed that the fence was already an artwork – it would be using 'the-fence-as-made-by-Smith', as the material from which an artwork was made[157] The critic may not be fully aware that in attempting to claim art-status for the fence she would have to constitute it as an artwork herself. She might not consciously intend to perform artwork-making actions, but if she wants the fence to be an artwork then she has to accept her authorship.

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[6]Such cases will be discussed in section 5 below.

[7]Anderson (2000, 86) has examples of the same object being presented by two different individuals, once as an artwork, and once as a utilitarian object, designed to show that self-conscious intentions to make artworks and self-conscious intentions to not make artworks, do not both result in artworks in the same sense.

These cases are distinct from those in which a critic's claim to have recognised the status of an already existing artwork is made on the basis of her retrieval of the artist's choices and intentions at the time of making the artefact. In these situations the question of the attribution of authorship turns on *why* the artefact was not recognised as an artwork when originally made by the artist. If this was because the author's action was such that it fell outside the possible range of artwork-making actions at that time (imagine a critic offering Giotto's unmade bed as an addition to Giotto's oeuvre) then this amounts to further information which renders any previous artwork-regarding of that artefact a mistake. The object requires further work, at some later time, to make it into an artwork. Alternatively, if the artefact was not recognised as an artwork when originally made because of political or institutional reasons (perhaps the artist was an unknown outsider from whatever established systems operated in her day) or because of a general epistemic failing (for instance finding the lost notebooks of Emily Dickinson) then the critic does indeed discover an unrecognised artwork of the artist's authorship. In these cases the critic argues for the recognition now of *an artefact as made by the artist at that time* as an artwork. The basis for this claim is the demonstration *now* that the agent's choices at the time of making the artefact were recognised as ones proper and possible to make art but that these artwork-making actions were not recognised as such contemporaneously. Note that the challenge that the artefact could not have artistic properties from the date of its physical artefactualisation cannot be mounted against this artefact. These situations are ones in which a critic really does, in Wollheim's (1980, 185-204) terms, reconstruct the intentions of the artist in making a piece.[158]

Currie (1989, 69): "... critics do regard it as an essential part of their task to understand, as completely as they can, the history of production of a work, and to distill from it an account of the artistic problems faced by the artist and the methods he used to overcome them, in short, the artist's heuristic path." For Currie the heuristic path is constitutive of the artwork so critics doing

In these cases the critic does not need to make her claim in contradiction of the author's explicit intentions about why she made what she made, nor needs to augment or assume intentions on behalf of the original author in absence of any evidence. The critic seeks to correct the distortions and epistemic failings from the time the artist made the work. No further information would render it a mistake to have regarded these objects as artworks from the moment of their physical manufacture.

4. The Co-option of Artefacts

This point of authorship settled, I turn now to consideration of those items which, as an empirical claim, are within the catalogue of art now, but which were made separate to the Western art tradition. Given the evidence from the catalogue, I will assume that these objects were not physically made as artworks but are artworks now and it is *this* which need explaining. These are called 'mid-life' artworks (because they are objects which become artworks midway through their existence as artefacts).[159] Davies (1997a, 20) distinguishes these from 'first art' thus: "Pieces enfranchised as art retrospectively were not artworks prior to their being accorded art status, whereas first art, when later it was acknowledged as such, was revealed to have been art all along." These latter create 'the problem of first art' for explicitly recursive definitions of 'art' such as Levinson's (1990, 3-25 & 3-59) & (2002) or Carney's (1991), for which an object is an artwork because of its relationship with past artworks. The problem is that 'first artworks' cannot

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this are discovering aspects of the work itself. In (1991, 326) he argues that literary artworks necessarily have such histories as part of their identity and are therefore autographic. (see chapter 7 below).

[9]Malraux (1978, 127) calls items which are transferred from other cultures to art museums 'art by metamorphosis'. This term is avoided both as it may not apply to all cases and as it may appear to commit me to a view of Malraux that applies beyond the works under discussion. Carney (1994, 119-120) contains slightly different definitions of first-art, mid-art and primitive art that

be art through standing in some appropriate relationship to past art, since they are made

before all other artworks yet they are artworks from the time of their original making.

As the idea of 'first art' is a consequence of, and a problem for, specific definitions of art

I will discuss 'first artworks' as a sub-set of 'mid-life' artworks rather than as a separate

problem.[160]

As was noted in Chapter 3, given that we can construct an indiscernible artwork/non-artwork pair of such objects, mid-life artworks are not artworks *because* of the perceptual properties they have had since they were physically made. So, these objects must be recognised, co-opted or enlisted into the catalogue of art at a later time than their original physical manufacture. Thus we assert that this is *necessary* for these objects to become artworks. We do not yet know the basis for this co-option however. The basis cannot be any relational properties an object has a result of its classification as an artwork, since, by definition, these objects do not possess such properties before the time of their re-classification. So, the basis for re-classification, however that is achieved, cannot be perceptual properties, nor artistic properties.

Davies (1991, 103) and Carney (1994, 120) hold views that are similar in that they involve co-option, but which differ in respect to the bases of co-option. Davies argues that a later artworld makes things not made as art into artworks and Carney argues that some ancient artefacts and some artefacts from other cultures are made art when we fit their properties into our art-historical tradition. Thus for both Davies and Carney different objects can become co-opted at different times for different reasons. For

do not affect this discussion.

Carney, we decide *now* that such objects will be regarded under the description which highlights those properties which are present in the canons of our artistic catalogue. Such a position permits different bases of co-option based upon - in our terms - the different ranges of social limits that have constrained agent's exercise of choice. Stecker (1990, 271) argues for a similar position, but in (1997, 96-104) criticises this retrospective ascription view and insists rather that we retrospectively *recognise* these objects' functional excellence as artworks. For Stecker these objects possessed that functional excellence from the time of their original manufacture.[161]

These views share the characteristic that the re-classification of these objects occurs when the properties they possess make them *peculiarly suited to become artworks* - either in terms of their properties (Davies), the style they exhibit (Carney) or their functional excellence (Stecker). Also, they each acknowledge that these objects existed with those features outside of the history of art before a time *t* – although for Stecker this is what we would call a mistake in artwork-regarding. Moreover, for each, the reason for this co-option and the reason *why* an object can become an artwork is caused, or can be explained, by the properties it possessed *before* it becomes an artwork. Therefore the act of co-option is little more than a re-classification of that object from one museum to another. So, for ancient artefacts et al. we co-opt at time *t* on the basis of their aesthetically relevant features, or their style features, or because we recognise their functional efficacy in meeting a central function of art at a given time.

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[60]Dutton (1993, 13) does the same.
[61]Anderson (2000) would also favour such a position.

Co-option models based on the properties of objects present two main problems for the model of how artworks are made set out in Chapter 3: (i) if these objects can only be co-opted because of the properties they have as physical artefacts then the possession of these properties is necessary for them to be co-opted into the catalogue: and in the right context, the possession of these properties can become sufficient for them to be artworks: And (ii) because of (i) co-option on the basis of objects' peculiar suitedness suggests that all objects which share those features should be similarly recognised as artworks. So, a co-option of one object will imply that all the other objects that share those same properties are also artworks, despite *never* being subject to co-option, whether that be recognition or reclassification or a new artwork-making action.[162]

So, the *status* and the *basis* of co-option of these objects into the catalogue requires analysis. Therefore, the arguments from the possibility of mistakes cannot be used because the property based co-option theorist can deny that the evidence upon which we based our claim of a mistake is not evidence for him – a style mistake need not be a functional mistake. However, if it can be otherwise demonstrated that (i) the co-option of an object was *not* done on the basis of any the properties it possessed before co-option (not just the perceptual properties) and (ii) that co-option is more than mere re-classification or recognition, the possibility that the properties an object possess before the time of its co-option must always provide an insufficient basis for co-option remains open. Given this conclusion co-option *could* occur as a result of an agent's explicit co-option of a token object through an artwork-making action. This is my position and one

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This problem is raised by Davies (1997a) and acknowledged by Levinson (1990, 77). Stecker states that his position, because only certain objects in non-central art forms will achieve excellence can avoid this worry (1998, 402): "The particular works, not the forms or practice to which they belong achieve arthood". I am unsure if this is compatible with his theory that mid-life artworks are recognised. Stecker (1997, 103) claims that Carney's position is made more tenable if we recognise that both 'first' and 'mid- life' art have their style features from the moment they are made, rather than the moment of co-option.

consistent with the framework of making in chapter 3. However, it is incompatible from the other co-option models of Davies and Carney and the functional recognition model of Stecker.

Stecker (1997, 96-97) & (103) discusses and dismisses a position somewhat similar to mine. Stecker, as a functionalist, cannot argue that objects are co-opted and *thereby made* art. Rather, he holds that we *recognise* their functional success as artworks rather than constitute them anew as artworks because of that success. He raises a dilemma for the explicit co-option as artwork-making position: Either this means we co-opt an object because we recognise its potential as an artwork, in which case this is just recognising its status, or by co-opting we give an object new (functional) properties, Stecker's claim entails that we could designate *any* item as an artwork regardless of its worth (since the co-option originates in our decision and is not based on the object's properties). My position holds to the second fork but denies the consequence.

This is how: The argument for property based co-option (on whatever basis — recognition or re-classification) is necessarily retrospective. It allows that because of the properties of artworks at *t*, objects made at *t-1* can be artworks at *t* because these objects made at *t-1* have properties that artworks have at *t*. Apply this argument into the future. Surrounded by all the artefacts we produce, we do not know *which* will be considered peculiarly suited to be artworks at some future time, nor *why*, nor *what work* we do on them might make them suitable. Let it be possible that by signing a cheque today at *t* we perform a token of the same action type that will become canonical as an artwork-making activity at *t+1*. Artists at this future time can produce artworks by signing the

chequebooks of today (these having long become obsolete as financial tools). From the existence of this practice at $t+1$ the property based co-option theorist would have to say that my cheques at t are things which could become artworks since they have properties which will make them peculiarly suited to be artworks at time $t+1$. This is because if my cheques are co-opted on the basis of their peculiar suitedness to become artworks *because of what they are*, then they are potentially suitable from the moment I have finished working upon them. I just do not realise this yet at t. What I produced were artefacts which, unbeknownst to me at t, have properties which make them peculiarly suited to be co-opted as an artwork at $t+1$. Once I sign the cheque at t we wait for that future time $t+1$ when the non-relational properties that the object has at t become peculiarly suited for it to be co-opted as an artwork.

An aspect of Currie's (1993) 'alien art' argument against historical definitions of art can also show that explicit co-option is necessary for non-art objects to become artworks. Currie argues that an alien civilisation which pre-dates ours and which made objects which were used and regarded similarly to how we regard and use artworks, could not be said to have artworks, since there was no historical relationship between their objects and our history of art. One response might be that these alien objects stand in a relation to as yet unmade human objects. However, as Stecker (1997, 107) puts it, citing Currie: "This solution would render the Martians unable to know that their artefacts were art, and this would give them much to complain of." I agree.

It is axiomatic to the co-option case (on whatever basis) that my cheques are produced separately to the catalogue of artworks at t – hence the requirement for their future co-

option. Therefore, the extension of the catalogue at *t specifically excludes* my cheques. This is also true in terms of my choices - I have decided at *t not* to write this cheque to attempt to make an artwork, so the work I do in signing that cheque is not sufficient to make an artwork at *t*. I *could* have chosen to try to do so but did not. So, at *t*, as a result of my making actions the cheques possess none of the relational and intentional properties that could make them into an artwork. Given (i) I signed the cheques as non-artworks and (ii) the property-based co-option argument requires that objects become suitable at some later time to their manufacture, my cheques do *not* have the relational property of being peculiarly suited to be *artworks at t*. This is true irrespective of whether they might have the property of being peculiarly suited to be artworks at some future time *t+1*.

If I live contemporaneously to an ongoing practice of art that would in principle permit me to try to write a cheque to make an artwork but I explicitly did not I cannot be the author of the artwork made from the cheque at *t+1*. For the same reason from *t* the cheques possess other relational and intentional properties - those that situate and legitimise them as tools of financial exchange - that render them *fundamentally unsuitable* to being artworks. Nor can my actions suffice to make the cheques artworks. So, the explanation of why any cheque of mine is an artwork at *t+1* must originate elsewhere than my physical artefactualisation of the cheques at *t*. Given this, on the property-based co-option model, the description of how *my* cheque was an artwork at *t+1* must be something like the following: "Cheque made by *x* at *t*, which became peculiarly suited to be an artwork at *t+1*, and so was reclassified into the catalogue of artworks at *t+1* and from then onwards had relational and intentional properties in respect of its status as an artwork."

Yet, the peculiar suitedness of my cheques to be artworks at *t+1,* is a relational property, which, if possessed at all, is possessed by my cheques from the moment *I* make them at *t.* Therefore, at *t* my cheques have the relational properties of actually not being suitable to be artworks at *t,* but potentially being suitable to be artworks at *t+1.* (Given that we do not know the future, this is true of all non-artwork artefacts at *t*). Yet nothing further happens to my cheques between *t* and *t+1,* when their properties go from being actually not suited to actually suited and applicable to artworks. Moreover, up to *t+1* they retain their original 'identity' from *t,* as explicitly financial, and so implicitly non-art, artefacts and so retain those intentional and relational properties which make them explicitly not suited to be artworks. (This they have in common with all other objects we know were not made as artworks). Therefore, for my cheques to be artworks at *t+1* there must be a change in the *other* component in the relation – 'art'.[163] The fact that the cheques' properties are not suitable at *t* yet suitable at *t+1* is based on the object having the same (non-relational) properties as a result of my physical artefactualisation - *if* the development of the catalogue of art between *t* and *t+1* is disregarded. Therefore, the basis of my cheques being peculiarly suited to be artworks, both in terms of an explanation and a cause, is the historical development of the concept of 'art', as manifested through the evolving catalogue between *t* and *t+1.* The catalogue has to move to meet the object – without this happening there is no peculiar suitedness.

This model can provide a plausible explanation of *why* only *certain* artefacts are co-opted: My cheques, intentionally made by me outside of the catalogue become

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[3]I note in passing this is an argument for 'art' having a developmental history as a concept.

peculiarly suited to be artworks at *t+1* because of actions of other artists who create precedents that provide the basis for the narratives that permit my cheques to be co-opted.

Between *t* and *t+1* the catalogue develops according to the narratives provided to support artwork-making actions during this time. In a different world, in which everything is the same up to *t* but in which 'art' developed differently between *t* and *t+1*, different objects would be peculiarly suited at *t+1* because different properties would be art-applicable. In this other world, my cheques remain with the same properties they had at *t* but now fail to be artwork-applicable at *t+1*. They lack the relational property of being peculiarly suited to be co-opted as artworks at *t+1*. Therefore, the non-relational properties they have as a result of my signing it at *t* are neither necessary nor sufficient for its co-option. For either world, it is one particular development of the catalogue within that world that is necessary. Only given this development has cheque signing become a canonical way to make artworks and my cheques' properties become potentially art-applicable. Only in these circumstances can a sustainable narrative be provided for their co-option as artworks. This is why some ancient artefacts, such as Roman curse tablets are *not* (yet) considered as peculiarly suited because no sustainable narrative can yet be provided that makes this case. Such a narrative awaits the development of artworks involving offerings and damnations. So, it is only if and when the historical development of the catalogue provides the circumstances in which an object possesses art-applicable non-relational properties that it *then* becomes an artefact which is peculiarly suited to being an artwork.

In these cases Stecker would have to say that these are artworks because of their functional success. However, this judgement pre-supposes that the catalogue has developed in such a way to reveal them as functionally excellent – had it developed in a different way, then certain artefacts would not be functionally excellent, and others, now considered functionally indifferent, would be considered functionally excellent. Looking around me now, any, all and none of the objects surrounding me may become functionally excellent as artworks in the future and I will examine them a long long time indeed before this becomes apparent.

This is how Stecker's concern that newly designating these artefacts means we can designate anything, irrespective of their properties, is avoided. Given this extension of the catalogue at *t+1,* and the narratives for individual artworks within it, we *then* select some token objects that are peculiarly suited to be artworks because of its current extension. This occurs based on the dominant theories of art operating at that time, *not* because of these objects' properties considered in isolation of those theories. Their functional excellence is *produced* by the catalogue and is a relational property they possess only given one particular development of the catalogue. Their properties as artefacts only come into play once the catalogue has opened up the possibility that they could be artworks simply through cultural artefactualisation.

The problem of the other intentional and relational properties my cheques have as a result of being made as a non-artwork at *t* remains. The property based co-option position requires that co-option occurs at *t+1* because of some kind of institutional fact or decision about an artefact's status that is not implicitly or explicitly an artwork-

making action at $t+1$, since otherwise there is no need for it to rely on the pre-co-option properties of the artefact. This is especially true of Stecker's account which relies on recognition, rather than achievement of status at $t+1$. I now argue however that my cheques, and other objects co-opted from a time contemporaneous to a causal forebear of the current catalogue, can *only* have the relational and intentional properties of an artwork because the co-option at $t+1$ is such that the properties they have from their original artefacing as non-artworks can be overcome. My position therefore is that co-option occurs *because the historical development of the catalogue permits an object to be artistically artefactualised through cultural artefactualisation alone which constitutes an artwork-making action by an agent.*[164] The possession of properties that make an object peculiarly suited are a pre-condition for this happening. Combined with a particular progression of the catalogue, this provides the circumstances in which mere cultural artefactualisation can suffice for co-option. It is possible for these conditions to obtain at one time, but then, as the catalogue progress, to not be possible at some later time because what can be co-opted in this way, depends on the current make-up of the catalogue.[165]

There are two reasons why co-option occurs as a result of a substantive artwork-making action. The first is the possibility of indiscernible non-artwork counterparts to co-opted artworks. The second is the claim that token artefacts, rather than types of objects, are co-opted as artworks. The co-option of these token artefacts is based upon criteria established independently of, and prior to, the act of co-option and against which

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[4]See Danto's indiscernible ties thought experiment at (1981, 41-47) for a compatible position concerning the historical sensitivity of art identity.

[5]Perhaps some of the artefacts from indigenous cultures co-opted in the past could not be co-opted now, given new sensibilities within collecting nations of all forms of imperialism.

different tokens within an artefact type can fail or succeed. Both reasons are incompatible with co-option on the basis of an object's properties and provide the basis to address the second worry raised at the beginning of this section – that co-opting one object on the basis of its properties means we have to co-opt all objects that share those properties.

It would appear possible for there to be (i) non-artwork instances of objects that have been co-opted (i.e. non artwork African tribal masks) and (ii) objects which are peculiarly suited to be artworks because their properties are art-applicable, but which are not artworks (masks still in tribal use). However, the property-based co-option theorist can maintain (as Stecker no doubt would) that African masks wherever *are* artworks, so I shall not use their possible different use and regard in tribal societies directly as evidence that they are not artworks.

Rather, consider this scenario: Given that at *t* I could have signed a cheque to make an artwork but didn't, nevertheless someone else might have done so between *t* and *t+1*. If so, an indiscernibles scenario can be constructed at a time between *t* and *t+1* consisting of my non-art cheque and her artwork-cheque. These could be distinguished by the different relational properties each possesses as a result of the social practices in which they were signed. However, if my cheques are co-opted at *t+1* with nothing further happening to them since *t* then presumably these two cheques could *not* be distinguished in this same way at or after *t+1* even though the were distinguishable beforehand. Yet, according to the property-based theorist, *nothing* further has happened to my cheques other than the properties they always had now becoming art-applicable in

some way. The theorist has to explain *how* the properties that were the basis of the co-option were such that they could be differentiated from an artwork-cheque at one time yet not be at this later time.

Moreover, if one of my signed cheques at *t* retains some monetary exchange value at *t+1* the bearer of the cheque's rights might prevent that cheque from being co-opted (or re-classified, or recognised) as an artwork.[166] If so, then that *particular* cheque would require more work than my other signed cheques lacking monetary exchange value to be constituted an artwork because of its ongoing non-art functional relevance. So, even given the appropriate development of the catalogue a peculiarly suited object can fail to become an artwork at *t+1* despite sharing all the properties of other artworks that the property-based theorist claims make them peculiarly suited to be artworks at *t+1*. Therefore there must be a reason over and above its suitedness and the development of the catalogue that makes it, specifically, an artwork. So, individual objects are explicitly co-opted through cultural artefactualisation if and only if the catalogue has developed so that at *t+1* these objects have art-applicable properties and an agent artistically artefactualises them in such a way that he overrides their non-art intentional and other relational properties.

Such cases provide the basis for mistakes to be made in respect of objects presumed to be artworks through co-option. A mistake is revealed if a prior claim to that object's status is revealed. Thus a choice is required for these objects – and a choice requires a further artwork-making action of an agent. So, my conclusion is that a specific and

separate designation of each co-opted object is necessary for *any* artefact to become an artwork. This designation amounts to an artwork-making action by an agent.

Given a certain development of the catalogue, certain artefacts could be artworks as they are peculiarly suited to being so. We have to make a *choice* about which ones are artworks. In doing so, we know, if the objects were made contemporaneously to an ancestor of our current catalogue, that they were explicitly made by agents intentionally as non-artworks. Therefore, we need to act so as to make non-art into art and to give these objects properties they have lacked since they were physically made. We can *only* do this using pure designation for those objects that are peculiarly suited to become artworks now, but we still *have* to do it. If we do not they will either not become artworks or will retain the possibility of being mistaken designations, as in Levinson's Mexican receptacle. So, the co-option (or even recognition) of one object does not entail or permit the co-option of any further object that shares its non-relational properties. The catalogue only contains those token objects that *have been* subject to co-option during the time the catalogue permits artefacts with those properties to be artworks through co-option.

Furthermore at *t+1* those cheques that are co-opted will be those that have properties which are *already* of value when applied to artworks. The movement of African tribal masks to art collections provides historical support for this position. This movement was *not* wholesale. Many were left in ethnographic museums. Many more still were left in Africa. The Europeans and Americans who brought tribal masks from Africa chose

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In Levinsonian terms it is prevented from being an artwork by the propriety right condition.

the best and highest grade masks on the basis of the tastes of the time. In moving some to the art galleries they did not choose the masks that were necessarily the most revered, powerful or spectacular within their indigenous context. As Errington (1994, 202) remarks: "Among the infinitude of objects considered both 'authentic' and 'primitive', only some of them were selected as 'art' objects, their legitimacy institutionalised and their monetary value as art established". Those that were collected and displayed in the ethnographic museum were chosen and displayed on an interpretation of the criteria for their indigenous display, function and context. In each case the co-option is made and justified on the basis of the *practice* (art) as constituted before those objects were part of it, not the object's properties. The works that were selected were selected on the basis of their aptness to be artworks based on prior and independently established criteria of what sorts of things could be artworks.

Had the art curators chosen the masks purely on the criteria of their indigenous import it is possible that they would not have been so readily accepted, or that a different portion of them would have been accepted, since an explanation would be required of *why* these less artistically functional objects were taken to be *artworks* rather than anthropological objects (for which the pre-existing 'art' criteria are disregarded or downplayed). Only an answer that drew on a narrative originating from the possibilities of the catalogue would have sufficed to make this case. So the choice in respect of *any* particular mask was potentially revisable and challengeable - but on the basis of the pre-existing criteria for objects within the catalogue of art. Moreover, *different* narratives would have to be made against those pre-existing criteria for different token African masks, and *because* of those pre-existing criteria.

The consequence of this position is that tribal masks made before 1900, or which remained in Africa, or which were not the highest grade examples in terms of criteria of value operating within the catalogue in 1900, were not, and are not, artworks. More generally, artefacts not made as artworks and not co-opted into the catalogue were not, and are not, artworks. This position accounts for the same ancient and non-Western artworks that currently sit in our galleries to remain there, but does not force on us all the other artefacts that share their properties. It also explains their exclusion: Each new potential co-optee is considered on its merits and according to its own uses – the tribal mask still in ceremonial use could retain its religious status and the poor quality funereal statuettes from ancient civilisations would not need to be considered artworks just because we've decided to co-opt the best examples, based on our criteria established prior to the inclusion into the catalogue of artworks. I conclude therefore that co-option works as does all artistic artefactualisation - by co-opting individual objects for different individual reasons at different times, with the act of co-option plausibly described as an artwork-making action and that without which a potential co-optee token of a co-optable type cannot be an artwork.

The African artefacts that *were* co-opted were presented within art galleries in an anomalous way compared to how all other artworks were and are presented. This may be explained by the prevalence of the property-based co-option theory and in itself serve as a final argument against that theory, since the manner in which the African artefacts' presentation is anomalous is consistent with the property-based co-option theory.

The anomaly is that individual co-opted African tribal masks were presented within art galleries as representatives or examples of a *type* of object which are artworks. There was no attachment to a definite author, no tracking the development, or noting the peculiarity of an individual author's style, and no sense, in how they were displayed, that it was important to the mask's status that it was the product of individual's skill or human consciousness. All this may well be true of African tribal masks in their indigenous context, but it is *not* true of the basis of display of all non-co-opted artworks self-consciously made within the ongoing social practice of art. All those features missing from the display of co-opted African masks are indeed part of the *point* of artworks being displayed. The equivalent would be to hang the *Mona Lisa* as "Italian, early C16 portrait painting", with its value coming from the fact that was an example of a painting - a good representative of a type of artefact that are artworks. When non-co-opted artworks *are* presented with similar representative-type labels, it is a classificatory tool indicating that the author is unknown, *not* an identifying tool, informing us that this is a representative of a category of artwork artefacts. Token artworks do not gain their status and value because of their membership of a type – each has value over and above any that may attach to the type of object or category of art itself. Yet, the presentation of the African masks denies this and so when presented as representatives of a type they are not being presented as artworks are presented – this must be regarded as a mistake in their presentation.

I conclude with a couple of examples of the heuristic advantages of this analysis of co-option. Duchamp's artwork-making through designating ready-mades in the 1910's can now be viewed as exemplifying one of the standard artwork-making practices of the time. Firstly, Duchamp was utilising the already prevalent practice of transferring

objects from non-artwork situations to be re-christened artworks within artistic settings. Indeed, the co-option of these African artefacts before the readymades may be what provided the background of supporting narratives within the catalogue for the possibility of designating a ready-made. True to his Futurist roots, Duchamp rejected old and natural source material in favour of the modern and mechanical. Duchamp's revolutionary achievement on this reading was to marry this with Dada-inspired revolutionary narratives to discard the idea that the co-opted object had to conform to one of the pre-established functions of art. The difference between co-option designation and readymade designation is that co-option requires that artworks within the catalogue provide some basis for the co-option of a particular object whereas a ready-made requires a precedent only in terms of *how* artistic artefactualisation can be achieved. This might be why we are willing unashamedly to attribute the authorship of the ready-mades to Duchamp.

Secondly, the manner in which this view deals with co-option cases can be compared and contrasted with the view that is closest to it within the existing literature - Levinson's historical-recursive view. At (1990, 56-58) Levinson discusses Kafka's manuscripts which Kafka wanted burned upon his death and never published. Levinson writes of this case "... we might choose to view the case as one of those anomalous ones where, owing to the exceptional potential literary value at stake, we recognise that the community of readers and critics can in effect justifiably appropriate certain texts and project them for literary regard, thus overruling, unusually, a creator's considered intent. The text becomes literature, as it were, 'willy-nilly'." Levinson therefore acknowledges a place for critical or curatorial appropriation within his scheme of how artworks can be made but in different circumstances to that envisioned in this analysis.

Levinson is forced into saying that the text become literature 'willy-nilly' because we know (a) that Kafka had the appropriate rights to make decisions about his writings but (b) did not want his writings published and (c) that this means that Kafka did not want his work regarded in a way in which artworks in the past had been regarded. Thus, on Levinson's account Kafka's work, despite having the properties of literature, requires co-option as an artwork because it was made with a regard which precludes it from being an artwork. Kafka-like situations are unproblematic for my analysis because there is no necessary place in artwork-making for an intended 'appropriate regard'. Any such 'appropriate regard' is overruled by the manifest intentions of the author so private artworks can be created unproblematically from the moment of their creation.[167] For me, Kafka exercised his choice that the writings were literature *as* he wrote them *then* decided that he did not want this *literature* publicised. He remains the creator of these writings as artworks and there is no need for them to be appropriated by a later authority in order to be literature. We simply have to feel whatever moral guilt about whatever human rights we want to retrospectively afford him when we read the books he didn't want us to see.

So, for both Levinson and myself some situations require the appropriation of objects as artworks. For Levinson it is artefacts made within an established artistic form but without the appropriate regards or property rights. For me it is objects which are now classified as artworks rather than some other thing because of how artistic practice has

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[7]Stecker (1990, 267) notes that Levinson's theory cannot account for instances in which objects have artistic properties but not as a result of the intentional actions that made them (267) "Ignorant or indifferent to the intention with which it is made, we are willing to call it 'art' on the basis of knowing that it was fashioned with skill and care ... and that it possess certain striking surface qualities." Stecker does not consider that this applies to his historical functionalist theory, since excelling in artistic functions

evolved. As it stands this might appear a neutral point between myself and Levinson as it is simply a different set of objects that require co-option. However, the requirements for co-option arising from my theory more accurately mirror those that actually happen in the world than do those that Levinson's position requires.

Another distinction between Levinson and myself highlights an advantage of my position in considering perceived difficulties in respect of past artwork-making activities that are no longer current. Haines (2004, 81-82) presents an argument in which an ur-tradition of art exists in which a tribe regarded and treated money in a way in which we regard artworks. Haines concludes that a purely recursive account of art would have to say that this is an art tradition and so that the credit cards of today are art. This argument requires that the co-option of one token of a type entails the co-option of the type. This could *only* be true if the co-option was done on the basis of the token object's non-relational properties. However, my position need not assent to this: For me the tribe's ancient money are artworks and their practice a way of artwork-making that has now ceased. The particular way they regarded their money ('art-coins' etc.) has no impact on any other coin that shares properties with those art-coins. What it might mean is that the existence of these art-coins means that is possible to co-opt other individual monetary instruments into the catalogue with less work than would otherwise have been the case. However, if we did so we would choose those examples which best suited the catalogue as constituted at the time of co-option. So, Haines' conclusions, although still a problem for Levinson, do not bite on all similar accounts of art – only those that are committed to property-based co-option – and there is no need to commit to *that*.

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suffices to make an object an artwork. See also Stecker (1997, 88-98).

5. Pre-Art Historical Artefacts

The arguments of the previous sections will be of no use however, in respect of cave paintings and other examples of artefacts made before *any* art history since for these objects there is no contemporaneous artistic practice within which any artwork-making action can be sited (Carroll 1988, 156). However, there is no similar worry that we may, in co-opting cave painting as art, thereby co-opt every graffito now. *So* different has our world become from that of the cave paintings, *so* far away are we from knowing either the intentions behind the making or the cultural function of these artefacts, that any *other* significance these images could have had has now vanished. We can *only* begin to interpret these ancient artefacts in light of the possible significance they would have for us today. We cannot think beyond the possibilities of the cave paintings themselves because we have no way of knowing what these people were doing when they made them. So we extrapolate from what *we* would be doing if we were to have painted those walls to hypothesise what the original makers must have been doing. In respect of *these* objects then, in the absence of any better evidence, they are best regarded by us as artworks.[168] We know that for ur-artworks we only catalogue them as artworks for taxonomic convenience. They could have been adapted as religious symbols but there is more reward in treating them now aesthetically therefore we co-opt them into the history of art as opposed to the history of religion.[169]

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[168]Wollheim (1980, 201-202) makes essentially this same point

[169]Errington (1994) and Gaskell (2004) both contain discussions of objects being transferred between museum situations as artworks and religious settings as aids to devotion/worship.

Crucially however, the principle that these co-options result from a choice and are subject to revision still holds. This is evident if we consider that had we had different art forms than we actually do then it's possible that we would regard different evidence from pre-historic times as evidence of art being made at that time. It's possible that object parts, complete objects, or even types of objects made to be artworks in pre-history are lying unrecognised, separated from the catalogue because the method of their manufacture is not recognised now as possibly being artwork-making then.[170] Moreover, in describing the cave paintings as artworks we take their ontology and identity conditions for granted.[171] We assume the painted cave wall surface is the totality of the object we describe as an artwork. Without knowing the context of the images' production there is no basis for this assertion. As Davies (1997a, 27) states contextualism with respect to artwork ontology means that: "Someone without appropriate knowledge of the work's background is not solely in danger of misinterpreting or under interpreting it. More importantly, she is not able to identify the artwork that is there." For pre-art-history artefacts there is no context *other* than our appreciation. Had no cave paintings been yet discovered and artistic practice to evolve in the future so that compound painting/object works become the norm we might ascribe a different ontology to these pre-historic artworks when they are found. The boulders at the cave's entrance could have been envisioned as part of the same compound object as the paintings inside by their original makers and audience but the assumed ontology based on our (contingent) history of art means we do not include

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Stecker (1997, 51-53) has a discussion of how, in his terms, 'central art forms' within artistic practice change over time. This is discussed in chapter 6 below.

Heyd (2003) provides examples of the aesthetic and ethical problems cave art generates. The ontological point here is illustrated by a discussion at (40-42). Davies (1997a) argues that we are unsure of, and ascribe the intentional conditions for, ancient artworks on the basis of our general ontological categories for later artworks. Walton (1970, 364) argues that objects have aesthetic properties because of their category membership and so cannot be considered in isolation of their causal history of how and why they were made – where such knowledge in missing we have to guess and could guess wrong.

them.[172] The recent discoveries that (i) what were once considered ceremonial or random dots of paint around one particular painting of an animal figure are in fact ancient astronomical maps and (ii) that ancient cave paintings form part of a ceremony within Aboriginal societies involving music and dance both provide real examples of this conceptual point[173] that our ontological ascriptions are suppositions and not facts.[174] New discoveries could bring new categorisations but at the moment the barely comprehended artefacts are all we have to go on, and, given their properties, their best fit to our world is as artworks.

As with ancient objects, so for artworks from alien or unknown cultures - in the absence of any evidence of a maker's intention or the history of cultural practice we would regard them as the artworks of that alien civilisation using a combination of the institutional clues and the similarities between the objects we found and our established artworks. What counted as these clues and similarities, (as with what counts as our mistakes), depends on what sort of theory we held.[175] If we were functionalists we would look for functional evidence (this is Beardsley's (1981) approach); if we were proceduralists or institutionalists then we'd look for evidence of the role these objects played within the wider culture of these people. What in particular we decided was art also depends on the time within our own art history at which we came into contact within the alien culture. The perceived similarities would themselves be historical - because of the historical development of the concept of art the comparison and resultant

[172]Heyd & Clegg eds. (2005), contains papers by Ouzman, Heyd, & Nash all of which differently argue for a more complex ontology of cave art than the mere paintings on the walls.
[173]For the details of this discovery at the Lascaux II caves see news.bbc.co.uk/1/hi/sci/tech/1577421.stm - 2. McFee (2005, 377) quotes an example in which if Native American dances specifically designed to restore lost lands and traditions are categorised as artworks then, these cannot be dance artworks on our terms, so it is our mistake to attempt to co-opt them without appropriating them.
[174]Errington (1994, 204) notes the factual and prosaically depressing fact that dealers in African masks in the 1920's removed

set of alien culture artworks that would be made in the 13th century would be different

to that made now. What is constant is that we'd say that because of the art *we* produce

that this was the art *they* produced and that our opinions would be revisable if what we

thought was appropriate factual evidence came to light.

6. Conclusion

It is possible, under certain circumstances, to achieve artwork-making simply by

declaring that an object is to be regarded as an artwork. The act of claiming art-status

for an object *can* suffice to give that object artistic properties. Claiming art-status for a

pre-existing object, however, requires that the artwork has a separate author to the

artefact.[176] These situations *do not* raise the question as to whether the artwork was

made accidentally or unintentionally.

The above possibility must not be confused with regarding an object *as if* it were an

artwork.[177] Regarding alone *cannot* suffice to generate creation and artistic

artefactualisation. Regarding something *as if* it were an artwork requires we assume that

object is *already* an artwork. Declaring an object to be an artwork requires the different

assumption that the object *is not* already an artwork prior to this declaration. This is how

we make mistakes - sometimes we mistake non-art for art, and occasionally, we mistake

art for non-art. Both are mistakes of fact.

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accouterments to these masks to make them look more 'primitive' and thus more saleable.
See Novitz (1999) for position that agrees with this re African tribal 'artworks'.
Wollheim (1980, 169): "When the work of art is an individual, identity depends upon history of production" As a bare criterion, we can agree (Wolheim notes a lot of disagreement can be built on this agreement). I disagree in what constitutes an artwork's history of production - while Wollheim prefers the history of the object, I prefer the history of the placing of the object within the practice and history of art as an artwork.

In respect to artefacts made within different cultures, or in the distant past, if they were physically made contemporaneously with an artistic practice and catalogue, which is the forebear of the current catalogue, this provides an objective test whether that artefact was originally made as an artwork or not: If the agent making them did not make them as artworks when the choice to do so was available to him, then, if these are artworks now, they are mid-life art, co-opted into the catalogue after they were originally made. We can only co-opt artefacts into the catalogue when the catalogue is ready for the artefacts because it has evolved appropriately to permit the cultural artefactualisation of these artefacts as artworks. The properties of the objects, although necessary whenever co-option happens, are an insufficient basis for this to happen, without the appropriate development of the catalogue, which is both necessary and sufficient. The exceptions are pre-historic and alien art, when there is nothing to go on but the artefacts themselves.

It could be argued that other private artwork type situations, such as preparatory sketches, or drafts are not artworks but rather technical exercises or experiments. However, all these attempts are made within the practice of art - the sketch was preparatory to making an artwork - the draft was a draft for a planned artwork. As such these were, if not all strictly speaking artwork-making actions, at least *all* background conditions. So preparatory sketches per se do not threaten the position of intentions as the determining factor when questions of artwork status or authorship.[178] How these

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[177]The notion of 'being used as an artwork' should not be confused with "being used as a representation of an artwork", something that might occur, for example, if a painting is indicated through coloured paper on a stage set.

[178]Gaut (2005, 283) argues that if we define art in terms of an agent possessing an intention to make art then preparatory drawings etc. emerge as non-art, which is not plausible. This point is made within a discussion of the adequacy of different accounts of art

artefacts are categorised is somewhat in thrall to changing fashions of display, so their precise status as a type is uncertain – some such as Thomas' Jones may be regarded as artworks now, while others may not. My preferred option for dealing with preparatory drawings is to analyse them in terms of Wollheim's (1980) argument that part of making an artwork is the artist's decision that his work is finished. For preparatory sketches, the work would not be complete once the sketch was done, but would rather be an aspect of the larger work needed to complete the final painting. Purely technical exercises in life drawing for instance, I would personally regard as often beautiful non-artworks.

The view that artworks cannot be made accidentally avoids some troubles this and analogous situations cause for recursive definitions of art. Currie (1993, 116) provides a general formula for such theories: "a is art iff either (i) a is Ur-art or (ii) a is R-related to some instance of Ur-art, where R is some art-historically significant relation". These theories, in which present artworks are enfranchised as such by their relationship to past artworks, have difficulty with objects that, when made, do not have the appropriate relationship to past artworks. By repositioning the relationship between past and present art so that it is the choices of artists, rather than the properties of artworks, which enfranchise new artworks, art's historical character is preserved without falling prey to the difficulties of a recursive definition.

This analysis of *how* artworks can be made in certain difficult or anomalous cases, underpins the thesis of this chapter that it is *necessary* for an artwork to exist that it has

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to provide a theory of error - i.e. an explanation why our intuitions about a point might be wrong. I don't think the intuition about preparatory drawings makes this point as they were made by agents acting within the practice of art, rather than, for instance, DIY. So, no theory of error is needed specifically for this.

been subject to an artwork-making action. Usually, but not always, this artwork-making action is an intentional action performed by an agent, consciously directed towards making a particular artwork. Sometimes however, the artwork-making action is *not* deliberate or consciously aimed at making an artwork. An artwork may nonetheless result. In these cases our beliefs about whether an object is an artwork are revisable if further evidence becomes available. If it does then this forces a choice upon us. The result of the choice is that these artefacts either become the subject of a new explicit artwork-making action or a decision that prevents them from being an artwork. This principle permits that all artworks are the product of intentional actions and that those that are regarded as artworks without this having occurred are so regarded because of our epistemological failures.

A project for specifying a necessary or universal *content* to any artwork-making intention would not be possible if artworks can result from actions that are explicitly non artwork-making. However, a project which only aimed to show that artworks are necessarily the product of intentional actions *could* withstand this result since artwork-making intentional actions are only a sub-set of all intentional action. This point is glossed in Stecker (1990, 267-8): "It seems to me very important that we don't define art with intentional necessary conditions. We may never know the intention with which a work such as the *Iliad* was created or even if it was created with a coherent ensemble of intentions." This argument concerns *specifying* the content of any intention universal to making art and does not undermine the claim that all artworks are necessarily the product of intentional actions.[179] Levinson (1990, 46) employs notions of 'art-conscious

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[9]Anderson (2000, 78-79) sets out three possible meanings of 'all art is intentional'. These are (i) that the concept of art is constitutive of the intention, (ii) that there is an intention common to all artworks aside from that in (i) and (iii) that in making

making'. This is making art with the explicit knowledge that one attempts to make art. The position here - that some artworks are the product of 'art-conscious' intentions[180] does not require that those intentional actions have a specific content such that *only* the artworks the agent intended to make can result from them. Kafka, for instance, intended to complete *The Castle*, so the text we have now is not the one he intended to produce as complete. The fact it is left unfinished is an unfortunate fact of history, not an illustration that he did not intend to make that artwork. All the portion of *The Castle* that *was* completed was made to be an artwork - each sentence is the result of an artwork-making action by Kafka. So, there must be room within a theory for the possibility that for any artwork *a*, *a* can exist without anyone having intended precisely that *a* should be made.

So this is where we are now: All artworks are intentionally made as artworks, in one way or another.[181] Therefore, any definition of art needs to refer to how artworks are made and to the properties that they have as a result of being intentionally made. Having established this about how art is made, we need to extend this investigation to the products of this making activity – the artworks themselves - to discover what limits exist on what artworks successful art making actions can produce.

I end with a thought that builds upon the speculations which concluded Chapter 3. The range of objects which can be transformed into artworks has changed through time as

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something or other an intentional object is produced and the artwork produced then turns out to be an artefact. The analysis here would roughly equate (i) with artwork-making and (iii) with making objects to argue that (iii) would not make an artwork unless an agent chose to make an object with a (i) type intention. Whether (ii) is true is what is now under discussion.
This is contrasted with 'art-unconscious' making which is making something without this knowledge but which is in fact to be regarded as art. Here, 'art-unconscious' making cannot suffice to make an artwork, requiring a latter act of artwork -making'.

has the range of ways in which these objects can be so transformed. That there is such a change of ways of artwork-making suggests that it is possible to read the history of art as a constant battle to break the prevailing conventions and restrictions on how art is made and what can possibly be an artwork. There might be a uniting theme in this constant struggle – and, as Glickman (1976) suggests, a substantive characterisation of art to be found within this undertow of struggle with what *can* be an artwork.

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[1]Livingston (2005) makes a similar overall claim on different grounds with different conclusions.

CHAPTER 5: MINIMALISM & BLANKS

Summary: This chapter explores the limits of what kinds of things can be artworks, given the framework of how artworks are made set out in chapters 3 and 4. It does this through an examination of the minimal limits of what that framework can produce, again using indiscernibles thought experiments. Wollheim's discussion of minimal art and in particular his discussion of 'blanks' – putative artworks which consist of an absence of any definite content – is used to provide a gateway to a discussion of the different ways in which artworks can be minimal. A distinction is drawn between artworks that result from minimal making and artworks that possess minimal aesthetic content. This distinction is used to provide a criterion of when a 'blank' could be an artwork – when it can provide distinct individuation and existence conditions that differentiate it from any other artwork within the same category or art or within another category of art. This requires that the 'blank' is presented so that it *can* be experienced by an audience as an artwork within a determinate category of art. The general conclusion of the chapter is then drawn - that one minimal limit on artworks is the requirements that an artwork is a definite and individual artwork within a determinate category of art, with its category membership determined at the time it was made as an artwork.

1. Introduction

This chapter and the next explores whether there are limits on the kinds of properties things must have to be artworks. That is, whether there are minimal limits on what can be an artwork beyond which, no matter *how* they were made, things cannot be artworks because of what they are. Taken together with the limits of how artworks can be made in Chapters 3 and 4 this will provide a framework of the circumstances under which art is made.

As a gateway into the manifold issues concerning the minimal limits of an artwork I begin with a discussion of Wollheim's "Minimal Art" (1965, 1995).[182] Wollheim's discussion of minimal art emerges from his commitments about the ontology of artworks and he uses the following illustrative example: If Yevtushenko in Moscow writes certain words in a certain order then at some later time a person in New York reads out those same words in that same order then (given some appropriate causal 'continuity-conditions') (388) the poem read out in New York is the same poem that was composed in Moscow. This proves for Wollheim that a poem can be written, read, printed and learned across many times and places and retain its identity. The poem is the common structure to which all instances of its appearance across time and space conform and how that structure is presented is irrelevant to its identity.[183]

Wollheim then applies the example to the visual arts in order to contrast the ontologies of poetry and visual art: Imagine if Rauschenberg creates an artwork from a bicycle wheel and a wooden culvert and then somebody in Moscow also makes an artwork by making a bicycle wheel on a culvert. Wollheim argues that in this instance two different artworks are created even if similar causal continuity conditions obtain so that the Moscow artist made his object *because* Rauschenberg made his.

Wollheim formalises this contrast between literature and visual art through a type-token analysis. (The same analysis is presented elsewhere, for instance (1980, 90-95, s.35)): A literary work is a structure which is a type of which each individual instance is a token: (388) "For the poem, though it is, say, printed on a certain page, is not to be identified

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his is the date of the original publication in *Arts Magazine*. The references in the text are to its inclusion within Battock (1995).

with those printed words." For works of visual art, however, "the identity of a work of fine art resides in the actual stuff in which it consists." (391) So, there is only *one* token of its type.

Wollheim contends (387) that minimal artworks, which, for him, include Duchamp's readymades and Reinhardt's monochrome canvases, possess minimal art-content in that they are either (a) undifferentiated in themselves from other artworks or non artworks or (b) differentiated by sources or factors external to the work or art in general and not attributable to the artist's work. This is Wollheim's *criterion of the minimal.* These are all features he holds not to be true of non-minimal artworks. These features contribute to our unease with these minimal works as artworks although Wollheim does acknowledge them to be artworks.

It is unclear precisely what Wollheim means by 'undifferentiated', but he seems to mean that for any one of these works there are other artworks (in the case of Reinhardt's monochromes) or other non-art objects (in the case of Duchamp's readymades) which are perceptually indiscernible from these artworks. Wollheim's claim is that artworks standardly are such that the particular combination and mixture of aesthetic properties each possesses is unique to that one artwork, whereas minimal artworks admit of the possibility that another artwork or non-artwork might share their combination of aesthetic properties. Thus, minimal artworks possess aesthetic uniqueness or particularity to a minimal degree.

The same would apply, mutates mutandis, to musical works.

2. Wollheim's Analysis - the Mallarmé Thought Experiment

Wollheim attempts to discover reason(s) for this unease with the certain minimalist objects. In respect of visual artworks he attributes this to their obvious lack of a display of 'manifest effort' (395) from their creators. These works cast doubt in an audience's mind about whether the artist has done *any* work on the object, since the artwork is undifferentiated from non-art tokens that share its perceptual properties. The unease follows from holding that artworks, as the product of work, are artefacts. Minimal artworks give rise to the suspicion that they are not artefacts, or at least that what artefactuality they claim to have has arisen through reasons extraneous to an individual's choice in making them an artwork.

Wollheim argues that art is traditionally produced by uniting two elements - work to actually *form* something, and the *decision* when to stop this working to form something. For Wollheim, these two elements united constitute artwork-making. Minimal artworks are ones in which these two elements have been divorced from one another so that it appears that the decision making element is the sum total of the work employed on an object. Perhaps more accurately these are cases in which the work invested in making the object is separated in space, time and authorship from that involved in making the artwork.

Seen thus, readymades force the question of whether *one* of Wollheim's necessary conditions (the decision *that* the artwork is complete) is sufficient to make an artwork.

So, for Wollheim, the lack of any physical artefacing which informs that decision makes us feel that the object is unworthy to have the uniqueness conditions which we demand of artworks attributed to it - i.e. to be "single objects for and in themselves".(399) Making art through selection or designation alone cannot produce objects worthy of our attention in the way that artworks need to be. Additionally, for Wollheim, what actually constitutes a picture is that a surface is worked upon so that it can be susceptible to 'seeing-in', so minimal artworks such as the monochrome canvases do not meet his necessary criteria to be paintings.[184]

Wollheim provides (388) a fictional example of a literary artwork, which is minimal according to his criterion, but which does not have to meet the extra criterion for being a painting. In the example Mallarmé deliberately produces a blank sheet of paper as a poem about the dread of lacking inspiration when faced with a blank sheet of paper. This 'gesture' as Wollheim calls it, is, if art at all, an extreme case of Minimal Art. Wollheim applies his ontology and his criterion of minimal art to argue that Mallarmé's blank gives "no structure by which we could identify later occurrences as occurrences of that poem."(391). He concludes that it is unacceptable as a poem because it fails to create a specific structure and so creates a type of which every blank becomes a token. For Wollheim the problem is that, either nothing would be Mallarmé's poem, or *every* blank - not just blank sheets of paper - would be an instance of the poem. Mallarmé's gesture, therefore is *insufficient* to make a poem.

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ee Wollheim (1973, 124) for the view that Reinhardt's monochrome canvases may not be paintings and (1973 & 1980) for a summary of his views on (visual) artwork ontology. Wollheim's view conflicts with that of Chapter 3 above of how artworks are artefactualised. His ontology also differs from that provided below in Chapters 7 & 8.

For Wollheim, the project of minimalism in late modernism was to explore how far one can minimise the making aspect of producing an artwork and foreground the decision-making aspect of the process. This foregrounding of decision at the expense of making has formed the framework within which much avant-garde art of the Twentieth Century has been produced. The fact that these works are within the catalogue proves that at least on some occasions these attempts have been successful. So, we need to know why, if *Bottlerack* can be produced as an artwork but Mallarmé's blank can't, under what circumstances can a decision alone suffice to make an artwork.

3. Mallarmé as Painter?

Wollheim suggests that to seek to produce a poem that exists as silence to the ear and a blank to the eye is to try and create beyond the possibilities of poetry. However, he leaves it open (392) in principle that Mallarmé's blank could be a painting or drawing. This is because for Wollheim the only possible candidate for a differentiated structure is the sheet of paper left blank by Mallarmé - this identifies the artwork with a particular physical object, thus placing it within the visual arts. On this analysis, the blank paper is a physical object which locates Mallarmé's artistic expression. This in effect treats the blank page as an artefact from which an artwork can be made. Wollheim's criterion of the minimal therefore could produce different results for different art forms depending on the different ontologies of artworks within those forms. The blank sheet of paper *could* meet the ontological criteria for painting and so render Mallarmé's gesture sufficient to make an artwork. Therefore decision making alone can suffice to make an artwork in the visual arts because it results in single objects.[185] The ontology of poetry

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Vollheim (1980, 14, s.11) writes: "... we could not produce a sheet of blank paper and say that it was a representation of Empty

however, renders decision making alone insufficient because there is merely an absence

of writing which leaves the identity of the tokens of that type indeterminate. So *more*

work needs to be done to produce a determinate identity for a poem.

Saying so however, requires that the blank *is* in one sense an unintended artwork - as, if

it were a visual artwork, this would be despite Mallarmé's intentions to make a poem

and his actions to fulfil those intentions to make a poem. Not everything intended by its

maker to be a poem is thereby a poem (pace Binkley 1977) - if someone intends that a

clay pot is a poem this means only that the pot-maker is deluded. Yet, to take Mallarmé's

blank as a visual artwork requires that Mallarmé's intentions and choice are disregarded.

Instead we rely for the attribution of its category *only* on the structure[186] resulting from

his actions - the blank sheet of paper. So this must be the position that Wollheim is

relying upon to make this suggestion. However, as we have seen, Wollheim argues that

the properties of an artwork depend upon the intentional actions of its maker.

If author's intentions together with the creation of a definite structure distinguish poetry

from non-poetry or any artwork within a category from an equivalent structure within a

different category then there cannot be situations in which a failed attempt to make art

within one category results in a work from another category.[187] Both the critically

relevant aspects of the structure created *and* its ontology will be different if it is

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Space. Though, of course, what we could do is to produce such a sheet and entitle it 'Empty Space', and there could be a point to this title."
evinson (1990, 88) writes "... by *sound structure* throughout this essay I did not mean anything more abstract than 'this complex sound followed by this one, followed by this one' that is to say a specified sequence of sounds with all audible characteristics comprised." This meaning of 'structure' here and throughout this analysis, is the same, applied mutatis mutandis for other art forms (See chapter 7).
his is a categorical comment: Given the account of how artworks are made in Chapters 3 & 4, an unsuccessful attempt to make a poem requires a further act of artwork-making to become a successful visual artwork. It is unfortunately possible to intend to

regarded as a poem or as a conceptual piece. This is reflected in the author's attitudes to

the structure he makes - the author of a poem will not mind if his manuscript is untidy,

whereas the precise presentation of the words will be paramount to the author of the

visual artwork. Creating a work within one category will give it category-dependent

properties that preclude it from existing within another, irrespective of the critical

fruitfulness of that approach. To urge that Mallarmé's blank is *best* (or possibly) viewed

as a visual artwork rather than a poem is different to stating whether it is a poem or

not.[188] *Tristram Shandy* could well be a high status piece of conceptual art but it isn't -

it's a novel. So, Mallarmé's blank, if it is to be an artwork at all, *has* to be an artwork as

Mallarmé intended it - a poem. It is either a poem or it is a failed attempt to make an

artwork. So we discount the possibility that Mallarmé could have made a visual artwork

through intending to make a poem.[189]

Wollheim's argument that the ontology of poems prevents a blank from being a poem

can also be challenged if there is a basis for discerning individuation criteria for at least

some blanks. We require a method of distinguishing intended, purposeful blanks from

each other and from mere absences of content or failures to create so that two blank

poems may share all their perceptual properties but be two different *structures*. If this

can be achieved then blank poems can be given precise and determinate existence

conditions.[190]

write a serious drama yet *actually* write an absurd comedy.

ivy (2006, 120) lists the interpretative problems of Beethoven's *String Quartet op. 132* due to its stretching of the requirements of sonata form and thereby opening up whether it should be interpreted as a sonata.

he Mallarmé as painter suggestion falls foul of Walton's (1970, 359) strictures about *correct* category attributions as it permits re-interpretation and evaluation of a work within an *odd* category. Wollheim was writing before Walton's article.

his is an indiscernibles argument and subject to the caveats stated in Chs. 1 & 2.

4. Minimal Making and Minimal Objects

Although we readily accept works as minimal artworks, it is not clear that we know *why* we do so with respect to any particular artwork. In this section I will clarify the different ways in which artworks can be minimal. Rather than set out the limiting cases within each variety of minimalism, I will discuss characteristics of the varieties of minimalism in art. All artworks are minimal in myriad ways irrelevant to their identity as artworks, which could not affect any theory or definition of art which could be proposed. We need to focus on specifically artistic minimalism, which must relate to the ontology of art, so that artworks are minimal to the extent they minimally possess properties that make them the artworks they are.

If Mallarmé had actually done what Wollheim fictionally attributes to him, it would be an important artwork. This is probably why it doesn't actually exist within the catalogue, since it would have been a revolutionary act within literature as it was then constituted.[191] Traditionally, the discussions of minimal artworks by philosophers have been to provide 'hard-cases' through which a theory or definition of 'art' on offer can be tested. Wollheim's presentation, and my discussion, of Mallarmé's blank poem, did just this as well, so, in this respect, Mallarmé's blank is the quintessentially minimal artwork. It stands emblematic for all artworks within the catalogue which retain the label of hard-cases for philosophy, or which philosophy regards as somehow only minimally art but which constitute the mainstream of art's high-status avant-garde since

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Note that the efforts of contributors to The Exposition des Arts Incoherant between 1882-1893, although intended as a satirical comment on contemporary art contained monochrome canvases, a score of silence and acts of deliberate destructive provocation towards an audience. See Welchman (1997, 105-112).

high modernism. Yet this does throw up doubts about precisely what we mean when we say an artwork is minimal.

On Wollheim's analysis, Mallarmé's blank was made in a manner which suggested an absence of craft-like making skills and was an artwork of little, if any, differentiated content - both in itself and in comparison to other works. So, Wollheim ascribes minimalism to an artwork on the basis of its process of manufacture *and* on its aesthetic content. This provides a starting point for a discussion of artistic minimalism: There are two basic ways in which an artwork can be said to minimal. It can be minimally made (absence of effort) or it can be a minimal object (undifferentiated in content).

An artwork is minimally made if the object which is the artwork has been materially unaltered, or barely altered, from its pre-artwork state. If an artwork is produced without physically artefactualising that object then an instance of minimal making has occurred. Such cases have usually occurred when an artwork has been made from a pre-existing object, most notably within the catalogue, as 'readymades'. In these cases the artwork *is* just a designated one of a mass produced object, where the designation of that one object as an artwork is the total work invested in the object and which serves to artistically artefactualise it. No craft was involved in making *Fontaine* - the urinal was not carved from porcelain by the artist's hand, nor was it assembled from previously disparate parts. Duchamp's invention was solely to give the object its status as an artwork - with that his work was done.[192] A minimally made artwork therefore is not

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\t a 2002 conference Danto recounted that he had heard that Duchamp had the urinal used for *Fontaine* specially made as a one off and then passed it off as a common, mass-produced urinal he had appropriated. I *think* I wish this was true.

necessarily minimal according to Wollheim's 'differentiation' criterion - it could be a unique token of its type before it is artefactualised as an artwork. It is the work invested in making the object into an artwork which is minimal.

A minimal art object, however, displays very little, if any, distinct aesthetic or perceptual content as an artwork. This is the sense of minimalism explicitly put forward by Wollheim.[193] Minimal objects can be undifferentiated in terms of their own aesthetic content or in relation to the content of other artworks (as are Reinhardt's canvases) or indeed in relation to other non-art objects (as are Warhol's *Brillo Boxes*).[194]

5. The Relationship Between the Two

The minimally made artwork and the minimal artwork object are logically distinct categories, each can be exemplified separately, or in different combinations, in different artworks. Therefore, there are four different possible combinations of these two ways of being minimal:

They are (with examples from the catalogue):

1. A non-minimally made non-minimal object - an example is the *Mona Lisa*;

Within the catalogue, minimal art objects include: within painting, Reinhardt's monochrome canvases: sculpture, Klein's uniformly blue objects: music, Cage's *4'33"* composition: Paul Taylor's 1957 dance piece of two people sitting motionless on chairs for 4 minutes in 1957: Within film Debord's Hands in Favour of Sade (the last 17 minutes of which are a blank screen).
but see Herwitz (1993) for perceptual differences between Warhol's work and commercial Brillo boxes.

2. A minimally made minimal object - an example is *4'33"*.

3. A non-minimally made minimal object - an example is *Erased De Kooning Drawing;*

4. A minimally made non-minimal object - an example is *Fontaine*;

These different examples demonstrate the complex relationship between the minimally made and the minimal object. I shall now explore these relationships.

The *Mona Lisa* required physical artefactualisation to make and is an object of high aesthetic differentiation. Therefore, it is not minimal in either sense. Such works provide the standard against which judgements in respect of the minimalism of objects and making artworks are made.

John Cage's *4'33"* has minimal content as far as the object experienced is concerned - an audience in an auditorium experiences the work as *4'33"* of silence (or ambient background noise). Yet, the work exists as a score, just as every other song, symphony and aria throughout the history of Western classical music does, or could, do.[195] The score differs from most other musical works in that it is composed entirely of rests, but as an example of a notated form of a musical work it is syntactically - in Goodman's (1968) sense - no less instantiated or complex (in that it has a bar by bar progression of themes, a rhythm and a tempo) than Bach's *Brandenburg Concertos*. Both are specified using exactly the same scheme of notation. They *do* differ in their respective 'semantic

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)avies (1997b, 448) cites a version the score.

richness' (again in Goodman's sense) so that Bach's piece requires use of a greater variety of the available notational features than does Cage's.

Cage's piece is used as the example above because of the difference in the *presumption* of effort, or method of work creation, the two scores suggest for the respective works. Much more likely that the piece was conceived by Cage in its totality and then scored rather than being created through a compositional process.[196] Upon hearing the 4'33" of orchestrated silence the presumption by an audience is that it is unlikely that Cage composed the piece bar by bar, deciding after each rest that another rest would be the work's appropriate next modulation. This presumption in respect to the lack of effort involved in an artwork's manufacture, combined with the minimal experience also offered by some artworks, can cause a conflation by audiences between the minimal object and the minimally made object.

The presumption upon experiencing the Bach piece is the opposite. An audience follows the modulation of the work from phrase to phrase and from key to key and in doing so imaginatively tracks Bach's 'sustained conscious process' (Gaut 2003, 157) of making the artwork and so attributes to him 'active creativity'. Bach's work is internally differentiated in terms of its content to a high degree and uses a range of semantic devices within its syntactic structure so there is more for the audience to use that links their experience of the artwork with its method of construction.

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he score of silence "Funeral March" by Allais at Le Expositions Des Salons Incoherent of 1888 consisted of 24 measures of entirely blank music manuscript, except for a tempo mark of "Lento rigolando". Again, see Welchman (1997). This is different from Cage's piece, as Davies (1997b, 448-449) points out: (449) "The content of the performance consists in whatever can be heard as the work is performed – the shuffling of feet, the murmur of traffic from outside the auditorium, and so on." This puts Cage's piece more solidly within a tradition of musique concrète. Khatchadurian (1974, 83ff) agrees with this interpretation of

In Walton's (1997, 80-81) terms the Cage and the Bach artworks have different styles: "[It is] ... how a work appears to have been made, what sort of actions it looks or sounds or seems as though the artist performed in creating it, which is critical to the work's style". At (92) recognises that this might be part the point of such works: "There may be instances in which the aim is to achieve the effect of natural objects, to produce works which do not look made at all, which have no apparent artists. Perhaps this is John Cage's objective ... ".[197] However, Walton also recognised (1997, 81): "Sometimes it would be rash to suppose that a work was actually made in the manner it appears to have been; yet the appearance alone is important [to a work's style]". There is no guarantee that an audience can tell from experience how or why an artwork was made. Style can mislead and the absence of content is not a *guarantor* of the artwork having been minimally made. A record of the method of an artwork's manufacture is not necessarily present in the object of experience. The hand of the author cannot reach into the mind of the spectator.

In 1953 Rauschenberg arranged with Willem De Kooning that he would erase one of De Kooning's drawings to leave a blank piece of paper, as if virgin but obviously not, as Rauschenberg's resulting artwork. De Kooning, in agreeing to Rauschenberg's project, provided him with a very heavily worked drawing on paper which took Rauschenberg weeks of assiduous rubbing to erase. The resulting artwork *Erased De Kooning Drawing* displays minimal content as it appears to be a white sheet of paper. As an

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Cage's work.
hese presumptions and the lack of manifest aesthetic properties would also be present for Carl Andre's *Lever* where the presumption is that one decision was made about how the fire bricks were laid out rather than being generated brick by brick.

object, it thereby hints at being the result of a minimal making process. However, this artwork required physical artefactualisation and was the result of considerable craft-like making skills, skills of a sort that pares down content, rather than works it up. Both erasing an unwanted line and paring down representational content within a painting have been core practices throughout the history of drawing as Wollheim (1973) and (1965, 398) points out. Arguably, Rauschenberg's physical making was more intensive, laborious and skillful than De Kooning's, although for an audience, as an object of experience, De Kooning's original drawing was less minimal than Rauschenberg's. So Rauschenberg's minimal artwork object resulted from his non-minimal making.[198]

It could be argued that Rauschenberg's erasing was not the kind of work to which an audience pays attention and/or not the kind of work that displays skills or requires training. It is true that in most cases a line is erased precisely so an audience does *not* pay attention to it because it removes a mistake rather than pares down content. However, in the Rauschenberg case a viewer that did not understand *how* the artwork had been made would also fail to understand *why* it had been made. Attention to the fact that lines had been *removed* from the paper was one aspect a proper comprehension of the work demanded. Hence the title "Erased De Kooning Drawing", which declaims that this blank paper is more than mere blank paper, it is *erased* paper, transformed into blankness through the deliberate and sustained effort of the artist. The title makes the method and reason of the artwork's construction explicit to the audience. It thereby functions as a bridge between the audience's experience and the artist's creation of the

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Another example of a non-minimally made minimal artwork within the visual arts *might be* the following specification of a wall drawing by LeWitt 1970: (As quoted in Lippard (1973, 162) "1. On a wall (smooth and white if possible) a draftsman draws 500 yellow, 500 gray, 500 red and 500 blue lines within an areas of 1 square meter. All lines must be between 10cms and 20cms long and straight. 2. Delete the first project." The doubt is whether the artwork is the specification, the action, or the result of the action – see Chapter 8 for a discussion.

artwork, enabling an audience to appreciate that in this case the erasing of lines *is* paring down and is critically relevant its appreciation. It indicates that the object of interpretation is more that just the object of experience. It also serves to undermine an audience's assumptions that a sheet of paper with no lines drawn on it is minimally made as well as being a minimal object.[199]

This example demonstrates how a minimal artwork *can* be the result of meticulous, intensive artistic endeavour and physical artefactualisation and utilise techniques similar to those that produce aesthetically non-minimal works.[200] There is no logical dependence between the richness of the content of an artwork and the effort taken in its manufacture. Minimalism in making is different from minimalism in content and each provides a different limits on what can be art.[201]

A richly detailed non-minimal artwork can result from minimal making by an artist. Examples are harder to find within the catalogue but arguably include any aesthetically complex ready-made or installation using everyday objects.[202] *Fontaine* was used above, tacitly referencing the urinal's physical and perceptual aesthetic properties,

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)ntrast this with Duchamp's *L.H.O.O.Q. Shaved.* The presumption for this artwork is surely that Duchamp has presented a ostcard of the *Mona Lisa*, not that he has erased a moustache from his earlier *L.H.O.O.Q.* Yet the title could be read to indicate aat it *was* made in this way. The genius of Duchamp's presentation is that it relates the postcard to his earlier work *L.H.O.O.Q.* ather than to the *Mona Lisa*, precisely to indicate the possibility that physical artistic work was involved in making *L.H.O.O.Q ;haved,* and to suggest it as a modification of *L.H.O.O.Q.* not as a postcard of the *Mona Lisa*. See Levinson (1990), especially 168-175) for a discussion of different semantic relationships between artworks and their titles. See Binkley (1977) for a)rovocative discussion of *L.H.O.O.Q Shaved* and Davies (1997b, 454) for similar points in respect of Cage' *4'33".*
llow (2003, 369) makes reference to LeWitt's *Wall Drawing #232,* remarking: "In one case (*Wall Drawing #232*) [1974] :xtremely elaborate and deliberately mystifying instructions result in the draftsman producing a square on the wall: the result is iot just any square, but the outcome of a complex interpretative process."
eardsley's (1982) distinction between admiring an artists' skill and appreciating the aesthetic object of his work could perhaps)rovide an aesthetic route to this distinction.
he 'concert of noises' by Pierre Shammer of 1948 - a complex of different individual recordings of real-life situations – might be n example in music – to be controversial, photography as a whole may also be considered.

Emin's *My Bed* could also suffice.[203] The most aesthetically complex of works can come from the most minimal of efforts, and artworks that are minimal in this way are so *only* because of *how* they were made, thus they are not obviously identifiable as minimal artworks.

Another difference should be noted: Minimal objects are minimal in respect of the variable properties of the category of which they are a member, whereas minimally made artworks are minimally made irrespective of their category membership. If we consider Walton's (1970, 347) 'guernica' example then Picasso's completely flat painting *Guernica*, which is not a minimal painting, would be a minimal object as a 'guernica' as it displays to a minimal degree the property of bas-relief which is variable for guernicas.[204] This is true despite the fact that Picasso's effort in making the artefact is not reduced by changing its category.

6. Blanks Reconsidered: Omission vs. Failure

The discussion of Wollheim's analysis of Mallarmé's blank in Section 3 above was left with the question of whether Mallarmé's blank could be distinguished from other blanks through their different artistic or relational properties – something that *would* be permitted by a framework of making art which included an agent's intentions. Mallarmé's blank results from a choice made by him. It is the deliberate act of making an artwork with no displayed content. It is *not* an absence of effort to make an artwork. It could be differentiated from other poetic, literary or artistic blanks and from

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ckie (1974, 42) and (1977, 199-200) analyses *Fontaine* in aesthetic terms, concentrating on the properties of the porcelain etc.
ephen Davies (1991, 184) and David Davies (2004, 31) both remark that *Guernica* would be a minimal artwork within this

accidental non-art silences through the use of specifically literary or more generic

artistic conventions of presentation such as typeface, titling, inclusion within a larger

work, or footnoting.[205]

This shows that structures resulting from the choices of artists completed to their own

satisfaction need to be distinguished from those that result from failed choices, or where

choices were non-existent. There are four different cases:

1.An artist scores out a page with illegible crossings out at his frustration in his inability

to create anything. The artist has given up on creating anything.

2.The page is left blank from the same frustrations resolved to the artist's satisfaction,

by an affirmative refusal to write. The artist has judged that he has done enough to

make a work and that a work has been completed (this is the Mallarmé case).

3.In The Journal of Aesthetics & Art Criticism of Winter 1981, on pages 119-120 an

editorial is presented consisting of two pages that appear to be a typed text rendered

illegible through erasing. The pages are footnoted with ½ a column of text and

accompanied by a note that this was a deliberate editorial decision rather than a

printing error. Similarly, consider a poet creating a poem consisting of a page of

crossings outs with no language, which is finished to his satisfaction and which

expresses what he intends.

category.
Stern (2002, 315) makes a similar point when discussing the role of the critic in explaining artworks: "If a page containing no letters, a canvas without markings, or a musical composition containing only a direction for silence is declared to be an artwork, this is only possible against the background of facts known and descriptions accepted about artworks."

4.A blank page sits among a pile of paper in a stationary shop. This has not been the

   subject of artistic intentions or making.

An analysis of minimal art needs to be able to differentiate these four kinds of cases and

illuminate *why* each is different from the others. Can Wollheim's analysis do this? If it

can, does it produce the right results for each in terms of our catalogue-based intuitions?

Wollheim's objection to (2) is that it produces the same structure as (4) but intuitions

also suggest that (2) and (3) should come out of an analysis as equivalently possibly

successful cases of artwork-making. Equally, (1) and (4) should emerge as equivalent in

terms of not instantiating the structure of an artwork. However, on Wollheim's analysis

(1) and (3) and emerge as equivalent, as do (2) and (4).

Where a page of illegible marks is left as a finished object there is a work which cannot

be read. Where the illegible page is a failed attempt to make something there is a record

of frustration and failure. Both result from an agent's intentional action. In either case,

what is produced has a structure which governs its future appearances across all

continents, times and typefaces and which differentiate and individuate it. In the above

cases, the scored out poem (3) could differently illustrate the same creative despair

which Mallarmé sought to express through deliberately refusing to write (2). In terms of

perceptual properties the crossings out of frustration (1) will look much like the scorings

out of affirmation (3). So, the two pages could be perceptually indiscernible. Both

structures contain no words, but merely the typographical and visual remains of words —

records *that* words were written. Thus on Wollheim's criteria (set out on the first page of this chapter) (1) and (3) are equivalent. However, intuitively, there is a difference between the two despite their structural indiscernibility - one for instance, is (or could be) a proper object of interpretation, the other is not. Also, (1) and (3) possess incompatible properties: (3) is the result of an affirmative and deliberate choice that the scored out pages are to be presented as some sort of finished work, whereas (1) is the detritus of a frustrated author deciding that he has written nothing.

Wollheim's analysis therefore fails to differentiate (i) between deliberate artistic silence and the accidental silence of reality and (ii) between the satisfied and frustrated choices of artists. This leads him to collapse the difference between failing to make art through failure to achieve anything and failure to make art through utilising an unacceptable methodology. This unrecognised difference, is however, one between a deliberate act of creating nothing and not creating anything. Deliberately not creating anything *cannot* result in an artwork but deliberately creating nothing is *one* possible gap in which a minimal artwork, either minimally made or not, may nestle. This is a gap which Wollheim's analysis of the minimal cannot recognise.[206]

This may be caused by a failure to recognise the logical independence of minimal making and minimal objects.[207] Wollheim's analysis concentrates on the structure that results from an artist's making activity and combines this with his ontology of artworks

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This *may* be the conceptual space in which Keith Arnatt sought to work. Lippard (1973, 172-174) cites and discusses him making a work *Is It Possible For Me To Do Nothing As My Contribution To This Exhibition?* And (225) "Art as an Act of Omission". However, in both cases objects were produced (an essay, a postcard). Again, it is unclear whether these are documents of the work or the works themselves or in the latter case whether there was an artwork – and again, see chapter 8 below.

Dilworth (2003, 44-45) presents a scenario in which an artist prepares differently oriented prints of the same design, and thus,

without taking heed of how those structures might result from different intentions. For Wollheim, what is left behind by the artist is more fundamental to his success in making an artwork than whether he fulfilled his making intention towards the work. This means that he categorises cases according to whether the record left of the attempt to make something can be identified as a determinate artwork, (given his ontological commitments) rather than according to the intention with which something was made. A consequence is that the results of *different* intentions can be categorised as successes or failures together. This is not in itself a fatal problem: Yet, a distinction based upon whether or not there is a *record* of the author's artwork-making activities allows a blank to be a poem if a record is left of the refusal to write and *not* otherwise. Deliberate and ignorant refusals to write can both issue in the same results. That our intuitions differ between these cases shows that what is required is a distinction based upon whether those activities come to fruition or are abandoned that overrides structures.

If such a distinction is maintained an artist can exercise a choice to make an artwork by making a structure which is a blank. This choice *can* differentiate the deliberate blank poetic page from all other blanks and the scored out marks resulting from inspiration's lack from those marking its fulfillment. It is this *choice* which brings sufficiency to the necessity of the repeatable structure and whether the distinguishing features of any structure (footnotes, performance specifications etc.) pertain to art are determined *by* that choice: The JAAC editor's choice, for example, made *that* structure relevant to philosophy. Considered purely as a structure, the scored out page need not have been

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ccording to Dilworth (and me) produces different print artworks, all arising from the same original painting. Wollheim, I think, rould have to disagree.

philosophy.[208] The intention to make an artwork can override the restrictions that might otherwise exist for a given structure considered independently of those intentions. This more fine-grained position is made tenable by recognising the difference between the minimally made and the minimal object. Wollheim's failure to appreciate this distinction means his position lacks the precision needed to deal with these 'hard cases' of minimalism.

However, an art without objects is indeed a strange affair of incommunicable gestures: That a poem without words or sounds is ontologically possible entails that anybody can create a blank poem given the right intentions. A plethora of blank poems could be created, appearing in books without words and readings without sounds. By permitting deliberate omission we appear to have opened the floodgates to the transformations of art forms as we now know them. Does this analysis, as it stands, provide a sufficient condition for a blank to be an artwork?

7. (_____)

There are artworks within all the art forms which require footnotes to identify them as the particular artwork they are: Duchamp's *Fontaine*, Cage's *4'33"* and Williams' *This is just to say* for example. We may even need background information to know that each is an artwork. However, for each one, *once* we know it is an artwork we do not require background information to determine the category of art within which it exists. A urinal, if it is an artwork, could be a sculpture but could *not* be music or dance. As an object of

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¹Louis Horst's review of Paul Taylor's 1957 motionless dance was a statement that Paul Taylor had danced followed by a blank page with his signature at the bottom. Horst's choice made this blank criticism.

a certain kind it lacks, or possesses, properties incompatible with the standard properties of those categories.[209]

Blanks however, are a deliberate refusal to make. The only structure created is an absence. They are not so much minimal objects as refusals of objects. They leave us no aesthetic object upon which we can latch for our experience of them. Our experience of them is not so obviously bound therefore by the standard and variable properties of the categories within which they were made. Any particular blank could be a musical piece (unscored silence), a sculpture (an empty space), a poem (the refusal to write), a dance (the refusal to create movement), or a painting (the refusal to paint). Only their notations and footnotes would distinguish them. So, for any such blank, if there's *no* background information except the knowledge that the artist deliberately created nothing, we would not know the category of art in which to place the structure nor how or what to attend to when we encounter it. As far as our experience of a blank structure goes the refusal to make music is the same as the refusal to write a poem. There is a vagueness peculiar to blanks additional to that we face when attempting to separate artworks from non-artworks.

The sole evidence for any blank artwork are its biographical or contextual footnotes. Such structures are not identifiable as the artworks they were intended to be without the background information which identifies a blank as this work by X rather than that work by Y being known and presented to an audience. This fact suggests an objection.

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alton (1970) - Although properties which are thought to be standard at one time maybe revealed to be variable through constant ttack by successful innovation.

The objection is that blanks presented without a context which identifies them at least in terms of their category membership give rise to the possibility of indiscernible experiences of two artworks from different categories of art. This is incoherent because any description of those two categories would contain standard and variable properties which are incompatible and so which cannot be possessed by the same artwork.[210] As Goodman (1968, 231) remarks: "No amount of familiarity turns a paragraph into a picture; and no degree of novelty makes a picture a paragraph".

The perceptual evidence for category membership between a blank made as a painting and a blank made as a poem is, ex hypothesi, the same. So, we could experience absent paint marks as absent words. We would be mistaken, however, in attending to the smoothness of the page's surface rather than the literary work imprinted upon it. To avoid these mistakes, and distinguish these two blanks, we turn to authorial intentions: These blanks are the artworks they are by virtue of the successfully exercised choices of their makers and their category membership is determined by suitedness in terms of standard properties *and* authorial intentions. Given their perceptual indiscernibility, authorial intention provides a criterion for the correct category attribution, presentation and interpretation of each. (Walton (1970, 360-361) argues that intentions trump critical fruitfulness in determining category membership). So, a blank's category membership must be determined by its author's intentions.[211]

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[0] McFee (2005, 373) makes a related point in theorising that the two indiscernible Red Squares within Danto's array of indiscernibles in *Transfiguration of the Commonplace* ch.1 are from different categories of art and thus to be valued on different terms.

[1] Nevertheless, differentiating between perceptually equivalent blanks through the specific intentions of their author can be a risky enterprise for those like Duchamp who created in more than category. Thankfully he didn't make blanks. However, there is a real issue about producing a definitive catalogue raisonée of Duchamp's work. Perhaps, given his known work, a pointless exercise.

The author's intention *must* include a specification of the precise category of art in which the blank exists so that it is differentiated and discernible from other blanks within that category, blanks in other categories of art and non-artwork blanks. This is necessary given the requirement that artwork blanks can be differentiated from non-artwork blanks and the incompatibility of category-dependent properties between different categories. We can *only* know that any given blank is an artwork blank if we know it as an artwork within one determinate category of art. So, only those intentionally made blanks which can be presented as existing within a *specific* category of art can possibly be artworks. So, for blanks, their status as artworks *depends* on their category membership.

Given this, the aforementioned feared additional vagueness of blanks is removed and in this sense artwork blanks are not pure blanks. Indeed some sub-categories of art or stylistic genres *preclude* a blank. Although a blank could be a musical quartet it's doubtful whether it could be a *baroque* quartet since this requires a work to possess some sonic stylistic properties to a minimal extent. Wollheim (1980, 64, s. 31) effectively makes the same point.

The claim is that an intentional action which attempted to produce an artwork blank so that an audience was unable to discern the category of art within which that blank exists, or was intended to be made, is insufficient to make an artwork. The deliberate refusal to create per se cannot artistically artefactualise. Artistic artefactualisation

therefore always artefactualises a *kind* of artwork, not *just* an artwork. So, blanks, in the sense of a gestural refusal to specify content of any kind outside of *any* category, cannot be artworks, since they provide no basis for consideration of them as artworks at all. Blanks are gestures performed within a category of art resulting in a structure that is minimal in terms of all the variable and contra-standard properties and all those standard properties not implied by the footnotes

However, as all artwork blanks are deliberate refusals to create, only their respective different footnotes and the generic conventions used to present *any* artwork within a certain category of art can provide the basis for consideration of them as artworks. The generic contextual cues inform an audience within which category of art a blank exists as well as serving to identify which blank is being presented. (Imagine a book full of different blanks, all identified as blank poems by the context of literary footnotes and individuated within the book by their own particular footnotes). It follows that blanks are subject to critical attention *because* of their footnotes. This is another route to proving that they must exist within a determinate category. Since the editorial footnotes individuating them have to be presented within the context of one category an artwork blank cannot be *presented* as a blank within an uncertain category. Since we know Mallarmé intended to write a *poem* his blank is presented within a book with the appropriate footnotes, not as a period of silence in a concert hall. The literary footnotes and context of a blank poem *distinguish and individuate* it from the musical footnotes and context of a silent musical work that respectively indicate these two blanks as the blanks they are.

This theory of artwork blanks presents them as minimal objects which have reduced a variable displayed property of an artwork within a category to its limit - complete absence. Any attempt to go beyond this fails because it results in an artwork which would cease to be a member of that category because it lacks any of the standard properties for that category of art. When this happens it simply ceases to be an artwork of any sort.[212] So, there are no objects that are artworks without being of an art form (assuming that there are no art forms that are not categories of art).[213]

The arguments within these last sections are refinements and applications of Wollheim's view that blanks do not create individuative structures. This analysis draws its distinctions finer than Wollheim, thanks to the distinction between minimal making and minimal objects. I have shown that more minimal structures than those envisioned by Wollheim can be individuated. This enables me to state that the limits of the things (in the broadest sense) that can result from an artwork-making action are provided by the category of art within which the attempt to make an artwork is made. The conclusion is that a part of artefactualising an object as an artefact requires that it be rendered into a form sufficient to give it determinate identity conditions. This permits blanks *within* a category but does not permit any attempt to make art, blanks or otherwise, outside of *any* category.

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vies (1997b, 460) concludes that *4'33"* is not music for similar reasons. We differ in that he permits that it nevertheless is an rtwork, (as a happening) whereas for me, if it is not music then it is not an artwork. For the record, I think it is music. id lends weight to Kennick's claim (1958, 329): "There is some truth in the contention that the notions of Art and Work of Art re special aestheticians' concepts". I do not accept the anti-essentialism this implies for Kennick.

CHAPTER 6: ANOTHER KIND OF MINIMIALISM

Summary: This chapter builds upon the discussion of chapter 5 about the minimal limits of artworks. The minimal limits identified in chapter 5 are identified as kinds of *empirical minimalism*. These are contrasted with *conceptual minimalism*. This applies to an artwork in respect of the relational properties it possesses as an artwork and by virtue of its relationship to art history – in particular the circumstances of its manufacture. Conceptual minimalism is argued as having both evaluative and classificatory roles. Evaluative in that different artworks can be compared to each other in terms of how conceptually minimal or rich they are based on the nature and value of the relational properties they possess as artworks: Classificatory in that some artefacts are too conceptually minimal because they possess inappropriate or insufficient relational properties for them to be artworks. This is cached out in terms of category dependent properties, so that conceptually rich artworks expand the possibilities of variable properties of artworks within a category. The ramifications of this are explored in terms of a distinction between *empirical* and *artistic* creativity, whereby empirical creativity has standards that can be mastered and applied to objects other than artworks, whereas artistic creativity consists in the exercise of an agent's choice that certain actions are specifically going to make an artwork. The chapter concludes that the concept of art that permits conceptually rich artworks to be of value is one that places the expression of an agent's creativity as more central to an artistic achievement than the display of any empirical skill in how an artwork is made. The minimal limit provided by conceptual minimalism is therefore the most basic minimal limit on artworks. Whereas the varieties of empirical minimalism provide limits on *how* artworks within different categories can be made at different times in the history of art, conceptual minimalism provides a limit on *why* artworks are made at all.

1.Introduction: A Tension

The limits of minimalism have usually been said to be found when an artwork is both minimal in content and minimally made. On such works - conceptual specifications of

sets of conditions or the driftwood taken to the galleries from the beaches - substantive philosophical definitions and theories of art have come aground. They are found wanting because they deal with these minimal works by concluding that they are not, or are only marginally, artworks. This is a conclusion manifestly ignored by those that actually practice art, who, in the main, at least grudgingly grasp the nettle of the challenge of these works and work with a catalogue that includes these pieces (Berleant 1986, 110-111).

This highlights that these artworks are *not* minimal in another way. They are the artworks which fill the textbooks and documentaries about the story of Modernist and Post-Modern art. In this respect these artworks are *central* to art. Also, whatever the Dadaists, Minimalists and Conceptualists were doing, it was not artistically minimal in that their intentional activities were unequivably rooted within the historical practice of making artworks. The artworks they produced, devoid of craft or established technique, resulted from the conscious exercise of their choice that their actions should produce *artworks*. As Stecker (1997, 80) states, such works: "... are created by serious and important artists who, we take it, are up to something artistically significant (or at least something intended to be artistically significant)."[214] The objects they made were aesthetically minimal *because* they were artworks - that was part of the point.

The textbooks which contain these empirically minimally artworks do not also contain the works of the animal portraitists that fill the exhibitions of Sunday art-clubs. Yet

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iffey (1979, 22): "*Fountain,* I suggest, has considerable importance ... in the history of art but little as a work of art." Krukowski 1981, 188) makes a similar point: "The 'urinal-piece' is now undeniably art, and its early provocations only served to teach us iow to include our uncertainty about a thing's identity within our appreciation."

these objects, despite their exclusion from current artistic practice, are *not* considered problematic for the philosophy of art. So we have a tension. The traditional 'hard-cases' of philosophical aesthetics are the central artistic creations as viewed by recent art history, whilst items at the margins of contemporary artistic practice engender no philosophical problems. There seems to be a growing mismatch between the tool of analysis - philosophy - and that which it is analysing – art, so that what is unproblematic to one is irrelevant to the other. This can only be to philosophy's detriment, as Burleant (1986, 195-196) Rohrbaugh (2003, 179) and Kivy (2006) note. As Dickie (1974, 33) points out "As works of art Duchamp's readymades may not be worth much, but as examples of art they are very valuable for art theory."[215]

2. Post-empirical Minimalism

Chapter 1 concluded that an analysis of 'art' needs to recognise that artworks necessarily possess non-perceptual relational properties as a result of the historical and cultural context within which they are made. However, the same contextual, historical and cultural concerns have not been applied to the classification of an artwork as minimal. 'Hard-cases' on the terms of aesthetic empiricism are not necessarily so hard on the terms of post-Danto theories. No new consideration has been given to what might be 'hard-cases' for such post-Danto theories of art. Consequently, the art that was made led philosophers to pose bogus questions of those artists and artworks working in this post-Danto world. Given that these were artworks and the result of people attempting to make artworks, when philosophers were asking *whether* these objects were artworks, they should have been asking *how* and *why* these objects were artworks.

Currie (1991, 326) makes a closely related point.

This provides an explanation of *why* the same artworks are simultaneously the most artistically important works according to Art History and the 'hard cases' through which philosophy tests theories of *art*. These works are not hard cases for *art* - they are central for *art,* especially in the post-empirical world. They are however, hard-cases for *aesthetics*. The failure to recognise this distinction creates needless controversies in aesthetics and art theory and allows these artworks to seem simultaneously defiantly and definitely artworks and also so very nearly not artworks.

The possibilities of a post-Danto theory of art demands new analyses of an artistic minimalism that cannot be predicated of an object in isolation of its context of presentation. This new analysis needs to explain and soothe the tensions between art and philosophy by retaining these artworks as *aesthetically* problematic yet *artistically* central. Such an analysis would accord with current art practice and reflect the fact that those artists who successfully explored the limits of empirical minimalism made valuable artworks. It would also provide a new set of 'hard cases' for post-empirical theories of art over and above those considered already in chapters 3 and 4.[216] Moreover, given the insufficiency of aesthetic empiricism, the empirical minimalism that derives from it cannot, in itself, provide a general classificatory limit for artworks. Therefore, this minimalism has a more fundamental role to play in the consideration of any proposed definition of art than the varieties of empirical minimalism.

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ategories of 'hard-cases' for post-empirical theories exist within the literature – the romantic artist's work for institutional theories or alien or first artworks for historical/recursive theories. (Currie 1993) However, these postulated works have not yet been created, nor, unlike the traditional 'hard cases' displayed in art galleries as among the most important recent art.

Since post-empirical theories of art locate an object's status as an artwork in its relational properties, we look to these relational properties for post-empirical minimalisms, using the intentions behind its making and its relation to the already existing catalogue of artworks at the time of its making to discover other ways of being minimal.

The experiments of the Minimalists and Conceptualists into the limits of empirical minimalism were how those artists ·sought to make artworks, given the catalogue of artworks against which their artwork-making operated. Their work was rich in relational properties in that the artworks they made would not have been sustainable before they actually exercised those choices to make artworks. Their work was made from a position of *conceptual richness*. The way they were making art maximally utilised the possibilities afforded them by the catalogue of art and self-consciously used the newest possibilities available to them.

The obverse of this is *conceptual minimalism*. This is making artworks with intentions and methods of manufacture that self-consciously *refuse* some of the choices available and instead only use long-established choices for making artworks. The result of this refusal is that agents make artworks that, in terms of the properties, could have been made earlier in the history of art than they actually were as they only minimally possess relational properties of marginal content.

As yet both conceptual richness and conceptual minimalism are obscure notions. I will develop accounts of both terms below. Aspects of both have been raised within many philosophies of art (indeed they might be a consequence of *any* post-empirical philosophy of art) but there has been no attempt thus far to collect these aspects of conceptual minimalism into a characterisation of a post-empirical minimalism which could provide a limit on art similar to those thought to be provided by empirical minimalisms.

Firstly a clarification: As an artwork possesses its relational properties because of the circumstances of its manufacture - what Levinson (1990, 79 & 260-261) calls its 'indication' – so an artwork will be conceptually rich or minimal if it is the result of a conceptually rich or minimal way of making art, taking into account the precise circumstances of how, why and by whom it was made. So, we speak of conceptually rich or minimal *artworks* as shorthand for 'artworks resulting from a conceptually rich or minimal way of making'.

David Davies (2004, 105-7) discusses a fictional artwork *Prairie Snowstorm* by a naïve artist, made at the same time as Warhol's *Brillo Box*. Davies distinguishes these artworks by stating that an understanding of the agent's intentions that made *Prairie Snowstorm* need not include reference to its time and context of manufacture: in Davies' terms it 'articulates' in respect both of its perceptual properties and its 'artistic statements', at a range of times. Warhol's statement in making *Brillo Box,* however, *is*

tied to a *specific* art-historical context.[217] For Davies this suggests that the precise indication of *Prairie Snowstorm* need not be included within our characterisation of it. Put in the terms of this analysis *Prairie Snowstorm* is a more conceptually minimal artwork than *Brillo Box*.

There are two aspects to conceptual minimalism. It describes ways of making artworks so that *qualitative* judgements can be made comparing one artwork with another made at the same or an earlier time, so that one artwork is more conceptually rich (minimal) than the other. It can also be used to provide a *classificatory* limit on activities that purport to be artwork-making and artefacts that claim to be artworks, so a given artwork-making attempt or a given artefact might be *too conceptually minimal* to be an artwork. So, *artworks* can only be conceptually minimal in the qualitative sense and *artefacts* only in the classificatory sense. The former concerns the *content* of an artwork's relational properties whereas the latter concerns whether an artefact *actually possesses* sufficient or appropriate relational properties to be an artwork. An artefact that possesses sufficient relational properties is an artwork in the classificatory sense but if the content of those properties is not of value, it is a conceptually minimal artwork in the qualitative sense. An artwork cannot be *too* conceptually rich in the qualitative application of the term, nor can an artefact to be *too* conceptually rich in its classificatory sense.

Conceptual minimalism provides a *qualitative* restraint on artworks which can provide a *classificatory* limit on what can be an artwork. Conceptual minimalism occupies an

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Wollheim (1980, s.61, 147-148) makes a similar point in respect of *most* artworks. He cites Duchamp's work as an example of

analogous role for post-empirical theories of art to that provided by empirical minimalism for empirical theories of art. Just as empirical theories suggest that certain artefacts are too minimally made or too minimal as objects to be artworks, so certain artefacts are too conceptually minimal to be artworks for post-empirical theories, because they possess, as a result of how they were made, insufficient or inappropriate relational properties. These are the kinds of artefacts that provide 'hard-cases' for post-empirical theories.

The conceptual richness or minimalism of either an artefact *or* an artwork cannot be appreciated from experience alone. It is not a property that can be grasped perceptually. It thus provides a non-empirical aspect to both the determination of the properties and to the value of artworks, which even enlightened empiricism is insufficient to grasp. It requires background knowledge of its circumstances of manufacture. As Levinson (1996, 12) notes: "Part of an artwork's value might reside in its art-historical relations to other artworks, e.g. ones of anticipation, or originality, or influence, independent of the value of experiencing the work in the appropriate manner. In other words, part of a work's value as art may consist in how the work is connected to an important artistic tradition."[218] This comment is relevant to conceptual richness and minimalism. The criteria for conceptual richness and minimalism form in relation to the accepted and possible ways of making art that exist at any particular time in art history. Therefore, the *kind* of activities that result in conceptually rich and minimal artworks and artefacts

ork which needs to be historically understood in order to be understood at all.
vies (1991, 93) "Consider, for example, the way in which Anton Webern's music became important not only because it was iampioned by the avant-garde of the 1950's & 1960's, but because it was such a major influence on their own works." Goldman 990): "Works may be aesthetically valuable solely because of the way in which they continue, modify, overthrow, or extend a irticular tradition within a particular genre." Goldman holds that relations between artworks are of aesthetic relevance in regard their evaluation, and although relations themselves are non-perceptual, the basis for the relations are the perceptual properties the artworks and knowing these relations means we come to perceive these works differently. In (1993) also argues that dividual artworks can possess positive value properties deriving from their art-historical importance. Stecker (1997, 263-264)

vary with time. An activity that was conceptually rich or minimal in 1750 may not be conceptually rich or minimal now - but there were conceptually rich and minimal artworks, and artefacts that were too conceptually minimal to be artworks in 1750.

I can now restate the claims in section 1 concerning empirically minimal 'hard cases' in light of this terminology: Empirically minimal 'hard cases' cannot be as borderline for classificatory questions of art as conceptually minimal artefacts. Empirically minimal artefacts are rich in the kinds of relational properties that all artworks necessarily possess because these artworks are the result of experimentation within artistic practice.

The 'readymade' demonstrates how the conceptual richness of an artwork is constituted by its relation to the catalogue at the time it was made. It also illustrates how the comparative conceptual richness of an artwork-making action and the artwork it produces is gauged according to when, why and by whom within the history of art it is utilised. So, Duchamp's readymades were revolutionary when presented in the 1910-20 era. Perhaps they were as conceptually rich as artworks can be. But given the catalogue of artworks we now enjoy, a newly-fashioned readymade is a far less conceptually rich artwork and designating a ready-made a far more conceptually minimal way to make an artwork. A readymade today is made against the background of an already established tradition of readymade artworks, and designation as an artwork-making action. So, what conceptual richness a new readymade possesses must be more fine-grained than Duchamp's efforts. At best a new readymade explores a technique within an established method of making art. It's a fate Goodman (1968, 259) recognises: "A work may be

agrees but cites these properties as functional, thus echoing some of my claims below.

successively offensive, fascinating, comfortable and boring." The same is true of

making artworks: In the future, when the presentation of a 'found' object has become a

folk artistic practice as entrenched as the cat portrait today, newly designated

readymades will have become even more conceptually minimal artworks. Their

continued creation and presentation as artworks will not matter to the history of art, or

to a contemporary art practice in which everybody makes artworks by signing cheques.

3.Conceptual Richness: Quality

It is perhaps only as a corollary of the modernist project across the arts that the

conceptual richness and minimalism of artworks became explicit. Yet since art has had a

history it has been possible with each development in style, content matter, technique,

working practice or medium, to qualitatively grade artworks on this scale of richness

and minimalism. Indeed, such a grading is explicitly presented in Vasari's teleological

view of art history in *The Lives of The Painters* of 1568.

The qualitative application of 'conceptual minimalism' has a long tradition within Art

History, where it has provided *one* criterion by which artworks are judged,

contemporaneously and historically, against each other.[219] Less explicit, but accepted

implicitly through the existence of the canon and the grading of artworks within it, is

that each new development renders artworks made after this development lacking the

properties the development made available more conceptually minimal in its wake. It is

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owther (2004, 374) defends this idea in passing: "... what is made at one time serves to enable and/or contextualise what is
nade at other times. It is this comparative horizon which allows canonical judgments to be made on an objective basis."
Volffflin or Gombrich can also be read this way.

a property which once manifested in one artwork, affects how another artwork, with a different history of production, possesses that property.

Consider Van Eyck's *Arnolfini Double Portrait.* Van Eyck's use of oil paint allowed a greater precision in depiction, and he used it to depict a contemporary secular subject. The artwork is conceptually rich both because of how it was made and its subject matter.[220] Van Eyck, in making this artwork in this way, enlarged the range of properties of visual artworks through innovations of technology, style and subject matter. Another contemporaneous example is Masaccio's successful representation, within a picture's surface, of mathematically correct single perspective. What both artists did, by succeeding to make *artworks* using these techniques, was to introduce new possibilities of choice for those wanting to make artworks.[221]

Van Eyck's achievement of the 1430s implicitly rendered the works of those artists that continued to exclusively use gold leaf and egg tempera after his achievement a shade more conceptually minimal than they would have been had he not created as he did. After the execution of the *Arnolfini Double Portrait,* painting another altarpiece *Annunciation* in gold and egg tempera with masterful skill and technique, although undoubtedly still producing an extremely beautiful artwork, did little or nothing in itself to evolve or enlarge the properties applicable, or the possibilities for making *artworks.*

There is no settled agreement of what the *Arnolfini Double Portrait* actually depicts, as the move from calling it the *Arnofilni Wedding* demonstrates.

Technological or social changes unconnected to art can also expand possibilities: The invention of the microphone and multi-track recording technology changed music. (Urmson 1976, 249-250) makes a similar point.

Conceptually rich artworks are therefore important to the history of art. These artworks give rise to a range of new critical opportunities and interpretations *because* of their relationship with the catalogue of artworks.[222] They succeed in offering fruitful grounds for interpretation that cannot be found (or cannot be found in the same way) in the catalogue as it is constituted immediately before the artwork's manufacture – the importance of an artwork to the history of art is a property possessed by artworks because of their precise circumstances of manufacture. This is reflected in how, and the extent to which, conceptually rich artworks become the focus of discussion by art historians and critics. New artworks are conceptually rich by developing both how artworks can be made and the range of properties that have a positive value for artworks.[223] As Carroll (1986, 65) argues: "From one artwork to the next we consider the way in which a new work may expand upon the dialectic or problematic present in earlier works. Or, a later work may, for example, amplify the technical means at the disposal of a given art form for the pursuit of its already established goals."[224] My further claim is that because of this, the property of being conceptually rich itself has a positive value for artworks. As a result of this the products of artists made after (but only after) this new conceptually rich artwork are potentially lesser value *because* of the achievement of the conceptually rich artwork. This happens if these artworks repeat lessons already learned, display properties that are already known, or do not engage with the developments engendered by the new conceptually rich artworks. Therefore artworks that lack conceptual richness have less value as artworks *because* of this lack,

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erestingly Stecker (1997, 81) proposes a procedural analysis of these works that explains why this point makes them hard cases because they force us to look for previously unknown or neglected ways of regarding artworks.

nt (1790 & 2000, s.24) ascribes a similar quality to genius when arguing that genius manifests itself through an artist creating orks governed by a previously unknown new rule or organisational principle. Kant calls this "exemplary creativity". The isplay of exemplary creativity in its ordinary language usage is a characteristic of conceptually rich works.

otard (1984, 72) describes this as an aspect of the post-modern attitude: "What pace does Cézanne Challenge? The npressionists. What object do Picasso and Braque attack? Cézanne's. What presupposition does Duchamp break with in 1912? hat which says one must make a painting, be it cubist." Thus conceptually rich artworks are post-modern ones - and on yotard's view of the post-modern, making art has always been a post-modern activity.

despite their possible manifestation of undoubted aesthetic virtues. This lack, caused by the content of the relational properties these artworks possess, serves to cleave empirical and conceptual minimalism and provides different criteria by which *aesthetic* and *artistic* worth can be judged.

Moreover, because they expand the range of properties applicable to artworks, and thus the range of choices available to artists, conceptually rich artworks function to influence subsequent artwork-making activity. Thus there are two roles that conceptually rich artworks occupy, both of which are of value to art and contribute to the value of conceptual richness.

Sometimes a rich tradition of work, or an established technique, is traceable to an original (conceptually rich) exemplification, which is viewed retrospectively as introducing properties or ways of working judged to be of ongoing relevance to further artwork-making activity. Art historians retrospectively recognise and hail the achievement, through tracing a line of influence. However, sometimes their role in influencing the future activities of artists *only* becomes apparent retrospectively through the work of assiduous art historians.[225] As Levinson states (1990, 203): " ... a perspective on a work appropriate to, cognisant of, and grounded in its context of origin may not, in all cases, be a perspective that can be attained and wielded by even the most willing of contemporary appreciators." This, despite the fact that conceptually rich

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This view conforms to Levinson's (1990, 176-214) and so requires the strictures he imposes (187) on the attribution of properties to artworks in respect of their position in art history.

artworks possess these properties from the moment they are made (and because of how they were made).

This partly explains why many conceptually rich artworks that are important to the history of art are sometimes only marginally valued by their contemporary audience. In some cases artworks are *so* marginalised that they do not *actually* influence other artists for some time after they are made. However, judgements about an artistic achievement are about the artist doing what he did at the time he did it – they are *not* judgements about the later reception of the work. So, *actual* influence does not necessarily impact on an artwork's conceptual richness.

Art historians do *not* similarly recognise as an achievement an artwork that happened to be an influence but which was not such that it developed the catalogue when it was made. Thus when Vaughn-Williams composes a work which is conceptually rich because it incorporates the tonal properties of a folk song into the classical tradition, it does not render that folk song he used conceptually rich.[226] The song remains judged according its relationship with the catalogue of folk songs at the time it was composed. Despite its actual influence and use within a conceptually rich work it may be itself a conceptually minimal artwork (perhaps chosen for its representative averageness). The same argument can be applied for artworks such as McGonigalls' poetry, or Ed Wood's films both of which have been influential on the activities of future artists because of their kitsch appeal, despite being acknowledged themselves as low quality. These are

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iis *might* contrast with McFee's (1980, 310) discussion of Picasso's paintings referencing Velazquez. I agree that Picasso's work ielps us understand Velazquez's work differently but not that his *actual* referencing of Velazquez alters the conceptual richness)f *Les Meninas*, just as his non-referencing of all many other works does not the same for those works. See Levinson (1990, 179-

influential for reasons aside from their indication and independent of how they were intended to be made. They are not influential on the terms of their making but rather accidentally influential because of their failures. A bad film that burns in the projector or a Psalter misprinted with blank pages may function to influence Ingmar Bergman and Lawrence Stern respectively but they do not thereby have their artistic value altered.[227]

So, the function of conceptually rich artworks to expand the choices possible for artists at a certain time is not reliant on their contemporary reception, beyond the fact that they were considered artworks when made. Levinson also makes this point (209): "We can regard the influentiality of a work as given with the work in its historical setting – for surely it is the work's structure and character, appearing in just that setting, that make it influential as it is – and as something that only becomes evident with the passage of time." Indeed, the point of some art historical work is to correct the distortions of contemporary reception and demonstrate the conceptual richness of particular artworks or artists.

Walton's (1970) ideas in respect of an artwork's category-dependent properties can provide a framework to describe conceptually rich artworks and how they function, so that a definition of a conceptually rich artwork can be given in terms of categories of art:[228] An artwork is conceptually rich if it (i) adds to the catalogue of artworks numerically and, (ii) through existing as an artwork within a certain category, changes

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214).

[7] See Bergman's *Persona* and Stern's *Tristrum Shandy*.

[3] Another ways of providing a similar analysis is through the matrix provided in section IV of Danto (1964). This analysis would be show how conceptually rich artworks introduced new art-applicable predicates to the catalogue. Space prevents me from exploring this further, but nothing is missed by its omission.

the standard properties within that category and thus provides the basis for influencing

the future development of the catalogue by suggesting hitherto unavailable properties

for artworks. Clause (ii) can occur both within a category and across categories, so that

for instance a poet's imagery may influence a painter's use of colour.[229]

In Walton's terms, an artwork is conceptually rich to the extent that it displays all the

standard properties of a category, develops how one or some variable property is utilised

within an artwork of that category and possesses or acknowledges one or some of the

hitherto contra-standard properties of that category. The functional role conceptually

rich artworks play in influencing future artists can be described as creating possibilities

for those making artworks within that category, so that, for instance, a property once

considered contra-standard is revealed potentially to be variable. In Carroll's (1986, 65)

phrase an artwork which does this "seizes a hitherto unexpected possibility of a

tradition" Therefore, some of the value of conceptually rich artworks derives from their

classification *as an artwork* within a category. As Krukowski (1981, 188) states: "What

these [high-modernist] works seem to be about, in other words, includes whether they

are, or can be found to be, artworks."

More generally, an artist's achievement in making a conceptually rich artwork is to

exploit the framework of making at *t* in hitherto unforeseen or unattempted ways. One

acts at *t* so to combine or apply aspects of the framework to a category or sub-category

of art in a hitherto unattempted way, or in a way that has not been successfully

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rguably some artworks even invent categories. I incline to think that this happens retrospectively, so that later art history views
an artwork as the founding work within a category, whereas when it was made it was a radical departure within an existing
category. Walton (1970, 360) might agree, given his discussion of twelve tone music.

attempted before t. Conversely, if an artist working at time t works to the set of choices available to make artworks at some past time $t-x$ then he fails to use all the possibilities open to him to make artworks at t. Specifically he rejects and fails to utilise all the choices developed by the conceptually rich artworks made between $t-x$ and t. Therefore, what he makes will only possess a sub-set of the total properties applicable to the artwork he attempts to make at t, as it will exclude those originating in the conceptually rich artworks between $t-x$ and t. Moreover, he may exclude some on the basis that they are contra-standard properties and so cannot be applied to artworks within that category. If so, he makes more conceptually minimal artworks at t than those artists who work with the full set of choices available to make artworks within that category at t.

The claim is that in doing so he rejects both the possibility that his artwork can possess the positively valued properties arising from using those new possibilities *and* the possibility that his artwork can possess the positively valued property of being conceptually rich. He makes artworks that display established technique without invention, and this gives them a negative value, despite what other virtues they might possess. As Walton (1993, 507) states: "Sometimes technical virtuosity replaces inspiration or the demonstration of insight or ingenuity of a kind that we would admire more and with more pleasure than the most impressive technical abilities".[230]

4. A Possible Objection

Boden (1994, 112), in discussing how creativity might be measured, refers to an opinion among musicians that Haydn was more experimental and transformational of the music

of his day than Mozart was of his, although Mozart explored the techniques available to him to an unparalleled degree. Does this mean that Haydn's work is conceptually richer than Mozart's? If so, this might appear to entail the controversial claim that Haydn is the greater composer.[231] This in turn suggests a more general objection – that my claim entails that artworks made by an artist working a well-worked seam without innovation necessarily produces less conceptually rich artworks, with consequently lesser worth, than those that innovate.

The last point *is* true, but with considerable caveats. These can best be demonstrated through discussing the deficiencies in the Haydn/Mozart case. Neither the claim that Haydn's work is conceptually richer than Mozart's nor the claim that this entails that Haydn is the greater composer of the two follows from what has been said thus far. So, even if we accept the claim about the transformational nature of Haydn's achievement as compared to Mozart's, this does not imply the feared controversial conclusion.

Firstly, conceptual richness and minimalism apply to *particular artworks* because of their precise circumstances of manufacture, so an artist's oeuvre cannot be conceptually rich or minimal. Most likely an artist will produce different artworks within a career that are conceptually rich or minimal to different degrees. It is less controversial to suggest that *some of Haydn's compositions* are better than *some* of Mozart's.

it see Mark (1980) for the thesis that some works are about their display of skill thus rendering the virtuosity good in itself. ʒspers (1955) strikes a different note in respect of the example, and demonstrates the historical particularity of conceptual ichness: "When Mozart's compositions first appeared, they struck the public and being full of storm and stress as opposed to the erenity and peace characterising the works of Haydn. When Beethoven appeared on the scene, the compositions of Mozart ʒined those of Haydn in the Olympian world of calm. And when Beethoven was followed by Brahms, Wagner and Mahler, the xpressive qualities attributed to the works again shifted." Hospers is here discussing the fact that changes in music's xpressiveness do not alter its value as music.

Secondly, the move from 'is conceptually richer' to 'is a greater composer' requires a premise that conceptual richness is the only, or an overriding criterion of the respective quality of artworks. This has nowhere been claimed. Mozart's greatness as a composer is judged according to how he grasped the opportunity offered him, given where and when he working within the history of music – he did this so well that there is no competitor to his greatness. Judgements of his greatness are also partly based upon the thought that given any comparable constraints, Mozart would produce better music than any other composer – so that an any given time, given the constraints of that time, Mozart would be likely to produce better music than anyone else.

So, as conceptual richness is only *one* qualitative measure it is possible both (i) for a conceptually rich artwork to have little value aside from this conceptual richness and (ii) for a conceptually minimal artwork to have worth. Position (ii) might be true of well executed genre pieces. These artefacts however, would be valuable even if they were not artworks as what is praiseworthy about them is not *caused* by their artistic properties. They are good because they have properties that are of value if possessed by either artworks or non-artworks.[232] So, both feared claims do not follow from Boden-like examples.

If an artist works within a well worn seam of artwork-making and uses traditional materials the only development and exploration of the category in which he works is

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[232] This is explored further in section 6.

traceable to the development of *his own* work. It is subjective and personal to him as an artist. In developing his own work he does not provide the possibility for the development of other's work. This demonstrates that David Davies' claim that the precise indication of the imagined *Prairie Snowstorm* is incorrect. The explanation of that work still requires reference to its precise time of making to accurately reflect his *subjective* development as an artist. This is true even if an artist does not develop at all, even subjectively, since his work becomes progressively more conceptually minimal through this repetition. The *Prairie Snowstorm* artist is subjectively developing in a way that has precedents already within the catalogue. For the best artists their subjective development is married to developing the category in which they work.

5. Empirical and Artistic Creativity

The conclusion that artists working within traditional media will produce conceptually minimal artworks if they do not develop the category in which they work may appear to equate creativity with innovation so that creativity is *only* manifested in artworks through innovating in respect of an artwork's category-dependent properties. However, artworks can manifest creativity in other ways: The egg-tempera and gold leaf altarpieces made after *The Arnolfini Double Portrait* have remained creative despite being less conceptually rich than Van Eyck's work. Their manufacture demanded a range of different skills and technical expertise and they display a range of aesthetically praiseworthy properties. Judgements about this kind of creativity that reflect how an artwork's aesthetic properties result from skilled labour are *usually*[233] ahistorical and are of what can be called '*empirical creativity*'.

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[233] 'usually' because this creativity may on occasion have added value when added to knowledge of an artwork's manufacture – the

So, the creativity that artworks possess cannot be *reduced* to innovating within a category. Perhaps the suspicion that this is claimed for some artworks is why a baffled public experience some avant-garde artworks and declare them devoid of merit compared to Old Master paintings.[234] However, such publics may misunderstand that there is a form of creativity relating exclusively to the possession and content of an artwork's relational properties. This creativity piggy-backs on the difference between aesthetic and artistic properties set out in Chapter 1 and reflects the way in which conceptual richness is a valuable property of an artwork. This kind of creativity I will call *artistic creativity*.[235]

I will argue that such creativity has a positive value in artworks and is a result of them being made in a conceptually rich way. Glickman (1976, 146) captures this idea and points to its difference from empirical creativity when he states: "Just as some artworks of great technical skill embody the most banal conceptions and other brilliant conceptions, is there not a range of conceptual skill exhibited in readymades, object trouvés, and works of conceptual art? Such art does exclude 'ability or cleverness of the hand' but it doesn't on that account preclude artistic creation."

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mathematical precision of some ancient buildings is made more praiseworthy because of the available technology with which they were built – and achieving the same effects with the same technology *now* would be just as praiseworthy.

Tilghman (1984, 54) raises this point: "[The viewer] enters the gallery and thinks that some construction work is going on. When he is told that it is art instead, he is puzzled. That piece of information is not enough; he wonders how this can be art. His puzzlement arises out of his previous understanding of art." He makes a similar point in (2006, 188-191) comparing installations unfavorably with Renaissance paintings in terms of their value and point. I agree that this viewer's puzzlement arises from his knowledge of art history, but disagree that the problem is with the work, rather than the understanding of the viewer. I argue that his eventual acceptance of the puzzling installation as art will also arise from *the same* knowledge of art history that generated the puzzlement - the knowledge that throughout art history, individual artworks have expanded upon the accepted ways in which an artwork can be presented to cater for a deeper purpose of art than the display of technique. This point will be explored below.

[5] Using 'artistic' in the description does not beg the question as it assumes only that a new artwork can be described as possessing different forms of creativity. One of these forms of creativity is manifested in how this putative artwork relates to the extension of the catalogue at the time of its manufacture in terms of the properties. In this respect the artistic creativity of an artwork explains the artistic properties of an artwork.

Moreover, despite conceptual richness being a valuable property of artworks, innovation *alone* is insufficient to make a conceptually rich artwork a *good* artwork. A conceptually rich artwork is valuable in that it will contribute to the developmental history of a category. However, an artwork can have this property and yet possess other properties of negative value. Such works can serve as the basis for future influence by signalling that this is as far as one can go in this direction in this category at this time. Some of the actual 'blanks' considered in Chapter 5 may be characterised thus and influence more by example than through their properties. However, they remain conceptually rich as they stand in the correct relationship to the catalogue at the time they were made in a way that Newbolt's poems and Corelli's novels do not. So, (i) conceptually *minimal* works can be influential (folk song as used by Vaughn-Williams) and (ii) conceptually *rich* artworks can have negative value properties.

I will argue for a distinction between empirical and artistic creativity so there can be highly empirically creative yet artistically not creative objects (Ferraris, art restorations) and highly artistically creative and empirically not creative objects and activities (*Fontaine,* Conceptual Art). This shows that artistic creativity is not a kind of empirical creativity but rather a distinct form of creativity.

That said, before Modernism artistic creativity was usually manifested through an artwork displaying the empirical creativity of an artist and the experiments of Modernism have not made skill redundant. A supremely skilled technician can choose a

technique to make artworks and in doing so, through his skill, expand the possibilities

of artwork-making within a category of art since his skill permits him to produce

artworks which achieve effects previously unexplored, or not used, within artworks.[236]

This is, in effect, the criterion Vasari uses to generate his canon of great artists and

conceptually rich artworks. It is also why we marvel at Turner's late watercolour work

pre-figuring Impressionism - their art historical oddness is a mark of his extraordinary

artistic creativity. Artistic creativity is *not* the application of empirical creativity to

artworks despite the possession of empirical creativity being one way to achieve artistic

creativity.

Art restoration is a practice dependent upon, but separate to, art. The restoration of an

artwork (i) does not result in an addition to the catalogue of artworks and (ii) leaves that

catalogue unchanged both in terms of membership and historical development.[237] The

work of art restorers (i) does not make artworks and (ii) can make other things aside

from artworks. (The same techniques would restore any of the non-art examples within

the indiscernible thought experiments in previous chapters). Yet art restorers are

undoubtedly creative in what they do and apply skills to achieve different effects suited

to individual circumstances in a way which results in manifestations of great empirical

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Stecker (1997, 262): "The expressive functions of German romantic landscape painting are clearly artistic. It is something at which artists aimed and for which critics look out, something for which enabling formal means were developed or adapted, something intrinsic to the genre. Functions that are so embedded in genres, styles, or other systems are artistic functions." Artistic creativity can be viewed as the application of techniques in such a way that they become artistic functions – Turner's techniques were employed to aid the function of his watercolours.

Art restoration also has a different history of milestones and innovations to art – for instance the invention of the x-ray is of seminal importance to one but not to the other. However, an innovation in art-restoration (for instance a development in paint technology) can be chosen to become applicable to artworks and so *could* (some will be concept neutral as they just facilitate an already applicable property) result in conceptually rich artworks.

creativity. Their work demonstrates that objects can be highly empirically creative and

not artistically creative[238]

Techniques for producing empirical creativity can continue to make artefacts within

non-art contexts or practices during and after their relevance for making artworks.

Therefore an artefact can manifest empirical creativity but not artistic creativity even

when (i) the empirical creativity manifested has examples already within the catalogue

and (ii) the techniques were in the past used to make conceptually rich artworks that

manifested artistic creativity. Art restorers use techniques that were once artistically

creative but which are now continued in practices separate to art and which may, or may

not continue to be used to make artworks, and be taught in art colleges.[239] Skills such as

line-drawing, life study, the rules of perspective remain taught in art colleges. Fresco

painting and the application of gold leaf are no longer taught, even though they are

techniques which will produce empirically creative artefacts and have produced

empirically creative and conceptually rich artworks. Both however, might be taught in

artwork restoration classes.

Restorers can learn all the techniques required for replicating the empirical creativity

manifested in artworks. Innovations within practices such as restoration that develop the

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ephen Davies (2000, 208) notes: "If cars manufactured by Maserati, Lamborghini, and Ferrari do not qualify as art, this could be ecause they are not created context of the Western art tradition." Davies sees this as an historical accident and sees no harm in extending the use of 'art' to them. The empirical/artistic creativity divide suggests that this is not necessary and that the distinction et up by the creation of the Western Art Tradition is sustainable.
erhaps this is why the Renaissance masters were greats across many arts and applied sciences. Plausibly, it was the codification of the arts as a separate realm which led to the display of aesthetic creativity alone being possibly now insufficient to make an artwork. This does not mean that this was always so. The codification of the arts served to purge some objects from the catalogue, such as Leonardo's and Michelangelo's city defences, so that these appear in biographies but not necessarily art monographs. *Now,* art was one of the things Michelangelo did, *then,* given the meaning of 'art' at that time, painting was one of the things to which he applied his art. Gombrich (1995, 14-16) makes a similar point, arguing for a continuity of making, but not

practice occur *separately* and *independently* to those that form the history of art, and do not necessarily influence the expansion of the properties that are applicable to artworks, or ways of making artworks. Methods of achieving empirical creativity can be taught and mastered as techniques in practices separate from making artworks and can have their own standards of competence and excellence separate to their use in the making of, and manifestation within, artworks.[240]

This entails a further contrast between empirical and artistic creativity: Empirical creativity is *ahistorical* so that there are ways of making artefacts which *guarantee* that those artefacts manifest empirical creativity no matter when they are made. However, there are no techniques which are *ahistorically* artistically creative and so no way to guarantee producing an artistically creative artefact. This means that techniques which produce empirical creativity can become relevant to the practice of making artworks for a certain time but then can fall from relevance. Ways of making artworks, or of making manifest empirical creativity, become artistically creative as a result of a judgement by those making artworks that, at some particular time, a certain technique is an appropriate way to make artworks and that artworks made this way will be good artworks. The artistically creative use of a technique within artistic practice reflects the progress of this relevance. As Stephen Davies (2000, 209) writes: "Indeed, it could be that, over time, art practices change so that the emphasis falls on the creation of theory dependent, historically conditioned artistic properties that have little to do with aesthetic properties as these were traditionally described ... I suspect that a concern with achieving aesthetic effects is historically necessary in the development of art practices,

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a continuity of what gets made as artworks through history.

[The existence of unknown fakes and forgeries within the catalogue proves this, since a fake depends for its success on manifesting

though not *logically* necessary to any particular item's being an artwork." Davies' point is that once important (or even necessary) ways of making manifest empirical creativity are no longer necessarily artistically creative and that different ways of making artistic creativity manifest have replaced these as the history of art has unfolded.

These insights provide the basis for the two interrelated claims that were made with respect to the artist working in a well worn seam: Artworks can manifest forms of creativity which can be replicated in other objects that are not artworks and within practices other than art. When these kinds of creativity *are* manifested in artworks, this manifestation does not depend upon the status of those objects as artworks. Artistic creativity, however, *is* unique to artworks by definition, because it gauges how an artefact is creative in terms of it being made precisely when where and how it was *as an artwork*.

Davies' pinpoints the dangers for artists relying on manifestations of empirical creativity within their work as sufficient for artistic quality. The dangers are that (i) standards of competence for manifesting empirical creativity can be formulated and (ii) that empirical creativity can be manifested in non-artworks. This means that a *prescriptive* constraint, which originates outside the history of art or the history of a particular category in respect of how an object should possess this empirical creativity can be imposed on his artwork-making.[241] If an agent obeys such prescriptive constraints the result may be that it is his sole concern in undertaking his activity that he achieves the

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he empirical creativity of another artwork.
ﬁis concept of a rule-governed practice aligns empirical creativity with Collingwood's (1938) idea of how craftworks (as opposed o artworks) are made.

empirically creative result, leaving us to consider *why* he uses those techniques specifically to make *an artwork*. The considerations of *why* he does what he does originate from the separately generated constraints on *how* he is working.[242] The artist has not recognised the changing relevance through time of the technique he uses to make artworks.

The agent who paints exclusively one subject or in one style because he considers that the *correct* way to make artworks runs a similar danger. The works of a contemporary painter who makes artworks exclusively by painting in the style of Rembrandt, undoubtedly display empirical creativity but display little, if any, artistic creativity. In Danto's (1981, 204) terms by adopting the known techniques and manners of Rembrandt these paintings *show* a style but do not *have* a style. His Rembrandt-style paintings are the product of a set of techniques that were, at one time, artistically creative and which *were* used to make conceptually rich artworks.[243] In this case the painter rejects it as *a style* but instead regards it as a criterion of correctness. The creativity they manifest is caused by *how* they were made and derives from their aesthetic properties. The value derived from their empirical creativity is perhaps more a comment on the competence of the painter skill rather than on the painting *as an artwork*.[244].

See Kant (1790 & 2000), s.45 & 46) for an allied point. He argues (i) that artworks should be as free and unforced as nature, and not display their mechanisms or their slavish following of academic rules and (ii) that they fail to be artworks to the extent that they do this.

This argument is a differently applied adaptation of Danto's use of the 'Pierre Menard' story. It should be obvious therefore that the work of Sherrie Levine, Elaine Sturtevant and Mike Bidlo all of whom differently and self-consciously copy paintings within the canon are not additional examples to that presented here.

Faults in execution are another matter. How empirical creativity is executed obviously greatly impinges on the overall value of an artwork. All that is required here is that empirical creativity can enhance the value of an artwork (this is true for all conceptually rich works) or can remain, beyond the standards of competence required to prevent disvalue, of *separate* value to an artwork's

There has been a tacit claim throughout this discussion that there is an underlying purpose that motivates the changing relevance of particular techniques of manifesting empirical creativity through the history of art. The effect of this purpose is to make standards of competence applicable to a technique that guarantees empirical creativity, only accidentally important to making artworks. If we endorse a concept of art (and our catalogue-based intuitions suggests we do) that values conceptually rich artworks for that very richness, then we endorse a concept of art that permits the sacrifice of manifestations of empirical creativity, if this is necessary to achieve artistic creativity. This also permits the following two claims: Individual artefact making actions are marginalised from art to the extent that an agent (i) presumes that the empirical creativity required for their making is *sufficient* to render that artefact an artwork, and (ii) works so as to relegate artistic creativity for the sake of empirical creativity. An agent can make an object of kind *w* through activity *x* either as an artwork or as a non-artwork, and so needs to demonstrate *why* he makes *an artwork* rather than another thing through this activity. These two claims will have a foundational role in the consideration of how and why conceptual minimalism in its classificatory sense can provide a time-sensitive limit on what can and cannot be artworks.

We have argued so far that the history of art is dominated by conceptually rich artworks. We have not yet discussed why 'art' permits such examples to be of value. If art, or any particular art form, had some single or constant aim(s) (for example, the manifestation of empirical creativity) then the artworks I characterise as conceptually rich would be, in fact, *deficient* as artworks because they deviate from the norm and so disrupt this aim. However, for artworks, if deviation from the prevailing norm is, in many cases,

value *as an artwork.*

praiseworthy, then the expansion of the possibility of making strategies so that new sorts

of artworks can be made in new kinds of ways is somehow part of the point of making

art.

If true this could provide an explanation why the artistic canon is largely comprised of

the best of the avant-garde of any one time. The history of the developments in which

artworks have been made is, in this light, the story of the discovery of those ways of

making artworks which are most conducive to manifesting deep features within the

concept of 'art'. In Danto's terms, (1981, 208) such an artwork, (for him this is

paradigmatically true of Warhol's Brillo Box) "... brings to consciousness the structures

of art which, to be sure, required a certain historical development before that metaphor

was possible."[245]

This suggests that for the concept of 'art' which values conceptually rich artworks,

concepts such as creativity, innovation, or exploration are more fundamental to that

concept than is the performance or mastering of any technique that aids the

manifestation of empirical creativity. So, the conceptual richness/minimalism of an

artwork gauges *why* any artwork was made in the way it was, when it was. Artworks

then are conceptually minimal to the extent that they rely for their value on *how*

artworks have been made or can be made at any time. The works of the contemporary

user of Rembrandt's style gain little value from *why* they were made in the way and at

the time they were. In extreme cases, virtually all the value of these works might reside

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Carroll (1993b, 321) "... if through an historical narrative of this sort a disputed work - generally an avant-garde work - can be shown to be the result of intelligible assessments that support a resolution to change the relevant artworld context for the sake of some live, recognisable aim of art, then, all things being equal, the disputed work is an artwork.".

n *how* they were made, as they possess little if any artistic creativity in terms of *why* hey were made. There is, as it were, no artistic point to their manufacture, beyond the lisplay of the artist's proficiency in a technique and his subjective pleasure. On this reading, conceptually rich artworks explore the possibilities within a category in order to preserve, however hazily, an idea of *why* artworks are made at all.

This reveals the 'hard cases' of empirical minimalism as exploring the limit of *how* particular artworks can be made at a particular time. They are not necessarily hard cases for *why* art per se is made. If limits are based on these time-dependent facts of how particular artworks can be made there will always be counter-examples that are accepted as artworks. These counter-examples demonstrate that new conceptually rich artworks have continued to be made since these empirical limits were declared. These new artworks will have innovated in terms of *how* artworks are made now or the sake of maintaining *why* they are made.[246]

The classificatory limits revealed by *conceptually minimal* artefacts are limits on *why* art is made. They do not depend on any particular way in which artworks are made. Conceptual minimalism allows us to develop limits based upon *ahistorical* facts stated in terms of *why* artworks are made whenever they are made at all. This grounds the claim that conceptual minimalism is the most fundamental minimalism for art. The ways in which artworks can be made at any time *t* must operate within the reasons *why* artworks are made at that time *t*. Thus artefacts that share only the properties of *how*

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is nods again at Weitz's (1956, 32) 'argument from novelty' – his conclusions are *not* accepted.

they are made at any time, require further work to become artworks in the classificatory

sense.

6. Conceptual Minimalism: Classification

In this section I explore the conditions in which artefacts are too conceptually minimal

to be artworks. This is different to the limits provided in Chapters 3 and 4 reached

through failures to make something within a definite category of art, or failures by an

agent to work sufficiently to artefactualise an object as an artwork. The classificatory

sense of conceptual minimalism relates to a specific kind of failure by an agent when he

acts with a desire to make an artwork: Namely a failure to give that object sufficient

relational artistic properties. The difference between conceptual minimalism and the

more general limit imposed by artistic artefactualisation is that an action which *could* be

artwork-making fails because it is performed on a particular occasion with an

insufficient justifying narrative to make it an artwork. The result is that facsimiles of

artworks are produced, made *how* other artworks have been made but which fail to be

made *why* any artwork was made.

Conceptual minimalism's limits occur when an agent (i) acts in such a way that she

wants to produce an artefact that will be classified as an artwork and (ii) produces

objects of the kind that are already present within the catalogue, and assumes that

making an artefact within a medium, and using techniques that have before produced

such an artwork is *sufficient* to produce a new artwork. This agent fails to make art

because she mistakenly thinks that making something in this way is sufficient to give

the resulting artefact relational artistic properties. Sometimes this is because she makes her artefact under a different theory of art from any available to her to make artworks from those artefacts at time t. If so, her action lacks an appropriate intention to make art at t, despite the fact that the object she makes is a token of a type elsewhere represented within the catalogue.[247] Her work creates artefacts that display the persona of art only.

The classificatory limit of conceptual minimalism can be stated using the above analysis of creativity. The limit is passed when (i) agents make artefacts that have tokens both within and without the catalogue of artworks; (ii) think that making an artwork is achievable *solely* on the basis of the standards of competence required to produce empirically creative examples of those artefacts; *and* (iii) use those standards as prescriptive constraints on their empirical creativity. These agents are mistaking one technique that has been sufficient to make something an artwork, as ahistorically sufficient to make an artwork.[248] So, agents will make artefacts that are too conceptually minimal to be artworks if they fail to recognise that there is a history of how and when particular properties can be possessed by artworks. Danto captures this thought (1981, 44-45): "A sculptor who produced an archaic torso of Apollo in the period of Praxiteles would have gone hungry, since the art world by then had evolved so as to exclude this as a possible artwork unless it had been made when appropriate, and lingered on as an antique." In these cases these agents have a theory of art that is insufficient to succeed in making artworks. This kind of insufficient theory will either be one that (i) operated to enfranchise those token artefacts within the catalogue from some past time but is no longer in use or (ii) some variant on the thought that making

artefacts which possess empirical creativity of the sort present in artefacts within the catalogue is sufficient to make artworks. This entails that in principle, the possession of any property can fail to make an artefact into an artwork at a time t if it has failed to be used to make an artwork for a significant time of art history up to time t.

Stecker (1990) recognises a similar limit, or in his terms 'boundary' of art, but on a different basis. He illustrates his position through the following example (268): " ... consider an individual living in 1989 in the USA but ignorant of developments in music since the classical period composing in the style of Mozart and doing so with competence but no more than that. Again, it is not clear that the appropriate thing to say is that this is bad music or a bad work of art. It is not a work of art." Stecker also uses this example to criticise historical theories (such as he claims, Levinson's) that are not sensitive to such nuances. His point is that historical theories license as artworks now, bad artworks[249] from the past which (he claims) either are not artworks now, or where it is unclear whether they are bad artworks or not artworks.

For Stecker, as Mozart-style music is not a central art form now, a musical piece in this style requires a much higher degree of functional excellence to be an artwork than would a piece of music made in full cognisance of the developments in music up to 1989. Whilst, for Stecker (271) art of the past can be classified as art on its own times or on contemporary terms for those artefacts made in forms that are no longer central, the test is whether they excel in continuing to meet a function of art now. This can occur

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conceivably have rendered *anything* of which this could be predicated an artwork, but not now.
I use Stecker's terms – he must more accurately mean artworks of the past which are artefacts now as there cannot be artworks that are not artworks.

irrespective of the practice within which these maximally functional artefacts were made. Stecker's view is similar to conceptual minimalism in the respect that it provides a classificatory limit through a qualitative limit and recognises that one can fail to make an artwork despite intending to make an artwork, working within a recognised art form and producing an artefact that could be perceptually indiscernible to existing artworks.

Levinson's account, whilst permitting different intentions to differentiate structures that share all their displayed properties, differs from mine in that he recognises neither the scope for intentions to be unsustainable when applied too far away in time from their original application, nor that reasons that *were* sufficient to make artworks at one time can be insufficient in different times and contexts. So, it is not possible on Levinson's theory for a reason to operate between t and $t+1$ and between $t+2$ and $t+3$, but not between $t+1$ and $t+2$. In Levinsonian terms the classificatory limit of conceptual minimalism requires both that an artefact is intended to be regarded in one of the ways art *can* be made at the time it is made and that this happens within an historically evolving range of possibilities that can change through history. Further, for me, once a property becomes accidental to art, and possibly applicable to non-artworks, then its possible sufficiency to make an artwork depends upon its continued use within artworks.

The classificatory sense of conceptual minimalism cuts across both Stecker's and Levinson's positions. My analysis shares Stecker's claim that art applicable properties can *change* so that new properties can become available to make something an artwork and existing properties can become insufficient. However, there is a caveat to this

similarity. For me, no action is absolutely prohibited or guaranteed from being sufficient to make an artwork. So, a technique, style, genre or medium can be rejuvenated by an artist at any time from the moment at which it is first accepted as a successful artwork-making action. This can happen either through synthesis with other artistically current practices or by approaching the practice in a heretofore unimagined way.[250] It remains possible to make visual artworks using egg tempera and gold leaf even though their presence is neither necessary nor sufficient to make a visual representation an artwork. As Danto (1981, 45) remarks: " ... if today an artist exhibits a painting in the style of Watteau, we should hesitate before declaring him out of date: This may be a self-conscious archaism, in which case he stands in a very different relationship to the Rococo style than Watteau would have done."

On my terms, Stecker's 1989 bad-Mozart style example, if an artwork, is definitely a conceptually minimal artwork in the qualitative sense. The difference is that for me the stylistic and displayed properties of the piece of music are an insufficient basis on which to make the judgement about whether it is a conceptually minimal artefact in the classificatory sense. *That* judgement requires taking account of the intentions of the agent whilst making the music, not just on whether the music is interesting or not.

If the bad-Mozart piece was made *in ignorance* of the last 200 years of music then it is a bad artwork but nonetheless an artwork. This is because the agent, restricted by his ignorance, makes music the only way he knows how: Robinson Crusoe, cut off from the

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Carroll (1988, 148) makes this point about recombinations of styles: "The newer works of people like Pynchon were not repetitions of the picaresque, but developments in the light of the experiences of the psychological novel."

march of art history would still be making *artworks,* however archaic they might appear

when eventually presented to civilisation. If, alternatively, the bad-Mozart music is

made *in conscious denial* of the last 200 years of musical history then it is less clear that

it is an artwork. When Mozart's style becomes a prescriptive constraint on the standards

of competence there are for manifesting empirical creativity in musical composition

then this piece of music might overstep the limit of conceptual minimalism and so cease

to be an artwork.[251]

Consider Tracey Emin's embroidered quilts: Emin chooses now that an embroidered

quilt is the most appropriate medium in which a particular artwork should be made. This

choice is not based upon either (i) the artistic status of quilt making per se or (ii) the

thought that making a quilt is sufficient to make an artwork or (iii) the thought that the

artistic status of her activity is caused by the empirical creativity manifested through her

technical proficiency in quilt making. The status of Emin's quilts as artworks are

underpinned by different reasons and rationales to those who claim embroidered quilts

as an art form of the past. Therefore Emin's quilts are *not* tokens of this sub-category of

'art-quilts' that also exist in the catalogue.[252] They exist in a different category and have

different standard and variable properties to 'art-quilts'. Emin's quilts do not need to be

good either in terms of the standards of competence of quilt embroidery as an ongoing

practice, or if compared to 'art-quilts' within the catalogue. Indeed, their lack of

empirical creativity, which would be of disvalue if considered qua quilts, or qua 'art-

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is discussion is somewhat analogous to that in Chapter 5 in which Wollheim's analysis of Mallarmé's blank as a style/structure
ased distinction is spliced by different intentions producing the same structure.
Ighman (2006, 180) quotes a guide to an exhibition of quilts "Crossing Boundaries" thus: "Art quilts share a form with
:aditional quilts. Both are defined as a sandwich of fabric layers secured by stitching. However, when it comes to function they
art ways. The traditional quilt maker intended her quilts to function as a decorative bedcover, while the contemporary quilt artist
ushed the boundaries of quilt making by shifting the quilt from the bed to the gallery wall." Carroll (2001, 97) has an example
if a conceptual artist and a non-artist both slaughtering chickens, with the latter doing it to appease the gods (which, for Carroll

quilts' is of marginal critical importance to them when considered as her artworks. Emin does not use the standards of competence of quilt making as a *prescriptive* constraint on her use of quilt embroidery as a method of making an artwork.

This Emin example suggests a distinction between the use of an obsolete form to make an artwork and the production of a conceptually minimal artefact, both in terms of an agent's intentions and in terms of the function of what they produce. An artist making in a traditional form uses these techniques to be artistically creative and does not assume that the empirical creativity resulting from use of the technique suffices to create the artistic creativity. The artist's choice to attempt to make art through making an artefact in an obsolete form is exercised within the current choices of artwork-making open to her. This is why Emin's making quilts makes artworks (and potentially expands the possibilities) within a *different* category of art to that of the original technique. Consequently, this new use of the otherwise obsolete way of making does not necessarily expand the possibilities of that obsolete way of making or become an artefact within the catalogue of that practice. This being so there can be no more quilts that are artworks o*n the same terms as the original artwork instances* of quilts within the catalogue. Whatever the reason for these practices obsolescence as central art forms, given that obsolescence, they can only be used as ways to make artworks now if based on a theory which makes them artworks within different categories, and for a different reason, to the historical examples within the practice.

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was a past function of artworks), to conclude that the non-artist does not make a chicken slaughtering artwork.

The agent making a conceptually minimal artefact however intends that his product *is* an addition to the catalogue of artefacts within that traditional form. He intends also that his making action, if it is valuable, (i) should be valuable on the terms of that way of making empirically creative objects, (ii) should count as a contribution to that practice and (iii) be classified (and possibly valuable) as an artwork because of this. This agent continues to work within the choices available at some past time *t-x* (the time within art-history that manifesting empirical creativity within that form was sufficient to create relational artistic properties to that quilt).

However, the claim that the activity per se is an artwork-making activity requires a *different* narrative justification to that which underpins why Emin's quilt is art. Each new instance of quilt making requires its own specific enfranchising theory to be an *artwork* instance of a quilt, rather than a non-artwork instance. If an artist wants to make an artwork at time *t* using ways of making that have fallen from usage, she requires a different set of reasons to those that operated at the time of their original use to make artworks.

The above example highlights a further problem for Stecker's position. It suggests that if artefacts are, as required, functionally excellent as artworks they are so because they are a use of an obsolete way of working to make an artwork within a different category to that original form. A quilt *can* be an artwork, but if a newly made quilt is an artwork it is not so *because* it is a quilt. If these quilts maximally fulfil a function of art now, they do not do so as 'art-quilts'. This leaves Stecker with the argument that superlative instances of obsolete ways of working can make an artwork now if they fulfil a function

of art when made as an instance of that obsolete practice. This position, in order to differentiate it from Emin-like quilt examples, requires the prior claim that, whatever the artefact, the manifestation of empirical creativity is sufficient to make an artwork. However, as Ferrari's demonstrate, being beautiful is not sufficient to make something an artwork and this prior claim is false.

We can conclude by adding to the statement above about *actions* that are too conceptually minimal to produce artworks with a formal statement on when an *artefact* is too conceptually minimal to be artwork: This occurs when an artefact of a kind that has tokens within the catalogue is made with the assumption by its maker that *because* of the presence of these tokens within the catalogue *and* his adherence, as a prescriptive guide, to ahistorical standards of competence for manifesting empirical creativity which have developed separate to the history of art, that making such an artefact with skill *suffices* to produce an artwork.[253] This does not mean that paintings or poems are not now artworks. What it does mean is that paintings or poems made now, but which use the framework of choices applicable to make poems or paintings as artworks at some past time, as (i) a both prescriptive guide to what a poem or painting can be, and, with the assumption that in making something which conforms to the standards of empirical creativity consistent with that way of making at that past time, are not artworks. The mere manifesting of a standard of competence, is insufficient to make an artwork, but a scrap of artistic creativity, perhaps at the expense of these prescriptive standards, will bring them back into the fold of art.

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[3] Carroll's example (1993b, 322) of his camcorder recording which attempts exclusively to provide visual verisimilitude for an

7. Conclusion

An exclusive focus on the ways in which artworks can be empirically minimal has resulted in a mis-match – philosophy's examples of 'hard-cases' of art are central to recent artistic practice. This distortion is due to a failure by philosophy to construct a post-empirical minimalism for artworks. This chapter has sought to provide an idea – conceptual minimalism – and explain how it might function firstly as an indicator of the comparative quality of artworks at a particular time and secondly, as a limit on how and what artworks can be made at that particular time. The result can provide a re-alignment of the philosophical analysis of minimalism to accord with artistic practice so that the 'hard-cases' of empirical minimalism can be seen as the aesthetically problematic yet artistically central artefacts they are. Also, artefacts or ways of making artefacts, previously regarded as unproblematic by philosophy, stand revealed as problematic for post-empirical theories of art because marginal to contemporary artistic practice.

This means it can provide instructive answers to perennial questions: If we recognise that a particular property of an artefact can at different times: (a) be artistically creative and productive of a conceptually rich artwork because innovative within a category; (b) become established as an artwork-making technique and a way of manifesting empirical creativity, but become conceptually minimal in a qualitative sense and (c) develop its own ahistorical standards of competence of manifesting empirical creativity separate to its application within artworks, so that the mere manifestation of this standard of competence is insufficient to make an artwork, then there is no mystery why two indiscernible aesthetic objects should be differently valued as artworks or indeed not

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vent's recording would perhaps be an example.

both be artworks

Moreover, the possibility of this waxing and waning of the art-historical relevance for particular ways of making artefacts sets a time-sensitive and/or cultural limit on what may be an artwork at any given moment within the history of art. It also sets time-frames for supporting reasons that make artefacts artworks. Such temporal sensitivities must therefore be reflected within any definition of art. The impact would be especially severe on (a) theories based upon some universal function of artworks or universal propensity for objects to provide a kind of experience or (b) theories which specify ahistorical practices or content rules for artefacts to be artworks. Neither could sanction the same kind of artefact being made once as an artwork and at a different time as a non-artwork.

This being the case, we philosophers of art are looking in the wrong place for our 'hard cases'. Instead of East-End studios we should focus on the garden watercolourists, the writing circles and the amateur working within traditional techniques for our limiting examples of what is minimally art. The amateur minimalists produce objects which ape the form of art within practices with the persona of art. Their productions are only minimally art because they have only minimal connection with the products of those agents who make artworks in full recognition of the legacy of the catalogue. In this world of so many choices it is with the rejection of possibility rather than with its enthusiastic acceptance that the minimal limits of art must be fruitfully explored.

CHAPTER 7: AN ONTOLOGY OF ARTWORKS

Summary: This chapter presents an ontology of artworks that is consistent with the analysis of how artworks are made and which respects the limits on what artwork can be, presented in chapters 3-6. It proposes two basic kinds of artworks, *object artworks* and *performance artworks*. These two kinds apply to individual artworks and not to categories of art or art forms. Object artworks exist as single one-off determinate physical objects, whereas performance artworks exist as indicated structures expressed in a notation. Performance artworks, because of this, permit a sub-kind - *realistions*. Realisations exist as determinate spacio-temporal events and, aside from not being physical objects, share all the characteristics of object artworks. It is a pre-condition of something being an performance artwork that it is capable of realisation in a different medium from that which it is notated and this lack of a separate medium is the reason why some categories of art in the main consist of object artworks. The separation between the performance artwork and its realisations both in terms of being separate artworks with different authors, and in terms of being of different ontological kinds, permits a solution to Goodman's sorites problem through dismissing the relevance of the relationship between two distinct realisation artworks as having any bearing on whether either is an instance of a performance artwork. Lastly, the idea that *all* artworks might be performance artworks is dismissed on the basis that this is inconsistent with the analysis of chapters 3 and 4 as it requires these works to have been made with a different set of choices than were operating at the time they were made as artworks. The conclusion is therefore that the ontology of an artwork is settled at the moment it is made an artwork.

1. Object Artworks and Performance Artworks

This chapter and the next will provide an ontology of artworks that builds on the framework of making and the minimal limits of artworks just provided. The challenges posed by the artistic achievements of Duchamp, the Minimalists and the Conceptualists,

and the successes they achieved, will be woven within an ontology so that the analysis is compatible with an historically developing catalogue of artworks that includes these artworks. The ontology presented here will deal with the 'hard-cases' of empirical minimalism as comfortably as it deals with the masterworks of the traditional canon so that these 'hard-cases' are unproblematically understood as aesthetically controversial yet artistically central. The hope is that the philosophical problems traditionally derived from these works will disappear. The result will be a comprehensive survey of the entities, and the relationships between them that need to be permitted by any extensionally adequate definition of art.

I begin by stipulating two basic concepts that use everyday notions employed in our talk of artworks and which will be used in this analysis: *Object artworks* and *performance artworks*. Object and performance artworks both result from the framework of making described in Chapters 3 and 4, but have mutually exclusive properties specific to their status. The characterisation of these concepts crosses the positions on artwork ontology put forward by Goodman (1968), Currie (1989), Levinson (1990), and David Davies (2004) but I will attempt to forge elements, or objections to elements, of all these philosophers' theories into the discussion.

For now, these concepts are sketched without reference to actual artworks. The concept of a performance artwork is less intuitively obvious and admits of more variation than that of an object artwork, so the majority of the analysis focuses on performance artworks.

(a) Performance Artworks

Musical works are paradigmatic performance artworks and have the following properties. Performance artworks are types which can admit of many instances. They exist as a specification that provides sufficient detail to ensure that they can be individuated and differentiated as artworks. Also the specification must be such that they can be realised and the realisations can themselves be individuated and differentiated. Levinson (1990, 63-89 and 215-263) presents and defends an ontology of musical works which meet this requirement for performance artworks. In these articles Levinson argues that a musical work is an indicated sound structure. Formally, he characterises it thus (79):

"A musical work is a sound and performing-means structure-as-indicated-by-x-at-t

where x is a particular person – the composer - and t is the time of composition."[254]

Levinson's idea of an indicated structure provides the basis for my description of performance artworks.[255] This widens Levinson's application of the idea by adding another variable to the formula in respect of the category of art in which the artwork is

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r a sympathetic discussion and development of Levinson view see Anderson (1982) and Levinson's (1990, 259-261) reply to nderson. Anderson (1985, 49) defines musical works as "a sound structure (descriptive kind) as made-normative-by-P-at-t with nly one P per possible world at only one t per possible world." P is person and t is time. This is a development of his view in 1982). Both Anderson's (1982) and (1985) positions are compatible with Levinson and this analysis. Indeed, Levinson's view of dication includes the agent's intention that some properties should become normative for further instances and performance of ne structures. (see (1990, 260). For criticism of Anderson see Currie (1989, 60-61), of Levinson see David Davies (2004, 180-86).

r different views and further criticisms of Levinson see Howell (2002a & 2002b) and Dodd (2004). Howell (2002a) thinks of nusical works as indicated temporally initiated types and in (2002b) argues that literary works are ontologically various kinds and so different to musical works). Dodd holds a different view that types are eternal and uncreated. Caplan & Matheson (2004) ontains (113) a comprehensive bibliography of the other literature on the creation/discovery as does Caplan & Matheson (2006, i9) on the literature discussing musical works as kinds or types.

made – call this 'C'. Therefore the definition of the indicated structure of a performance

artwork is:

"A performance artwork is a performing-means structure-in-C-as-indicated-by-x-at-t"

Where the indication of an artwork is constructed from the set of all artwork-making

actions for that artwork.

Performances are allographic in Goodman's (1968, 113-122) sense so (i) the

original/copy distinction is not ontologically relevant to them and (ii) it is impossible to

forge a known performance artwork. So, it is impossible to make a copy of a

performance artwork which is not thereby an instance of that work. A performance

artwork x is reproducible in that x can be reproduced at different times and places with

all reproductions counting as instances but none counting as the original or as a fake.

Performance artworks can be differentiated from each other by their structure, their

indication or by both. For each performance artwork, its notated form, combined with

the causal chain to the work's original circumstances of making, provide its identity

conditions. The structure is notated so that the structural type expressed in the notation

admits of, and facilitates the production of, *realisations*. By 'realisations' I mean

particular interpretative performances of artworks. I do not use 'interpretations' because

while all interpretations are realisations not every realisation is an interpretation and

also because some aspects of performance works needs to be realised to the senses of an audience in order to be appreciated or appreciable, so there is some way in which a realisation of a work manifests properties of a performance artwork that are otherwise unavailable to experience.[256]

Realisations can be spatially and temporally separated from the artwork's original indication.[257] Performance artworks can exist before they are realised and, indeed, without being realised. Moreover, it is theoretically possible for two identical structures to be differently indicated, so how a putative realisation becomes a successful realisation of that performance artwork in particular is a crucial question for performance artworks.[258]

Furthermore, any particular instance of x is a realisation of the indicated structure type that is x – a realisation of x for short. Thus realisations and recordings are always *of* something else besides being the things that they are themselves - realisations exemplify the artwork they are of.[259] Moreover, we can say that the locus of a realisation of a performance artwork is a precise event in time and space. It is *that* night in *that* concert

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r a discussion of this point and a bibliography of the issue see the Symposium in JAAC 59, Summer 2001 299-317. Also, see harpe (1979, 438-439) who holds that individual realisations are of interpretations of the musical composition.
olterstorff (1975, 115) distinguishes as entities, "between a performance of something and that which is performed". The latter, ealisations' here, he calls 'performances' and the former 'performance works". He also states that 'performances' have a precise patio-temporal location. To avoid confusion I will not use Wolterstorff's terms, but I should note that my analysis is compatible rith Wolterstorff's (1975 & 1980) 'norm-kind' view of artworks which admit of realisations and which licenses certain erformances as performances *of* a particular norm-kind admitting of degrees of error among instances of that norm-kind. iis is discussed in section 7 below.
ecker endorses (1997, 244) a 'realist pragmatism' view of artwork individuation for the purposes of interpretation: "... one can lentify a literary work with a syntactic string 'put together' by a writer or writers at a given time. (A painting would be a physical bject created by an artist or artists at a given time)". This point is made in Kivy (2006, 112-114): "... I take it that a musical erformance [realisation] of the kind I am discussing here [abstract music]is always a performance *of* some pre-existing musical vork, is executed by one or more performing artists, is (therefore) a work of art in its own right ... " (112) See also Levinson 1990, 251).

hall.[260] Therefore each individual realisation of x is a different artwork in its own right - it is an artwork made by an interpretative performer at a different time with different standard and variable properties in a different medium and different aesthetic and artistic properties applicable to it as an artwork.[261] (If this seems odd at first, consider a play only performed once (Goodman, 1968, 220)).

There is a distinction between (i) a realisation of a performance work (Menhuin's playing of Stravinsky's *Violin Concerto*) and (ii) the performance work itself (Stravinsky's *Violin Concerto*). The *Violin Concerto* is the music that can be realised and is the work of what is normally considered a creative artist - in this case the composer. When a performance artwork is realised the interpreter of the structure, in making the realisation makes an artwork of his own - these are normally considered works by performing artists - in this case a violinist.[262] The fact that unrecorded realisations are lost whereas the performance artworks of which they are an instance continue to exist demonstrates the independence of the two and their different ontologies. So, when an audience experiences a realisation of a performance work the audience experiences an

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ly this I do not mean to endorse any particular view of events. However, I do take their time of performance and location as fixed. Whether this is absolutely fixed or is relative to other events is not crucial here, except that a realisation's relationship with a performance artwork requires that it cannot happen before the creation of the performance artwork it realises.

Carroll (1998, 213) agrees: "When a play, like the dramatic text of *Strange Interlude* is considered as a literary work, then my copy of *Strange Interlude* is a token of the art-type *Strange Interlude* in the same way that my copy of *The Warden* is a copy of Trollope's novel. But when regarded from the perspective of a theatrical performance, a token of *Strange Interlude* is a particular performance, which occurs at a specifiable time and place." Dickie (2004, 412) recognises this cleavage in properties within a discussion on the valence of aesthetic terms. "In a rustic play in might correctly be said that a character in the play has been too elegantly dressed and that this is a defect in the performance [realisation]. In such a case, the reference is to an aspect of the *performance* of the play and is the responsibility of the director, not, let us assume, in the play and the responsibility of the playwright." Dilworth (2001) argues that artworks are represented by artifacts. In (2002) he applies as a distinction between plays and particular performances so that the latter (2002, 264) are 'representations' of the play. Dilworth's view differs from mine in that he argues the play is an abstract object constituted by its fictional world, rather than an artwork in its own right. Also see Alperson (1984, 24) and Wolterstorff (1975) who holds that realisations of artworks have some properties that we usually ascribe to performance works themselves.

David Davies describes this relationship thus (although he does not himself subscribe to it): (2004, 206) "... those working in the 'creative' arts bring into being artworks, while those working in the 'performing' arts for the most part 'realise' certain of those artworks for the benefit of receivers ... It is commonly assumed that the activities of those in the performing arts complement the creative endeavours of playwrights and composer, realizing through their particular performances the aesthetic and artistic values that the latter's conceptions make possible. Thus when we watch a performance of a play, or attend a concert, we appreciate two different kinds of thing: the qualities of the performance, attributable to the *skill, sensitivity and artistry* of the performers, and

instance of that work and the particular realisation of that play authored by the performers at a certain time and place. However, this relationship between performance artworks and realisations is not tied to one particular ontology of artworks. David Davies can incorporate these features within his 'process' ontology which does not recognise the distinction between the compositional and performing arts. He states (220): ".. work-performances [realisations] are themselves performance-works [performance artworks] of a particular kind, so that when we attend a performance-event that is constrained by the requirements of a performed work, there are two works available to us for appreciation." The point is expanded upon at (223), where he states these are " ... the performed work whose vehicle is the set of constraints guiding the performance-event, and the performance-work whose vehicle is the performance event itself, viewed as a sound-sequence produced by a given performance means."[263]

(b) Object Artworks

Paintings are paradigmatic object artworks and have all the following properties. Object artworks are autographic in that they conform to Goodman's (1968, 113-116) original/copy strictures: All artworks for which even its exact duplication does not count as a genuine instance are autographic artworks.[264] Also object artworks are the sole token of their type, so whenever an object artwork is made it creates a type of which a particular object is, and can be, the sole token.[265] Also, once the type exists, it is, as it were, 'used up' so that if the token is destroyed no further tokens can re-instantiate the

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le qualities of the work performed, attributable to the *creative powers and imagination* of the artist."
olterstorff (1975, 115-116) presents two arguments in its favour. The first is a variation on that above in which he notes that erformance and realisation have different ontological and aesthetic properties ('having been composed) and so must be distinct. he second is that there can be two identical yet distinct performances x and y of the same work z, but x and y cannot both be lentical to z and yet distinct from one another. If x identical to z, then y by virtue of being a realisation of z would also be a ealisation of x but it isn't, ergo, different artworks.

type. So, reproductions of token object artworks only reproduce those properties of the artwork which inhere in the physical object itself. Reproductions therefore are copies of the artwork and tokens of a different type to the artwork. So, object artworks do not admit of further realisations through reproduction - if an attempt to do this is made the result will not be a further instance of that work. In this respect the idea of object artworks has to be defended against Currie (1989), (1991, 336) and Davies (2004) both of whom hold theories which identify the artwork with a performance by an artist in achieving an object, which permit the multiple instantiation of all artworks.[266]

So we can say that Rembrandt's *Night Watch* is a particular object artwork that resulted from the art making activity of Rembrandt. It is crucial to it being *Night Watch* that it was Rembrandt and no other person who carried out the artwork-making actions. Rembrandt's actions in making *Night Watch* are crucial to it being the token of the object artwork it is.

Also, object artworks can be completed and exist as artworks long before any audience views them as an artwork and can be experienced at any time from the moment an artist has decided that her work on a given piece is complete. To experience Rembrandt at his easel painting *Night Watch* is not to experience *Night Watch*. The action of applying paint to a canvas is not part of the artwork that the audience experiences. The completed painting is *Night Watch*.

Goodman's distinction has a pedigree in the literature. For a synopsis see Wollheim (1980).
This characterisation is also ultimately sourced in Wollheim (1980)
Currie considers artworks to be 'action types', whilst Davies considers them to be 'action tokens'. However this is not the sole difference between their performance ontologies.

The relationships between objects performances and realisations provide a description of the kinds of entities that artworks within all the different categories of art can be:

(a) object artworks are intended and indicated structures which inhere in particular, unique, intentionally made physical objects made within an historically traceable tradition of practice;

(b) performance artworks are intended and indicated structures (as defined above) which admit of realisation within an historically traceable tradition of practice;

(c) realisations are particular and intended one-off events that are dependent on the prior existence of an artwork of kind (b) in that any particular realisation must be 'of' a particular artwork of kind (b).

Thus all artworks are, once indicated, intentional by virtue of being indicated. The common framework of making means that forgeries of all artworks are misrepresentations of its origins.[267] The difference in how performance artworks and object artworks can be forged is underpinned by the status of reproductions or recordings of them. This provides a premise: For every artwork-making activity, we can ask whether the results of that activity are reproducible as an instance of the artwork. We can also ask whether considering a reproduction or recording as an instance of an

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[267] evinson (1990, 106) captures this common framework: "... authenticity in all the arts involves a relation to a unique, historically ositioned creative act, and thus all the arts are subject, with varying degrees of gravity, to forgery. The authentic *Night Watch* is he one Rembrandt made in 1642... So, too an authentic copy of *Correspondences* or an authentic performance of the *Tragic Overture*, is one that is intentionally (and usually also casually) linked to particular creative activities of Baudelaire and Brahms n 1845 and 1881 respectively."

artwork requires the artwork to lose properties integral to its identity. Precisely what such properties are will depend upon how the artwork was made but could include its manufacture in a particular art historical context by particular agents, or its possession of properties which depend upon a particular agent's actions. If recording or reproduction entails this loss then the recording or reproduction cannot be a further instance of the original artwork.

So we have a rule: If an artwork is not instantiated in a reproduction or recording then that artwork must be an object artwork, otherwise it is a performance artwork. That is, object artworks cannot be realised and realisations are necessarily of artworks with performance ontologies. These claims will all be tested below.

As we have distinguished object and performance artworks in terms of the status of their reproductions, we need to flesh out what realisations are and investigate the claim that realisations can be described in terms of object and performances.

2. Towards an Ontology of Realisations

A first question to ask is whether a realisation of a performance artwork is itself an object or a performance artwork?

The realisation is not a further artwork by the composer of the performance artwork. If Menhuin plays Stravinsky's *Violin Concerto* the realisation artwork is Menhuin's, (since

if he did not play then the concert would not happen). Another violinist's playing cannot

be the locus of a Menhuin realisation because, bluntly, Menhuin is not playing the violin

in these realisations and it is necessary for a realisation artwork by A that A is the

performing artist. Similarly, when we choose to listen to a recording of that realisation

of the Stravinsky piece, we want particularly to hear Menhuin's version of Stravinsky's

Violin Concerto. Other violinist's performances will not do. However, as Menhuin or

anyone else is making a realisation of Stravinsky's composition he produces a further

instance of Stravinsky's composition (since if Stravinsky had not composed the concerto

Menhuin could not realise it). As Kivy (2006, 113): "Performances, particularly great

performances, are admired and appreciated as works of art in their own right, always

with the rider that they are not "free-standing" works of art, but versions of pre-existing

works of art of which they are the performances." So, realisations are parasitic on the

persisting structure of the performance artwork, in that they cannot exist without it, or

exist separate to its instantiation. Dodd (2004, 355) puts it thus: "This combination of

relations - namely conceptual dependence upon, and existential independence of - is

precisely what holds between a musical work and performances [realisations] thereof."

Thus, any realisation, as a particular space-time event, is more correctly described as

"realisation A of artwork x', where A specifies the details of realisation in terms of the

performing artists and the physical location and time of their performance, and where x

is the performance artwork itself that their realisation is 'of'. So, reproductions are

records of realisations but instances of performance artworks. It appears then that

realisations are autographic. Each realisation also has the characteristics of the

autographic artwork that known realised artworks can be forged and that the distinction

between an original and a copy is ontologically relevant. (A realisation which passed off

another violinist's performance as Menhuin's would be a fraudulent presentation.[268] So, realisations appear to have the ontology of object artworks.

However, reapplying the above arguments, we see that it is possible that a violinist 'B' can stage his own realisation of Menhuin's version of Stravinsky's *Violin Concerto*, and that this new realisation is one authored by him – it is his realisation of 'Menhuin's-realisation-of-Stravinsky' making the artwork he makes 'B's Realisation of Menhuin's Realisation of Stravinsky'. Also, by the arguments above, the violinist B is using the structure Menhuin left available to offer his own realisation of that particular past event. This is not a further instance of Menhuin's realisation of Stravinsky, because (a) Menhuin did not play the violin and (b) Menhuin's realisation was a specific event of 1964 that cannot be the locus of an artwork made in 2006. This means that in principle a never ending iteration of realisations of realisations is possible. Whenever this happens, the realisation that is being performed is being treated *as if* it were a performance artwork or perhaps more correctly, as if it were an allographic artwork.

So, despite being events realisations can generate structures which can themselves be realised. This is possible because all the different realisations have in common that they are of an indicated structure that persists within each of its instances. No matter how many brackets this structure is put within, this original performance artwork will remain the ultimate basis for each realisation.[269] We can use this insight to develop our

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Goodman has a similar view on the forgery of realisations: "There may indeed be forgeries of performances. Such forgeries are those that purport to be by a certain musician etc.; but these, if in accordance with the score, are nevertheless genuine instances of the work." (1968, 113ft). See also (1968, 118)

Dodd (2005, 72) makes this point about a Duke Ellington composition: "One listens to *Never No Lament* in a deferred way by virtue of listening to a performance of it: That is by listening to one of its tokens."

characterisation of realisations to suggest that realisations are autographic instances of indicated structures.

However, even this more nuanced account may not suffice. Paradigmatic autographic artworks and realisations of performance artworks differ in respect of the conditions under which each is accessible to audiences. Realisations can only be experienced contemporaneously to their making and if a person is not in the concert hall with Menhuin then the realisation is lost − I cannot, as I can with an object artwork, go to experience last night's concert again next week. This means that realisations cannot be lost as object artworks can be in terms of being mislaid, so that we know that an artwork exists but not *where* it is.

The exception to this is when a realisation artwork is recorded (Urmson 1976). In this case a realisation *can* be partially preserved and experienced after it is made. It is only because of when we are within art history that realisations can be recorded in such a way that the recording provides something akin to the experience of the realisation event. What we know now about particular stage performances from the past is sufficient for us to know that realisations by Garrick, for instance, existed but not enough for them to be appreciated or evaluated now. These realisations cannot be retrieved for further enjoyment by us. Even given modern recording technology unless a realisation is recorded when it is being made it is an irrevocably lost artwork.[270]

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rrie (1989) exploits this point to argue that a culture that considered literature as a singular art would be wrong and merely

We can ask whether *recordings of realisations* are further instances or copies of those realisations. A recording of a realisation can be having a record that x performed y on date z, a review, an evocative description, a concert-hall recording, or a film of the complete performance. There is sometimes a fine line between a recording of a realisation and the realisation itself but every realisation exists as a complete artwork irrespective of whether it is recorded or not. Borderline instances might be the contemporaneous viewing of a staged performance from a theatre bar or live dramatic acting transmitted through television or a hearing loop.[271]

Given the characterisation of realisation provided thus far, we should say that since a realisation is a specific event that cannot be repeated a recording made of a particular realisation is not also a further instance of that realisation.[272] The recording of a realisation of a performance work such Stravinsky's *Violin Concerto* can be a non-artwork the content of which is an artwork.[273] Although the recording is not an artwork, it has an artwork as its content. Alternatively, some recordings may themselves be artworks (the film, perhaps the description): But the film exists within the category of art of film and possess the standard, variable and contra-standard properties of a film. Since the realisation and the film have incompatible standard properties, the film of the realisation cannot be both a film *and* the realisation. So, when we experience a

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lacked printing. Currie's argument works because *we* already have printing. It is a different matter applying this to a time before printing.

Carroll (1998, 201) discusses similar 'borderline' cases between a play that is simultaneously broadcast – Carroll's, position, with which I agree, is that if the recording involves techniques different to that of the stage realisation and so gives a different experience to that staging then there are two distinct artworks.

Wolterstorff (1980, 79-80) and (84) concludes the same, via a different route.

Walton (1984) argues that when one looks at a photograph of an x, (and by extension a visual recording of x) one sees the x. This could mean that for Walton that recordings of a performance of *King Lear* would involve us actually seeing that performance of *King Lear*. For a refutation of Walton's view see Cohen & Meskin (2004), who argue the denota within photographs do not locate us as viewers vis a viz. the image we see, as happens when we see normally. The lack of comfort I get from seeing pictures of dead friends compared with the joy when I saw them convinces me that when I'm looking at a picture I'm seeing a recording of what the subject once did. Photographs are more accurately stated to be of a particular space time event, rather than objects, since a camera captures whatever was exposed to light at the time and place in the direction it was pointed. The subject of a

recording of any realisation, we do so as recorded and presented in accordance with the

rules of the presenting category of art not the presented category.

In each case in which a realisation is recorded the reasons why that recording may itself

be an artwork are different to those why the realisation is an artwork. Such artworks or

recordings have the presentation of another artwork as their subject matter but neither

the film nor the writing is art *because* of its subject matter. This is because a recording

does not instantiate the realisation whenever it is played back. Consider: the players are

not acting once more as your DVD of King Lear plays back although the play back does

provide another instance of the performance artwork that was realised. So, as the DVD

can be replayed over and over again but the actor's performance on stage is an

unrepeatable event which cannot persist beyond the curtain call, the recording cannot be

a further instance of the realisation.[274]

In light of the borderline cases, we should consider whether it is tenable that a recording

of a realisation is instead another instance of the realisation artwork? In the Menhuin

example above, doing so would require re-describing Menhuin's playing within his

realisation as an indicated structure rather than a spatio-temporal event - as an

allographic instance of an indicated structure, rather than an autographic instance of an

indicated structure. This would mean that Menhuin's realisation must have its own

notated form, separate from and additional to that of the Stravinsky artwork, that

provides a basis for realisations of it. However, if that is so the Menhuin realisation

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hotograph, in common with the night in the theatre, is an unrepeatable but recordable situation.
irecorded realisations can persist in an audience's memory and if that audience included Mozart this could be a powerful musical
iemory. However, the conceptual point is that unrecorded realisations are irrevocably lost to those who were not present at the

cannot also be an instance of the Stravinsky work, because in order to be an instance of the Stravinsky work the Menhuin work has to fall within the compliance class of instances of the Stravinsky work (however that is constituted)[275]. Membership of this compliance class requires the realisation not to have a distinct notated form to the Stravinsky piece - if it does, then it has a different *indicated* structure and having a different indicated structure would mean that it is an instance of a different artwork. Menhuin has not notated a way of presenting the Stravinsky work because Menhuin's work, as a realisation was an event, with an object ontology. So, if recordings or further realisations of Menhuin's realisation are to be further instances of Menhuin's artwork, Menhuin's realisation will in effect become a composition, and so cease to be a realisation of the Stravinsky piece. Stravinsky's *Violin Concerto* falls out the picture. I take it that this is not the case, and that compositions can be performed, and that we should not view recordings of realisations as further instances of those realisations.

This analysis of realisations draws on elements of Goodman (1968). In contrast to Goodman, we have concluded that realisations are always autographic. Translated into Goodman's terms our claim is that all 'two-stage' artworks (i.e. artworks that involve two stages to be experienced by an audience) are autographic at their second stage.[276] For Goodman, however, if the first stage is autographic then the second will be too, and vice-versa. Pillow (2003, 366-367) argues for architecture as being an art form that moves from allographic plans (first stage) to autographic buildings (second stage). If so,

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event or in receipt of the broadcast because there is no publicly repeatable record of that event.
See section 7 for a discussion and a different exploitation of a similar argument.
Painting is 'one-stage' since it only involves the painter marking a surface. Music is 'two-stage' since a composer writes a structure and then musicians play it. Goodman (1968, 114) states: "... the composer's work is done when he has written the score, even though the performances are the end products." Thus in our terms, two-stage arts are those that admit of realisation, although 'admitting of realisation' is a property of artworks, and only true of art forms as an accidental generalisation. For David Davies

then we can argue, (with Pillow, 2003) that individual buildings have an object ontology, dependent on the existence of the structure contained within the plans. I concur with Pillow in this case, but would extend the point to all realisations in any art form.[277]

In doing so we deny that there can be realisations of autographic works and assert (i) that the ontology of realisations is constant because of their dependency relationship with the artworks of which they are realisations and (ii) that only performance artworks have a suitable ontology to permit of realisations. So, although these assertions will need further argument, we can say that the categories of object artwork and performance artwork use elements from Goodman in their construction but the proposed ontology is different and incompatible with parts of Goodman's scheme.

These arguments are compatible with our everyday attitude towards reproductions of realisations. We think that if we make copies of Menhuin's realisation of Stravinsky's *Violin Concerto* we record the same thing each time - the sounds of a certain performance. This analysis remains true even if a recording is made from splices of different individual realisations (as in Glenn Gould's recordings).[278] The ontology presented here is unaffected by these recording techniques which are merely different ways of presenting an instance of a performance artwork.[279] The point is that each time

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2004, 207) all 'performance works' as he calls them are two-stage, but sometimes these are two stages of articulating the same rtistic statement.
iis analysis might entail that master builders/engineers are also artists, if violinists and actors are. Some buildings, especially ite-specific ones, aligned to solar or lunar events will be object artworks as essentially sole tokens of their type.
ir Gould's working methods see Hamilton (2003, 354-7).
slight caveat: As Sharpe (979, 437) notes we cannot substitute one musician's recording of a musical work into another without hat making an aesthetic difference, so composite recordings have to be made by the same player. Note also that Sharpe's point rovides support for the view that each individual realisation is a distinct artwork in its own right.

we continue to record the same thing rather than bring a new artwork into existence through our recording. Adding these observations about how realisations are recorded to the characterisation suggested above we can say that although realisations do not fit simply into the object and performance categories of artwork kinds they can be adequately described and distinguished from object and performance artworks using these categories: They are indicated autographic events which are dependent for their existence on the prior existence of performance artworks.[280]

The points made above can provide a basis for an ontology of prints, cast sculpture, photographs and other artworks which are capable of existing in multiple editions. Such works might also fit uncomfortably within the object/performance categorisation. From what has been said thus far these two statements will be true of an edition of fifty prints: (i) The edition has fifty instances of the artwork, none of which stand in an original-reproduction relation to each other and (ii) reproductions can be made of any one of the fifty prints. The prints would then appear to be autographic and so should be objects pure and simple. However, both the reproductions of the prints and the prints themselves stand in an original-copy relation to the original plate. So, although individual prints are object artworks, the plates from which they are made are object artworks that create an indicated structure. In this respect then plates have the same ontology as realisations of performance artworks.[281]

Pillow (2003, 368) hints at this position: "I think he [Goodman] could have held, were critics and musicians successful in revising the connection toward seeing every performance of a score as a historically distinct work of art (rather than as instances of one scored work), then scored music could become autographic at the performance stage." I do not have to make this choice since each performance is an instance of an autographic event artwork and (per necessite) a realisation of an allographic performance artwork. Pillow (378) would disagree - although allowing that LeWitt may have done this with his wall drawings through beginning a new genre – however, Pillow does not address the point that each performance could be a work with *a different*

3. Realisations Containing Improvisations[282]

It has been established that realisations are events that are of pre-existent structures. Some artwork categories, such as performance poetry, or jazz, have improvisation as a central feature of realisations within that category and so might provide another challenge to this characterisation of realisations - can we say that these realisations are *of* a performance work?

For pieces that are completely improvised the arguments which differentiated the performance artwork and the realisation through their independent indications and authorship will not apply. Nevertheless, a completely improvised piece may be one in which an artist simultaneously makes two distinct artworks with two different ontologies. To see how we need to highlight Levinson's performing means requirement (1990, 78) for musical works, already included within our characterisation of performance artworks:

"musical works must be such that specific means of performance or sound production are integral to them"[283]

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uthor to the composer of the work itself and existing in addition to that composers work.

rroll (1998, 215) remarks, that daguerreotypes may be unique (Polariods too). These will be objects.

avid Davies (2004, 225-235) discusses this same topic using his own technical terms specific to his 'process-centred' ontology. `o avoid multiplying terminologies, I shall insert salient points from his discussion into the arguments of this section, rather than liscussing Davies' position in a stand-alone section.

is does not imply that we necessarily assent to Levinson's other requirements for indicated structures – the 'creatability' equirement' (1990, 68) or the 'individuation requirement' (1990, 73) as these are not necessarily required for this discussion. lowever, as a matter of fact, they may be required if the idea of a performance artwork is to meet the challenges that Levinson's equirements are designed to meet.

The improvisation event creates the possibility of further realisations both of that particular realisation and the composition created through that improvisation and the possibility that the compliance classes of these realisations may not necessarily consist of the same members. For instance, an improvised jazz composition could be realised through being played mechanically on a synthesizer with deliberately robotic and lifeless sounds.[284] This realisation could fall within the compliance class for the composition but may not fall within the compliance class of realisations of the initial improvisation realisation, if that was played entirely acoustically and in an emotionally charged manner. The robotic realisation would fall foul of the means of production condition in respect of one, but not the other.[285] Therefore two artworks can be distinguished within one event. Two different sources are created for future compliance classes of realisations - and putative tokens of each are tested for inclusion in the respective classes against different criteria.

This solution for wholly improvised works demands that we consider performance artworks that contain passages for improvisation in realisation as a part of a more determinate whole. Such works, when they are realised, produce a set of tokens which are different to each other, but which are all nevertheless instances of the same performance work. Every realisation of the *Brandenburg Concertos* could have a different improvised section for the free cadenza passages and each recording of a realisation will give rise to different indicated structures, all yet be of the *Brandenburg*

evinson (1990, 75-76) considers an example in which Beethoven's Quintet Op.16 issues from a versatile synthesiser, or an array of peculiar wind instruments all of which could play two or three notes. Levinson questions whether a performance using either would be a performance of Beethoven's piece. At (1990, 248) he cites hearing a performance of Beethoven's op.9 String Trio as performed on tin whistles, as a performance wholly inadequate to provide an audience with any appreciation of critically relevant features of that work.

Bar-Elli (2002) distinguishes his view that performances are intentional objects (necessarily of a certain object) and what he calls a 'descriptive' view, where a performance is of an object, but not necessarily of any specific object. The distinction originates in

Concertos.[286] This is because the notation of the *Brandenburg Concertos* does not specify what should be played throughout a realisation. For the free cadenza passages the notation specifies only a procedure (improvisation) for producing music. Thus, works containing improvisation are similar to those works of minimalist music such as Satie's *Vexations*, or Terry Riley's *In C*, which only specify a rule to be followed in realisation, without providing a determinate score to follow.[287] This view is similar to that presented by Thom (2003) in which he distinguishes between works and their performances - scores ensure a certain 'fixedness' to performances, but each and every performance can be more or less 'definitive' of the score. Also, different scores permit different levels of fixedness and different performances can be more or less definitive of a work (where there is no score and only one performance then that performance is wholly definitive of that musical work). So he states: (128 ft) "I think of a work for musical performance as a sequence of specifications for action. Such a sequence is indeterminate to the extent that there are actions - actions relevant to the project of executing that sequence of specifications - that are neither prescribed nor proscribed by the specifications in question".

If the structure specifies how the gap should be filled, or suggests a framework for acceptable improvisation, then the structure specifies a procedure within the improvised passages. So, performance artworks containing improvised passages have a structure comprising both specific content to be realised and instructions on realisation. Both the prescribed content and the specified method as set out in the notated form must be

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ioodman. For reasons discussed below my claim there cannot be any stronger than the descriptive sense.
rroll (1998, 217): "... improvisations can be memorized and played again by the original artists or by someone else; they can be
otated (as they were in the classical tradition), and played again; and in the age of mass art can be taped and/or memorized by
isteners who, in turn, can notate them and/or reproduce them."
: indeed, Mozart's *Musical Dice Game of* 1787 in which a throw of a dice determines the order of combination for pre-composed

satisfied if a particular performance is to be a realisation of that artwork - realisations of these works require improvisation within the realisations. David Davies also (2004, 226) offers a similar analysis of this relationship, "... such performed works, therefore, formally resemble classical performed works, such as Elgar's Cello Concerto. All that differs is the nature of the constraints and often the vehicle used to convey them." Davies (227), also states that improvised realisations, either in creating a work anew, or in realising a performance work need to recognise and specify "a set of reformative constraints for a performed work - that is, a set of constraints in virtue of sufficiently satisfying which a future performance, guided by the appropriate intentions, might qualify as another performance of the same work." For me, one such reformative constraint is that the improvisation maintains the category membership of the performance artwork, disallowing a cellist from painting his instrument during an improvised passage in a musical work and disallowing a musical composition that would permit this in realisation.[288]

For these performance artworks the fact that realisations can be made of realisations means that if a realisation is modelled on one particular realisation including a note-for-note reproduction of the improvisations within the original realisation, then these realisations are wholly determined in content. In these situations the lack of improvisation, as provided for in the score, *may* be an unacceptable deviation from the score. The realisation however, remains a member of the compliance class of

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phrases.
Davies (1997b, 455) notes that a similar point is true of musical works, the scores for which specify conditions throughout, rather than proscribe content: "It would no more be appropriate in this piece [*4'33"*] for the instrumentalist to read the newspaper during the performance than it would be for the triangle played to do the same while she was not required to play during the performance of a symphony." Livingston (2003b, 237): when talking of artworks nesting others within their structures: "... works of pure sculpture cannot nest symphonies; movies readily nest other movies; the ecstasies of ekphrasis not withstanding, the visual structure or display of a painting simply cannot be made visible in that of a poem or musical composition, and so on."

ealisations of that original realisation.[289] In Davies' terms these might be realisations

hat fail to bear upon the artistic structure of the original performance work, and bear

only on the artistic structure of the original realisation containing an improvisation.

Consider, if we did not know the original beyond that first improvisation, then heard the

second containing no improvisation, then we would not know that the composition

contained a passage for improvisation.[290]

Further realisations of a work containing improvisation, which lack that element of

improvisation, attempt to make an autographic event function as an allographic work,

through treating that event *as if* it were, or specified, an allographic work. Artworks

containing improvisations can give rise to singular circumstances in which realising a

realisation serves to turn the work realised into a de facto composition. This illustrates

the distinct relationships that exist between realisations of the composed artworks and

realisations of the realisation artwork. Davies (2004, 228ft) offers a different view

which is nevertheless consistent with that presented here. He suggests that performance

works containing passages to be improvised within realisations could be works which

are collaboratively composed. "Bach-as-performed-by-Liszt." would be realised by non-

improvising further realisations of this. Davies' alternative view is consistent with that

presented here.[291]

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odman (1968, 184) allows that improvised realisations can have the same sound structure as distinct determinate works.
owever, it is unclear whether the instruction to improvise within a score is one of its determinate characteristics - if so, music
ecomes, on his terms, *very* indeterminate. See section 7.
arpe (1979, 438) holds that within music realisations of interpretations cannot themselves be interpretations of the performance
rtwork. The cases discussed here should show that this is to strong a claim.
ictly speaking Davies view applies to works where a composer states that a determine structure for the performance work is to
e settled by the interpreter so all future realisations follow the determinate structure put down by them, but given my separate
ntologies of performance and realisations the point can be extended.

If this is possible in this rather unique circumstance, we have to ask whether other autographic artworks are not in fact performance artworks masquerading behind conventions. Does this mean that all visual artworks can be reinterpreted as performances in terms of admitting realisations? Currie's (1989) view is that executing a realisation could be said to be a re-painting (or re-presenting) of the indicated paint-structure of an already existing painting. This, in effect makes painting, in Goodman's terms, a two-stage art form by separating the indicated paint structure from the circumstances of manufacture. Could this provide an analysis of painting in which realisations are autographic performances of allographic object artworks?

4. Why Don't All Artworks Admit of Realisation?

Realisations of object artworks would have to stand in the same relation to the artworks they realised as Menuhin's versions of Stravinsky do to Stravinsky's work.[292] They would also need to conform to the same relationships set out thus far that obtain between different realisations. We need to ask whether notated forms *can* exist for object artworks that would separate composition from realisation and meet the tests of realisation.

When any artwork is realised it is the particular interpretation which is the object of critical attention and which carries the value of the realisation. Each realisation of Stravinsky's *Violin Concerto* will differ according to how well the violinist plays and interprets Stravinsky's composition. Menuhin's realisations of Stravinsky are valued for

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[2]There is a tradition of painters making their own versions of other painter's images but these are different cases that are not problematical for the position being put forward here.

his virtuoso playing. They are not valued because additionally to this he also composes works which are themselves of worth. Menuhin can be an artist simply because of his proficiency at playing the violin - irrespective of the separate value, or even existence, of any of his compositions.

For painting, the equivalent would be locating value in the interpretation of a version of a work so that the value resides in how well a version has been painted – and painters could be valued for either their skill in executing structures in paint, or for creating structures for execution. However, there is a difference between how this might happen within music and within painting. For painting, as it is currently conceived a large measure of an artist's worth attaches to the ability to realise structures that one creates within paint, with little, if any, attaching to the ability merely to realise the paint structures of others. Indeed, realising the paint structure of others is one of the things art restorers do – and they are not valued as *artists*. However, even if a painter could be an artist through realising (for instance) the structure Titian created in making the *Annunciation*, the existence and quality of his own structures would be relevant to his standing as a painter and to the evaluation of his realisations of other painter's structures.

The difference arises from the criteria by which individual artworks are evaluated within different categories of art. It would appear that within painting there is no room for technical skill at painting alone to serve a similar purpose to musical virtuosity and generate a category of painting as a performing art in its own right. Even though the ability to create structures within paint and the ability to realise the paint structures of

others are two different skills that do not imply each other, it appears that the category

of art of painting cannot be dissolved into two parts, as music, for instance, can be into

compositions and recitals. The conceptual space in which a painter realises the painted

structures of others has already been filled by the original painter through the act of

creating the structure in paint. This is because the performative act of painting is a

constituent part of how painting structures are made. The category of art of painting

involves both composing the image *and* applying the paint as aspects of the work

required to make a painting.[293] To compose a paint structure but not to paint that

structure would be insufficient work to make a painting. So, although it is conceptually

possible to consider the separation between composition and realisation in painting, it is

not possible to achieve in practice since paint compositions have to be painted, not just

designed, in order to make artworks within the category of art of painting.

This highlights a difference between object artworks and performance artworks that is

of relevance here: Those art forms which create an indicated structure and so admit of

realisation are realised in a *different medium* to that in which the composition is notated.

For paintings there is no separation of media between composition and realisation. Not

only does composition involve realisation (since composition alone in insufficient to

make a painting) but it also requires that structures composed in paint have to be

realised in paint.

In (1992a, 217) Levinson makes this point in respect of Currie (1989): "But surely it is at least the case, on our current conception of painting, a painting by, i.e. attributable to, x must have been *painted* by x; since this is not so for mechanically generated exact copies, they cannot belong to the painting." Currie (1989, 90) concedes that how paint is applied to canvas is critically relevant to an assessment of a painter's achievement but argues that this is compatible with a painting having multiple instances and the artwork itself being the activity of the painter rather than the object.

This separation in medium or lack of it is why artworks such as musical compositions, or plays, are *added to* as artworks through being realised. Particular performances by musicians or actors can bring out features in compositions or plays that are not apparent through reading the score or the page - the score is to be played within a realisation so that it can be experienced by an audience. Realising these artworks has, in short, an aesthetic point and because of this people who make realisations can be valued on the terms of their interpretations of structures. Realisations of performances, because they are executed in a different medium bring additional aesthetic features of the performance artwork to our attention that are *only* available to audiences through experiencing the realisation. We might even say that the aesthetic experience of a performance artwork is incomplete unless it is experienced within a realisation.

Paintings do not have this sense of needing to be added to as artworks. There is an aesthetic oddness about conceiving of another performance of Titian's *Annunciation* because the *Annunciation* is aesthetically self-sufficient as it is. It is unclear what purpose(s) painting as a performing art would. fulfil over and above those already fulfilled by the creative art of painting and it is unclear what pleasures an audience could gain from experiencing a realisation of the *Annunciation* that are unavailable from experiencing Titian's *Annunciation*. There is no need for that artwork to be further realised and so because it would be aesthetically redundant, there is no provision for painting to be realised.[294]

:aves (2002) argues that whilst objects might be artworks through institutional factors (the arguments here fall within Graves' :haracterisation of 'institutional'), their aesthetic properties provide explanations of their value as artworks. Thus the majority of ndividual artworks continue to offer aesthetically rich experiences. A nuanced version of this would be compatible with this analysis.

The separation of media between composition and realisation means it is possible for someone to compose something that cannot be realised, and yet for that composition to remain a perfectly good example of an artwork within that category. A musical composition may require 1 pianist to hold down 13 keys simultaneously or provide a vocal part requiring singing in two different octaves simultaneously. Neither would prevent this work from being a musical composition. The composition of something that cannot be realised may be just the sort of expansion of the properties of a category of art that recording technology can facilitate.[295] It simply means that one form of realisation - the completely live recording - cannot be made. However, this possibility is closed for paintings – it is not coherent to say that there can be a painting which cannot be painted. There can be instructions about painting that cannot be carried out but instructions are not applications of paint.[296]

The fact that notation and realisation are in different media explains why, when an artwork with a notated form is realised, an audience experiences two distinct artworks. It explains why prints are not realisations of the plates from which they are made - because there is no notated form in which the plate exists other than the reproduction of the image on the plate. It also suggests why the potential separation between (i) the compliance class of the composition's realisations and (ii) the compliance class of realisations of the realisation, which is always possible for performance artworks, is *not* available for object artworks. This is the cleavage point between object artworks and performance artworks and what I call *the medium criterion*.

See Malraux (1978) for a discussion of the impact of photography and cinema on art history and Benjamin (1968) for the expanding possibilities for the reception and making of artworks due to technological advances. Carroll (1998, 114-145) contains a comprehensive discussion of Benjamin's essay.
These kinds of works are discussed in chapter 8 below.

This deficit of object artworks may be because the appropriate interpretative medium or method has not been devised or it may be because no medium or method could exist. A possibility for a notated form for a painting comes from the writings of Sibley, using his (2001, 257) idea of a 'visual property'. The visual appearance of any artwork is, for Sibley, roughly, the totality of the formal properties of the displayed object. So, for our purposes, the artwork could be the visual appearance of the object with the actual paint the vehicle for providing this appearance.[297]

What happens if we assume that visual appearance provides a notated form for painting? Let the Titian work be a realisation of a structure by Fra Angelico. If the Titian is based on a Fra Angelico artwork, then it is both a realisation of the structure of Fra Angelico's work and can be used as the basis for further realisations of it (as per the Menuhin's Stravinsky example above). What it would also mean is that when an audience experiences Titian's painting, they also experienced Fra Angelico's 'composition' as manifested in the visual appearance of Titian's canvas.

This strikes us as odd, since the structure that is the visual appearance exists only as realised within Fra Angelico's original painting. It is as if the Fra Angelico painting created a template which can be read off by other artists. The difference between Fra Angelico's painting and Titian's then becomes the handling of the paint in making their versions of the same visual appearance. This would also mean that any originality in the

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urrie (1989, 78) discusses a 'painter's structure', which is the structure type of paintings, discoverable through different heuristics. here is no suggestion that this could be a notation for painting per se, although given Currie's ontology, it could perhaps be the

paintings composition makes it a failure as a realisation. Again, odd since compositional flair is aesthetically praiseworthy in a painting, so a failure in realisation could result in the creation of a great visual appearance. This is not incoherent, but does show that to accept a notational form for painting would radically alter the category dependent properties of painting as we currently enjoy it.[298]

However, if realised, the visual appearance would have to be that *as realised in paint* by Fra Angelico. This point hints at the additional problems that arise because the visual appearance Fra Angelico created *only* existed in his painting. This means that if Tintoretto was to produce a realisation of Titian's *Annunciation* there is no need for the Tintoretto realisation of the Titian painting to refer back 'through' the Titian to the Fra Angelico. It could just be a realisation of the Titian painting and not a realisation of Fra Angelico's work, despite the fact they share the same structure. This is because, even if both the Fra Angelico and Titian paintings are regarded as visual appearances that handled paint in some ways, the only way this can be manifested is through the actual paintings. So, the same Tintoretto painting could be a realisation of Titian's work or a realisation of Fra Angelico's or a realisation of both. This means that every realisation of a given 'visual appearance' can be a realisation of some or other artwork with that same 'visual appearance' (with the details depending on art history). Thus the subject of any 'visual appearance' would depend on the painting's history of production rather than, as required, the properties of that painting. Therefore, 'visual appearance' is an inadequate basis to distinguish between the Titian and Tintoretto artwork.

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notation of that particular painting.
Goodman (1968, 194-198) considers other options for painting notations. As above, he concludes (198) that no notation can be found which would conform to current practice of painting.

Moreover, the Tintoretto work would have the same visual appearance as the Titian even if the latter was a realisation of the Fra Angelico painting but the former was not. This is because all the painting structures and realisations lack an external reference point against which each can be individually distinguished. Therefore the 'visual appearance' within any given artwork could be that of either the realisation or the structure. There would be no requirement that Tintoretto's work was Tintoretto's version of Titian's realisation of Fra Angelico's *Annunciation*. The very same painting could be Tintoretto's realisation of Titian's *Annunciation* or for that matter just Tintoretto's *Annunciation* with a very derivative pant structure. The difference between the paintings in each case is how it handles paint, not in how it creates a new visual appearance. Thus visual appearance as a notated form permits that Z is a realisation of Y and Y is a realisation of X, but that Z need not be a realisation of X. It requires in short that realisation should not be a transitive notion within the arts. However, realisation within the arts is a transitive notion.[299] So we have a reason why notational forms for paintings may not be possible. We can conclude then that the separation of media between the structure and realisation of a composition is a necessary pre-condition for realisations of a structure to generate a new artwork and for a creative category of art to generate a performing art dependent upon its structures.[300]

We can conclude that if there is no notational system for an artwork in a separate medium from that in which it could be realised then there is no medium that

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is is not to be confused with the argument in the section below which concerns identity, not realisations.
olterstorff (1980, 62-64) hints at a similar view in which, in his terms, artworks are divided into norm-kinds and particulars, here the former can have correct or incorrect instances, but where particulars cannot establish rules for the correctness of istances.

differentiates the category of the artwork to be realised from any realisations of it. This

is why any attempted realisation either makes another distinct artwork within the same

category or produces a copy of the original work. Object artworks that do not have a

notated form, or do not have this separation between medium of notated form and

medium of realisation, do not afford this opportunity for realisation because this

separation of media is a pre-condition for the possibility of realisation. This is why not

all artworks admit of realisation.[301]

5. The Identity and Indication of Realisations

In section 3 above it was argued that in order to be 'of' a performance artwork

realisations need to fall within the compliance class of that artwork. In section 1 above

it was remarked that it is theoretically possible for two identical structures to be

differently indicated. Given these claims, how a putative realisation becomes a

successful realisation of a given work is a crucial question. We need to address the

identity and indication of realisations.

For any artwork the structure is that which can be realised. Therefore the structure is

also what an audience of a realisation of a performance work experiences. To

experience any musical or literary artwork is to experience one phrase - musical or

linguistic - within a work following on from the preceding one, unfolding in

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My ontology of artworks is consistent with that of mass artworks presented in Carroll (1998, 172-244). Carroll's 'mass artworks' would be performance works distributed through mass technologies and designed to appeal to large non-specialist audiences. The possibility that as mass production becomes ever more rife that manufacturing a unique objects may become increasingly irrelevant to making artworks is also compatible with my ontology (see section 7 below) However, object artworks cannot be mass artworks in Carroll's sense since they cannot simultaneously exist in more than one place. See (199).

sequence:[302] If all the notes of the Brandenburg Concerto No.1 were performed simultaneously in different places, that would neither be a realisation, nor an instance, of the Brandenburg Concerto No.1.

Also, musical works clearly exist when they are not being realised or after they cease to be played. A newly discovered Bach fugue fragment has existed since it was composed, even though it hasn't been played. So it cannot be that musical works exist *only* when realised. Therefore, musical works do not have a definite spatial location – their structure has no spatial element. However, whenever a musical work *is* realised, because realisations as specific events have an object artwork ontology, that realisation must also require spatial integrity. This means that a realisation must necessarily have both a spatial and a temporal aspect to its existence conditions. Spatial, in that it exists at a given place, temporal in that it has to follow the indicated structure of the artwork of which it is a realisation. Similarly with paintings. What we can say is that the integrity required of the realisation depends upon the medium of notation in which the structure is made. This is because (a) they are specific events and (b) they are object artworks which depend for their existence on the prior existence of performance artworks.

However, not every incidence of a structure is a realisation of a particular artwork. The structure is *necessary* but not *sufficient* for an audience to experience the artwork they think they are experiencing. However, structures can deceive. The structure of an artwork *x* can be presented as, and taken to be, an instance of artwork *x*, without it thereby being an instance of *x*. Fakes of known object artworks fit this description; as

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evinson (1990, 273): "Music as we conceive it seems as essentially an art of time as it is an art of sound." See Budd and Tanner

would the accidental presentation of the word structure of a poem – to think otherwise is to presume a version of aesthetic empiricism.

In the face of such uncertainty Goodman (1968, 115-117) turns for certainty about the relationship between an allographic work and its instances to the notation in which the work is presented. He argues[303] that for an allographic work, a realisation is only an instance of that artwork if it conforms *exactly* to its notated structure. So, fidelity to whatever is specified in notational systems such as a score is the *sole* criterion of identity. As he states (116): "To verify the spelling or to spell correctly is all that is required to identify an instance of the work or to identify a new instance". So, instances of allographic works are defined through performances of scores: "What is required is that all and only performances that comply with the score be performances of the work." (Goodman 1968, 128). Currie (1991) calls such views 'textualist'.

Despite, or perhaps because of, its precision and ability to provide consistent answers to particular instances, there are difficulties with Goodman's position.[304] Consider the following scenario as an intuition pump: A composer makes a new pieces of music, call it #Brandenburg# which is like the *Brandenburg Concertos* but not actually the same – only the first and last notes differ. For Goodman, realisations of this work occur if they match the score the composer specified. What happens when the *Brandenburg Concertos* and #Brandenburg# are performed sloppily so that a deviation from the score

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(1985) on whether it is the structures themselves or their realisations which are temporal.
Goodman & Elgin (1988, 49-65) also contains an outline of the same position and argues for a relativism in interpretation that would be supported by the arguments here.
Levinson (1990, 63-89 & 215-263) contains presentations of positions different to Goodman's on what makes a token an instance and/or a performance of a musical work. Nussbaum (2003) presents an elaboration of Wolterstorff's view that differs from both Goodman and Levinson.

in respect of two notes makes a sloppy realisation of one, an exact replication of the notated form of the other? An audience would have a perceptually indiscernible experience from that which they would have had when listening to #Brandenburg#, despite attending to a realisation presented as of the *Brandenburg Concertos*. The audience hears a work which *accidentally* matches the structure of a different artwork. The structure is different from that which the musicians intended to perform, and different from that the audience expected to hear. The pumped intuition suggests that this event was nevertheless a performance of the *Brandenburg Concertos* by virtue of the intentions of those making the realisation and the beliefs of those experiencing it. This suggests that when there is doubt as to which work is being realised in a particular instance, the intentions of the maker and the circumstances of the structure's presentation outweigh conformity to a structure set out in a notated form or at least our intuitions tell us this.

Goodman's theory suggests otherwise and so does not match actual practice. Goodman acknowledges this (186) but says (120) too bad for actual practice. However, this mismatch *is* a fault on the terms of my analysis since it does not provide a descriptive analysis of actual practice but rather seeks to alter actual practice in the light of theory. On the terms of our analysis, if another description of these scenarios can be formed which avoids these counter-intuitive results, yet is internally consistent, then this other description should be preferred.

Further imagine an artwork *My Saturday Afternoon*. This presents the same words as *King Lear* in the same order speeded up and voiced without expression or variation in

delivery so that it is unrecognisable as the same word structure. This is different to the #Brandenburg# example because this retains the causal connection to Shakespeare's indication of *King Lear:* The structure in *My Saturday Afternoon* is present because Shakespeare wrote *King Lear,* whereas #Brandenberg# was a very similar structure created from a different indication. For Goodman *My Saturday Afternoon* would contain an instance of the artwork *King Lear*, because the structure reproduced in *My Saturday Afternoon* matches the notated structure of *King Lear.* This despite the fact that it could not be recognised as such by an audience of *My Saturday Afternoon.*

Goodman's requirement that any realisation of an allographic artwork requires *absolute* fidelity to this notated form is at once both over-prescriptive (*My Saturday Afternoon*) and insufficient (#Brandenburg#).[305] In both cases, the realisation the audience thinks they experience is not the same as the indicated structure of which the realisation is an instance. Instead, it is a realisation event which happens to have the same structure as another performance artwork.[306] My claim is that because performance artworks are indicated structures, realisations are only 'of' those performance artworks if they are 'of' that *indicated structure*. This is true despite audiences being unable to experience the indication of the structure when they experience the realisation.

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urrie (1989, 110) argues that a performance of Beethoven's Hamerklavier Sonata which lasted ten years would be an incorrect performance for being in such variance to established practice. The same is arguably true of Douglas Gordan's *24 Hour Psycho* as it is slowed to the extent that the illusion of a movie is revealed as a series of still photographs. It is a live question whether this remains a film. Davies (2004, 211) makes a similar point and at (215) makes the same point as the main text above.
evinson (1990, 85) considers a closely linked example to this, in which Sterngrab and Grotesteen, compose quartets with the same structure within the same musical context. He asks whether in performing the Sterngrab work the Grotesteen piece is also performed and concludes not on the bases that there is no connection between the performance and Grotesteen's compositional act. See Davies (2001, 168-175) for a discussion of the scenario, concluding the same but for different reasons.

To provide foundations for his view and confound the intuitions and claims above, Goodman presents a 'sorites' argument (129-130 & 186-187). He argues that although changing one note may not seem to matter in terms of deviation from the score, since identity is a transitive notion, this process of change can continue note by note until, through constant iteration of single note changes, we reach a point in which a realisation contains no notes matching to the score.(187) So, allowing the one-note-different realisation to be a realisation of *x,* means allowing this no-note-similar version to also be a realisation of *x.* To avoid this absurd situation, in which any one realisation could be of any and all performance artworks, only realisations that have absolute fidelity to the notated form are instances of an allographic artwork and realisations of that artwork.

Goodman's argument presents a relationship between realisations and performance artworks that the ontology presented here can reveal as actually *two different* relationships. This in turn allows us to sidestep the feared conclusion of the 'sorities' argument. In my terms, Goodman's argument confuses (i) the relationship that obtains between the performance artwork and any realisation of that artwork and (ii) the relationship that obtains between different particular realisations of that performance artwork. This confusion arises because Goodman does not recognise that each realisation is a distinct autographic artwork with identity conditions that necessarily include both their dependence upon a performance artwork and their precise spatio-temporal indication. Individual realisations of a performance artwork are ontologically distinct, both to every other realisation and to the performance artwork itself. The ontological distinction between performance artworks and each individual realisation allows us to deny the purported identity between realisations supposed in Goodman's

argument and show that the sorites argument does not follow. It also allows us to preserve the transitivity of identity.

Goodman's argument relies on realisations being an instance of a performance artwork. His argument is that if we agree that one note's difference from an instance does not count as an ontologically relevant deviation from the score, that an attempted realisation with two notes different will be, mutatis mutandis, equally acceptable within the same compliance class. However, this new version is *not* one note different to the performance artwork that is Bach's *Brandenburg Concertos* - it is *two* notes different to *that* artwork. This new realisation artwork is actually one note different to *one particular realisation* of the *Brandenburg Concertos*. It is one note different therefore, to *one* autographic artwork consisting of an unrepeatable event. Also, as realisations are autographic artworks, the two-note different realisation cannot be an instance of the one-note different artwork. This one note different relationship obtains between different artworks with different ontologies to that which exists between the second realisation and the *Brandenburg Concertos*. It is therefore to be considered separately to this and on its own terms. The relationship between the two different realisation artworks *is not* of relevance to, nor does it modify, the relationship between the two note different realisation and Bach's original composition. It is solely this latter relationship between allographic performance artwork and autographic realisation which determines whether a putative realisation is an instance of Bach's work or not. Moreover, the relationship between the two realisation artworks *is not the same* as that which exists between any one realisation and the performance artwork, since there is no 'of' dependency from one to the other. So my claim is that the existence of a relationship between two realisations cannot provide the basis for determining whether any one

attempted realisation is an instance of a performance artwork, since that is different artwork altogether, with a different ontology.[307]

Different realisations, or different attempted realisations, have no relationship with each other, aside from the fact of their common relationship to the performance artwork. Indeed, the *only* basis for comparing two realisations is this common relationship to a performance artwork. Considered aside from this 'of' relation to the performance artwork they are separate spatio-temporal events. Whatever is found to be identical or not between these two realisations is of no bearing to the identity conditions of the performance artwork. It is the identity conditions of the performance artwork which sets the criteria for whether a realisation is an instance. In short, the dependence relationship that obtains between performance artworks and realisations goes one way - from performance artwork to the realisation. This means that the relational properties a particular realisation has in respect of being an instance of a performance artwork cannot provide criteria for whether any other attempted realisation has the same appropriate relational properties.

We deny here the claim that because one realisation is an instance of a performance work, then another realisation is an instance of the performance work *because* of its relationship with the first realisation. It is this now denied claim that allows in the iterative drift.

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vinson (1990, 87) attempts to sidestep the 'sorities' argument through providing a distinction between *instances* and *erformances* of musical works, with the former requiring complete fidelity to the score and the latter not. So not all

Realisations containing improvisations can illustrate this, and how the transitivity of identity is retained. Let A be a performance artwork containing a passage for improvisation, let B be a realisation of that work and let C be a realisation of B. Above, in section 4, we demonstrated that a realisation can be an instance of a performance artwork and for a realisation of that realisation *not* to be an instance of that performance artwork. For artworks containing improvisation this occurs if the second realisation does not contain the improvisation required for realisations of the performance artwork, but does match, note for note, the first realisation. This is a concrete example where a second realisation could be a successful realisation of the structure of B but fail to be a realisation of the structure of A, even though B was a realisation of the structure, and an instance, of A.[308]

The principle is the same for the one note and two note different realisations: Let A, B and C, now stand for the performance artwork, the one-note different realisation and the two-note different realisation respectively. Because B is a separate artwork in its own right, C's relationship to B does not carry weight for C's relationship with A, even though C might be an instance of B and B might be an instance of A. B can be a one-off autographic event and can unproblematically be 'of' A. However, if C is taken to be an instance of A on the basis of its relationship with B, then B is being treated *as if it were a structure* which can provide the basis for a further realisation. Yet if B is being treated as a structure then it is no longer being treated as the autographic artwork which was the basis upon which it was an instance of A. Rather, B is being treated as a *new*

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performances of a work are instances of that work. This also allows him a criterion for distinguishing good and bad performances of a work.

Davies' (2001a, 110) argues that scored works underdetermine a musical work with the result that different interpretive realisations can all be faithful to the same score. Dodd (2004, 350) introduces the notion of a 'vague type' to deal with similar problems - a type is vague if individual tokens can differ structurally from one another. Dodd offers 'house' and 'musical works' as examples.

performance artwork in its own right. So for the sorities argument to go through requires that realisations are allographic. I block this by claiming that they are autographic artworks with individual event ontologies. So, the transitivity of identity remains, but does not apply in this case because the identities in question are different, so there is no need to admit the sorities argument.

This means that we only have to admit to the sorities argument if we commit to a principle such as ' any realisation one note different from an instance is also an instance'. But that is only one among many competing principles. Once this is understood there is nothing to prevent us determining, independently of *any* realisation, and concentrating solely on the properties of the performance artwork, a compliance criterion for attempted realisations of that performance artwork. With such a criterion in place, each attempted realisation can be judged for success or failure against the criterion. Understood thus, it becomes possible for two putative realisations to be exactly the same in respect of their fidelity to the score and for one to be an instance of the performance artwork and the other not. For instance, a principle such as 'any realisation that is within ten notes or fewer of one particular default instance (or the score) is an instance of the performance work' could license that the same relationship, in terms of compliance to the score of the performance artwork, that existed between instances, could obtain between instances and non-instances.

Let us operate the ten note or fewer criterion: We produce an attempted realisation containing eleven wrong notes. This fails to meet the criterion and so is an unsuccessful

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Vhether this is more than saying that realisations are underdetermined by their scores is unclear.

attempt at realisation and not an instance of the performance artwork. This, despite the failed attempt being only one note different from one of the compliance class and an accepted instance of the performance artwork. This can happen because given the compliance criterion in operation, and the fact that each individual realisation is a separate artwork, this one note difference relationship is irrelevant, just as a one player difference in the orchestra number would be irrelevant on Goodman's criterion. So, there's no contradiction, or difficulty in having a strictly ring-fenced but wide definition of compliance for a performance work.

What may happen is that the *criteria* for realisations themselves may be good or bad, or successful or unsuccessful and attempted realisations which fail against a certain criteria may, nevertheless, serve to modify the criteria, by highlighting their unfitness for purpose. In doing so they *can* modify the compliance class of realisations of the performance work, but this is done *without comparing individual realisations against each other* - each is compared in isolation to the performance artwork and its criteria for reproduction. For instance, consider a criterion that the first ten realisations of a performance work should count as realisations and no more. On this criterion the 11th attempted realisation would automatically fail, whatever the expectations of the audience, intentions of the performers or fidelity of the sound they produced to the score of the performance artwork. Let some musicians attempt a realisation nevertheless (an attempt adherents to the criterion say is pointless) and let it be note for note perfect in compliance to the score of the performance work, as none of the first ten were. In these circumstances, it is likely that we'd see fault in the criterion and modify it so that the 11th attempt was successful.

It remains open to stick with the criterion and insist that compliance with the score was not a defining or important feature of the work: This would perhaps occur if it was suggested that since existing realisations of the *Brandenburg Concertos* contain such superb free cadenza passages we can in future drop the freedom to improvise these passages. The criteria for the *Brandenburg Concertos* however, requires free cadenza more than fidelity - so the criterion stays.

Note again that there is no comparison between different individual realisations in these examples and how this scheme: (i) provides for success and failure criteria for individual attempted realisations and (ii) provides that new individual realisations can, if somehow judged valuable, (perhaps by adding to the understanding of the performance work) change the criteria for the production of instances of that work and perhaps optimise criteria towards features that are considered valuable or definitive of a particular work.[309]

The sorities argument need not distract us from our original claim that a token realisation is of a particular performance artwork if it is of its structure as indicated (or

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vinson (1990, 86ft) writes: "... what differentiates poor or marginal performance from non-performance, is or many ompositions perhaps marked by the ability of an informed or sensitive listener to grasp, at least roughly, *what S/PM* structure is :ruggling to be presented." Additionally, in (1990, 377): "The line between *somewhat incorrect performances* and *non erformances* is not a sharp one. I am inclined to think of a questionable performance of a work as still as performance (albeit 1correct) if its shortcomings are largely a matter of execution, while inclined on the other hand to discount it as a performance at ll when its shortcomings are largely a matter of substantial *modification or flouting* of its defining features." This distinction etween execution and designed modification is a reasonable rule for a good criteria of compliance classes of performance ⁄orks. Predelli (1999) offers an alternative view to solve the sorities argument utilising causal continuity. Wolterstorff (1980, 02-104) attacks the argument on the terms of Goodman's own theory.

as otherwise making reference to his unique history of production) - all subsumed within the strictures governing any art making as set out in chapters 3-4.[310]

To avoid being deceived by structures presented in realisations we need to know how performance artworks are indicated to distinguish and individuate them from each other. Danto's (1973a, 6) Pierre Menard thought experiment is relevant here. In Danto's example there are two performance artworks which are differently indicated as artworks - one Cervantes in C17 and one by Menard in C20. Danto demonstrates that orthographically identical structures can generate different artworks, arguably within the same category of art, that have decidable and mutually exclusive artistic properties. Both artworks are types that admit of many tokens but each admits of a different set of tokens, differently and incompatibly interpretable. The Menard argument also shows, therefore, that there can be two different, yet experientially indistinguishable realisations of two different artworks. A description of the indication of an artwork needs to meet the challenge of Menard-type cases both in terms of indistinguishable structures and indistinguishable realisations.[311]

It also needs to meet these kinds of bizarre cases: A conceptual artist making a work called Beethoven's Fifth Symphony which is a specification of one particular realisation of the indicated structure of Beethoven's Fifth Symphony, which if regarded as a realisation of Beethoven's Fifth Symphony was actually an instance of his artwork Beethoven's Fifth Symphony. If a specification is made because of the original object's

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Coleman (2001) argues for a notion of 'authenticity' which is linked to the source of its making, so that whether a work is an authentic instance of its type depends upon how it came to be. This notion is compatible with this section's analysis.

t also has to meet the challenges and avoid the pitfalls set out in Currie (1991), an analysis with which I almost wholeheartedly

status as artwork then, a sufficiently indicated structure may yet be true of more than one artwork. This could happen if a new artwork is made from an existing artwork, perhaps through a re-christening or re-confirmation of that original artwork.

Yet, tracing back the causal chain from the realisation artwork to the performance artwork will be sufficient to differentiate between artworks with similar structures. Different causal chains could separate Fifth Symphony (by Beethoven) from Beethoven's Fifth Symphony (by the conceptual artist) as each goes back to different events for each artwork – one goes back to one particular realisation of the Beethoven work if the author is the specifying conceptual artist and the other goes to Beethoven's composition itself if it is the symphony. So, to avoid these confusions,[312] we must be careful to say that a realisation is an instance of a work (a) if the realisation is indicated in such a way as to connect the event of the realisation causally to the specific artwork-making actions of the creative artist who made the performance artwork and (b) if it falls, in its execution, within the compliance class of that performance artwork as an indicated structure described sufficiently so that its artistic properties are attributable to its causal origins.[313]

This conclusion is also compatible with David Davies' process-centred ontology of artworks, as, for him, an artwork is the unrepeatable action by which a focus of

gree and which, shorn of its process centred ontological conclusions, is also compatible with this analysis.
milar confusions are also the motivation behind Levinson's (1990, 73) fine individuation requirement.
ivies (2001a, 166-167) sets out a dependency relationship between musical performances and compositions so that to count as a erformance of a work a token performance must (a) to some standard match the work, (b) be such that the performer has ollowed the composer's instructions to make the performance, and (c) be such that "there must be a robust causal chain linking ie work specified by the composer to the sound event produced by the performer, so that the match between the two depends pon their systematic and intimate connections." That there is a causal dependency for the ontology and existence of realisations ; compatible with to the arguments of this chapter. Nussbaum (2003, 279) may be offering a similar model.

appreciation is produced, so the different causal chains in the examples above would also produce different artworks for Davies.[314] On 'contextualist' analyses, they each contribute to the identity conditions of different individual artworks. The difference between Davies and myself is in the role allocated to the causal chains involved in making the artwork

6. Multiple Objects?

A claim made above that has not yet been proved is that object artworks are singular physical objects. It is possible that some objects cannot be realised but can admit of multiple instances. Indeed this was the conclusion of section 3 in respect of prints. Prints, however, are made as multiple artworks. To complete this analysis we need to ask whether it is possible for an object artwork that was made as a single object to nevertheless admit of further instances, so that its uniqueness is accidental, rather than conceptual. Can a painting such as Rembrandt's *Night Watch* as it was originally made in 1642 admit of further instances than that token made by Rembrandt?

Gregory Currie's (1985) and (1989) view is that one 'heuristic' can spawn many instances of the same work. In our terms this is the position that Rembrandt's set of artwork-making actions can result in a structure, which although not admitting of realisations, does admit of further instances. Currie argues (1985, 153-154) and (1989, 100-112) that a super-Xerox machine able to produce perfect molecular replicas of seemingly unique artworks of the past could reproduce all the critically relevant features

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Davies (2004, 157): "The work, for the performance theorist, to repeat, is a performance whereby an artistic statement x is articulated in an artistic medium y realized in a vehicle z".

of an artwork - with this critical relevance being judged through the appropriate causal

links to the original act of making the artwork - and that this may force a re-evaluation

of the ontology of those works. Currie's point is well made with respect to aesthetic

evaluation and appreciation of artworks - I think the super-Xeroxed copy if combined

with the heuristic of the original is aesthetically equivalent to the original. However, this

can be distinguished from whether this entails the ontological consequence.[315]

For Currie it was the technological limitations of 17th Century Netherlands, rather than

the ontology of painting, that meant Rembrandt in fact produced only one instance of

Night Watch.[316] Currie's position retains the uniqueness of the indication of the work in

the 'heuristic' whilst arguing that this is compatible with all artworks potentially having

multiple instances.[317]

. The properties possessed by any artwork are the result of the artwork-making choices

employed by their makers. These choices contain many variables – personal,

psychological, technical, technological and art historical - and the range of choices

available to artists is indexed to their art historical situation. That is true for both Currie

and for this analysis. The difference is that Currie thinks that this is compatible with

things that were made as singular objects to be made multiple when technology permits

ollheim (1978, 39) contains the same device, but he argues that it does not force a multiple instance hypothesis: "... we could
onceive of a situation in which a painter's composition was subjected to some highly efficient mechanism of reproduction -
ierfected say, well beyond the limits of modern lithography - and nevertheless every physical object that was the end product of
his process would continue to be classified as a distinct work of art". This preserves Wollheim's position that a work's origins are
lways relevant to its identity.
iis point is made in Strawson (1959, 231) who effectively argues that all artworks can have multiple instances.
irrie may have a friend in Sibley. At (2001, 256-272) Sibley considers whether paintings are unique physical objects and
:oncludes that there is no basis in theory that paintings are not multiple but goes on to outline a series of historical and cultural
easons why an original panting is of paramount importance to our appreciation.

it, whereas I will argue that their being singular artworks is an integral part of how they were made as a result of the art-historical moment of their manufacture.

My reasons are these: The choices that exist for an agent to make an artwork at any time, although ahistorically contingent (in that they need not have been what they actually were) are, at any one time conceptually necessary (in that to go beyond the limits imposed by these choices would be to make artefacts outside the practice of art at that time). Individual artworks are made within the practice of art as it exists at that time and the choices open to artists in how to make art are circumscribed by the constitution of the practice of art contemporary to their making.

The practice at time t is governed by the rules at time t and not the rules at times $t+1$ or $t+2$, which contain the sustainable possibilities for artwork-making that were not available at t. In Rembrandt's time it was possible to make an artwork by applying oil paint to canvas to make representational paintings, but it was *not* possible to either make artworks by applying acrylic paint to canvas to produce non-representational paintings nor through producing images using a molecular processing machine. The first is available now at $t+1$, whereas the second may well be available at some future time $t+2$. On our analysis the invention of the super-Xerox machine is just one other non-art technological advance that can be applied to the ongoing practice of making artworks and so impact upon the choices available to artists as they attempt to make artworks, just as Rembrandt had choices open to him (such as the use of oil paint) that were

closed to Duccio when he worked at *t-1*.[318] In Wollheim's (1978) terms, acrylic paint,

abstract paintings and the multiple instantiation of The *Night Watch* were not part of any

'artist's theory' that Rembrandt could have employed to make that artwork. Nor can we

envision how Rembrandt could possibly have worked under an artist's theory in which

super-Xeroxing was possible.[319]

The claim that Rembrandt's paintings could be multiply instantiated is the same as the

claim that Duccio's painting could have been painted in oils. Both instances are possible

in the sense that there is a possible world in which they happen but impossible in the

sense that given the choices available to Rembrandt and Duccio in this world (the world

in which the super-Xerox machine will be invented) the choice "make a multiply

instanced painting" was not open to either and the choice "use oil paint" was only open

to Rembrandt. Indeed, had Rembrandt somehow produced a multiply instantiated

painting it is very likely that it would not have been considered an artwork because it

was outside of the limits of their available choices.

The principle underpinning our objection to the multiple instantiation to singular

artworks from the past is that the properties artworks can have are bounded by the

choices that are *actually* open to artists in the historical situation in which they make

artworks and not by *all* the choices that become available throughout all the history of

making artworks. We cannot apply the ontological changes afforded us by a

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analogous point is made by Levinson (1990, 195) in respect of the appreciation of past artworks in the light of later artistic
evelopment. He argues that it is wrong to interpret these past artworks as being made in a situation in which their artists faced
ie same choices as opportunities as later artists, and so they should not be interpreted as such. As for interpretation, so for
ntology.
r Wollheim (1978, 36-37) the test of adequacy of a theory of art is whether it can reconstruct the artist's theory in making the

technological advance to those paintings that were made before this choice was available on the same terms.

This does not imply that paintings cannot be multiply instantiated once super-Xeroxing is invented and that choice becomes available to those who are making paintings. The paintings made within this future contemporary to super-Xeroxing technology will be made within a practice which permits their multiple instantiation as they are made and choices about their super-Xeroxing will become critically relevant for those artworks. Although when super-Xeroxing is invented it will be possible to copy Rembrandt's painting, this is something that will be done *to* an object that existed within another category of art and past practice. The claim is that in this future, the set of singular paintings might form an ever decreasing sub-set of all the paintings there are. It will however be a sub-set of singular artworks that persists throughout the historical development of the category. Just as today there are a sub-set that could have different properties because of technological advances between Duccio's day and ours, but don't because of the choices available when they were actually made. So, paintings in the future could be multiply instantiated through a super-Xerox machine but those in the past cannot be.[320]

We can also question whether super-Xeroxing contributes to the heuristic and alters the authorship of a painting, if applied to a painting made before its invention. If it did then

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work – necessarily involving its history of production.

These are further instances of "forward retroactivism" – concerning the attribution of influence between artworks, but the point is similar - facts that become true at t2 cannot retrospectively apply at t1, even though had an artwork been made at t2 then those facts would have been true of it. See McFee (1980, 310) - for the view that new interpretative truths about Velasquez's *Las Meninas*, emerge because Picasso painted versions of it.

this would maintain the uniqueness of all the single object artworks that already exist. So, even if the ontological points made above are not taken, the scope of the application of a super-Xerox machine can be limited to those artworks made after it's invention.

Given that the artwork was finished before it was super-Xeroxed and that the decision to copy it once more as an artwork is one that has to be made anew at the time of the super-Xerox, there are good reasons to assign the authorship of the super-Xerox copies/instances of an already made painting to the programmer or feeder of the machine.[321] No matter the abilities of the super-Xerox machine in terms of reproducing critical properties - the choice of how many copies, how they should be distributed, how they should be displayed, and crucially, (as presumably the super-Xerox machine can make non-artworks too) whether the copies will be artworks are all decisions of the Xeroxer and not the original artist. This act of copying introduces a further act of artwork-making and creates different heuristics between Rembrandt's *Night Watch* and the super-Xeroxed *Night Watch.* On the terms of Currie's theory, let alone our intuitions, this produces different artworks.

Moreover, the pre-Xerox artwork with its causal chain to Rembrandt's original act of making and manifesting all the choices he made, including his intentions and decisions, *would* still exist if it was super-Xeroxed. If *Night Watch* already exists then the heuristic that produced it is complete. But it is to be super-Xeroxed. So how can this super-Xeroxing be part of the same heuristic if the work is already complete before it happens? We have a choice: It is either not part of the heuristic or it is a new heuristic -

it either does something to an artwork or it makes new artworks. What is does not do is change an artwork. So we can conclude that the conceptual possibility of super-Xeroxing does not prove that paintings have a repeatable structure. What it shows is that super-Xeroxing could be a way of making multiple paintings.

The conclusion is that the ontology of any artwork is determined at the moment of its original indication and cannot be changed. So single artworks are and will remain single, as will multiple artworks remain multiple. There is no conceptual objection to multiple object artworks, should technology allow this, but that will not affect the ontology of already existing artworks.

The precise indication of an artwork is irreproducible for all artworks, because if the past indication is changed we get a different artwork. Thus the precise indication of an artwork will be sufficient to individuate that artwork among all possible artworks and from all non-artworks.

Carroll (1998, 220ft) similarly argues that the historical and intentional factors relevant to the operation of the super-Xerox machine are such that they create a new heuristic for the artworks made through the machine.

CHAPTER 8: CONSEQUENCES AND APPLICATION

Summary: In this chapter I examine how the ontology of artworks presented in chapter 7 can deal with artworks which may appear to sit uncomfortably within the schema offered there. In particular, I consider some works of Conceptual Art that apparently exist as specifications of conditions or documents of actions, rather than as objects. I then offer an analysis of these works in accordance with the ontology presented in chapter 7 which deals with these artworks unproblematically and in the same way as it does more pre-Modernist artworks with more established existence conditions. In doing so I also introduce the possibility that some Conceptual or other late-Modernist works may admit of realisation. This brings with it two further possibilities: (i) that a new form of performing art might exist in which individuals provide their own interpretations of some Conceptual artworks that exist as specifications and (ii) that new critical evaluations of these works themselves might result from consideration of this new performing art. To conclude, I provide an overview of the concept of 'art' that the thesis has provided and so provide the framework of practice which any proposed definition must acknowledge if it hopes to be extensionally adequate.

1. This Ontology Applied to the Catalogue

My motivation for providing an ontology of artworks is to provide a theory that reflects art history and contemporary art practice. The distinctions between (i) object artworks, (ii) performance artworks and (iii) art objects which are dependent upon the prior existence of art performances (realisations), provide a method of unproblematically and coherently classifying so-called 'hard-cases' of avant-garde art practice within a philosophical theory of art, just as they are accepted as legitimate parts of current artistic practice.

It is uncertain which of these ontological categories some works of minimal and conceptual art within the catalogue best fit: Artists such as Bruce Nauman and Joseph Kosuth made artworks within the visual arts that appeared to be performances. These artworks challenged the idea that visual artworks are simply object artworks in the tradition of paintings and sculptures. When installations become happenings, processes or gestures, or when the event of the happening is presented as the artwork, then the assumed categorisation of these artworks within existing art forms may be untenable. They provide troubling hard cases if visual art is considered an art form that only admits of object artworks.

Work was also produced within the visual arts from the late 1950's onwards that has been characterised (Lippard 1973) as a project in which artists turned from portraying the world to investigating their own activity as artists. One strand of this project was an attempt to completely dematerialise the art object - to make art without making objects.[322] A common strategy was to issue instructions, or specifications for artworks. This freed an artist from producing a definite object and, in many cases, left the properties of the resulting artefacts to chance.

The real philosophical value of these works was perhaps to demonstrate that a category of art can permit individual artworks of different ontologies. It is a strength of the object and performance categories that they apply to *individual artworks* and not to categories of art. This means that artworks such as Nauman's and Kosuth's can be considered as individual performance artworks within a category that mostly contains object artworks.

This in turn means that they cease being so hard to assimilate within a general ontology of artworks. The ontology presented here copes well with a world in which the fact that musical works are performance artworks and paintings are object artworks is contingent and true only because of where we are in the history of music and visual art.

Our ontology of artworks permits that *some* works of visual art may be capable of realisation. This can happen if they specify conditions under which the artwork exists, since then the specification acts analogously to the notational systems for drama and music respectively. Given the characterisation of performance artworks, if a conceptual artwork is made using a notational system that permits its realisation within a different medium to that in which it has been presented, then those realisations are themselves capable of realisation. So, if a conceptual artwork presents written instructions, for example, for some event to happen, then in principle many different realisations of those instructions can be made, and each particular realisation can be further realised. The specifications give instructions for an action to take place or for an object to be constructed. No matter the specifics, fulfilling the instructions is how one instantiates, realises and interprets the artwork.

Sol LeWitt, (as quoted in Lippard (1973, 200)) makes this point when writing in 1970 of his Wall Drawings: "The draftsman's contributions are unforeseen by the artist, even if he, the artist, is the draftsman. Even if the same draftsman followed the same plan twice, there would be two different works of art."[323] The qualitative difference between

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ne engine of this was political - for instance to forward an explicitly Marxist critique of the commodification of art by producing work which could not be traded as artworks. See Godfrey (1998, 185-238) and Kosuth (1991).
ee also LeWitt's "Notes on Conceptual Art" (1967) as quoted in Lippard (1973, 29): "When an artist uses a conceptual form of

these realisations depends, as with all art forms that admit of realisation, on the nature of the notated specification.

On this analysis those artists that attempted to dematerialise the art object by issuing specifications of the conditions under which an artwork exists were changing the relationship between artwork-making and artwork within the visual arts from one in which the making is *preliminary to* the artwork into one in which the making is *constitutive of* the artwork. They thus dematerialised the art object by making performance artworks within a category of art that canonically admitted only objects. The artistically interesting project, was, as Kosuth demonstrated, to *seem* to dematerialise the art object by insisting that the process was the work, yet to provide a single physical vehicle for providing the process. As Walton (1997, 77) notes: "The action of interest is in many cases that of behaving as though one is creating and/or displaying a valuable aesthetic object of a traditional kind, while actually creating or displaying something that is nothing of the sort." The easiest way to do this was to make performance artworks. Seen thus, what the conceptualists and minimalists did was more accurately described as testing what kinds of artworks could be made within the category of the visual arts.

Through these efforts, they perhaps unwittingly, created the new sub-category of art of visual art performance artworks. This is a category which is parasitic upon the paradigmatically object based category in that it leaves a recording, or documentation of the performance artwork to be experienced in an art gallery (typically as a photograph

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art, it means that all the planning and decisions are made beforehand and the execution is a perfunctory affair."

or written document). Ontologically, it is no different from music or literature. It effectively turns the art gallery into a venue in which the recording of the performance is displayed, rather than the artwork itself performed. Once visual artists made works consisting of specifications of conditions, they became authors of compositions that could be performed in galleries around the world. They made artworks that exist as structures, indicated and specified by their original actions but continually available for realisation.

This analysis simply classifies particular artworks as performance artworks that use notational systems. These can be of two kinds. Either ones in which the notation is individual to one artwork or ones in which language is used as a notational system for an action. When a gallery show's Kosuth's *Untitled...(Art as Idea As Idea)* for instance, the gallery, by putting the Photostat on the wall, shows the *record* of Kosuth's own realisation of his artwork - what Kosuth happened to produce using the process.[324] It is open for Kosuth's original performance action in making *Untitled...* to be realised so that performers following the structure laid down by Kosuth could realise *Untitled...* on their own terms to make their own realisation artwork. This might have many different actual results (but not as many as might the realisations of Henry Flynt's *Work Such That No-one Knows What is Going On* of 1961). In principle there is no more inherent *artistic* worth in Kosuth's version of his own work, than someone else's - although Kosuth's has great art historical worth. Tested by time, however, his realisation of *Untitled...* may not be the *best* realisation of that structure that will be made.

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ppard (1973, 114) quotes Kosuth from a 1969 exhibition catalogue in Dusseldorff thus: "With my dictionary definition works it

David Davies (2004, 206-235), within the terms of his overall process centred ontology offers an alternative analysis of what he calls (210) "... the relations between what we normally characterise as works in the performance arts and those performance-events whereby such works are presented to receivers" (in our terms performances and realisations) - and applies this to conceptual artworks. At (229-232) he discusses LeWitt's wall drawings and concludes that they, along with all conceptual artworks that specify existence conditions, do *not* have a performance ontology. He notes that the vehicle of specifying conditions sets up the idea of possibly realising them, but argues that these works do not require realisation in order to be complete works (thus for him, differentiating them from paradigm performance artworks). This follows from his view of artefacts as foci for appreciation, and he denies that realisations of LeWitt's specifications, or realisations of specifications generally, provide a focus for appreciation of the original specification artwork. He denies therefore that they function as realisations of those works. Davies' argument is a variant of that stated in Chapter 7 that paintings do not admit of realisation because there is no aesthetic point to doing so, the original painting seemingly leaving no wriggle room for further interpretation. However, that argument was based on the realisation being executed in the *same* medium as the realisation. A separation in media between the specification and realisation creates the possibility of a realisation with different existence and identity conditions and provides the *opportunity* for there to be some aesthetic and/or evaluative point to a realisation. So, I do not see why they do not provide a separate focus for appreciation (although below I suggest reasons why that appreciation may on occasion be a bit thin).

became evident to me that the form of presentation (Photostats) were often considered 'paintings' even though I continually tried

For instance, imagine two realisations of the same LeWitt *Wall Drawing #232* which requires a lot of work to achieve a wall devoid of marks. One is done via a computer programme that can be repeatedly printed with randomness built into the results but the other is executed on a large scale, with heavy materials, by a physically disabled artist who has to struggle with the intensity of the physical effort involved. These two realisations could carry significantly different aesthetic and artistic import, and thus reflect back on the richness of the original specification. I conclude therefore, that there is no difference in kind between the cases of a specification artwork and the playwright who writes a play without a contract that it be performed.

I do recognise however, that this point about realisations of specifications is revisionary. It is fair to say that these implications of the works that have been made within the context of the so-called attack on the art object have not widely been recognised by art practitioners.[325] This probably reflects the uncertain status of many of these artworks and the often self-referentially experimental nature of the strand of artistic practice from which they originate. Although I disagree with Davies' reasons for denying that some works of specification are performances, I *do* agree with his analysis that some apparent specifications of conditions are not so simply analysed as performance artworks.

For the Brauwn piece, *All the Shoes Shops in Amsterdam*, the presentation of the instructions themselves might be the artwork, with no attendant specification that the instructions are carried out. If so, then for this artwork, there *is* no separation between

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ι make it clear that the Photostats were Photostats and the art was the idea."

erri Levine's version of Duchamp's *Fontaine* could be regarded as a realisation of his urinal in bronze, but as I understand it was resented as Levine's own appropriation of one of the physical objects presented by Duchamp as a ready-made as her own

media that permits a realisation. In such cases, it may be that Brauwn's utterance was the artwork, so he was making an artwork from an utterance that gave the appearance of issuing a specification, but which in fact did not. If so, then Brauwn's piece is an artwork in the form of an utterance and not also a (meta-) utterance about how to make a realisation artwork. Such works are utterances in which the presented content does not carry any semantic import or urging to future action, despite the fact that the vehicle for presentation (words) is one that is conventionally presumed to make statements about reality.[326] If so, Brauwn's work is an object artwork in the medium of words. So, to attempt to realise this work would fail and be a misunderstanding of the artwork. Davies (193) actually considers this position and contrasts it with own performance theory in which artworks are actions. He writes: For [the contextualist] while traditional works within the visual arts and some late-modern works are contextualised physical objects, those late modern works not plausibly identified with physical objects are contextualised action-tokens ... this ... does not identify certain late modern works with performances in the sense performed by the performance theorist". On my (contextualist) position the act, of presenting the instructions is Braun's artwork and how the artwork is presented prevents it from being a performance artwork. Davies' objection to this is that it is hard to differentiate these works from performance art proper. This is discussed below.

The ambiguity of whether particular artworks are specifications of conditions or statements of specifications is further obscured by the existence and uncertain status of

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artwork in bronze instead of porcelain.

[6]Flynt's famous remark of 1961: "Concept art is first of all an art of which the material is concepts, as the material of say music, is sound" as quoted in Lippard (1973) suggests that this might be what was intended, if not realised.

the documentation of works. I will now attempt to provide clarity on this point, in the light of my revisionary claim above.

Consider Richard Long's artwork *A Line Made by Walking, England*. This was made in 1967 by Long walking a straight line across a patch of non-descript countryside leaving a line of flattened grass in his wake. An audience *now* has access to his artwork through the descriptions and photographs which exist recording the activity. Long has insisted that the artwork is the act of walking the line and not this subsequent record of that activity.[327]

On the basis of the ontology presented here, this artwork could either be a performance, with Long's particular realisation recorded in the photographic documentation, or, it could be an object artwork in which Long made an artwork in the medium of walking, with his particular act of walking the sole token of that artwork type. If the latter, then it is not possible to realise this work. The evidence is ambiguous between the work specifying a procedure to make an artwork, or describing an activity that, on one occasion, made an artwork.

The status of the documentation is crucial. It is unclear whether the photographs are part of the work so that the work would not exist were the photos not to exist (i.e. if the photographs were destroyed would the artwork, or at part of it, be destroyed too?). If

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similar ontology for all Long's works must not assumed: Lippard (1973, 74) cites a Ferneshegalerie publication thus: According to Richard Long's idea the photographs in hand [the book] do not have the function of documentation: It *is* the Sculpture made for Martin and Mia Vasser'" So, this is a sculpture using the materials of a book.

Long's act of walking was the artwork, then the photographic recording of it is a documentation of that artwork. However, the photograph has been sold as a one-off. It has also been exhibited in a gallery. According to my analysis then, as a document of the artwork the one-off photograph is being sold on its uniqueness as a photograph, *not* as part of Long's artwork. As such the photograph has little artistic value but considerable art historical value. An art historical value that would also inhere in all book reproductions of the photograph.

If Long's artwork was a process of walking, enduring through time and including his intervention in the landscape and the slow reduction of his disruption by the natural environment, then this cannot be captured by the photographic reproduction of the space in which one moment of the process happens. The choice of a photography to record a process is a startling mis-match between recording and artwork media. This raises further possibilities for this piece and those like it in which the status of the documentation is unclear: They might be artworks which have components of a performance ontology and components of an object ontology, so that the work is a compound of these components.[328] If so, for the Long piece this would mean that the photographic recording is itself part of the work so that the artwork was the *documented particular event* of Long walking the line. Alternatively the action and the photographs could be two artworks - an activity with a performance ontology and a photographic documentation with an object ontology.[329] The photograph could be sold as a distinct artwork in its own right (especially if Long was its author). If so, the photograph would

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This could perhaps arise also in respect of 'nested' artworks (Livingston 2003b). That is, objects, some of the component parts of which are also artworks (a cathedral door for instance) or artworks which contain other artworks within them.

Contrast with the statement of Jan Dubbers (cited in Lippard, 1973, 59, from *Robho*, 1969) "I make most of the work with ephemeral materials: sand, growing grass etc. These are demonstrations. I do not make them to keep, but to photograph. The work of art is the photo. Anyone ought to be able to reproduce my work."

have its own separate identity conditions to the artwork which was the subject of the photograph.

The ontology of works with both object and performance components would by default be that of an object artwork, since it would mean that *some* aspects of the artwork could not be realised. For the two distinct artworks suggestion, walking a line across a grass field would be reproduced by performing the same action again and the photographs of Long doing it reproduced by making another print of that photograph. In each case, because of the different ontologies of the original works the status of the reproduction is respectively, a further instance, and a copy.

David Davies, (2004, 195-198) and (234) discusses an analogous case in which the photographic records of Acconci's *Following Piece* document stages in his act of following a person around New York.[330] On my analysis, all that has been said in respect of Long's artwork can be said of Acconci's artwork: Whether it is a specification of actions, of which Acconci's was a particular realisation, or a description of a particular event (so his was another instance within the category of 'art-walking')' is revealed by the status of the photographs. Davies agrees that Acconci's artwork is a particular event and argues that the photographs isolate those aspects of the performance event that, in his terms, bear upon the artistic statement made by that event. That is, they tell us what we need to know to understand and appreciate the artwork. This is undoubtedly true, and can usefully be applied to the interpretation of artworks in which

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vies (2004, 195) and I cite this same reference, from Lippard (1973, 117) for the piece's specification: "Choosing a person at ndom, in the street, any location, each day. Following him wherever he goes, however, long or far he travels. (The activity ends hen he enters a private place - his home, office, etc.)" D.

particular events are documented. Yet, no matter what the reason, the documents remain photographs of specific spacio-temporal events.

For Davies' suggestion to be plausible about the ontology of the work however, requires that we *also* know that the method of recording was chosen for an artistically relevant reason. Otherwise, documentation does not necessarily bear on the artistic statement, but on the *recordable* statement.[331] A performance including smells or tastes, as I write, could not be recorded. Yet, these elements would remain part of the ontology of that performance, whether it was a specification or an individual event. They would be critically relevant aspects that *had* to be experienced during the course of the performance and which would have to be experienced again, within any realisation, if it was an artwork amenable to realisation. Other ways of recording Acconci's activity would also bear upon the artistic statement made - e.g. a film, or sound commentary. There is a danger that viewing the photographs as more than documentation about an event, without having a clear prior sense of the artwork's ontology, may force the artwork's ontology to conform to the technological constraints of the method of recording. We only have sound recordings of Sarah Bernhardt's stage performances but it would be false to suggest that these are the only critically relevant aspects of her performance. They were simply the only aspects that *could* be preserved given the recording material available. Many an artwork's documentation in these days of mass digital recording technology remains determined by economic constraints rather than interpretative purpose, so Davies' suggestion should be rejected.

Interestingly Davies recognises this point at (2004, 69) in respect of appreciating the work that went into a vehicular medium.

So, when activities or processes are used as media in which to make artworks these artworks are anomalous to the extent that they create object artworks, but they create object artworks specified by a *unique event,* rather than a *unique object.* Note how this fits the 'art *x-ing*' model of artwork-making set out in Chapter 3 and permits the new possibilities in respect of the media over which a successful artwork-making intention could be exercised from the 1960's onwards - Long chose to make art in the medium of 'art-walking'. These works are like realisations in that they are specific spatio-temporal events, but unlike realisations in that they are not 'of' anything. Nor is their existence parasitic on any pre-existing structure. Rather, these are artworks within a new category of art, which may be specified as a specific indicated activity being performed as artwork-making. As these works are events they differ from other object artworks in that the objects that result from the author's artwork-making activity are documents of the artworks rather than the artwork itself. In this sense, but only in this sense, I acknowledge David Davies' claim that this analysis groups these works ontologically with performance artworks, although I do not agree that this has any bearing on their appreciation, which in each case is drawn from the particular circumstances, materials and context of its presentation: It would be fruitful to interpret a happening in a theatre involving an improvised group on theatrical grounds, whereas to suggest that Long or Acconci's pieces were not very theatrical would be less useful comment.

In this sense, but only in this sense, some works of conceptual art may have dematerialised the art object. However, these productions of events still provide a singular focus of appreciation, existence and reproduction conditions, which render them object artworks. If Long' artwork does have this ontology then any attempt to realise it would reproduce only the structure of the work, and not its indication:

Attempting to walk the same walk as Long to make Long's piece puts us in the same

position as Tintoretto, trying to realise Titian's *Annunciation*.[332]

This marks a point in favour of the ontological categories of 'object artwork',

'performance artwork' and 'realisation'. They allow us to easily incorporate works - of

specification, prints, unusual media etc. - which can be problematic within other

proposed ontologies of artworks and to do so retaining the current extension of the

catalogue. Even the most minimal of minimal artworks can easily be distinguished and

individuated and provided with specific existence conditions within those categories.

This analysis also prevents artworks which threaten the notion of the art object from

radically undermining the concept of art by demonstrating either that they can be

analysed as objects or that they are performance artworks.

These reclassifications according to the object/performance ontology meets the aim we

set for an ontology of artworks. They allow the hard cases of philosophical aesthetics to

occupy as central a role within a philosophical theory of art as they do within actual

artistic practice as we know it now.

2. New Opportunities and Revisions

By making specification artworks within the visual arts artists opened up the possibility

of the realisation performer within visual/conceptual art. This creates the opportunities

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[332] See Pillow's (2003, 378) remarks on LeWitt's position of objecting to 'unauthorised' wall drawings. This only appears to be tenable
if his specification artworks are treated as objects. I agree with Pillow (differently motivated) that LeWitt's position is untenable.

for a new art practice - the visual art realisation - and a new category of artist - the visual art interpretative performer - both using visual art as a performing art.[333] This is where this analysis *does* call for a revision within the catalogue of artworks, although this is a revision of reclassification rather than of extension. These works remain, after all, artworks within the visual arts but as a sub-class of performance artworks. It may be that since this possible genre of artistic activity is so new, we are still mistaken in its display and reception (Pillow 2003). As this sub-category has emerged from the catalogue of the visual arts, we treat it as we have other works within the visual arts.

This revision would create new critical possibilities in respect of both specification artworks *and* their realisations. Critical attention for visual art performance artworks would shift from the gallery based materials through which the performance was recorded to the actual performance itself. A re-evaluation of these specification artworks then becomes possible both in terms of them considered as performance artworks and in terms of the realisation artworks that can be made from them. Walton, (1997, 76) pinpoints the current mis-match this could ease: "Sometimes when artists make objects it seems obvious that the object is of very little significance and that it is only the act of making it which should occupy our attention. But strangely enough, the objects, as ordinary and trivial as they seem, are often treated with much the same sort of reverence as we accord to the masterpieces of Rembrandt and Shakespeare and Beethoven." Our critical eye could focus on the merits of the composition, rather than the merits of the presentation of the record of that composition

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Appropriationism" is a movement in which artists execute the already existing art objects of other artists *as if* they were performances, to create their own new art objects. (Irvin (2005, 124-127) provides an overview.) Most artists cited therein however, appear to insert their own authorial gesture into their copy of another artwork. Similarly, Danto (2000, 136-139) discusses Mike Bidlo, who re-makes canonical works from art history in order to understand how they were made — so he makes new object artworks based on old object artworks. Sherri Levine also makes photographs of photographic reproductions of

So, we could judge what Kosuth was trying to do in any of his *Untitled...* series against what LeWitt was doing with any of his *Wall Drawings* series and both as compositions capable of realisation. Just as with plays and operas, those artworks which do not stand repeated realisation, perhaps because they are not worthy compositions, or perhaps because they are too difficult to realise, will gradually wane from view. Those pieces which persistently offer rich experiences through many different realisations may become established within the canon of this new sub-category of art. This canon, developed through realisations, might be radically different to the current critical orthodoxy of conceptual artworks as considered as emerging from the traditions of painting and sculpture.

Some works may derive their current canonical standing through being considered solely against this background. They may be of lesser worth when evaluated against the standards of the category of art they helped to form (a harsh fate, but one that has arguably befallen very early photographs). Some of these performance works may be analogous to medieval mystery plays - very important to the history and development of a category of art but not in themselves amenable to continued successful realisation. They of course remain valuable to painting and sculpture. For instance, although it might be an important early work within conceptual art, what would we get from experiencing many different realisations of *Work Such That No-one Knows What's Going On,* other than the knowledge that there are a great many ways of fulfilling this specification? The fault with a boring realisation may not lie with the interpretative

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paintings, which is obviously a different medium.

artist, it may lie with the material with which he works. It may, in this new exposed

ontology, just be not very interesting.

This gives some succor to David Davies' argument, rejected above, that realisations do

not add to the artistic statement for these works. Davies (2004, 192-194, 233) dismisses

a somewhat similar analysis as unconvincing. Davies preferred view (198-200) is that

works such as those discussed above are continuous with canonical object artworks,

except that they use different materials to paint and canvas to provide a focus of

appreciation – which is consistent with the view of *Fontaine* here. Davies would include

Fontaine within his purview of performance works[334] (whilst here *Fontaine* is an object

artwork). So Davies' criticism does not range over precisely the same artworks. Davies'

objections primarily lie in accounting for how these pieces might differ from more usual

performance artworks. Davies argues that a lack of a record of a performance does not

mean we have a reduced appreciation of the work.

Davies' point conflates the statement made by the composition and the statement made

by the realisation, and in doing so effectively begs the question against the visual art

performance artwork view presented here. So, Davies' analysis is weaker than that

presented here for many works of Conceptual Art and the modernist avant-garde. The

ontology of the artwork effectively depends on the artist's choice of what fulfills the 'x'

variable within the 'art *x-ing*' formula: If this is an activity that results in an object then

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ohen (1973, 69) & (80-82) also argues that Duchamp's artwork was the exhibition of the urinal as the artwork *Fontaine*, rather than the urinal itself - thus making *Fontaine* Duchamp's realisation of his own specification. Danto (1986, 34) argues against Cohen that the existence of Duchamp's 8 licenced replicas run counter to his classification and that the urinals themselves are the artwork. Davies and Cohen's re-classification runs into problems when considering how *Fontaine* could be lost, since for both, given their ontology of *Fontaine* Duchamp's licensing of 8 replica urinals was a bizarre gesture.

the artwork is the object that results from making that specification: If it is an activity that does not (such as walking) then the artwork is the activity itself, so objects relating to it are documents of that activity. My drawing the line in a different place also meets the claims Davies makes for his view of these works as processes with the event as their vehicle – on my analysis these works are continuous with pre-Modernist works but simply engage with new media and activities, so there are object artworks in the medium of walking alongside object artworks in the medium of painting. Moreover, it has the advantage over Davies' account in demonstrating them to be artistically unproblematic whilst retaining their aesthetic difficulty – surely their correct status.[335]

3. Conclusion

The tentative final conclusion to this chapter and this analysis as a whole is that the general limits of art are the limits provided by standard and contra-standard properties of each category of art in which artworks can be made at the time of offering a definition.[336] The categories of art are themselves historical in that they change through time and new categories can emerge from existing ones. At *all* times, however, the artworks that exist within these categories are the results of artwork-making actions based on the successful exercise of the sustainable choices of agents seeking to make artworks. The ontology of individual artworks is simple and rule bound and there are methods to discern the identity conditions for any particular artwork and to distinguish between seemingly identical works. However, because the concept of art itself is

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[At (2004, 199) Davies comes very close to the view being articulated here. Perhaps the only difference is my identification of what he would term the 'vehicular medium' with the artwork. However, that difference means that he would not agree with all the consequences I have set out as following from the ontology of these pieces, so although starting from the same place we travel in different directions.

[Diffey (1969, 151) argues that all artworks have to exist within art forms and that not all artefacts existing within each art form are artworks, both of which are compatible with my analysis.

historical, without a settled function, and privileges intentional creativity over displayed technique, both the reasons *why* individual artworks are made and the extension of 'art' changes through time.

Puzzling anomalies or borderline cases may turn out to be category mistakes on our part caused by using too few conceptual tools to cover too many practices, or failing to recognise the emergence of a new category of artworks or genre within an established category. This analysis provides a framework in which many of these puzzles disappear, without prejudicing the centrality of the established canon of artworks.

This is the framework within which any substantive definition or non-definitional account of art (such as Carroll's historical narrative approach) must operate. Any such account has to recognise all of the following: That artworks are intentional objects, made through deliberate artwork-making actions of agents. This making activity can produce different kinds of artworks: Artworks can be indicated structures embodied in objects or manifested in events. If the artwork can be performed and realised in a different medium from that in which the structure was composed, this prompts further artistic activity in the performing arts: It permits interpretative performers, themselves bounded within the structures set out for all artwork-making. These artwork-making actions exist within a practice which has a historical development in terms of its aims as a concept as well as a historical development of how any aim is achieved within that concept. Because of this it permits innovation in how to achieve successful results, as long as that innovation is the result of an artwork-making choices. These choices must be based on sustainable artwork-making intentions, given the precise circumstances of

the putative artist and the normative constraints under which she was working. This concept may have a function which underlies and indeed explains this historical development: To encourage creativity. This creativity is manifested in an artwork being valued if made in such a way that it adds to the history of the practice in ways which are particularly relevant to an audience given the time that artwork was made. This is achieved through its method of construction and the structure it presents to an audience. Again, there are limits on this manifestation of creativity imposed both by the actions that can make art and the things that can result from that making. These limits themselves are set by the standard properties of the categories in which the making was aimed and achieved, and by the ability of the action to artistically artefactualise the object of making at the time the artwork-making action was performed. Falling outside of this framework in which artworks *can* be made, or the reasons *why* artworks are made, at any one time are reasons that will entail an agent fails to make an artwork. This despite the fact that both the methods and the reasons are contingent and constantly developing.

Common to all artworks, and the general minimal limit on what can or cannot be an artwork, is that they are artefactualised so that they are, in some respect the sole token of their type. It is a consequence of the accounts of ontology and artistic artefactuality presented here that all artworks - both objects and performances - contain *one* facet that is unique to that artwork. There is always one aspect of an artwork that cannot survive reproduction, however that is done, or whatever that implies. This uniqueness is a boundary that cannot be crossed by anybody wishing to engage in the practice of art. The limit is not any one activity, or lack of it. Nor is the limit any type of object, or gesture, or event. The uniqueness of an artwork is usually something discerned through

its being experienced, or through an investigation into whether it is reproducible as a further instance or as a copy, without the artwork changing either the nature of its structure or the category of art within which it was made. Indeed, artwork uniqueness is such that for any artwork there is no other thing that shares *all* the properties of that artwork in terms of those properties it has by virtue of being an artwork. So it is *impossible* that two artworks should be similarly artistically artefactualised. This is the point at which this analysis reaches the limit of indiscernibility – with an attempt to posit two objects that share the same indication and which have the same artistic properties. Our conclusion is that there cannot be two objects that are identical under this description, since that combination entails uniqueness. Here, faced with the choice set out in Chapter 2 above, of whether we have found the essence of art or the limits of indiscernibility, we, on the basis of the work of Chapters 3-8, choose the former option.

The challenging limits on artistic endeavour may not come from the what or how an object or event came about but from how or whether an audience can recognise the uniqueness in a piece, or the birth of a new category of art, or how a new form comes into existence and becomes an art form.[337] How do we know that the new technology will be one that will be used to make artworks? What will those artworks be? I hope we are more informed and boosted by arguments when we next consider just how we would know if the man next to us on the train was acting in a play that he did not realise he was in, that was being silently conferred on our commuting reality by the women standing by the doors? This thesis has shown that there is always an answer to such questions.

For a discussion see Davies (1991, 207-211)

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JAAC   = Journal of Aesthetics and Art Criticism

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