

REFLEXIVE CONDITIONS ON ARTISTIC INTENTIONS

by

CHRISTOPHER DOMHNALL MAG UIDHIR

A Dissertation submitted to the

Graduate School-New Brunswick

Rutgers, The State University of New Jersey

in partial fulfillment of the requirements

for the degree of

Doctor of Philosophy

Graduate Program in Philosophy

written under the direction of

Peter Kivy

and approved by

---

---

---

---

New Brunswick, New Jersey

October, 2007

## ABSTRACT OF THE DISSERTATION

Reflexive Conditions on Artistic Intentions

By CHRISTOPHER DOMHNALL MAG UIDHIR

Dissertation Director:

Peter Kivy

Few dispute the descriptive necessity of intentions in art, little ground has been gained in virtue of such consensus. Intentions matter, but we must know not only which ones matter and why they matter but also the implications of their mattering for art theory writ large. I show that intentionality cannot be exhausted by mere appeals to deliberateness or bare artifactuality. I then argue that only reflexively governed intentions are necessary for art—artistic intentions are communicative intentions. Finally I show how making intentions reflexive accrues myriad art theoretical advantages ranging from interpretation to evaluation of art. Intentions matter because they are communicative. Art becomes language-like and in doing so art gets to matter because language matters.

## PREFACE

Fueled by hubris and reckless disregard for precedent, this project initially began as a defense of my own peculiar brand of art theory. Thankfully, I realized this, for the time being, was a fool's errand. In my zeal to carve out some art-theoretical landscape, I noticed and became fixated on the fact that the only descriptive feature of art largely agreed upon was intentionality of some sort; no matter how disparate the art theories, they all invoked the necessity of intentions. This is the problem. Everyone agrees that intentions matter but no one agrees about what intentions matter, how intentions matter, and why they are thought to matter in the first place. If these go unanswered, the initial cross-theoretical consensus ceases to be philosophically interesting. Given this, my project seemed clear. Intentions do in fact matter; intentions are descriptive necessities for art. I merely show which ones matter, why they matter, and what results from their mattering.

I am enormously indebted to my committee members: Jerry Fodor, Stephen Neale, Noel Carroll, and especially my advisor, Peter Kivy. My project largely borrows from Jerry's entirely too brief foray into philosophical aesthetics, and I am pretty sure that this tickles him pink. Stephen was a late addition to my committee, but he has been nothing

but enthusiastic and supportive. Noel is quite possibly the busiest man in philosophy, so I am honored that he found room for me. I can't say enough about Peter; he has been stupendous. Although Peter had me on a rather lengthy leash, he always knew when to yank it. Also, mid-way through this project, I went through a decidedly rough patch. Peter's constant reassurances and words of encouragement helped tremendously, and I count him as a true friend. This has all been a fantastic ride largely because I had the fortune to muck about with some of the finest philosophical minds, as R.G. Collingwood wrote, to think about thinking.

Finally, thanks to the following: to the village of Glencolumbcille, Co. Donegal, Ireland, for tolerating me as I furrowed my philosophical brow for three very cold, very wet, wintry months (*go raibh maith agat*), to Middlebury College for giving me a year-long dissertation fellowship during which most of this was thought up, forgotten, then recalled just in time, to Matthew Kieran, Stephen Davies, David Davies, and Colin McGinn for great conversations and support, to Dave Estlund and Frank Arntzenius for taking a chance on a plucky kid from the history department, to Howard McGary for adding substance to my stay at Rutgers, to R.G. Collingwood and Arthur Danto for rescuing me from Clio's stifling embrace, to Marco for helping me get the lead out, to my mother for telling everyone that I was busy working on my "deposition", to Bigwig

for standing his ground, and to Beth for loving me even though it seemed that the click-clacking would never end. I reserve the final set of thanks for whatever philosophy department gets suckered and/or extorted into employing me.

Any errors, missteps, and omissions contained in this work were most likely pointed out by others then dutifully, willfully, and perhaps even spitefully ignored by me. Somewhere in between all of the bad jokes, Peter gave me some rather profound advice. He said that I shouldn't strive for being thought right but rather endeavor to be thought interestingly wrong. Seeing the sense in his advice and taking a perverse delight in it is both necessary and sufficient for being a philosopher. That being said, I think I am right. Readers thinking otherwise, beware! So interesting my wrongness, it counts as evidence for my rightness.

## TABLE OF CONTENTS

Abstract	ii
Preface	iii
Part One: Setting the Descriptive Stage	
I.    Groundrules and Methodology	1
II.   Case Study: Recordings as Performances	18
Part Two: Problem of Intentions	
III.  Intentions and Tensions	46
IV.   Case Study: The Intentional Failure of Aesthetic Theory	60
Part Three: How Not to Solve the Problem	
V.    Intentionality and Artifactuality	81
VI.   Intentions and Definitions	98
Part Four: Problem Solved	
VII.  Case Study: The Impossibility of Pornographic Art	127
VIII. Reflexive Intentionality	147
Notes	173
Bibliography	181
Curriculum Vitae	185

## CHAPTER I

*Groundrules and methodology*

Many seemingly persuasive positions in the philosophy of art frequently are arrived at via questionable means and in virtue of making questionable assumptions. To be sure, some may accuse me of the very same. Rather than force the reader to infer these assumptions from my later arguments, this chapter details them explicitly. Once stated, it should be clear both how I will approach other positions and in what direction I think art theories and the philosophy of art should be taking.

*Nominal Kinds vs. Natural Kinds*

No one claims that art is a natural kind, but if failure to be a natural kind entailed failure to be a legitimate philosophical topic, philosophy would be a pretty dry read. Likewise, failure to be a natural kind doesn't entail that art is purely nominal. Attempts at defining art are often met with a sort of nominalism-fueled criticism; definitions are the search for essences, and since art isn't a natural kind, we needn't bother looking for the essence of art. To use Stephen Davies' example,<sup>1</sup> there are all sorts of rules and procedures for what it is to be a parking ticket (e.g., support by governing body, being issued by an appropriate officer of that body, etc.), but parking tickets aren't natural kinds and parking tickets don't

have essences; they are purely nominal. Perhaps, then, artworks are like parking tickets, only definable nominally (what 'art' means and nothing more) rather than in terms of real definitions (what art is).

Unlike parking tickets, art seems to be a pervasive feature of humanity. Prehistoric cave paintings, American Indian beadwork, Chinese calligraphy, Japanese woodcuts, African masks and pottery, Celtic knotwork, and numerous other examples seem to share some sort of art-like activity. Art history, in its barest form, runs parallel with human history and evidence of some sort of art-like activity runs hand in hand with evidence of language development—pictorial representation of the world runs as deep as verbal representation the world. Art, as fundamental human activity *prima facie* resists pure nominalism.

Perhaps, as Davies suggests, artworks are like weeds.<sup>2</sup> What it is to be a weed will vary from country to country or, rather, from garden to garden—the plants you find pesky and troublesome may be the constituent plants for someone else's prize garden—but weeds are at least partly constituted by a natural kind (plants). As such we can expect weeds not only to have an essence but that this essence will be in part determined by the natural kind on which 'weed' gloms. In order for something to be a weed it must necessarily be a plant, so then too might art have a similarly constituted essence. This doesn't mean that like gold, art must have an 'atomic number' fully defining it or fully picking out the



extension, but it does suggest that we have a good case for assuming that art is a candidate for definition and not one of the purely nominal sort.

### *Words, Things, Concepts*

Art theory taken generally offers a variety of targets for scrutiny. Some theories may be solely interested in how we use the word “art,” others may be curious as to the nature, if any, of the thing art, and still others question what constitutes the concept of art. There are three things up for grabs theoretically, art (the thing), “art” (the word), and ART (the concept). Theories can also show how these three interact. What does our word “art” pick out? Is the concept ART exhausted by the extension of art? Is our concept ART coherent in relation to what it purports to pick out? Art seems to be a special case as the futility of defining it solely in terms of a real, nominal, or conceptual definition should be immediate. Art isn’t a purely natural kind so it can’t be defined extensionally, it isn’t a purely nominal kind so it can’t be defined solely in terms of how we use the word “art,” and a purely conceptual approach should be an obvious non-starter unless one counts incoherence as a theoretical virtue.

A robust theory of art ought to incorporate discussion of the word, the thing, and the concept, and, to that extent, be at least somewhat revisionary. We most certainly do not have a complete pre-theoretic handle on the subject of art, so we ought to expect some of our intuitions

about art to turn out, upon reflection, to be incorrect or misguided. Furthermore, we ought to be mindful of the dangerous tendency to conflate the concept with the thing, or the word with the thing, or the word with the concept. Unfortunately, many current definitional offerings do precisely that.

*Actual Art, Possible Art, Transworld Art*

Part and parcel of positing an essence is possible-world talk. All too common, however, art definitions busy themselves with merely defining art in the actual world. Certain narrative and historical theories explicitly or implicitly have this as a result. What it means to be an artwork is to occupy a certain place in the actual-world narrative of art history or be connected to the actual history and development of artworks. Of course non-actual worlds have a nasty habit of differing historically or narratively from the actual world, and as such, necessarily these worlds lack art; maybe they have *schmart* or art\*—objects superficially resembling the artworks in our artworld—but they cannot be art.

Possible-world talk need not entail fanciful examples taxing the limits of imagination. It seems to make sense to talk about the possibility of Martian art or Twin Earth art or just bare-bones counterfactual analysis.<sup>3</sup> Art theories then must be sufficiently modal to allow for such analysis. Warning claxons should be deafening when an art theory makes mere counterfactual analysis necessarily uninformative. The essence of water

doesn't change if we find ourselves victims of insidious Twin Earth switches<sup>4</sup> as what it is to be water has nothing to do with what fills the lakes and rivers in the actual world. Similarly, if art has an essence, this essence isn't entirely dependent on the things that fill museums and auction houses in the actual world. For example, imagine that God handed us the *Big Book of Art*, a list of all of the artworks in the actual world, past, present, and future. Given such a tome, a great deal of philosophical work still remains, namely finding out how the book's content would differ if the world differed. Designing a theory to capture all and only those works listed in God's book misses the point. Any interesting analysis has to move beyond an impossibly restrictive actual-world rider, and definitions that restrict themselves thusly *ipso facto* aren't definitions of art, but art\*. Art\*, while art-historically interesting, is philosophically tiresome.

### *Disjunctions and Patchwork Theories*

Disjunctions are nasty bits of metaphysical business. To be sure, the motivation in art theories to employ disjunctions, I think, is clear. There is no obvious sense of correct application of the word "art", no readily apparent essence suggests itself, and one might instinctively conclude that art must be disjunctive. Two types of disjunctions are used: the conservative and the radical. Conservatively disjunctive art theories claim that while art lacks a singular essence, art can be successfully defined by disjunctively adding one additional feature, property or relation.<sup>5</sup> The

advantage of using conservative disjunctions isn't mysterious. The addition of the second feature addresses objections that the initial or primary feature cannot answer. One might think that feature *X* is the essence of art, find that defining art in terms of feature *X* necessarily excludes some set of works that we all intuitively recognize as art (e.g., folk art, outsider art), and then conclude that the definition of art is having feature *X* or feature *Y* where feature *Y* captures those works excluded by the primary feature.

What legitimizes this type of move, some argue, is that other disjunctive properties aren't problematic, such as jade being either jadeite or nephrite, so we shouldn't worry that art is defined disjunctively. Unlike art, jade has the fortune of having two nomic kinds as disjuncts which share all macro-level properties in common. Conservative disjunctions with nomic kinds that share all macro level properties are the least metaphysically worrisome disjunctions. Art, however, isn't jade. A lesson taught by Jerry Fodor is that we shouldn't be confusing disjunctive properties with multiply based properties that are disjunctively realized.<sup>6</sup> Art may have an underlying singular essence such that art can be realized disjunctively, and this essence isn't itself disjunctive. This suggests that merely because one can avoid major objections by tacking on a disjunct doesn't entail that art is defined disjunctively.

Conservative disjunctions are suspect, but radical disjunctions ought to be rejected outright. Patchwork theories of art are examples of radical disjunctions. On this view, art is an open ended disjunction, and open ended both conceptually and metaphysically. Berys Gaut's patchwork theory is a good example—art is merely a collection of features that neither taken alone nor in any particular grouping provide an essence for what it is to be art.<sup>7</sup> Of course, Gaut denies that he is offering a definition, but whatever it is, it is messy, uninformative, and incoherent. Whether one thinks properties or things can be defined or constituted disjunctively, no one who takes metaphysics seriously (other than a purely egalitarian nominalist) thinks that open ended disjunctions do any sort of work. Defining, explaining, or identifying art in terms of a radical disjunction guarantees that any definition, explanation, or identification of art will turn out incoherent. Defining in terms of radical disjunctions is just as distasteful as defining in terms of negations. Conservative disjunctions may have *prima facie* plausibility. Radical disjunctions, however, are explanatorily empty in addition to committing terrible metaphysical violence.<sup>8</sup> Disjunctions threaten to clutter up the world, so if one likes his or her metaphysics tidy, disjunctions had better do some major explanatory work.

#### *Identification versus Definition*

There are two ways to answer the question, "What is art?" The more traditional method is to assume the question is about the nature of art and answered in terms of necessary and sufficient conditions. Another method claims the question is equivalent to the question "which is art?" The former is art definition, the latter art identification. One might think that answering one is sufficient for answering the other. If I know what it is to be art, then I also ought to know how to pick out art. If I know how to pick art out, then I too should know what it is to be art. Charged with picking out all of the artworks in a world, I need only to know the necessary and sufficient conditions of art and then look for their instances. This seems easy enough. We ought to be wary of definitions that make this task difficult in virtue of the necessary and sufficient conditions posited. If being an artwork is just possessing property P, but instances of property P are difficult or impossible to detect, then any definition of art that has property P as a constituent is flawed. Reasonably then, definitions of art have an identification constraint. Definitions should at least *prima facie* give us an equally good or better means of picking out artworks than commonsense methods (looking in museums, art galleries, the things hanging on walls, the objects of critics' attention, and so forth.)

The above position, while understandable, is misguided. There is no in principle entailment (at least a robust sort) between what artworks are and how to identify them as such. Take for instance a Mysterian definition

of artworks: possession of property P is both necessary and sufficient for being an artwork, but we are necessarily conceptually closed to property P. In terms of property P detection, identification theories would be a bust. Further imagine a constant conjunction between property P and property Q. Property Q, of course, is not an essential property of art, but we can identify artworks by picking out instances of property Q. Given this, we have all sorts of great inductive reasons to ground an identification theory of art in terms of property Q. Property Q, however, tells us nothing about what it is to be an artwork.

Now imagine that the essence of art is the perfectly intelligible property P. Property P is both necessary and sufficient for art, fully explains the nature of art, and its instances are relatively easy to detect. Now imagine some co-extensional property Q. While property Q has nothing to do with art, its instances, compared with those of property P, are far less difficult to detect. In terms of art identification, property Q is far more preferable than property P. Obviously, art identification and art definition can come apart. Property P, not property Q, defines art. Definition is not identification.

The above should be obvious, but there are those who hold identification effectiveness not only as a virtue but a constraint on definitions. Any definition of art that fails to entail an adequate

identification theory is so much the worse. I am sympathetic to this view in an ideal sense, that is, I think the following is compelling:

*(Ideal Identification)* If artworks are defined in terms of possession of property P, then there is some world w such that inhabitants of world w are perfect reasoners, are fully informed with regard to property P, and have the appropriate concepts, and in virtue of this, the inhabitants of world w, if P is instanced in w, could identify all the artworks in w.

Any definition that fails to satisfy the Ideal Identification condition is clearly flawed through and through, as even a mysterian position would satisfy it (world w just couldn't be a world in which we were the sole inhabitants.) When one begins to diverge from the Ideal position, identification constraints on definitions lose their punch. Moreover, we most likely wouldn't be shocked to discover art's essence consisted of properties or features difficult to detect reliably.

This, I think, is where most of the confusion lies. There is a stark difference between the ease of detection and the coherence of what is being detected. Certain definitions may entail a difficult to apply identification rule but only because the property or feature that we need to detect is itself muddled or incoherent (e.g., Clive Bell's significant form). It may be far easier to identify cats by their macro-level properties, but this doesn't mean that defining cats in terms of microstructures (DNA) is



flawed. In a world with twin-cats—animals that share all macro-level properties in common with cats but have different DNA—we would cease to use macro-level properties for identification purposes. Similarly, in a world replete with art forgeries, we may find art identification difficult precisely because commonsense methods are no longer useful in such a world. This fact should be definitionally unilluminating. If the definition is coherent but makes identification difficult, this difficulty doesn't indict the definition. Failing to provide an adequate identification rule isn't a theoretical fault of definitions, so identification failure *simpliciter* shouldn't be worrisome.

Just as definitions don't entail identification, identifications don't entail definitions. Imagine that we had a Geiger counter for art—point it at an object and then the display flashes “art” or “non-art”. Even assuming this device perfectly reliable, no one would claim that all it is to be art is to be picked out by the device. Obviously, this device would be a helpful tool; we could catalog all the art objects and protect against forgery (assuming forgeries are not themselves art). This device, however, surely wouldn't be helpful philosophically. Failure to beep when pointed at *The Polish Rider* wouldn't demand revisions in art theory so as to exclude *The Polish Rider*. If we took the device into the Kimball Museum and it failed to beep at all, we again wouldn't launch a philosophical inquiry into the nature of art but rather call the insurance companies to

report that the Kimball artworks were stolen and replaced with fakes. Just as if we had a perfectly reliable divining rod and pointed it at a nearby lake, its failure to identify the contents of the lake as water wouldn't send us back the lab to rethink water's chemical composition. We would, however, start looking for Twin-Earthers and their insidious switching machines.

Some art theorists claim that they are not offering definitional accounts of art but rather offering identification theories. They are not in the business of telling us what art is; they are merely telling us either how we identify art or how we ought to identify art. Dangerously, however, this move often involves a hidden normative component, that is, we ought to be in the business of identifying artworks instead of defining them. Philosophy of Art only wastes time and effort searching for the essence of art. Theories of art identification can do all of the philosophical work expected of definitions without being mired in the futile search for necessary and sufficient conditions.

Imagine God takes pity on us poor philosophers of art furrowing our brows, seemingly getting nowhere. God wants to help, so, as a gift, he sends us the previously mentioned *Big Book of Artworks*. This book contains a list, complete with pictures and full descriptions, of all past, present, and future artworks. What a joyous day for the philosophy of art, as we now have an infallible method of identifying art. How do I know if something is

art? Check to see if it's in the book! If it's art, then it's in the book, and if it's in the book, then it's art. Being in the book is now a sufficient condition for being art. While God's intentions are admirable, his gift will fail to be philosophically helpful. We philosophers of art, being the polite sort, would thank God for the gift, then mutter under our breaths "thanks for nothing." To be sure, art historians, gallery owners, and Lloyds of London would find the book invaluable. Philosophically, however, the *Big Book of Artworks* is a mere novelty gift. The book of course provides a perfect method of art identification while at the same time being perfectly informatively silent as to what art is. Identification theories must be predicated at least in part on what art is or isn't, otherwise the identification theory fails to be philosophically informative or simply collapses into pure nominalism.

*Knowing that* Geiger counters work isn't enough. I want to *know* how Geiger counters work. I want to know why the art detector beeps when pointed at *The Polish Rider*. I want to know why the *Big Book of Art* lists *Guernica* but not my sweaty gymsocks. What does God know that I don't? Telling me that the art detector beeps because it detects art or that my gym socks aren't art because they aren't in the book doesn't really tell me anything at all. The book and the detector are indispensable for art collectors but should gather dust on a philosopher's shelf. We could use the book and the detector in an attempt to find some common feature shared by all the objects picked out. Doing so, of course, is not an

exercise in identification but one of definition, the search for an essence. Given this, claiming identification theories philosophically preferable to definitions entails a sweeping claim about the viability of definitional projects *tout court*. Should an independent argument show the definitional project bankrupt wholesale, then perhaps recourse to identification theories is warranted. Until then, identification theories really are just philosophically nuanced art detectors.

### *Value of Art*

Some philosophers claim that descriptive theories of art are plausible only if they explain why art is valuable, accounting for the inherent value of the product and/or the practice.<sup>9</sup> Intuitively, art is something worthwhile. We enrich ourselves by going to the Guggenheim, children benefit from taking art classes, and exposure to artworks engenders cultural and intellectual growth. Given this, explaining the value of art seems a plausible constraint on definitions of art, or at least descriptive theories of art shouldn't violate out intuitions about art's value. These intuitions, however, are misguided. Descriptive theories of art need no more explain art's value than a descriptive account of gold need explain the gold standard.

I feel enriched by my visits to the Guggenheim because the Guggenheim is a pretty reliable venue for great art. Exhibitions of college students' artworks, however, often reward attendance only inasmuch as

do the complimentary wine and cheese. This doesn't mean that Joe College's works fail to be artworks. In fact most contemporary theories of art happily count as art Joe College's banal and derivative offerings, but why would this make Joe College's works even *prima facie* interesting or valuable?

Widely heralded artists can, just as easily as Joe, create plainly bad art. Critically acclaimed author Martin Amis has written some of the best novels of the last thirty years (*London Fields* and *Money*). His attempt at hard-boiled detective, noir thriller, *Night Train*, however, has to be one of the most laughably wretched books I have ever had the misfortune to read. Similarly, Jeff Koons' appropriated works are intriguing, but his *Made In Heaven* works are no more fascinating than the fold out section of the latest issue of *Swank* (at least the latter isn't vilely self-indulgent). Imagine a Let's Make A Deal Scenario. Monty Hall offers you the mystery box, telling you only that it contains an artwork. You are, at least in principle, no better informed about the value (of any sort) of the mystery box's contents than were Monty to inform you only that the mystery box contained an object. Perhaps you might have good inductive reasons to suppose artworks valuable, but these reasons (or at least being good reasons) are entirely context dependent—learning that the next room contains an artwork when the “next room” is the exhibition room of the MOMA versus when the “next room” is my apartment closet. This is a far

cry from a necessity claim, and anyone who demands a necessity claim just hasn't seen any really bad art. Furthermore, any claim about the value of the practice of art depends on certain arguments about art's cognitive value that just aren't forthcoming. To be sure, art *qua* creative activity is certainly valuable, but the argument has to show not that engaging in creative activities is valuable but that engaging in art practice is valuable in a manner not entirely reducible to the value of creating.

Finally, value explanations simply are not the proper sort of work for definitions. A descriptive account of tennis needn't explain why we find tennis entertaining nor must it explain good tennis. Descriptive accounts of diamonds or gold needn't also explain why diamonds and gold are valuable, not just in this world, but in all possible worlds. To be sure, we might regard as suspect those descriptive theories of art that are incommensurable with paradigmatic instances of valuable art. Art ought to turn out to be at least the proper sort of thing one could find valuable, but this doesn't mean that descriptive theories have value constraints.

Imagine watching a wildly entertaining tennis match between Pete Sampras and Andre Agassi. *Ceteris paribus*, any descriptive account of tennis failing to capture the Sampras-Agassi match as a tennis match is *ipso facto* false. It would be absurd, however, to think that likewise *ipso facto* false are descriptive accounts of tennis that fail to explain why the

Sampras-Agassi match was so wildly entertaining. This is obvious even if we assume tennis to be necessarily wildly entertaining (which most certainly isn't true). Value explanations simply are undue burdens on descriptive theories—evaluative tails shouldn't wag extensional dogs. Descriptive theories fail when they sacrifice extensionality for value explanation. Fudging extensions merely to capture art's little value contingencies guarantees descriptive failure, failure to acknowledge bad art, and most importantly failure to be good philosophy.

## CHAPTER II

*Case study: recordings as performances*

This chapter acts as a case study in how aesthetic claims must rest on solid metaphysical ground. Intuitive, even philosophically compelling, evaluative claims ought to flow from a coherent descriptive story (or at least imply one). This chapter has two-fold importance. First, it underscores the deep theoretical significance of working a descriptive account prior to developing an evaluative or interpretive account. Second, while certain evaluative claims may be *prima facie* compelling, these may actually imply a descriptive story that itself is neither plausible nor capable of doing the work necessary to support the supervening evaluative claim.

In this chapter I argue against the claim that there is an in principle aesthetic difference between a live performance and a recording of that performance. This claim, I show, rests on a mistaken notion of what it is to be a recording essentially. The correct descriptive account of recordings, I show, cannot support any in principle aesthetic distinction between a live performance and a recording of that performance. Given this, the current criterion of performance individuation is shown to be indifferent to aesthetic concerns and as such ought to be rejected. I conclude by suggesting we ought to treat performances as types, and that these



performance types are the proper aesthetic objects. This captures the accurate descriptive account of recordings while remaining in step with practical aesthetic concerns. Finally, I argue that the only plausible alternative to my view of regarding performances as types—instanced both by live performances and by recordings of those performances—is to favor interpretation types rather than performance types. This, however, entails abandoning performances as proper aesthetic objects.

Ideally, this chapter should demonstrate the philosophical danger of assuming that descriptive stories will simply work themselves out. Since intentions are pervasive features of art theories both descriptive and evaluative, this lesson lends a good deal of importance to my overall project. Even if the assumed descriptive account is plausible, it may not do the work needed to support properly the supervening evaluative claim; building a descriptive account out of an evaluative claim may yield undesirable fruit. Letting your epistemology do your metaphysics can produce tragic results, and allowing aesthetics to stand in for metaphysics looks to be just as disastrous.

### *Recordings as Performances*

Live performance enjoys a particularly privileged position in the philosophy of music, playing an often prominent, sometimes pre-eminent, role in such issues as the instantiation of musical works, questions of authenticity, and, for some, the essence of performance itself. Recordings

of live performances, however, are regarded as necessarily aesthetically inferior to the live performances recorded. Recordings are thought to be at best aesthetic third-cousins to whatever they record. On the contrary, I think them twins, able in principle to have all aesthetic properties in common, differing only in order of birth.

I claim that there is no *necessary* aesthetic difference between a live performance and a recording of that performance—a recording of a live performance can *in principle* be aesthetically equivalent to the live performance recorded. Aesthetic differences between live performances and recordings of those performances, I argue, supervene only on contingent structural differences. Furthermore, I show that arguments for the necessity of these differences rely on a mistaken notion of what recordings are essentially. Finally, the contingency of aesthetic differences between live performances and recordings suggests two metaphysically interesting but rather revisionary positions:

- 1) Performances should be treated as types rather than singular events and both live performances and recordings can in principle fully instantiate the same performance type.
- 2) Performances are not proper aesthetic objects, interpretive types are, and both live performances and recordings can in principle fully instantiate the same interpretive type.

Although in the end I argue for performance types, both positions, unlike current aesthetic accounts and their descriptive bases, are fully commensurate with the in principle aesthetic equivalency of live performance and recordings.

First, a few caveats. The recordings under discussion here are *undoctored* recordings of live performances, not studio recordings or enhanced recordings of live performances. Since undoctored recordings of live performances make up only a small portion of the actual recordings attended to (some rare bootlegs), my paper may bear little practical fruit. My arguments do not entail that *all recordings* are aesthetically equivalent to what they record. Likewise, I do not attempt to capture recordings of improvisational works (jazz, music with figured bass, etc.) as such an attempt would do violence to the notion of improvisation. This paper targets only the position that recordings of live performances<sup>1</sup> *necessarily* differ aesthetically from the live performances recorded.

I first briefly discuss the views of Theodore Gracyk and Aron Edidin. While these positions are relevantly similar to my own, both authors seek only to inform current aesthetic practice rather than examine the deeper metaphysical assumptions current practice entails. I then sketch an account of the type of recording my arguments employ. Unlike Gracyk and Edidin, my position doesn't rely on actual-world recordings; instead, I focus on the notion of recording itself, *what recordings are essentially*.

From there, I examine the arguments for the necessary aesthetic inequivalency of live performances and recordings of those performances. Recordings and performances supposedly both have necessary features the other necessarily lacks, and these features (or their absences) are always aesthetically relevant. These features, I show, are either contingent or, if necessary, aren't likewise necessarily aesthetically relevant or salient. Finally, I argue that the absence of an in principle aesthetic difference demands that the notion of performance be revised (or at least demands revising performance individuation). I conclude that performances should not be treated as singular events but as types, able to be instanced both by live performances and recordings. I then offer an alternative account that rejects performances as primary aesthetic objects in favor of interpretation types, which both performances and recordings can instance. In the end, my suggested revisions preserve most of our intuitions and provide a means of performance individuation far better suited to aesthetic matters.

### *Some Relevant Views on Recordings and Performances*

The relationship between recordings and live performances has been explored in numerous and varied ways. Theodore Gracyk and Aron Edidin advocate views roughly similar to my own inasmuch as they capture the spirit, if not the scope, of my position. A brief synopsis of these views should provide the proper framework for my own. Gracyk<sup>2</sup> argues

that live performance compared to recording is not necessarily a superior form of access to musical works. Since Gracyk's position deals solely with actual recordings, he purposefully avoids ontological objections, claiming that they beg the question. Unlike my project, Gracyk concerns himself with questions of access to musical works rather than comparative aesthetic character. Furthermore, since Gracyk claims that recordings are reproductions of performances not performances themselves, his position still allows for an in principle aesthetic difference between live performances and recordings. This, of course, is the problem.

Aron Edidin<sup>3</sup> accepts that performances are singular (ephemeral) events, but argues that singularity fails to ground a fundamental aesthetic difference between live performance and recording. *Pace* Edidin, I argue that performances shouldn't be regarded as ephemeral precisely because no in principle aesthetic difference supervenes on performance's ephemerality.

Insofar as performances are aesthetically interesting, the ontology of performances and recordings, far from begging the question, becomes the only viable foundation for claims to aesthetic superiority. Granting Gracyk's view that live performances are not necessarily superior to recordings with regard to access to the musical work doesn't preclude an in principle aesthetic difference between live performances and recordings (e.g., being a live performance is aesthetically relevant,

recordings are not live performances, so live performances and recordings necessarily aesthetically differ.) My view then must look elsewhere for support.

### *What Recordings Are and What Recordings Are Essentially*

Standard accounts of the aesthetic character of recordings assume recordings fail to preserve constitutive perceptual features of live performances, and therefore the aesthetic experience of live performances and recordings differ and differ necessarily—the aesthetic experience of recordings necessarily is comparatively impoverished. For example, recordings necessarily fail to capture all of the relevant perceptual features of live performances (both visual and aural). Jerrold Levinson, Stephen Davies, and Peter Kivy<sup>4</sup> all argue correctly that performances have important visual components.<sup>5</sup> These visual components are necessary features of performance's aesthetic character, figure in the proper instancing of musical works, and are essential to the nature of performance itself. If recordings cannot capture these features, then so much the worse aesthetically for recordings.

### *Perfect Recordings and Possible Recordings*

Actual recordings of live performances are most certainly aesthetically incomplete,<sup>6</sup> but why think this incompleteness a necessary feature of recording *simpliciter*? Moreover, I think, even failure of fidelity isn't a necessary feature of recordings. Imagine a "perfect" recording.

Perfect recordings capture all sonic and visual elements perfectly, that is, viewing this holodeck-like<sup>7</sup> recording of a live performance is perceptually indistinguishable from that live performance, even capturing perspectival differences—my view changes when I move my head, switch seats, and so forth.<sup>8</sup> The proper modal characterization of recordings (possible rather than actual recordings) shows that for any relevant perceptual property, visual or aural, of a live performance, there is a possible recording that would capture those properties.

An appropriately modal account of recordings demonstrates that features typically thought to ground aesthetic differences between recordings and live performance illicitly rely upon current technological limitations of actual recordings. *For any given live performance there is a possible recording of that performance perceptually indistinguishable from that live performance.* Of course, being perceptually indistinguishable does not entail aesthetic equivalence.<sup>9</sup> Importantly, however, should there be a necessary difference between live performances and recordings grounding an aesthetic difference, this difference cannot be perceptual. Those searching for necessary differences must instead appeal to the nature of performance and recording.

*Recordings and Repeatability*

One common necessary distinction made between live performances and recordings is repeatability. Performances look to be singular events, datable, and when finished, unrecoverable. Recordings, however, are available for multiple listenings/viewings. Performances feature both sounds sequenced in real time and interpretive decisions made in real time; whereas, recordings offer only pre-sequenced sounds and pre-determined interpretive features. Awareness of this seems an intuitively significant aesthetic feature. There is a difference, as Aron Edidin states, between “the sense that a unique, unscripted event is taking place as I listen’ and ‘the sense of listening to a unique, unscripted event”. Here then might be an in principle aesthetic difference.

The difference, however, cannot rest on the necessary repeatability of recordings because *recordings are not necessarily repeatable*. An ingenious spymaster might design a recording to play continuously and also to destroy itself as it plays, allowing Mr. Bond one-time access to its content. Such a recording would be as singular and uninterrupted as a live performance. Perhaps performances, unlike recordings, are necessarily non-repeatable, or as Howard Niblock<sup>10</sup> claims, “Every live performance is necessarily new and different from any other we have heard before...no two of which could be identical in all details.” On this view, multiple performances by the same orchestra of the same musical



work necessarily differ, whereas, of course, multiple playings of a recording necessarily cannot differ.

What is really doing the work here? Are live performances necessarily unique? Are live performances necessarily (improvisation aside) unscripted? Mere uniqueness of live performances can't be enough; this uniqueness must be aesthetically relevant and necessarily so.<sup>11</sup> If performances can be qualitatively identical, then the ground for an aesthetic difference (at least between performances) must shift to performance individuation.

#### *The Authoritarian Conductor and His Disciplined Orchestra*

Imagine that an orchestra settles all interpretive and sequencing matters in rehearsal. So practised and disciplined is this orchestra that each performance of a given musical work is identical, with respect to all relevant perceptual and interpretive features, to every other of the orchestra's performances of that work. Furthermore, so authoritarian is the conductor of this orchestra that any orchestra member deviating from the already determined interpretive and sequencing features is immediately fired. The orchestra members know this, want to keep their jobs, and so never intend to deviate from the pre-determined features. This motivation coupled with the orchestra's unwavering discipline and immense talent ensures that no fully informed audience member can ever reasonably expect performances of the same musical work to differ qualitatively.<sup>12</sup>

Given this, the experience of the Tuesday performance compared to the Wednesday performance is the same as the experience of the Tuesday performance compared to a recording of the Tuesday performance. When I attend the Wednesday performance, I fully expect it to be (sonically, visually, and interpretively) identical to the performance given on Tuesday. Similarly, when I attend to a recording of Tuesday's performance, I fully expect it to be identical to Tuesday's performance.<sup>13</sup> If we fully expect qualitative identity, what then could be the in principle difference?

#### *Causal Inefficacy of a Recording Audience*

Live performances are often shaped by audience-performer interaction, but recordings render such interactions impossible. Furthermore this interaction contributes to the aesthetic character of the performance, so this necessary difference grounds a necessary aesthetic difference between live performances and recordings. Calls for an encore made by a recording audience go unheeded—either an encore took place or it didn't, no amount of applause can change that. Similarly, catcalls, heckles, and thrown tomatoes become frustratingly and necessarily ineffectual. Audience/performer interaction is a staple of live performance, always making an aesthetic difference. So no matter how “perfect” the recording, the live performance in principle differs aesthetically.

My project neither entails nor suggests, explicitly or implicitly, that all recordings of live performances can in principle be aesthetically equivalent to the live performances recorded. I simply argue that nothing can ground a necessary aesthetic difference. To be sure, performer-audience interaction makes a crucial aesthetic difference for many live performances, but the interaction or possibility of interaction doesn't *always* make an aesthetic difference. Any particular means of interaction mattering aesthetically seems to matter only contingently. Imagine a future in which orchestras begin to tire of audience interaction—we being only so much musical rabble. The orchestra union might even demand that the orchestra and the audience be separated by some sort of force field, a field allowing the sounds and visuals from the stage to pass unhindered to the audience while blocking sounds and visuals (as well as catcalls, tomatoes, beer cans, roses) coming from the audience. Perhaps future audiences are far rowdier than audiences today, and as such, musical and performance convention comes to accept as standard (conventional) the employment of these one-way fields.

Here is the worry. If audience-performer interaction is a necessary feature of live performance, then the future described above would *ipso facto* fail to contain any live performances. This looks to be an absurd conclusion. The future so described would have plenty of live performances just those in which boos and applause are rendered

ineffective (just like recordings). Audience-performer interaction then cannot be a necessary difference between live performances and recordings and therefore ill-suited to support a necessary aesthetic difference.

How an audience may (if at all) affect the performance seems to change with musical/performance convention, and musical convention, at least with respect to particular means of interaction, appears contingent. If the particular means of interaction fails to support a necessary aesthetic difference, then perhaps the mere possibility (or the awareness of the possibility) of interaction may support such a difference. Audiences of the future, live performances, know boos and tomato throwings to be ineffectual, but only *ceteris paribus* ineffectual—were the force field to collapse they could give that smarmy oboist his comeuppance. With regard to recordings, however, they know boos and tomato throwings to be ineffectual *necessarily*—the smarmy oboist forever remains beyond reach. Perhaps herein lies an in principle aesthetic difference.

Properly informed audiences have different beliefs about their causal efficacy with regard to live performances and recordings. To do the required work, these beliefs must not only make an aesthetic difference but also be *beliefs that ought to make an aesthetic difference*. Audiences might believe (and convention might support the belief) that

the ethnic background of the orchestra always makes an aesthetic difference—Wagner performed by Jews just isn't the same. Obviously, while beliefs about the orchestra's ethnicity can shape the audience's aesthetic experience, they shouldn't. Grant that audience beliefs about the nature of their causal efficacy make an aesthetic difference. This entails neither that those beliefs necessarily make an aesthetic difference nor that they always ought to make an aesthetic difference.

In fact, interaction objections to recordings incorrectly assume that only the occasioning of beliefs about audience/performer interactions affects the aesthetic character of performances. On the contrary, *the aesthetic character of the performance typically occasions beliefs about audience/performer interactions*. Of course, audience members of a live performance may have certain beliefs about their causal efficacy, but clearly these beliefs are default dispositional rather than default occurrent. Actively shaping the aesthetic experience of the performance is work for occurrent, not dispositional, beliefs. Typically, however, the aesthetic character of the performance makes these beliefs occurrent.

Again, my project doesn't remotely suggest live performance is always aesthetically equivalent to a recording of that performance. This latest argument has shown only that audience/performer interaction isn't a necessary condition for live performance, and therefore can't ground a necessary aesthetic difference; neither can beliefs about the possibility of

this interaction. Proper audiences of live performances are likely to have (even have necessarily) these beliefs dispositionally. Beliefs about causal efficacy, however, are not always occurrent beliefs; neither do they *always* make an aesthetic difference. The underlying assumption (incorrect) is that, when occurrent, such beliefs always ought to make a difference. Of course interactive differences between live performances and recordings are aesthetically significant but aesthetically significant relative only to *actual live performances and actual recordings*. These differences clearly depend on contingent facts about performance convention, not necessary facts about bare causal efficacy. Regardless of how minor or subtle the difference, this difference is never an in principle aesthetic difference.

Finally, should the above fail to persuade, I offer later in the paper an example of a recording that clearly preserves audience/performer interaction as well as any interaction one might deem important. This later example forces anyone still convinced of the interactive necessity of live performance to abandon this necessity as ground for an in principle aesthetic difference between live performance and recordings.

#### *Being a Performance and Performance Individuation*

Recall the Tuesday and Wednesday performances put on by our disciplined orchestra and its authoritarian conductor. Grant for now that I fully expect Wednesday's performance to be sonically, visually, and

interpretively identical to Tuesday's performance. Each time I attend to the recording of Tuesday's performance, I fully expect to hear Tuesday's performance. Even though I fully expect Wednesday's performance to be visually, sonically, and interpretively identical to Tuesday's performance, when I attend Wednesday's performance, I don't expect to hear Tuesday's performance. I fully expect to hear something different, namely Wednesday's performance.<sup>14</sup> Tuesday's performance cannot be identical to Wednesday's in all respects because Wednesday's performance takes place on Wednesday not Tuesday. Wednesday's performance minimally is a different performance, and this always makes an aesthetic difference.

The above depends on the temporal indexing of performances being a necessarily meaningful means of individuation.<sup>15</sup> Assume performance A and performance B are aurally, visually, and interpretively identical performances. Accordingly, performance A differs from performance B only with respect to time of occurrence: A on Tuesday, B on Wednesday. I fully accept that the time at which a performance occurs could affect its aesthetic character (e.g., performance of *Peter and the Wolf* on Prokofiev's birthday, the inaugural performance of *The Magic Flute*, and so on). My position fully supports this. *When a performance occurs can matter aesthetically only because when a performance occurs doesn't always matter aesthetically.* Time of occurrence otherwise becomes trivial. Likewise, the assumption that

performances are necessarily indexed temporally trivially entails that no two performances can be identical in all respects.<sup>16</sup> Why, then, should temporal indexing be a necessary feature of performance individuation? An intuitive answer is that performances are events and events are necessarily temporally indexed.

That performances obviously can be individuated as bare events doesn't entail they ought to be individuated as such. Matters of individuation surely are relative to interests involved. Tellingly, philosophical aesthetics rarely appeals to bare-bones metaphysics for individuation advice. When or where a performance takes place may be an aesthetically relevant property (e.g., patriotic works performed on the Fourth of July, those same works performed on a Gettysburg battlefield), but when or where a performance takes place never aesthetically matters *necessarily*. In fact, *prima facie*, the when and the where seem entirely aesthetically incidental.

Whether one attends the disciplined orchestra's Tuesday performance or the Wednesday performance should never be, let alone always be, aesthetically relevant. The absence of an in principle aesthetic difference between Tuesday's performance and Wednesday's performance suggests the absence of an in principle aesthetic difference between a recording of Tuesday's performance and the live performance on Wednesday. This then suggests the absence of an in



principle aesthetic difference between Tuesday's performance and a recording of Tuesday's performance. In general, there appears to be nothing essential to recordings and performances that makes it impossible in principle for them to be aesthetically equivalent.

### *Recordings Are Not Themselves Performances*

Perhaps, recordings of performances are merely reproductions of performances. Recordings may even provide full epistemic access such that viewers would occupy the same relevant epistemic position as viewers of live performances. A recording of a live performance of Beethoven's *Eroica*, however, is not itself a performance of *Eroica*, only a representation or reproduction of the performance. When I attend to Tuesday's performance I hear Tuesday's performance. When I attend to a recording of Tuesday's performance, I hear a reproduction of Tuesday's performance. While reproductions may be pragmatically worthwhile, they provide only indirect access to the work, and access differences (direct vs. indirect) are always in principle aesthetic differences. Whether or not I attend to a performance or a reproduction of that performance always makes an aesthetic difference.

To combat the above, rather than defend certain ontological positions<sup>17</sup> or argue for the transparency of reproductions,<sup>18</sup> I need only show the following: the claim that recordings are mere reproductions of performances and therefore not performances themselves entails a

radically counter-intuitive result. Given this result, the claim that recordings aren't performances should be rejected.

*Recordings and the Case of the Strange Auditory Affliction*

Imagine a live musical performance and its audience. Now imagine that some members of that audience have been stricken by a strange, auditory condition. Those afflicted, as a result, can only hear sounds produced within their own ear canals; the afflicted are incapable of hearing the sounds produced by the orchestra, fellow audience members, or even themselves.<sup>19</sup> Luckily, a state-of-the-art hearing device, designed specifically to counter the effects of this devastating condition, is available for the audience's use. This marvel of technology, when inserted into the ear canals, affords the wearer an auditory experience indistinguishable from the experience they would have were they not afflicted (perceptually indistinguishable from their pre-affliction hearing).

The hearing device works in the following way. Upon placement into the ear canals, the device first records all incoming sounds and then plays the recording. Even more remarkably, the device has an infinitesimally small, and therefore perceptually negligible, input/output time differential (recording and playback). Given this, the hearing device flawlessly preserves the wearer's normal (pre-afflicted) coordination of aural input with visual input (and any other sort). Were the device to be surreptitiously placed into a given person's ears, the subsequent

experiential reports made by that person would be identical to those the person would otherwise make. Furthermore, if so inclined, one might choose, as a preventative measure, to insert the device prior to contracting the auditory condition (even though this entails failure to be aware of being afterwards afflicted).

### *Consequences of the Hearing Device*

If recordings are mere reproductions of performances and not themselves performances, then those afflicted audience members wearing the hearing device—unlike those unafflicted audience members not wearing the device—*necessarily fail to hear the performance*. Furthermore, despite (and in virtue of) wearing the hearing device, those afflicted necessarily cannot hear any performance. What a miserable aesthetic existence these people are forced to lead, never able to hear performances, forever doomed to reproductions. Moreover, what a nasty trick to play on an unsuspecting audience member should I slip one of these devices in her ear, causing her to miss the performance, and only hear a reproduction of it. Clearly this is a *reductio*. Hearing devices are recording devices. The hearing device saves the day precisely because by wearing it, the afflicted audience members once again can hear the performance; no number of aestheticians could convince them otherwise. Those wearing the hearing device hear the performance and what they hear is a recording.

*Hearing Devices are not Recording Devices.*

Perhaps the hearing device ought to be regarded not as recording the live performance as much as broadcasting it. We shouldn't treat broadcasts of live performances as recordings of live performances, so the hearing device fails to do any philosophical work for recordings. This objection would be worrisome were the hearing device to be an example of mere delay (e.g., award show broadcasts or intergalactic transmissions). *The hearing device, however, is clearly a recording device.* The hearing device records incoming sounds then plays that recording into the ear canal. Incoming sounds are coded, becoming inert bits of information on a tape. The device then reads those inert bits, converts the information into sonic output played into the ear canal.

The catch is as follows: the input/output time differential is so infinitesimally small that there will never be any perceptual difference between hearing the recording and hearing the sounds recorded—this is precisely why the device seems for all practical purposes to broadcast the sounds rather than record then play them back. Sounds emanating from the hearing device, however, are recorded sounds not broadcast sounds. One might declare that the hearing device can't be a recording device because recordings necessarily have a certain time frame between recording and playback (e.g., the time difference between the sounds recorded and when they are played back must be at least one

second). I suppose some delay is necessary between the recording of the sounds and the playback, but surely *this delay needn't be necessarily perceptible*. Claims to the contrary just seem fundamentally *ad hoc* and absurd.

Finally, the hearing device case shows being a recording perfectly commensurate with the view that audience/performer interaction necessarily matters aesthetically. The hearing device in virtue of the imperceptible time difference between the recording and the playback fully preserves the causal efficacy of the audience while still technically being a recording. Those afflicted members wearing the device call for encores or throw tomatoes just as they would were they unafflicted and not wearing the device. Audience members wearing the device applaud and boo right along with those unafflicted audience members not wearing the device—no more and no less effective.<sup>20</sup>

### *Revising Performance Individuation*

Regarding recordings as reproductions may be compelling in most cases (maybe even all cases of actual recordings), but this position really is only so much metaphysical posturing. The baseline metaphysical facts correctly entail two distinct sound events, one heard by the unafflicted audience and another heard by the afflicted audience. The positions I have been arguing against clearly use the above to perform some illicit equivocation. These positions equivocate (A) “The unafflicted audience

hears a sound event that the afflicted audience does not" with (B) "The unaffected audience hears the performance and the afflicted audience does not" false. (A) and (B) can and should come apart—(A) looks true and (B) looks false.

With regard to aesthetic concerns, performances obviously shouldn't be individuated as bare events, and this suggests that recordings and the performances they record can in principle be aesthetically equivalent.<sup>21</sup> Our intuitions can remain intact without wreaking metaphysical havoc.<sup>22</sup> Two distinct sound events do in fact occur, and the claim that both afflicted and unaffected audience members hear the performance needn't run contrary to that fact. Needed then is a plausible alternative criterion of performance individuation able to capture this.

### *Performances as Types*

There is no in principle aesthetic difference between a live performance and a recording of that performance. This suggests that recordings and live performances differ only with respect to the means of accessing/instancing the same performance. Given this, performances ought to be treated as types, in principle able to be instanced both by live performances and by recordings of those live performances. Two sonically, visually, and interpretively identical live performances occurring at different times can instance the same performance. A perfect

recording of a live performance can instance the same performance type as instanced by the live performance recorded. Accordingly, the sole difference between a live performance and a recording of that performance is how the performance type is instanced.

Live performances instance the type in a physically immediate way while recordings instance the type (typically) in an electronically mediated way. Actual recordings can only support an inferior, incomplete electronic mediation; this is why actual recordings fail to instance properly (or fully) the same performance type instanced by the live performance recorded. My view doesn't undermine current aesthetic practice, my view *underwrites* these practices and does so without also thereby entailing an incorrect necessity claim.

Recall our afflicted, device-wearing audience members. Individuating performances as bare events entails that they fail to hear the performance, consigned to hearing only reproductions. The afflicted audience members, according to my view, do in fact fail to hear something: *the afflicted audience fails to hear the live performance*. This failure is intuitive and unproblematic. Yet, the object of the afflicted audience's attention is still of the right sort, namely *the performance*. The afflicted audience fails to hear the live performance, that is, the afflicted audience fails to hear the performance *as instanced by the live performance*. They do, however, successfully hear the performance as

*instanced by the recording.* The hearing device allows them to attend to a differently instanced token of the same performance type.

On my view live performance loses any *in principle* aesthetic relevancy but nevertheless retains a crucial metaphysical relevancy. Performances *qua* types can only come into existence once instanced by a live performance, so live performance becomes a necessary etiological feature for any further mediated instancing.<sup>23</sup> Random marks on magnetic tapes that, when read, produce results perceptually indistinguishable from a live performance fail to instance the performance type. Live performances must be the etiological foundation for mediated instances. Furthermore, the initial live performance instancing of a performance type fixes the constitutive features of the performance; all further instantings of the performance type must preserve those constitutive features.<sup>24</sup>

Intuitively, actual recordings typically fail to instance the performance type precisely because actual recordings typically fail to preserve constitutive features of the performance as fixed by the live performance. Most, if not all, actual recordings are sonically and visually incomplete and therefore most likely also interpretively incomplete. Unsurprisingly, comparative aesthetic impoverishment results from such incompleteness. My view suggests that actual recordings ought to be treated as they are commonly treated, that is, as sound events that often



provide epistemic access to some but not all of the features of the performance.<sup>25</sup>

### *Interpretation Types*

Stephen Davies has suggested an alternative that does less violence to the notion of performance.<sup>26</sup> Basically, Davies wants to retain the current method of performance individuation by shifting aesthetic focus away from performances *simpliciter*. Davies argues that if I am right about the in principle aesthetic equivalency, the proper object for our appreciation shouldn't be the performance *qua* performance but rather performance *qua* instantiation of an interpretation type. The interpretation type, not the performance instantiating it, is the proper object of aesthetic interest. The authoritarian conductor and his thoroughly disciplined orchestra token the same interpretation type night after night. Even though Wednesday's performance is not the same performance as Tuesday's performance, Wednesday's performance instances the same interpretation type instanced by Tuesday's performance. On Davies' view, audiences employing the hearing device fail to hear the performance, but this failure matters little since the device-wearing audience nevertheless attends to the proper aesthetic object, the interpretation type. Recordings of live performances can, just like live performances, fully instance an interpretation type. Davies' view, like my own, also entails that

recordings can be in principle aesthetically equivalent to the performances they record.

I wholeheartedly embrace the spirit of Davies' view, but one worry prevents my full endorsement. In retaining the current method of performance individuation, interpretation types become the proper aesthetic object rather than performances themselves. Performances are aesthetically relevant only insofar as they instance interpretation types. Davies' position seems to reject performance as being *per se* aesthetically interesting because shifting the focus to interpretation types abandons performance *qua* proper aesthetic object. To be sure, some performances may in fact be more aesthetically interesting than the interpretation types they instance,<sup>27</sup> but this doesn't entail that performances are *per se* aesthetically interesting.

Here might be a telling comparison. Recall the disciplined orchestra's live performances on Tuesday and Wednesday. My view entails that those attending both days attend different live performances but experience the same performance—both live performances instance the same performance type. Imagine that after I attend Tuesday's performance, a friend invites me to the Wednesday performance. I respond politely, "No thank you. I have already seen that performance." My friend then replies to my response as follows: "You, sir, are a liar! Today is Tuesday!" Such replies should rightly be viewed as confused or at least

awkward. Davies' view, however, entails that such replies are entirely right (although they miss the aesthetic point). Furthermore, the notion of performance itself seems to be an essentially aesthetic one, and its individuation ought to reflect this. Treating performances as types rather than singular events does just that. Finally, I suppose Davies' view is attractive to those wary of revising performance individuation while my view draws those reluctant to give up aesthetic primacy of performance as well as those suspicious of interpretation, typed or tokened.

### *Conclusion*

Given no in principle aesthetic difference between a live performance and a recording of it, there are two choices: 1) revise performance individuation (performances as types) to reflect accurately our aesthetic concerns, or 2) retain the aesthetically indifferent means of current performance individuation by shifting aesthetic focus away from performances to interpretation types. Both are coherent and plausible, so I shan't be greatly offended if one opts for the latter rather than mine. I happen to prefer performances as proper aesthetic objects, and since interpretation types aren't performances, my allegiance is obvious. Most important though, live performances and recordings of those performances can in principle be aesthetically equivalent. Regardless of how one chooses to capture this, the motivation for choosing remains the same.<sup>28</sup>

### CHAPTER III

#### *Intentions and tensions*

Art is an essentially human endeavour.<sup>1</sup> While philosophy may quibble over the details, art and humanity are inextricably linked. The ontology of art, art interpretation, the social structures surrounding art, even the definition of art, all explicitly or obliquely depend on art being in some sense a human activity. This is why books such as *Why Cats Paint: A Theory of Feline Aesthetics* are given as gag gifts and located in the humor section rather than in art history or philosophy. Not to disparage Ginger the cat, whose works are always left *in situ* “so she can work progressively from one to another,”<sup>2</sup> but philosophers lose no sleep contemplating the possibly rich and rewarding feline art world. Even if Ginger’s paintings have philosophical advocates, their defense most certainly will not be predicated on any essential feline quality but refer to how feline scratchings can be appropriated by humans into an exclusively human art world for exclusively human uptake.

Nature simply doesn’t belong in the artworld. Any art theory that admits the Grand Canyon or Yosemite National Park as artworks accrues the classic and fatal natural-object *reductio*. Theories of art dependent on broad notions of aesthetic experiences, attitudes, and properties often

fall victim to such an objection. The exclusion of the natural *simpliciter* is just as much a part of the development of the philosophy of art as the exclusion of the soul is to philosophy of mind. Ginger and the Grand Canyon can only gain admittance to the artworld in virtue of some sort of human mediation.

No one demands justification as to why moral systems for lions and mountain ranges fail to be in the domain of moral philosophy. Similarly, no one should demand a defense for the premise that art is essentially a human enterprise. Of course, "human" here doesn't pick out certain biological entities. Were we all radically duped as to our genetic make-up, in the midst of the biologists' riot, philosophers of art wouldn't bat an eye. Philosophical concern should in principle extend to Martian art as much as human art. Our feline friend Fritz's work, *Bad Cat*,<sup>3</sup> (gnawed and clawed Venetian blinds) doesn't fail to be art because Fritz lacks human DNA. Fritz the cat lacks the appropriate cognitive faculties even minimally required to engage in art making, let alone to engage successfully in art making. Fritz and Ginger's works, in addition to the Grand Canyon, fail to gain entry to the artworld because nowhere in their etiologies are the appropriate cognitive features. Normal functioning humans in virtue of their biological make-up have such features, the principle feature being intentionality. Rivers don't intend to carve out canyons, geysers don't intend to shoot plumes of water, and cats don't intend to paint.<sup>4</sup> This is

what most philosophers of art have come to acknowledge: art is in some sense intended.

### *Some General Objections to Intentions*

Intentionality is by no means a philosophically settled subject. Some think intentions are non-existent entities and, as such, certainly poor foundations for art. Philosophers of art, unlike philosophers of mind, may withhold assent with regard to particular stances on intentionality. Art need not even be *prima facie* committed to intentional realism; intentional states don't have to be real for there to be artworks. On a significantly broad application of the intentional stance,<sup>5</sup> Fritz, Ginger, and Old Faithful could be considered rather brilliant artists, but the entirety of the work done here is due to placing intentions into the mix—whether a realist ascription of intentional states or merely correct application of a method of intentional ascription. An intuitive understanding of what it is for art to be in some sense intended doesn't require a robust account of the nature of intentional states, their content, or how they get that content.

Some may also argue that determining whether someone had certain intentions (either real or ascribed) is such a murky endeavor that any account of art dependent on intentions is the worse for that reliance. Intentions and theories of intentional ascription are just too ill-formed to provide a basis for mentality (at least third person mental state ascription) let alone be foundational for art theories. Although this objection may

have some pull with non-philosophers, the problem of other minds is really only a problem for embittered epistemologists. Evil demons, dreaming philosophers, and wholesale, epistemic skepticism aren't problems in philosophy of mind, so they shouldn't be worrisome for philosophy of art.

### *Different Kinds of Intentions*

A world may contain many pretty things, but should that world necessarily lack entities capable of forming intentions, nothing more need be known to conclude art absent. Intentions come in different flavors such as first-order intentions, second-order intentions, high-level and low-level intentions. The intention to move my arm in such and such a way may be low-level while the intention to paint a representation of the Christ-child would be a high-level intention. Pictorial representation *simpliciter* looks to require high-level intentions. Cats may have low-level intentions to gnaw and claw, but there are no feline high-level intentions such as clawing and gnawing in such a way as to represent frustration with a certain brand of kitty litter. Even the earliest cave paintings suggest high-level intentions such as the intention to represent a buffalo, horse, or arrow. Beavers can gnaw on a stick and the result can look like a tiger, but beavers can never intentionally whittle tiger shapes (or maybe even whittle for that matter)—outsider or folk art forms like whittling at least minimally exhibit these high-level intentions. Some theories of art allow into the artworld appropriated beaver gnawings, cat scratchings, and ocean

flotsam, but part and parcel of this appropriation is high-level intentions on the part of the appropriator.

Intentions *simpliciter* aren't problematic, but the roles intentions are asked to play in art theories are somewhat complicated. Some theories explicitly require the artist to have conscious, art-making intentions—making art minimally involves possession and employment of the concept ART. Others require intentions obliquely—art objects need only be thinly artifactual, or intentions need only match up with historically or socially recognized intentions. Furthermore, the relevant intentions need not be the artist's (e.g., the audience or members of the social structure in which the work is embedded must have certain intentions of reception.) Some make a distinction between surface-level or conscious intentions (I intend to paint a picture) and deep-level or subconscious intentions (I intend to communicate my hatred of my father). On some theories, actual intentions never matter, only those intentions reasonably attributable to a hypothetical or virtual artist. Virtual or actual, artist or audience, conscious or unconscious, intentions are present in all art theories of significance. This, of course, is the problem.

### *Sources of Tension*

While the necessity of intentions is one of the few aspects of art philosophers agree upon, hardly anyone agrees as to the exact role and significance to assign intentions outside of this minimal necessity. One



might think that intentions, as the sole aspect of art theory garnering majority assent, might be significant for areas peripheral but connected to descriptive art theories. A coherent notion of what art minimally is seems prior to advancing theories about how to evaluate or interpret art, so these peripheral areas at least methodologically ought to depend on getting the necessity conditions correct. Surprisingly, the role of intentions in these areas differs dramatically, often ignoring intentions altogether.

Much of philosophy of art focuses on evaluative theories of art and their subject matter, aesthetic properties/terms. The language of art evaluation is almost exclusively the language of aesthetics. Beautiful, dynamic, sublime, garish, dainty, arresting, harmonious, ugly, moving, profound, disturbing, and elegant are all aesthetic terms used to describe artworks, and artworks are better or worse off evaluatively for possessing these properties. A good many philosophers have devoted their professional lives to figuring out the nature of these terms. Are aesthetic properties real properties? Do they necessarily supervene on non-aesthetic or structural properties? Is the aesthetic experience something over and above the experience of the structural base? Clearly, evaluative theories, insofar as they are mere extensions of aesthetic terms and how to apply them, are entirely independent of descriptive art theories.

Just as paintings and sculptures can be beautiful, ugly, garish, or disturbing, so too can mountain ranges, marmosets, sunrises, or a lion attack on a gazelle. So, at least in principle, the aesthetic and evaluative theories owe no particular allegiance to descriptive art theories. If I know how sunrises can be garish, I need not dig deeper to find out how paintings can be garish. There aren't two aesthetic properties, naturally-garish and artificially-garish; there is merely garish. Furthermore, experiences of aesthetic properties aren't intention dependent. Experiencing the garishness of a painting or a sunrise doesn't depend on intentions, such as intending to have a garish experience. Furthermore, an object's being garish doesn't entail that the object, its structural properties, or its garishness be intentionally determined. This creates a gap between the principal language of evaluative theories of art and descriptive theories of art.

One might think interpretation of artworks a different matter. Sermons aren't in stones, so *prima facie* interpretive theories ought to have a close relationship with the necessary intentionality of artworks. This, however, assumes a certain methodological premise many philosophers of art are loathe to accept, namely that the goal of art interpretation is to find out what the author/artist meant. The answer to the question "what does this work mean?" seems to depend entirely on the interpretive strategy involved. Unlike evaluative theorists, who at least agree on a

paradigmatic set of terms to employ, the available interpretive offerings vary radically. Some abandon the idea of intentionality altogether, declaring artworks to be public entities, capable of supporting any and all interpretations. Others have a rough, theoretical commitment to intentions but divorce the intentions which ground the work as art from the intentions that fix its content.

The minority view is that a work's meaning is at least largely determined by the actual intentions of its maker. Citing the intentional fallacy (the fallacy of appealing to the author's intentions and biography or that investigation of those are ever fruitful) and proclaiming the interpretive death of the author are *de rigueur* in many philosophical circles. Even those interpretive practices focusing on the actual intentions of the author may be referring not to the surface-level intentions but to deeply embedded, unconscious intentions or even gestalt, social or psychological intentions (Freudian or Marxist interpretive schemes.)

Any evaluative or interpretive theory must first establish its domain. Evaluative and interpretive theories either explicitly or implicitly imply a domain, consisting of those features of artworks the theory may legitimately range over. Call the artwork features comprising this domain the constitutive features. Claiming *Guernica* to be a good artwork should entail that the features of *Guernica* grounding its goodness are legitimate goodness-grounding features as well as proper features of *Guernica*. The

same should hold for interpretation of artworks; the features of a work grounding its content must be legitimate content-grounding features as well as proper parts of the work. So insofar as evaluation and interpretation of artworks are concerned, the constitutive features of a work are those and only those properties which are included in the legitimate range of the theory in question. *Guernica* has the property of being located roughly nine parsecs from the Andromeda galaxy, but no one thinks this a constitutive property of *Guernica*. An evaluation or interpretation of *Guernica* predicated on such a property would be overstepping its bounds (paying attention to non-constitutive properties) or most likely would be considered *ipso facto* false for counting such a property as constitutive.

Some theories have narrow ranges (all and only formal, intrinsic, perceptual properties) and others are radically broad (relational properties such as historical, social, linguistic, economic, and sexual contexts). Interpretive and evaluative theories are self-constrained by the properties they argue or assume constitutive. Fundamentally, these theories assume artworks legitimate candidates for evaluation and interpretation. Given this, what art is descriptively should at least in part determine what features these theories claim constitutive. Understanding descriptively intentions in art should inform an understanding of intentions

prescriptively or at least suggest how intentions ought to operate in prescriptive theories.

*Descriptive Blood from Prescriptive Turnips*

The most efficient means of ensuring the descriptive account commensurable with the prescriptive account is to work backwards—tell the descriptive story solely in terms of the prescriptive language. Assume a prescriptive (evaluative) vocabulary containing only aesthetic properties. Descriptively, then, art just is objects that possesses (or are capable of possessing) these aesthetic properties; that is all there is to being art. Contrast the above move with the far more difficult and philosophically treacherous method of getting the descriptive story straight, then seeing if this story is commensurate with aesthetic property possession (or potential possession).

Unlike descriptive theories of art, typical prescriptive theories of art are robust, have a broad intuitive base, and often are steeped in centuries of critical practice. Little wonder why appeal to a prescriptive base for the descriptive account is a tempting maneuver. As mentioned earlier, relying solely on aesthetic property possession to exhaust art descriptively leaves no room for intentions as constitutive descriptive features. Since aesthetic properties *simpliciter* entail no commitment to intentions, descriptive theories constructed from them will likewise have no commitment to intentions. Of course, descriptive rejection of intentions

opens the door to nature-as-art *reductio*. To avoid this in making a prescriptive-descriptive move, the prescriptive theory must have at least a *prima facie* commitment to intentions that will be preserved in the descriptive translation. This means that any evaluative or interpretive theories that reject intentions outright fail to be suitable candidates for the prescriptive-descriptive move.

At first blush, most philosophers of art do not buy into purely aesthetic descriptive theories or descriptive translations of radical interpretive theories. My job would be much easier if they did. Intuitively, I think, outright prescriptive-descriptive translations are at best questionable philosophy. Unfortunately, the prescriptive-descriptive strategy, while never employed outright, often subtly rears its pernicious head. Rather than make use of an explicit one to one mapping of the prescriptive to the descriptive, many current art theories prescriptively constrain descriptive theories. Of course, descriptive art theories shouldn't fail (at least radically) to capture our evaluative practices. This doesn't entail, however, that descriptive theories ought to explain fully our evaluative practices.

How does this relate to the role of intentions in art theory? My brief criticisms of prescriptively based descriptive theories set the stage for the real worry. While methodologically ill-advised *simpliciter*, employing the prescriptive-descriptive strategy coupled with the necessity of intentions

may give the resulting descriptive account a distinctly *ad hoc* flavor. Descriptive accounts borne out of evaluative theories run the risk of having no initial commitments to intentions at all. Given this, the magical appearance of intentions in the *definiendum* should be perplexing to say the least. Take for example an art theory claiming that aesthetic property possession both necessary and sufficient for being an artwork. Of course, this theory immediately incurs the natural-object *recutio*. With slight modification, however, such a theory can avoid this: *being an intended object (artifact) that possesses aesthetic properties is necessary and sufficient for being an artwork*. This is a crude example, but slightly fancier versions of this crude example pop up in the literature quite often. Such a descriptive theory preserves our evaluative practices, captures the intuitive distinction between natural and artifactual objects, and necessarily avoids capturing natural objects as artworks. Of course, such a theory accrues all of these advantages only in virtue of being palpably *ad hoc*.

For a feature of a theory to be *ad hoc* is for that feature to contribute nothing over and above answering objections. For example, I define an F as follows: possessing properties X and Y are necessary and jointly sufficient for being an F. Suppose this incurs the following objection: Gs essentially possess properties X, Y, and Z, Gs then must be Fs, but Gs clearly are not Fs, so my definition of F must be false. Knowing this

objection fatal, I cleverly revise my definitions as follows: possessing properties X and Y *and not possessing property Z* are necessary and jointly sufficient for being an F. Now Fs necessarily are not Gs since Gs essentially possess property Z. This is paradigmatically *ad hoc*; not possessing property Z contributes nothing to what it is to be an F other than making Fs necessarily not Gs in order to avoid the Gs-are-Fs objection. Prescriptive theories must entail the necessity of intentions and this necessity must be preserved in the prescriptive-descriptive translation, otherwise the descriptive inclusion of intentions makes the descriptive theory itself *ad hoc*. Similarly, allowing the determiner of the evaluative practice (be it historical traditions or social institutions) to fix the descriptive extension *merely in virtue of being the determiner of the evaluative practice*, results in either a purely nominal definition or another example of the prescriptive-descriptive move. Often the types of intentions cited in the descriptive theory fail to match up with the intentions in the prescriptive theory.

General art theories that descriptively claim that actual intentions are necessary for art but then claim that virtual intentions suffice for determining art's constitutive properties are merely *ad hoc* theories in fancy dress. Some argument must be provided as to why the descriptive necessity of intentions fails to do any prescriptive work (e.g., why we ought to treat literary meaning different than ordinary meaning). Such



arguments typically are absent. Perhaps their absence can be best explained by the failure of descriptive theories themselves to provide a coherent, consistent, and robust account of the role intentions play in art.

## CHAPTER IV

*Case study: the intentional failure of aesthetic theory*

The goal of this case study is to show how some definitions of art create a tension between the required intentional component and other definitional features. Since any form of an anti-intentional theory of art is a non-starter, some formerly anti-intentionalist theories get resuscitated by adding intentions into the mix. Merely inserting an intentional requirement into a theory, however, doesn't guarantee that the intentional component will buttress or even be compatible with the other theoretical components. In fact, as this chapter demonstrates, some art theories fail precisely because the introduction of an intentional component renders incoherent the other definitional features. This again underscores the importance of my project, namely that we must work out exactly what is required of intentionality in art before we can build art theories with intentional components. This chapter also sets the stage for the next chapter in which I examine and criticize the role assigned to intentions by current definitions of art.

The subject of this chapter is aesthetic theory, that is, the theory of art that has aesthetic property possession as a necessary condition. Initial offerings of this theory lacked an intentional component, and as such,

accrued natural and accidental objects as art objects. More recent examples have added intentionality as a necessary condition but have been attacked for failing to capture artworks seemingly lacking aesthetic properties. What I show is that the replies aesthetic theory gives to what are now considered traditional non-aesthetic counterexamples (Duchamp's *Fountain*) reveals a massive theoretical tension between the essence of the theory (aesthetic properties) and the necessity of intentions. As each reply aesthetic theory gives is examined and found lacking, I argue that the only option for aesthetic theory is a forced retreat into a claim, not about aesthetic properties, but about aesthetic concepts.

It is here that aesthetic theory runs afoul of its own intentional requirement. It now must claim that aesthetic concepts are necessary constituents of the content of artistic intentions. Once forcibly reduced to a conceptual claim, aesthetic theory, in order to remain viable, must rely on an ill-suited connection between aesthetic concepts and artistic intentions. The failure of intentions to do the required theoretical work dooms aesthetic theory, forcing it either to give up its commitment to aesthetic properties/concepts *tout court* or to give up the necessity of intentions. The former move is, of course, fatal to aesthetic theory; the latter move is fatal to art theory itself. To remain a viable theory of art, aesthetic theory must include an intentional component. Rather than

rescuing the theory, the inclusion of intentions actually shows that aesthetic theory is fundamentally flawed.

*The Intentional Failure of Aesthetic Theories of Art*

For quite sometime, philosophical aesthetics has curiously been hard at work substantially downsizing its own domain, slowly but surely increasing the philosophical distance between art and the aesthetic. So great the distance now, most regard the philosophical study of art as independent from, rather than a subspecies of, philosophical aesthetics; art and the aesthetic can and do come apart. Though *prima facie* intimate and pervasive, the connection between art and the aesthetic reveals itself to be for many only skin deep; art isn't necessarily, let alone essentially, aesthetic (be it in terms of attitudes, experiences, functions, or properties). Every so often, however, aesthetically driven descriptive theories of art enjoy a brief revival. Regardless of the revisions made, aesthetic theory so revived typically fares no better than its predecessors, invariably falling victim to the same (now considered traditional) counter-examples—artworks that afford no aesthetic experience, serve no aesthetic function, and have no aesthetic properties (Duchamp's *Fountain* being the most often cited).<sup>1</sup>

Suspiciously in step with the shrinking domain of philosophical aesthetics has been the growing support in the philosophy of art for the descriptive necessity of intentions. Art is in some sense necessarily

intentional, and any theory of art failing to capture this necessity is *ipso facto* false. Regrettably for the aesthetically inclined, the greater the favor afforded the necessity of intentions the less support had for aesthetic theories of art. This really shouldn't be that surprising; descriptively, art is intention dependent but the aesthetic clearly is not. For an object to be art, intentions (in some sense) must figure etiologically, but an object can be beautiful regardless, even in spite of, how intentions figure etiologically—the aesthetic needn't have intentions figure at all let alone figure necessarily. This suggests a *prima facie* tension between the aesthetic and the intentional. Unsurprisingly, such tension gets reflected descriptively, that is, defining art in terms of the aesthetic entails that the primary explanatory feature (the aesthetic) be in principle indifferent to the only largely agreed upon descriptive necessity (intentionality). This effectively severs any theoretical connection between the two necessary conditions, subsequently giving the addition of an intentional component a quite nasty *ad hoc* flavor—one part evaluative theory, one part tacked on intentional component, *et voila!*, a descriptive theory of art.

Unlike its evaluative counterpart, aesthetic theory *qua* descriptive theory of art must reconcile the aesthetic with the intentional. Minimally, as any other art theory, aesthetic theory must incorporate the necessity of intentions. To avoid making this inclusion *ad hoc*, aesthetic theory must link aesthetic necessity with intentional necessity.<sup>2</sup> Aesthetic features of

artworks must be largely intentionally determined—artifacts with unintentional aesthetic properties clearly won't do.<sup>3</sup> Unfortunately, the forced connection between aesthetic necessity and intentional necessity grounds precisely why many count artworks like Duchamp's *Fountain* as stock counter-examples to aesthetic theories of art. *Fountain* is an artwork but one with no intentionally determined aesthetic properties, that is, an artwork that fails to preserve the connection between the aesthetic and the intentional but remains art despite this failure. This is where most aesthetic theories founder. Given that most assume as non-starters both rejecting *Fountain* as art and jettisoning the necessity of intentions, aesthetic theory must revise itself. Such revisions must show that *Fountain* and similar artworks not only in fact possess aesthetic properties but also that this possession is largely intentionally determined. Only by doing so can aesthetic theory both vitiate the counter-examples and maintain the connection between the aesthetic and the intentional. Of course, this is the problem.

### *The Project*

My project is to show that the aesthetic fails to figure descriptively even in part and fails to do so necessarily. This failure, I argue, results from the irresolvable tension between what aesthetic theory minimally requires—the descriptive necessity of the aesthetic—and what art minimally requires—the descriptive necessity of intentions. Aesthetic

theory *qua* descriptive theory of art minimally requires that the aesthetic be in some sense necessary for art (both descriptively and explanatorily). Merely to be *prima facie* plausible, however, aesthetic theory must also capture the descriptive necessity of intentions but in doing so becomes open to traditional counter-examples (e.g., Duchamp's *Fountain*).

I suggest various revisions aesthetic theory can adopt in order to avoid traditional counter-examples. I then show how each revision fails and that each failure pushes aesthetic theory closer and closer to its final resting place. Aesthetic theory *qua* descriptive theory of art, to avoid traditional counter-examples, must collapse into a conceptual theory—*aesthetic concepts are necessary for art*. Here the tension between the aesthetic and the intentional becomes fatal—the very feature necessary for aesthetic theory's descriptive success ensures its descriptive failure.

### *The Set-up*

To get the most out of what follows I target only aesthetic theory in its most minimal and most plausible form. By showing that this version necessarily fails descriptively, I show the descriptive failure of aesthetic theory *tout court*.

*(Minimal Aesthetic Theory):* Artworks necessarily have aesthetic properties that are in large part intentionally determined and these properties are explanatorily necessary for what it means to be an artwork.

I employ property talk merely for simplicity's sake. My arguments are such that one could seamlessly move from aesthetic properties to aesthetic functions (or purposes)—problems for aesthetic property theory are problems for aesthetic function theory. I assume aesthetic realism throughout, but anti-realist positions should fare no better than their realist counterparts.<sup>4</sup> When I speak of artworks necessarily having aesthetic properties, I mean that artworks necessarily possess some aesthetic property or other rather than necessarily possessing the particular ones that they have.<sup>5</sup> Finally, many of the revisions I claim aesthetic theory can make, when noted, are those suggested by Nick Zangwill in his article “Are There Counterexamples to Aesthetic Theory of Art?”<sup>6</sup> Although Zangwill thinks these replies far more successful than I do, my arguments do not so much rebuke Zangwill's position as they simply demonstrate the consequences of taking such replies and revisions seriously.

#### *Traditional Counterexamples to Aesthetic Theory*

Duchamp created *Fountain* to challenge dominant art-critical focus on the aesthetic (hence the urinal). *Fountain* seems to lack any intentionally determined aesthetic properties, but *Fountain* nevertheless is intuitively an artwork.<sup>7</sup> Minimal aesthetic theory, as offered above, fails to capture *Fountain* as an artwork, so minimal aesthetic theory fails. Zangwill offers three replies that aesthetic theory can make to traditional counterexamples.<sup>8</sup> After these are discussed, I offer replies of my own.



### *The Retreat Reply*

Most artworks, though not all, possess aesthetic properties. *Fountain* is an artwork despite possessing no intentionally determined aesthetic properties and precisely in virtue of this is *Fountain* considered a peripheral work. Aesthetic theory can both fully capture and explain this.<sup>9</sup>

*Revised Aesthetic Theory #1 (RAT<sub>1</sub>):* Necessarily most artworks possess intentionally determined aesthetic properties.

Though most actual artworks possess intentionally determined aesthetic properties, the above revision clearly can't be just an empirical claim. RAT<sub>1</sub> entails that for any possible world, if that world contains artworks, then the majority of artworks in that world possess intentionally determined aesthetic properties.

RAT<sub>1</sub> unsurprisingly falls victim to the following *reductio*. Imagine a terrible, global fire just so happens to consume all and only those artworks that have aesthetic properties, sparing only *Fountain*-like works (non-aesthetic works but artworks nonetheless). Given the above, RAT<sub>1</sub> entails one of the following. 1) Immediately post-conflagration, there are no artworks; *Fountain* and all other non-aesthetic artworks cease to be artworks despite surviving the fire. 2) Immediately post-conflagration, *Fountain* and its non-aesthetic brethren (at least most of them) come to possess aesthetic properties previously lacked. 1) and 2) are both absurd, so RAT<sub>1</sub> must be false.

Perhaps RAT<sub>1</sub> is not a necessity claim about artworks but rather a necessity claim about *artworld development*. Artworlds necessarily develop in such a way that—unmolested by fire and other such catastrophes—most artworks have aesthetic properties.<sup>10</sup> This, however, makes RAT<sub>1</sub> a theory about art history rather than an art theory. In avoiding the *reductio*, RAT<sub>1</sub> ceases to be a descriptive theory of art and, as such, ceases to be aesthetic theory (at least of the sort under discussion). Instead RAT<sub>1</sub> becomes a claim about necessary features of art history without thereby defining art in terms of those features.<sup>11</sup>

Challenges to aesthetic theory's viability as a descriptive theory of art cannot be met by making aesthetic theory art historical. Moreover, RAT<sub>1</sub> fares no better art-historically. Grant that nascent artworlds must be largely composed of aesthetic works. Intuitively, however, artworlds could later in their development eventually be composed largely of *Fountain*-like artworks (e.g., our artworld could begin favoring and continue favoring non-aesthetic works, such that, the complete set of artworks comprises mostly non-aesthetic works). Granting that the aesthetic plays a vital role in art history doesn't entail that art is even minimally defined by that role. Retreat into art history avoids traditional counter-examples only by abandoning the original descriptive project. The aesthetic may figure necessarily in art history, but this doesn't tell us anything about art itself.<sup>12</sup>

*The Negative Reply*

*Fountain* fails as counter-example to aesthetic theory because *Fountain* in fact has intentionally determined aesthetic properties. Aesthetic properties come in two varieties, positive (e.g., *being beautiful*, *being ugly*) and negative (e.g. *not being beautiful*, *not being ugly*). While *Fountain* has no positive aesthetic properties (that's the point), it has negative aesthetic properties. *Fountain* possesses the intentionally determined aesthetic property of not being beautiful.<sup>13</sup> So,

RAT<sub>2</sub>: All artworks necessarily possess intentionally determined aesthetic properties construed negatively or positively.

Aesthetic properties can be either positive or negative properties, and this is independent from whether so described those properties negatively or positively contribute to an object's evaluative aesthetic character. For example, the positive aesthetic property of being ugly often negatively impacts aesthetic evaluation, whereas the negative aesthetic property of not being beautiful may or may not yield the same evaluative result. While many objects fail to be beautiful, *Fountain* has the (largely intentionally determined) negative aesthetic property of not being beautiful, and this makes all the difference.<sup>14</sup>

What makes aesthetic theory *prima facie* viable is the assumption that aesthetic properties are legitimate properties with explanatory power. Aesthetic theory, however, to retain any intuitive force mustn't run roughshod over intuitions about what constitutes foundational aesthetic

properties (beauty, elegance, ugliness, daintiness, and so forth). RAT<sub>2</sub> expands the set of aesthetic properties by doubling membership solely in virtue of counting as aesthetic the negations of those properties intuitively thought aesthetic in the first place. The property of being beautiful is paradigmatically aesthetic; the property of *not being beautiful*, however, commands no similar intuitive pull.

Take, for instance, the property of *not being red*. Any theory that counts not being red as a legitimate property should immediately be found suspect. *Theories that count not being red as a legitimate color property are ipso facto false*. RAT<sub>2</sub> counts negative properties (not being beautiful) as legitimate properties but more perniciously, RAT<sub>2</sub> also counts such properties (not being beautiful) as legitimate aesthetic properties. To avoid counter-examples, RAT<sub>2</sub> radically reworks the aesthetic, losing all intuitive force in the process. Unsurprisingly, RAT<sub>2</sub>'s recourse to trafficking in negative properties suggests aesthetic theory unworthy of resuscitation in the first place.<sup>15</sup>

#### *Negative Reply Pt. 2*

How might Duchamp's work be properly explained? Did he intend that *Fountain* possess the property of not being beautiful or did he simply intend that *Fountain* possess no aesthetic properties? The latter doesn't require purchase in negative properties and makes far more explanatory sense. So,

RAT<sub>3</sub>: Artworks necessarily either have aesthetic properties (determined intentionally) or they lack aesthetic properties (determined intentionally).<sup>16</sup>

Aesthetic properties still remain descriptively necessary but *aesthetic property possession* does not. *Fountain* doesn't worry RAT<sub>3</sub> because Duchamp intended that *Fountain* lack aesthetic properties. Avoiding the pitfalls of fiddling with aesthetic intuitions, RAT<sub>3</sub> appears to explain fully and intuitively the failure of traditional counterexamples to aesthetic theory.

RAT<sub>3</sub> requires careful reply. While some artworks may lack aesthetic properties, perhaps such absences are always intended. Surely we can imagine an artist who never intends that her work either possess or lack certain *artistic properties* (e.g., political, satirical, stylistic, or philosophical statements). Similarly, we ought to be able to imagine an artist who never intends that her work possess or lack *aesthetic properties*, neither intending that work to possess aesthetic properties nor intending that the work lack them—aesthetic properties simply are never constitutive of the intentional content. So even though *Fountain* may fail to be a counterexample to RAT<sub>3</sub>, this failure doesn't thereby entail that no work (possible or actual) could be descriptively troublesome for aesthetic theory.

RAT<sub>3</sub> requires an additional argument claiming that any such works appear troublesome only in virtue of some sort of conceptual confusion—

such counterexamples cannot be coherently imagined (or such imaginings shown sufficiently muddled). This foretells a shift from properties to concepts, abandoning *aesthetic properties* in favor of *aesthetic concepts*. RAT<sub>3</sub> suggests some sort of conceptual entailment between aesthetic concepts and the very concept of art—aesthetic concepts themselves (and presumably their possession and employment) are necessary etiological features of artworks. RAT<sub>3</sub> doesn't claim that one must have the concept of art to make art. RAT<sub>3</sub> claims that artists must possess (and employ in some fashion) aesthetic concepts to create art. Aesthetic theory then becomes a conceptual theory.

Before the above move can be substantially addressed, one further property-based revision of aesthetic theory must be discussed. The failure of the following revision shows that aesthetic theory to remain viable must shift from aesthetic property necessity to aesthetic concept necessity. Aesthetic theory must retreat into a conceptual position, but such a position creates a terminal conflict between the aesthetic and the descriptive necessity of intentions. I show that aesthetic theory cannot be revived precisely because of the fundamental incompatibility with the very component necessary for its resuscitation.

### *Second Order Reply*

Aesthetic properties come in two forms: first-order and second-order. Typically, most artworks are primarily first-order works, that is, works

primarily possessing first-order aesthetic properties—being beautiful, being dainty, and so forth. Some artworks are primarily second order works, works primarily possessing second-order aesthetic properties—being aesthetically indifferent, being a comment on daintiness, and so forth. *Fountain* is an exclusively second-order work, possessing no first-order aesthetic properties; *Fountain* just is a reaction both to first-order aesthetic properties and primarily first-order artworks (again, that's the point). Second-order aesthetic properties are aesthetic properties just as much as first-order aesthetic properties. *Fountain* possesses aesthetic properties, just those of the second-order variety. So,

RAT<sub>4</sub>: Artworks necessarily possess intentionally determined first-order aesthetic properties and/or second-order aesthetic properties.

This revision clearly gets the same objection incurred by RAT<sub>2</sub>. The required work gets done only by radically and counter-intuitively reworking the aesthetic. Recall the color analogy. Any theory entailing that being a comment on redness is just as much a legitimate color property as being red is *ipso facto* false. To be sure, some artworks are reactions to beauty, but this neither suggests that being a reaction to beauty is a legitimate property nor that being a reaction to beauty is itself, like being beautiful, a legitimate aesthetic property. Moreover, granting that second-order aesthetic properties are legitimate aesthetic properties yields no return. RAT<sub>4</sub> allows for artworks to lack either first-order or second-

order aesthetic properties but not both. Certainly, however, there could be (or are) artworks not only lacking first-order aesthetic properties but second order ones as well—neither beautiful nor comments or reactions to beauty. RAT<sub>4</sub> must be revised to incorporate such works or claim the imagining of such works confused or incoherent.

Perhaps aesthetic properties are necessary for artworks, albeit in a much more indirect and weaker way. Not all artworks possess aesthetic properties, but surely all artworks are normally seen as having aesthetic properties. The aesthetic serves as the foundation for how artworks are generally approached, classified, and understood. Being an artwork is a *prima facie* reason to think that the object possesses aesthetic properties even when upon inspection found lacking such properties. As long as aesthetic properties have some necessary explanatory worth, then while admittedly weaker and far less toothy, aesthetic theory remains viable. So,

RAT<sub>5</sub>: Artworks necessarily possess the property of normally being seen as having aesthetic properties.

According to RAT<sub>5</sub>, art isn't defined in terms of the necessary possession of aesthetic properties but in terms of necessarily being seen as *normally possessing aesthetic properties*. Perhaps all art so far is normally seen as having aesthetic properties, but RAT<sub>5</sub> must show the necessity of this in perpetuity. Should the artworld begin to favor non-aesthetic works and continue to do so long enough, artworks intuitively wouldn't then be



seen as normally possessing aesthetic properties. RAT<sub>5</sub>, to counter this, mustn't, as does RAT<sub>1</sub>, appeal to facts about artworld development or art historical necessities—doing so firmly makes RAT<sub>5</sub> a theory about art history, albeit one with an aesthetic component. Aesthetic theory cannot illicitly unshoulder its descriptive and explanatory burden onto the back of art history.<sup>17</sup>

*Painting Aesthetic Theory into a Conceptual Corner*

Some sort of conceptual necessity must be in play to ground substantially the claim that artworks are necessarily seen as normally possessing aesthetic properties. To have artistic concepts (PAINTING, SCULPTURE, even ART) one must have aesthetic concepts (BEAUTY, DAINITY), and this explains why artworks are normally seen as having aesthetic properties. Aesthetic concept possession is necessary for artistic concept possession. Art and the aesthetic are inextricably conceptually linked. *Fountain*, of course, doesn't challenge this. So,

RAT<sub>6</sub>: The employment (or minimally the possession) of aesthetic concept(s) is necessary for art.

Counterexamples now must be of a different breed; *Fountain* no longer works. There must be some real or possible work such that 1) the possession (or employment) of aesthetic concepts fails to figure etiologically (or figures only incidentally) and 2) despite this, the work is (or would be) intuitively regarded as art. Of course, any work created by an

artist who lacks aesthetic concepts (or fails to employ them)<sup>18</sup> necessarily lacks intentionally determined aesthetic properties, be they first-order, second-order, negative, or positive. An artist cannot intend (in the right sort of way) that her work possess property *p* if she doesn't possess the concept of *p*. Can such a work be coherently imagined?

The claim that artistic concepts entail aesthetic ones, I think, results from conflating the notion of what is necessary *to be a good artwork* with what is necessary *to be an artwork*. Artists who lack or fail to employ aesthetic concepts may be incapable (even necessarily incapable) of creating good art. Should an artist suffer head trauma such that she loses the ability to form or employ aesthetic concepts, her work after the accident might rightly be regarded as terribly trivial, mediocre, and uninspiring *but nevertheless continue to be regarded as art*. Upon hearing the news of the artist's accident and subsequent cognitive loss, no one would then conclude that all post-accident work fails to be art. Imagine that Andy Warhol suffered such an accident in the latter stage of his artistic career. If RAT<sub>6</sub> is true, all of Warhol's work post-trauma is necessarily not art. Being informed of his accident may demand drastically revising the evaluation of his post-accident work, but being so informed neither demands nor suggests the revocation of art status. No radical metaphysical shift results from such cognitive losses.<sup>19</sup>

Maybe all post-accident works are *necessarily* uninteresting, suggesting that aesthetic concept possession is necessary for artworks to have good-making properties (or for artworks to have value). To do the work required, the above must be accompanied by the claim that artworks necessarily have good-making properties (or are necessarily valuable). Such a claim, quite naturally, seems to support—and itself supported by—aesthetic theories of art, but sadly for aesthetic theory, such a claim is also demonstrably false. Art isn't necessarily valuable and artworks don't necessarily possess good-making properties. Those arguing to the contrary just haven't been exposed to really bad art.<sup>20</sup> But again, this all goes to show a major difference between aesthetic theory *qua* evaluative theory of art and aesthetic theory *qua* descriptive theory of art.

RAT<sub>6</sub> represents the final resting place for aesthetic theory. Forced to abandon the necessity of aesthetic property possession, aesthetic theory must turn to aesthetic concepts. The aesthetic becomes a conceptual necessity for art—aesthetic concepts (their possession and employment) are etiological necessities for artworks. *Fountain* needn't possess aesthetic properties to be art, so *Fountain* and other non-aesthetic artworks aren't problems. Moreover, at first blush, an RAT<sub>6</sub>-type theory seems to enjoy an added advantage over its property dependent cousins since such versions seemed merely to tack on intentions, giving

them a distinctly *ad hoc* appearance. Making aesthetic theory conceptual seamlessly incorporates the necessity of intentions. This relationship, however, quickly turns sour.

Works needn't possess aesthetic properties to be art, artists needn't intend that those works possess aesthetic properties, and artists need neither employ nor possess aesthetic concepts to create art. Possessing the concept RED isn't necessary for possessing the concept SPORTS CAR. To be sure, many sports cars are in fact red, maybe when asked to imagine a sports car, everyone imagines it red, and perhaps the first sports cars must be red, but from this no legitimate conceptual necessity could issue. Should all sports cars be red, the relationship between redness and sports cars is default contingent. Red sports cars may even be paradigmatically sports cars, fully exemplifying sports-car-ness—maximizing flashiness, speed, and devil-may-care attitude. None of this remotely suggests that sports cars are necessarily red, that sports cars are necessarily seen as normally being red, or that SPORTS CAR entails RED. Defining art in terms of the aesthetic (however minimally defined) is exactly like defining sports cars in terms of redness (however minimally defined). Redness or its absence may substantially even necessarily figure in sports-car evaluation—can't be a good sports car unless red or *ceteris paribus* red sports cars are better than non-red ones—but redness rightly fails to figure descriptively. The aesthetic may figure necessarily in art

evaluation and in artworld development (art history), but the aesthetic fails even in part to figure descriptively.

Aesthetic theory relies on and fails in virtue of conflating the descriptive with the evaluative. Fundamentally, aesthetic theories of art attempt to unite the evaluative—where the aesthetic flourishes—with the descriptive, trusting the aesthetic's evaluative success to survive the translation (conflation). Such attempts, however, fail to capture adequately the descriptive necessity of intentions. This failure stems from the aesthetic being largely (entirely) intention independent—intentions needn't figure at all in aesthetic property instantiation. This has been the problem all along; objections to aesthetic theory exploit the inherent tension between intentionality and the aesthetic.

*Fountain*, in virtue of the urinal's contours and stark whiteness of the porcelain, may be in fact beautiful (incidentally). Such beauty, however, is frustratingly independent of Duchamp's intentions and could likewise be independent of the concepts in Duchamp's head; this is exactly why *Fountain* is considered to be a paradigmatic counter-example to aesthetic theory. To avoid counter-examples, aesthetic theory cannot appeal to contingent facts about art history or artworld development. Similarly, aesthetic theory cannot accommodate purported counter-examples by radically and counter-intuitively reworking aesthetic properties. The revisions and their subsequent failures force aesthetic

theory to reveal its true nature; the descriptive necessity of the aesthetic must be at the conceptual level—aesthetic theory must collapse into a conceptual claim.

Recall that aesthetic theory's descriptive revival first requires the theory to accommodate the descriptive necessity of intentions (aesthetic theories lacking intentional components are non-starters). *Fountain*-like works (rather than sunsets or mountain ranges) are considered counter-examples in virtue of the tension between the aesthetic and the necessity of intentions. By retreating into a conceptual claim, aesthetic theory avoids any conflict with the descriptive necessity of intentions but only by swallowing intentions whole. The descriptive necessity of intentions, however, is quite toxic to aesthetic theory—that's the point. Aesthetic theory must be conceptual to be viable, but the conceptual claim then entailed by aesthetic theory is clearly false—aesthetic concept possession and employment isn't necessary for art. Merely to get off of the ground, aesthetic theory must incorporate the descriptive necessity of intentions; it must incorporate the very feature that ensures its failure. Frankly put, to save aesthetic theory is to doom aesthetic theory.<sup>21</sup>

CHAPTER V  
*Intentionality and artifactuality*

For any good murder-mystery, finding out that the butler did it is only half of the story. We must know not just that the butler murdered the wealthy heiress but know why and how he did it. We want the grisly details (the candlestick in the aviary), a coherent motive (being the principal beneficiary of the will). Much the same holds for the investigation of intentions in art. We know that intentions matter, we just aren't exactly sure as to the how and the why. If we can't come up with coherent details and motive, then we might, as in the murder-mystery case, begin to doubt that intentions (like the butler) are in fact responsible. To begin a proper investigation, we must first accuse the right sort of intentions of doing the right sort of work.

Recall that no commitment to a specific type of intention has been made. Intentions so far have just been short hand for some sort of mental component to art. Passing familiarity with the last thirty years of philosophy of mind shows intentionality a far from simple subject. Philosophers of art, however, need not wait around patiently for philosophers of mind to settle the intentionality debate—billiard players needn't consult physicists to explain satisfactorily how the eight ball came to reside in the left-corner

pocket. We need only expect accounts of intentionality in art to avoid haphazard translations into more complex and nuanced claims about intentionality in the philosophy of mind.

The only limiting condition so far offered is that the intentions involved in art be those of a higher-level mentality. Dogs, cats, and elephants may all have mentality, perhaps even higher-level forms of mentality such as self-awareness, expression of some basic emotions, and higher-order cognitive understanding (symbol manipulation). Intuitively, however, we think art beyond the reach of these animals. They look to be incapable of basic representation—they may grasp that certain hand signals will get them a peanut or ball of yarn, but they fail to grasp that certain hand signals *represent* peanuts or balls of yarn.<sup>1</sup> Representation seems to entail basic pretense and even young children lack this ability. Again, merely establishing that the type of mentality involved in art is of an appropriately high level still leaves the notion of intentionality far too broad for any focused theoretical work.

Given the above, the list of candidates should narrow. What I propose is an examination of the two most extreme options: intentionality *qua* thin artifactuality—artworks need only be artifacts and their artifactuality need not contribute anything over and above satisfaction of this condition—and hyper-aware intentionality—artworks necessarily are intended to be such, that is, the concept of art is always consciously



employed in art making. Both extremes satisfy the weak condition that artworks necessarily are deliberate though in vastly different ways. In the artifact case, intentionality is cashed out purely in terms of the intentionality behind artifacts, and artifacts and artworks can easily come apart. In the hyper-aware case, artworks are necessarily intended to be artworks. The extensional difference between these two conditions should be apparent; the former supports a potentially hefty extension while the latter seems extensionally limited. Neither, I show, are plausible accounts of intentionality in art. Intentions aren't stand-ins for mere deliberateness; they are also not mere vehicles for the concept of art. This failure, however, should help illuminate the proper candidate, and such a candidate, I expect, lies somewhere in the middle.

### *Artifacts*

Artifacts are *prima facie* plausible candidates for capturing the intentionality of art for a variety of reasons. Artifacts are not natural objects, artifacts are made/used for a purpose, and as such, are products of deliberate human activity. Artifacts, then, seem to capture the spirit of the discussion so far, and perhaps the ordinary notion of artifactuality fully explains art being necessarily intentional. The attractiveness of artifacts begins to wane, however, once we demand a more precise account. Artifactuality (and therefore intentionality in art) must mean something more than being a product of human activity.

Two notions of artifact must be considered: a) artifact *qua* worked upon object and b) artifact *qua* cultural object. A simple bottle opener is a purely a-type artifact, an object or collection of raw materials that has been worked upon for a specific purpose, namely to open bottles, with no cultural significance over and above the satisfaction of its purpose. Purely b-type artifacts are cultural significant objects that have not been worked upon (e.g., sacred stones kept in a temple, Plymouth Rock, or the finger bones of Saint Francis). Of course, an object can be both an a-type and a b-type artifact (e.g., Lee Harvey Oswald's rifle, a Hank Aaron homerun baseball, or an elaborately decorated crucifix). Similarly, some artworks look to be both a-type and b-type artifacts (Stuart's portrait of George Washington and Rembrandt's *Night Watch* are prime examples.) Claiming that artworks are necessarily artifacts entails that all artworks are one of the following: a-type artifacts, b-type artifacts, both a-type and b-type artifacts, or either a-type or b-type artifacts.

Before discussing the plausibility of each of these artifactuality conditions, a few assumptions must be made. Purely a-type artifacts are objects that have been physically altered or physically worked upon in order to serve some function. Purely b-type artifacts are natural objects that have not been altered or worked upon to serve a function nevertheless these objects occupy or serve an important cultural role or purpose (have cultural significance). These accounts, I think, best

represent the debate and simultaneously satisfy our intuitions about artifactuality. Of course, far more nuanced positions on artifacts exist but these often blur the notion of artifact enough to render relatively unpersuasive any theory relying on that notion of artifactuality to make the connection between art and artifactuality. This is less about artifactuality *per se* and more about how artifactuality can't be the proper sort of foundation for intentionality in art. Even if artworks are necessarily artifacts, we are still left in the dark about what type of intentions matter and why they matter. The necessity of artifactuality at best only obliquely guarantees the necessity of intentionality. Of course, as I will argue, artworks aren't necessarily artifacts, and the intentionality involved in artifactuality necessarily cannot be the intentionality involved in artworks.

#### *Artworks are A-type Artifacts*

If motivated theoretically and intuitively to make divisions along natural/artificial lines, then stipulating that artworks are necessarily artifacts seems to do the work required. Moreover, museums typically exhibit items that are clearly (at least at first blush) merely artifacts (vases, pots, blankets, jewelry, weapons, etc.), and such a practice implicitly endorses artifactuality (of the a-type). Merely being an a-type artifact is neither sufficient for being art nor explanatorily helpful over and above

grounding the natural/artificial distinction, but intuitively nothing much else ought to be expected.

Unfortunately, an a-type artifactuality condition unduly restricts the extension of art. Many pieces of conceptual art and found art will fail to qualify as art; the artifactuality of many works of conceptual art would be muddled at best and found art objects don't seem to be artifacts at all. An artist finds a bit of interestingly shaped driftwood, appropriates it as his artwork, and submits it for display at the museum. The artist doesn't physically alter the driftwood, so how can this work be an a-type artifact? Perhaps one could broaden the notion of alteration to include change in physical location (beach to museum) or change in relational properties (driftwood in the context of the artworld). Instead of taking the driftwood to the museum, imagine I use it to dig a hole in a search for clams. Does this make the driftwood a spade and therefore an artifact? If I prop my door open with it, does the driftwood become a doorstep and therefore an artifact? Should I toss it to my golden retriever, does this transform the driftwood into a dog toy and therefore an artifact?

If a-type artifactuality is necessary for art, this entails one of following: 1) the driftwood when used to dig holes becomes a spade (doorstop, dog toy) and therefore is an artifact, or 2) found art is in fact not art at all. The first looks is false. I am not digging holes with a spade made of driftwood; *I am using driftwood as a spade*. I am using something

other than a spade (driftwood) to perform the function a spade was designed to perform. Found driftwood doesn't become an artifact because I prop my door open with it; I simply use driftwood to perform the function a doorstop would perform (or be designed to perform). Of course, one could claim that spades, doorstops, and dog toys are purely functional; to be a spade is simply to perform the function of a spade. Therefore, digging holes with the driftwood transforms the driftwood into a spade. Spades are artifacts, so therefore the driftwood has been artifactualised. Let's grant that doorstops, spades, and dog toys are purely functional—whatever object satisfies the door-stopping role in a world is *ipso facto* a doorstop in that world, whatever object is used to dig holes in a world is a spade in that world, and whatever object entertains dogs in a world is a dog toy in that world.

Herein lies the rub for the a-type artifactualist. If spades are purely functional, then the driftwood becomes a spade but at the cost of either losing its artifactuality or removing intentionality altogether from the notion of artifactuality and therefore art. The a-type artifactualist wins the argument by missing the point of the stipulation in the first place, namely making a natural/artificial distinction. Artifacts can now coalesce from random particles yet still remain artifacts; the resultant accidental object need only perform the role. What is the difference between a spade made in a spade factory and a spade-shaped piece of wood (shaped

by the ocean)? One is a spade and one is just spaded-shaped wood. Preferring the spade-shaped wood over the actual spade for digging in my garden, does not thereby transform the wood into a spade (and thereby into an artifact, at least of the a-type variety.) Capturing the intuition that intentionality is necessary for art solely motivated making artifactuality a necessary condition for art. Now conspicuously absent from revised a-type artifactuality is only feature of artifactuality thought to satisfy the intentional requirement in the first place. The physical alteration condition on a-type artifacts was supposed to imply an intention that the object satisfies some purpose carried out via that physical alteration. Artifactualizing the driftwood comes at the cost of breaking the relevant connection artifacts provided to artworks. Driftwood, then, must be rejected as an artifact regardless of how well it digs holes or entertains dogs.

Maybe found art just isn't art. Any theory of art allowing unaltered found objects to be candidates for arthood is so much the worse for doing so. Driftwood "sculpture" isn't sculpture, just unaltered ocean flotsam, no more, no less. This reply retains a-type artifactuality as a necessary condition for art by trimming the extension. Of course driftwood isn't artifactual, and that is precisely why driftwood can't be art. No one thinks found art paradigmatic of art, and as such, its removal from the extension of art shouldn't be worrisome. A-type artifactuality remains

necessary at the low cost of jettisoning a peripheral (and disputed) art form.

Unfortunately for the ardent a-type artifactualists, found art isn't the only so-called 'peripheral' art form to be cut from the extension. Many examples of conceptual art also fail to satisfy a-type artifactuality, and therefore fail to be art. Artifactuality, at least a common sense notion, demands a rather strict view of objecthood. *Prima facie*, if x is an a-type artifact, then x is an object of some sort. Conceptual art presents a challenge to this, as often, conceptual art is less object-dependent than its more paradigmatic art cousins (painting, sculpture). What of *Transfixed* (1974) consisting of Chris Burden nailing himself to a Volkswagen? Is *Transfixed* (1974) merely a Volkswagen with Burden nailed to it or rather a series of actions and events of which Burden and the Volkswagen were constituent parts? *Doorway to Heaven* (1973) features Burden electrocuting himself in the doorway to his apartment. *Shoot* (1971) features Burden being shot in the arm. These are all conceptual works with no clear artifactual component. They are actions and events (just what we should expect from performance art) and not artifacts—unlike Burden's *Relic from Transfixed* (1974) which is artifactual (the nails from *Transfixed*). Of course one could stretch the notion of artifact to just be states of affairs or some such general notion. This, however, obviously empties the notion of artifact of any relevance and carving power.

A-type artifactuality also has difficulty accounting for readymades, artworks that are appropriated artifacts (rather than appropriated natural objects). Take for example Jeff Koons' appropriated works (Pink Panther statues, Nike posters) or Duchamp's readymades. In what important sense do these satisfy a-type artifactuality? To be sure, the Koons and Duchamp's works in question are artifacts (that's the point), but their artifactuality stands in a much different relation to the artwork than an average painting. Just as the driftwood example challenges a-type artifactuality as a necessary condition for art, so too should readymades and appropriated artifacts. In the driftwood case, the artist does nothing to contribute to the object's artifactuality. Similarly, the artist who merely appropriates artifacts does nothing to contribute to the artifactuality of the object. In these cases, artifactuality is actually a prerequisite for appropriation; there is no additional artifactual contribution on the part of the artist (anymore so than in the driftwood case). Appropriated artifacts satisfy the a-type artifact condition only through the backdoor. We should expect an artifactuality condition to preserve the connection between what makes an object an artifact and what makes it an artwork (minimally). Appropriated artifacts destroy this connection since what makes the object an artifact and what makes it art (again, minimally) are not the same, both being the product of some intentional action but vastly different types of intentional action. Claiming Duchamp's *Fountain*



minimally satisfies the intentionality requirement for art *because urinals are a-type artifacts* deeply, deeply misses the point of the intentionality condition and of the work itself.

Of course, the a-type advocate could again deny art status to found art, conceptual art, performance art, and appropriated works. This obviously sacrifices far too much. Excising a significant portion of the extension had better yield some heavy-duty explanatory returns, but such returns are not forthcoming. The intentionality involved in a-type artifactuality fails to establish a coherent connection between intentionality and art.

#### *Artworks are B-type Artifacts*

Rather than appealing to physical alteration for a purpose to make the distinction between the natural and artifactual world, maybe some sort of cultural divide can do the work. An artifact is some object that has cultural significance, and this need not entail physical alteration beyond the object's natural state. B-type artifacts look to provide a *prima facie* case for artworks satisfying the artifactuality condition, as what better candidates for culturally significant objects than artworks (see Margolis). B-type artifacts also expertly avoid all of the objections incurred by a-type artifacts. Cultures have the power to bestow artifactuality onto objects merely by attaching to them significance (or embedding them). For example, in the center of a village square grows a tree revered by all of

the villagers. These villagers believe the tree to be a sacred gift from the heavens and that the well-being of their community is inextricably linked to the well-being of the tree. At first blush, calling this tree an artifact seems unproblematic even though the tree clearly is a natural object given cultural (religious, political, etc.) import. Similarly, a reliquary's collection of saintly finger bones, intuitively, is artifactual even though the finger bones are physically unaltered (in the appropriate sense). Cultures (groups, societies, tribes, nations) have the power to bestow artifactuality onto objects. Art is a paradigmatic instance such a bestowal. All artworks are cultural artifacts.

What type of intentionality does b-type artifactuality imply? Artifactuality matters in art only insofar as artifactuality exhausts the intentional requirements for art. A-types failed in this regard, but b-type artifacts look, at least for now, far more promising. A-type artifactuality couldn't coherently reconcile the apparent disparity between the intentionality involved in a-type artifacts and the intentionality involved in art. Assume for now that b-type artifactuality avoids extensional problems (it doesn't). Can b-type artifacts do the work required of them? Unlike a-type artifacts, singular intentions or single-source intentions don't drive b-type artifactuality. B-types depend on a more gestalt-style intentionality. Embedding an object in a culture or imbuing an object with cultural significance thereby transforms that object into a cultural artifact. The

mechanism responsible for such a transformation may involve various institutions as well as consensus of belief and value.

To have b-type artifactuality buttress intentionality, cultures and social groups must be entities capable of having beliefs and attitudes towards objects (in a decidedly non-metaphorical way). Perhaps objects possess cultural significance by fiat—objects are culturally significant for group *X* if group *X* believes them culturally significant. Such cases, however, are not ordinary cultural artifact cases. Furthermore, intuitively groups can be wrong about the cultural significance of an object. Were Rembrandt discovered to be a Norseman, the Dutch might revise their position on the cultural significance of *Night Watch*. Intentions—cultural, collective, or otherwise—seem to play no role for b-type artifacts. Assume, however, that b-type artifactuality entailed a notion of cultural intentions. Would intentionality in art then be sufficiently explained? Does b-type artifactuality ground our intuition that art is an intentional (in some sense) enterprise?

Before the above can be answered, a more primary question demands attention. Are b-type artifacts artifacts at all? How is Plymouth Rock an artifact like can-openers or funeral urns are artifacts? Perhaps “artifact” means two different things. Since the existence of a-type artifacts isn’t in question—only its necessary relationship to art—“artifact” then must be ambiguous; to call an object an “artifact” is to say that the

object is either an a-type artifact or a b-type artifact. The preferable and readily available alternative is that calling an object a “cultural artifact” simply means that object is a sufficiently culturally significant object, and such objects could either be natural objects or a-type artifacts. In fact, most culturally significant objects are just a-type artifacts. Natural objects may too be culturally significant, and as such, worthy of study for anthropologists and sociologists just as much as can-openers, pots, funeral urns, and burial mounds. Recall our culturally significant tree. Is the tree both a tree and an artifact, or is the tree just that, a tree, but a tree that happens to be culturally significant? Again, for practical and academic purposes museum curators might want to group the tree along with pot shards and mummies, but this doesn’t mean that trees are artifacts no matter how important or sacred they are to groups, cultures, or societies.

Similarly, while *art practice* may be culturally valued or significant, the products of art practice aren’t thereby culturally valuable or significant. Of course, the products of the valued and culturally significant practice of art-making may often themselves also be valuable and significant. An object’s being an artwork itself may be a *prima facie* reason to suppose that object culturally significant. To ground the necessity of intention, being an artwork must entail being culturally significant, but being art doesn’t entail being culturally significant. This all supposes that the type of intentionality posited by b-type artifacts is

explanatorily sufficient.<sup>2</sup> “Artifact” isn’t ambiguous. Even given over to semantic leniency, b-type artifacts simply fail to capture the proper notion of intentionality. Artworks are necessarily intentional but not in virtue of artworks necessarily being b-type artifacts, and moreover, artworks aren’t necessarily b-type artifacts.

### *Artifactuality and Intentionality*

The real criticism of artifactual necessity should focus on the inability of artifacts to explain sufficiently intentionality in art. Grant the entire artifactual position—artworks necessarily are either a-type or b-type artifacts. Artifactual necessity simply cannot adequately ground the necessity of intention. Recall that artifactuality’s assumed ability to do so provided the motivation to accept artifactuality as necessary condition in the first place. What remains garners little or no explanatory advantage, makes ‘artifact’ ambiguous, and jettisons a significant part of the extension of art while counter-intuitively expanding the extension of artifacts. All of this just to end up exactly where we began. Whether all or most artworks are artifacts is a perfectly legitimate empirical inquiry. Most artworks likely are a-type artifacts, and perhaps, though less likely, most artworks are b-types as well (or are at least culturally significant). This may explain why many have turned an interesting empirical question into an untenable enterprise of necessity.

The lesson to be learned is this. A-type artifactuality fails to capture found art, intentionality is essential to found art, so a-type artifactuality fails to capture intentionality. Random driftwood doesn't just end up in art museums; even if the selection process is random or unqualified, artists still select driftwood. Artists may be interested in driftwood with particular formal features, driftwood resembling former U.S. Presidents, or just driftwood. Artists intend to select driftwood of a certain sort (or any sort or no sort), and these intentions explain why and how that bit of driftwood was selected (and also subsequently viewed, interpreted, appreciated and so on). Found art just doesn't happen. Trying to force found art (or any other form) into some sort of theory of artifactuality does violence to the very reason one is positing artifactuality in the first place, namely to ground intentions.

Now to the heart of the matter. An object or action may be intentional insofar as the object results from voluntary or deliberate action. "I intentionally hit Billy in the face" just means that the action of hitting Billy was voluntary or deliberate; Billy's being hit wasn't accidental. Intentionality may be of the propositional attitude variety. "I intend that p...it was my intention that p..." Regarding art as being intentional in the first sense, might lead to supposing that artifactuality fully grounds intentionality in art. Intentions are necessary conditions for art not because

artworks aren't accidents or because artworks result from deliberate or voluntary actions.

Natural objects differ from artworks neither because they are physically unaltered by human agents nor because they result from non-deliberate events. Natural objects differ from artworks because natural objects cannot support intentional properties. Driftwood doesn't come to represent Abraham Lincoln solely in virtue of how the ocean shaped it. Driftwood can only represent former U.S. presidents in virtue of some relation to intentions (it could resemble Abraham Lincoln but fail to represent him). Driftwood *qua* constituent part of an artwork can come to represent things by acquiring certain intentional properties (maybe coupled with a minimal resemblance condition), namely those in which Abraham Lincoln is a constitutive part of the content of the intention. Mere voluntariness or deliberateness can't account for this. Since theories of artifactuality under consideration here seem to imply only intentionality of the first sort, artifactuality simply cannot ground intentionality in art.

## CHAPTER VI

### *Intentions and definitions*

Artifactuality cannot fully (or even minimally) support intentionality as a necessary condition for art. Not all artworks are artifacts, and some artworks only satisfy artifactuality peripherally, making any inherited intentionality the wrong sort. Abandoning artifactuality demands replacing it. Since artifactuality satisfied intentionality only in its barest form, a more robust condition is needed.

This chapter explores how various definitions of art incorporate intentions and what theoretical work these definitions require of intentionality. The definitions discussed are George Dickie's institutional theory of art, Jerrold Levinson's historical theory, and Robert Stecker's historical-functional theory. Each of these, I think, incur insurmountable theoretical problems as definitions—problems of scope, conceptual incoherency, circularity, and various violations of the groundrules set forth in Chapter One. While these definitions may fail to be adequate *qua* definitions, I focus mainly on failures to incorporate intentions properly. How these descriptive theories of art explicitly or implicitly deal with intentions should assist the search for a general account of intentionality in art.



### *George Dickie's Institutional Theory*

Dickie's Institutional theory is one of the more interesting and complex definitional offerings in modern philosophy of art. Dickie's eminently reasonable project is to produce a theory satisfying both those thinking art irreducibly social or cultural and those preferring art not fall victim to conventionalism. The attractiveness of Dickie's project stems from the attempt to capture the truth of "art is whatever we call 'art'" without committing to nominalism. In Dickie's original formulation,<sup>1</sup> art was a status conferred on objects, events, or actions. This conferral emerged from the complex mechanisms of art institutions (the whole of which comprise the artworld). In *The Art Circle*,<sup>2</sup> Dickie abandons this conferral notion in favor of defining not art but rather defining the necessary framework from which artworks arise. Here is his definition:

- 1) An artist is a person who participates with understanding in the making of a work of art.
- 2) A work of art is an artifact of a kind created to be presented to an artworld public.
- 3) A public is a set of persons whose members are prepared in some degree to understand an object that is presented to them.
- 4) The artworld is the totality of artworld systems.
- 5) An artworld system is a framework for the presentation of a work of art by an artist to an artworld public.

Artist is defined in terms of a work of art, work of art is defined in terms of artworld public, artworld is defined in terms of artworld systems, artworld system is defined in terms of a work of art, an artist, and artworld public. Although palpably circular, Dickie (famously) has more or less embraced this circularity, claiming the circularity non-vicious and therefore informative. Dickie's definition invites a host of problems mostly due to its circularity and explanatory reliance on such vague notions as the artworld. In the main, however, objections to Dickie's definition have little to do with the role the definition assigns intentions, and this role is the current subject of interest.

#### *Inside and Outside Institutional Definitions*

How does Dickie incorporate intentionality into his definition? Since the second condition of his definition stipulates artifactuality and artifactuality has already been shown to be a non-starter, I focus on Dickie's first condition and what that condition entails.

In *Art and the Aesthetic*, Dickie claims that artifactuality can be conferred on an object. In *The Art Circle*, however, he rightly gives up this conferral claim in favor of achievement—when I hang the driftwood on the wall as art, it achieves the status of artifact. Central to Dickie's notion of artifactuality is *man-madeness*. So loose a notion of being “made” entails that changing an object's relational properties (altering its spatial location) achieves artifact status. Artworks clearly are man made, that is,

central to artwork etiology is some sort of higher level mentality, but this does not an artifact make.<sup>3</sup> One should take pause at Dickie's comment that "a poem is not a physical object, but it is man-made, and is therefore an artifact."<sup>4</sup> In addition to opening numerous cans of philosophical worms, this brief statement entails the following far from incontrovertible positions: a) poems are not physical objects, b) poems are not eternal objects, and c) artifacts can be non-physical. Poems get to be artifacts only by swallowing whole some fairly unpalatable positions. The proper response seems obvious: grant that poems are both non-physical and man-made but deny that poems are artifacts, otherwise get used to regarding as artifacts a host of non-physical objects (e.g., jokes, melodies, sentences, interjections, thoughts, beliefs, desires and so forth).

Dickie can avoid the above only by severing any connection between his notion of artifactuality and intentionality. Recall that his first condition claims the following: "An artist is a person who participates with understanding in the making of a work of art".<sup>5</sup> Dickie clearly wants this to shoulder the intentionality burden of his definition, as he states,

The "understanding" clause in the definition is necessary to distinguish an artist (say, a playwright or a director) from someone such as a stage carpenter who builds various stage elements...This definition of "artist" also makes it clear that art-making is an intentional activity; although elements of a work of art may have

their origin in accidental occurrences which happen during the making of a work, a work as a whole is not accidental. Participating with understanding implies that an artist is aware of what he is doing.<sup>6</sup>

The above should strike one as odd. Dickie's second condition stipulates that artworks are artifacts, and as such artworks cannot be accidental in the sense invoked in the first condition. Artifacts could have "accidental occurrences" involved in their making (serendipity) without thereby making the artifact itself accidental. Why think that the first condition makes clear what the second condition entails? Maybe Dickie's definition overdetermines intentionality; intentionality gets satisfied both via artifactuality and by the understanding-clause. Intentions in art must do more than just explain why artworks aren't accidental. Capturing intentionality in the right way requires Dickie's understanding-clause to do work the artifact-clause cannot.

Dickie claims, "What the artist understands is the general idea of art and the particular idea of the medium he is working with".<sup>7</sup> This suggests intentions in art are of the hyper-aware variety—artworks necessarily are intended to be art. To make art necessarily requires not only possession of the concept of art but also the active employment of that concept. Stage hands are perfectly capable of possessing the concept of art, but stagecraft doesn't require this possession, though quite plausibly, stage

hands possessing the concept of art may all things considered be better at stagecraft than those lacking the concept. Unlike stage hands, artists in order to make art *necessarily* must both possess and employ the concept of art; to make art is minimally to understand art and this understanding figures necessarily in art-making. Given this, then, Dickie could conceivably drop his artifactuality condition without thereby dropping the intentionality requirement. This extrication, of course, comes at a cost.

Making hyper-aware intentionality necessary for art jettisons what is commonly referred to as “outsider” art—art made by those outside the art community or, in Dickie's case, outside the artworld. Pine-whittled bobcat figures from Appalachia, intricately carved whale bone from Greenland, woven blankets of the D’Neh, and late 19<sup>th</sup> century ledger drawings of the Arapaho are all prime examples of outsider art, that is, object that are art in spite of (perhaps in virtue of) being made/created outside art's sphere of influence. The Appalachia whittler certainly doesn't understand the “general idea of art” in the sense Dickie requires; neither does the whittler understand the particular medium other than understanding it as whittling. These examples highlight another problem.

At first blush, if art-making requires Dickie-style understanding, then some sort of institutional/historical precedent must underwrite that understanding. There must be an artworld (in some broad sense) before there can be artworks. Artworlds are not made in a day. Artworlds require

a structural story out of which emerge individual artworks, artwork traditions, and how to categorize, regard, and appreciate those works and traditions. Perhaps works of proto-art provide artworld foundations, and once in place artworks can emerge—proto-art only ground artworlds, denied art status by the very artworld they helped create. So, outsider art isn't art at all; outsider "art" is proto-art out of time and place. What of our driftwood example, what of found art? On Dickie's account, found art isn't problematic since found art seems to entail Dickie-style understanding—found artists don't accidentally stumble into a gallery and happen to place driftwood on the wall. Dickie's accommodates found art, but for the same reason must reject outsider art.

#### *Understanding How to Understand Art*

Although tempting to attack Dickie's view with extensional complaints, my aim is merely to understand the notion of intentionality his definition entails. These extensional worries, however, arise specifically out of Dickie's hyper-aware condition on intentionality. Is this version of intentionality plausible? Dickie's definitional circularity entails that the concept of art is likewise circular. For example, how, non-trivially, can the understanding of art be a possession condition for understanding art? Artist is defined in terms of artwork, artwork in terms of artworld, and artworld in terms of art systems, and art systems in terms of artist, artwork, and artworld, and understanding art is a necessary condition for art-

making. So this means that a necessary condition for understanding art is that one understands art. No other conditions exist outside the circle to be satisfied, making the possession conditions trivial precisely because, in this case, the circularity is terribly vicious. Circularity can easily be avoided by defining art wholly in terms absent from the *definiens*, suggesting non-circular possession conditions for the concept of art. Notoriously, however, Dickie explicitly refuses to do this.

So tight the circle, nothing can enter. Requiring intentions to be hyper-aware entails both the possession and employment of the concept of art. The possession condition for the concept (having understanding), however, is understanding the very thing in question. Necessary for the acquisition of the concept is having already acquired the concept of art. Those lacking the concept of art must then always lack the concept of art. Appeal to brute force now is the only way to fend off incoherence; *the concept of art must be primitive*. Possession of the concept of art (its understanding) must be a brute fact, in which case there is no problem for outsider art. Clearly though, the concept of art isn't primitive. While our fundamental cognitive architecture may come pre-equipped with concepts of basic mathematical and logical operators, the concept of art most certainly won't be among those, especially the concept of art according to Dickie.

Hyper-aware intentions aren't themselves suspect. Hyper-aware conditions on intentions, in this case, become problematic when the concept required by them is itself incoherent. For instance, outsider art poses a worry for hyper-aware intentionality because Dickie makes art a purely social/historical/contextual notion—*being outside art institutions or art history necessitates being conceptually outside art*. Dickie can't rely on artifactuality to explain intentionality; neither can he rely on "understanding" to ground intentionality. If Dickie's theory correct, we nevertheless remain in the dark about the necessity of intentions in art. Plausibly, some hyper-aware condition may fully explain intentionality. Until a robust notion of art reveals itself, hyper-aware conditions are merely promissary notes—only once art gets settled can hyper-aware conditions begin to inform us about intentionality.

#### *Levinson's Historical Definition*

Jerrold Levinson's historical definition seems formulated precisely to avoid the conceptual pitfall Dickie encounters. Levinson's definition is pretty straightforward.

An artwork is a thing (item, object, entity) that has been seriously intended for regard-as-a-work-of-art—i.e., regard in any way preexisting artworks are or were correctly regarded.<sup>8</sup>

Notice that Levinson makes intentionality a primary feature rather than one entailed or implied by a primary feature such as artifactuality.



Levinson's definition is an explicitly intentionalist definition—intentions *qua* psychological states. At first blush, definitional circularity seems afoot as artworks get defined in terms of objects intended to be regarded as artworks. Once again, the principal term in the *definiens* winds up being the principal term in the *definiendum*.

Levinson avoids circularity by making two important moves. Intending that an object be regarded as other artworks are or have been regarded makes regard necessarily relational all the way down. This chain must end somewhere, specifically ending with an object that has acquired art status independent or absent any relation to other artworks; such objects Levinson refers to as ur-art. For ur-art objects, regard isn't relational but internal—the relational chain for all non ur-works ends with ur-works. Tracing the regard-lineage of work with relational regard, eventually reveals an ur-work at the end of the relational chain. Ur-works are by definition non-relational, sufficiently grounding artworks while also avoiding circularity. Levinson's definition is historical in virtue of its appeal to the historical character of the artist's intention. Moreover, Levinson's definition attracts those partial to Dickie's definition by incorporating art institutions. Unlike Dickie, art institutions for Levinson aren't not defining feature but mechanisms for preserving and supporting ways of regarding, thereby freeing the definition from institutional concerns and limitations.

As long as the objects are intended to be regarded in the right sort of way, they are artworks, and this holds for outsider art and found art as well as readymades. The Appalachian whittler intends that the object of his whittling be regarded in such-and-such a way. Should this regard now be or ever have been a way in which artworks have been regarded, the whittled mountain lion is art. Moreover the whittler needn't have any knowledge of art history (or the history of the particular way in which he intends his work to be regarded). Again, like Dickie, Levinson thinks that the artist must in some sense understand what he is doing, but Levinson relies on the notion of regard to capture this understanding.

#### *Failure and Success in Art*

Here's a worry. If Levinson is right then the notion of a successful intention becomes absurdly broad. Levinson's theory entails a massive disconnect between the content of our intentions and how the states of affairs so represented obtain (if at all). For an intention to succeed, on Levinson's account, just is for its content to obtain, nothing more and nothing less. I intend that my work *w* be regarded in way *r*, I believe that by doing *x*, *w* will be regarded in way *r*, so I therefore do *x*. Unbeknownst to me, regard *r* is in fact a way in which artworks have been regarded, and therefore on Levinson's account, *w* is an artwork. Furthermore, how *w* comes to be regarded in way *r* needn't have any relationship at all with *x*.

It could be the case that  $w$  comes to be so regarded despite the features  $w$  has in virtue of my doing  $x$ .

Below are listed four rather distinct ways in which, if Levinson is correct, an object can become an artwork— $p$ =(my work  $w$  be regarded in way  $r$ ),  $q$ =(doing  $x$  brings it about that  $p$ ).

Case 1) I intend that  $p$ . I believe that  $q$ . This belief is true. I do  $x$  and  $p$  obtains in virtue of my doing  $x$ . Way of regarding  $r$  is a way that artworks are or have been regarded. So,  $w$  is an artwork.

Case 2) I intend that  $p$ . I believe that  $q$ . This belief is false. I do  $x$  and coincidentally  $p$  obtains but not in virtue even in spite of my doing  $x$ . Way of regarding  $r$  is a way that artworks are or have been regarded. So,  $w$  is an artwork.

Case 3) I intend that  $p$ . I believe that  $q$ . This belief is true. I attempt to do  $x$  but fail, accidentally doing  $y$ , and  $p$  obtains in virtue of  $y$ . Way of regarding  $r$  is a way that artworks are or have been regarded. So,  $w$  is an artwork.

Case 4) I intend that  $p$ . I believe that  $q$ . This belief is false. I attempt to do  $x$  but fail, accidentally doing  $y$ , and  $p$  obtains, not in virtue even in spite of my doing  $y$ , but in virtue of some unrelated, coincidental  $z$ . Way of regarding  $r$  is a way that artworks are or have been regarded. So,  $w$  is an artwork.

It shouldn't come as a surprise that one of these cases is not like the others. For Levinson, however, there is no relevant difference (at least descriptively); the intentions in each case succeed and do so for exactly the same reason ( $p$  obtains), but this glosses over what seems to be important and glaring failures. Case 1) differs radically from the other three precisely because the intention in Case 1) succeeds and the intentions in Cases 2), 3), and 4) do not. To be sure, failure of the content to obtain is sufficient for the failure of the intention bearing it, but this doesn't entail that content of the intention obtaining is sufficient for the success of the intention bearing it. Imagine the following: I intend that Mt. Saint Helens erupt at exactly noon on Feb 12<sup>th</sup>, 2007. I believe that if I do the Charleston for at least three minutes on a Wednesday, then Mt. Saint Helens will erupt at exactly noon on Feb. 12<sup>th</sup>, 2007. This belief is false. I do the Charleston on Wednesday for six minutes. Mt. Saint Helens does in fact erupt at exactly noon on Feb. 12<sup>th</sup>, 2007, but certainly not in virtue of my doing the Charleston for at least three minutes on a Wednesday. If Levinson is correct, my intention didn't fail but succeeded quite splendidly. This is absurd. Although the content obtained, the intention failed.

Suppose that one doesn't find this moving and still maintains that such intentions are in fact successful. What then is the substantial difference between non-intentional accidents and intentional

happenstance? There is no difference, and as such, intentions look to be virulently *ad hoc*. Objects don't get to be art by winning the "regard" lottery, and those who count intentions likewise satisfied empty intentionality in art of any substance.

If the four cases I showed above are all examples successfully creating art, what then does it mean for an artist to be a failed artist? Intuitively, failed artists are those artists who attempted to make art but, likely due to ineptitude or some such obstruction, failed. Typically in virtue of being unskilled, unimaginative, or just plain awful, some folks, not for lack of trying, just can't make art (perhaps in addition to but separate from the failure to make good art). On Levinson's account, however, failed artists (and similarly for failed art) are those who intend that an object be regarded in such-and-such a way but that way of regarding never has been, isn't now, and never will be a way in which artworks have been regarded. Surely this cannot exhaust the notion of failed art.

Imagine a whittler with horrible eyesight. This whittler intends that his whittled object be regarded in such-and-such a way (e.g., as a representation—of a mountain lion—or regarded as a symbol—of the ferocity of nature). In addition to ineptitude at whittling, our whittler's eyesight is so awful that he thinks the whittled stick looks like a fierce mountain lion but everyone else with normal vision sees only an irregularly shaped stick. On Levinson's account, whether or not people can

reasonably regard the work in the way intended doesn't matter; merely intending that it be regarded in that way makes it art. The whittler's irregularly shaped stick, then, is art, bad art but art nonetheless. But again, failed art simply can't be failure to have the appropriate regard make an extensional appearance. Failure to make art results from a variety of things, the least of which is poorly chosen regard. Intending that an object be regarded in such-and-such a way doesn't also entail the reasonability of so regarding the object.

### *Art Out of Time*

Levinson's view also allows artwork timelines to become seriously disjointed. Intentions themselves aren't sufficient for art; the intentional content (the regard) must be externally reflected. Imagine I intend that an object  $w$  be regarded in way  $r$ . If  $t_1$  is the time of creation of  $w$ , then  $w$  is an artwork at  $t_1$  if and only if regard  $r$  at  $t_1$  is or has been a way of regarding artworks. Suppose regard  $r$  only comes into fashion at  $t_2$ . While  $w$  cannot be an artwork at  $t_1$ ,  $w$  is an artwork at  $t_2$  even though no additional work has been done to  $w$  and no internal changes have occurred in  $w$ . Art status shouldn't be thought retroactively conferrable or achievable. Intuitively, a massive temporal gulf could stand between when the object was made and when it became an artwork—created in 1006 B.C. but not an artwork until 2006 A.D. Objects considered paradigmatically non-art could, on this view, become art objects one

thousand years from now but not in virtue of any changes internal to the objects.

One might reach the above conclusion by conflating content substitutability with reference substitutability. John intends that Frank be assassinated. Frank is the President of the United States. The former (John's intention) plus the latter (the state of affairs) doesn't entail that John intends *that the President of the United States be assassinated*. Similarly, suppose I intend that object *w* be regarded in way *r*, and also suppose that a thousand years later regard *r* becomes a way of regarding works of art. Levinson seems to have two options: should *w* still be around a thousand years after its creation, *w* will then become an artwork, or should regard *r* at any point in *w*'s history become a way in which artworks are or have been regarded, then *w* is an artwork from its inception. Neither is palatable.

Something more pernicious suggests itself. Levinson's view appears to strip intentionality of any explanatory power; art essentially has nothing to do with the intentions behind artworks and everything to do with what facts outside those intentions obtain. This is the same as saying that my intention to assassinate Frank was satisfied because Frank was killed even though Frank's death was in no way related to my intention and the actions connected with those intentions. To be sure, the state of affairs I intended to bring about was in fact brought about but certainly not by

me or in virtue of any intentions I formed. Intentions behind artworks, then, are as useful as those entailed by bare artifactuality, and intentions issuing from bare artifactuality aren't useful at all.

Ways of regarding most certainly can change with respect to the artworld, but why think this suggests that objects created prior to that change become art? On Levinson's view, precisely what makes object  $w$  not an artwork at time  $t_1$ —the way in which it was intended to be regarded—makes  $w$  an artwork at time  $t_2$ . Of course, out of all of this, a perfectly reasonable claim can surface. One such claim is the following I call the Window of Opportunity claim.

For object  $w$  created at  $t_1$  to be an artwork,  $w$  must be intended to be regarded in way  $r$  at  $t_1$  and at  $t_1$  regard  $r$  must be a way in which artworks are or have been regarded.

This restricts Levinson's view but not unduly. More importantly, this restriction reveals that a more primary question remains unanswered.

#### *Ur-Works and Ur-Intentions*

Recall that Levinson needs ur-works to avoid a nasty regress. Ur-works and the way in which ur-works are regarded ground the chain of regard such that every subsequent way of regarding must be traceable back to these ur-works. Perhaps the intentions behind ur-works are more revelatory.



Contemporary art-regards must be traceable to ur-regards, but absent this, why are particular ur-regards important? Clearly and incontrovertibly, worlds can diverge with respect to ur-regards, and as such, any given world has the ur-regards it does only contingently. Ways of regarding at  $t_2$  are only important insofar as they are related to the regard at  $t_1$  (where  $t_1$  picks out the ur-works), but what is so special about the particular members of the set of ur-regards at  $t_1$ ? In principle, an ur-regard can be any sort of regard, so the ur-regards in our world could have otherwise been different. Given this, Levinson's view must shift the entire explanatory burden from particular ways of regarding to regard *simpliciter*. Regard *simpliciter* unsurprisingly is explanatorily silent, unable to inform even minimally a full account of intentionality in art. Levinson tells us that intentions in art must have regard constitutive of its content, but in principle any old regard suffices. Accordingly, art-regards cease to be philosophically interesting, subjects for art history not the philosophy of art. Of course, this may be unsurprising given that Levinson classifies his definition as a historical definition.<sup>9</sup>

Levinson's definition is an intentionalist definition because it affords priority to an individualist, agent-based notion of art (what it is and how it comes to be), requiring "certain intentional orientation of persons toward their products or activities".<sup>10</sup> Tellingly, however, Levinson fails to explain what that "certain intentional orientation" must in fact be. For both Dickie

and Levinson, art requires some sort of understanding and some relationship between the intention and the object. Dickie's account of intentionality fails because no one can understand what he requires them to understand. Levinson's account of intentionality falls short for two reasons. Levinson severs the connection between the intentions behind an object and that object's intentional properties. He then tells us intentions must be directed at an object in virtue making regard necessarily constitutive of the intentional content. Intentions are important only insofar as regard is important, but the notion of regard packs little explanatory punch, and therefore intentions likewise prove explanatorily ineffectual.

*Robert Stecker's Historical-Functional Definition*

In his book *Artworks: Definition, Meaning, Value*<sup>11</sup> Robert Stecker presents a definition bridging the gap between the historical and the institutional. Art isn't a status bestowed on objects via some complex institutional procedure or by some relation to prior artworks; Stecker claims that for an object to be art, in part, is for that object to achieve some function of art.

An item is a work of art at time  $t$ , where  $t$  is a time no earlier than the time at which the item is made, if and only if (a) either it is in one of the central art forms at  $t$  and is made with the intention of fulfilling a function art has at  $t$  or (b) it is an artifact that achieves excellence

in fulfilling such a function, whether or not it is in a central art form and whether or not it was intended to fulfill such a function.<sup>12</sup>

Stecker's definition seems capable of serving numerous masters. Institutional intuitions are satisfied by making central art forms institutional features, historicist intuitions are supported by making the functions of art a historical matter, and finally, at least in one of the disjuncts, claims that art works (those in the central art forms) have a robust intentional feature. Stecker, however, has something more sweeping in mind. Rather than cobble together a theory from the remains of historical and institutional theories, Stecker argues that art is dual track (or even multi-track). Standard artworks satisfy the first disjunct (those within central art forms) and artworks outside central art forms typically satisfy the second. Both historical and institutional theories have trouble dealing with artworks outside the central art forms; Stecker's definition remedies that.

### *Artifacts and Art Objects*

How should art theories treat objects like Egyptian burial masks, Incan statues, Persian tapestries, Victorian armoires, Ming vases, and pre-Columbian pottery? What for the Incans and pre-Columbian Pequot may have been ordinary objects (decorated but nevertheless seen as performing rather mundane tasks), often get treated as art. Should we regard these objects solely as skillfully crafted ordinary objects to be admired for their aesthetic qualities (like Corvettes, window treatments, or

a pair of earrings) or should we count these objects as art objects to be displayed and appreciated along side modern works? Stecker's definition takes a rather tidy approach, justifying our treatment of these objects as art without thereby claiming that they are in fact art in the same way modern works of art are art. The beautifully decorated Peruvian water pot gets to be art at  $t_1$  by fulfilling (excellently) some function of art at  $t_1$  (typically some aesthetic function). Stecker legitimizes ignoring the fact that the intention behind the water pot's making is clearly not the type of intention needed to make art in the typical, modern sense. Peruvian water pots are not art in the exactly the same way that Warhol's *Brillo Boxes* is art, but certain Peruvian water pots are nevertheless art—current art critical/art historical practices needn't be challenged. Stecker preserves the intuition that there is a fundamental distinction between the Peruvian water pot as art and the Pollock drip as art, while at the same time supporting art critical and art historical methods and practices that place, treat, and appreciate Peruvian water pots in the same way as Pollock drips.

I find this move suspect. Stecker's theory entails the following: at the time of its making ( $t_1$ ) a certain piece of Peruvian pottery fails to be art because it fails to fulfill any function of art at  $t_1$ . At  $t_2$ , however, the Peruvian water pot is art because it fulfills excellently a function of art at  $t_2$ . One must tread carefully here. Artifacts at the time of their making *cannot*

*eternally satisfy an art function* since that entails the rather absurd consequence that worlds may be densely packed with artworks to which everyone is either conceptually or epistemically closed. To avoid this consequence, some temporal gulf between an object's making and its satisfying (excellently) some art function must be possible.

Similar to Levinson's theory, the second disjunct of Stecker's definition allows for an object to become an artwork long after its creation and absent any internal change in the object (and in this case no change in its relational properties as well). Dangerously, Stecker explicitly severs the connection between the intention behind an object and the functions that object fulfills. The pottery maker may intend that the water pot have certain visual properties, but he needn't intend, on Stecker's account, that those visual properties be aesthetic properties or afford an aesthetic experience (i.e., they could be intended to be code, heraldry, geometric figures, and so on). The only vestige of intentionality remaining in the second disjunct is that the object must be an artifact, and of course bare artifactuality cannot support intentionality in art.

Stecker's definition *prima facie* looks uninformative with regard to intentionality. Furthermore, Stecker's definition makes possible the following:

There exists some world *w* such that *w* contains artworks and the artworks in *w* all and only have been, are, and will be objects

necessarily satisfying only the second part of the disjunction (e.g., an artworld consisting of all and only pre-Columbian pottery).

The second part of Stecker's disjunction reduces intentionality to bare artifactuality, allowing a world to contain all and only those artworks underdetermined with respect to intentionality. Definitions of art are *prima facie* flawed should they fail to account for intentionality, so historical-functionalism ought to be rejected.

Here is a clever reply to the above. In order for an artifact to be an artwork at  $t_1$ , that artifact must fulfill excellently some function of art at  $t_1$ . Now if functions of art at  $t_1$  are dependent on the central art forms at  $t_1$ , then worlds lacking central art forms but nevertheless containing artworks are impossible worlds. The absence of central art forms entails the absence of functions of art (fulfilled excellently or otherwise). Worlds containing artworks necessarily must first contain objects satisfying the first part of Stecker's disjunction; then and only then can there be objects satisfying the second part. Since the first part of the disjunction supports a robust account of intentionality and the second part dependent on the first, Stecker's definition still supports robust intentionality. This pushes the explanatory burden on to central art forms and art functions.

#### *Arbitrary Forms and Functions*

Stecker's definition renders arbitrary central art forms and art functions. Any object can *in principle* be an artwork at some point in its

existence. This extends even to those objects most intuitively agree are not art (e.g., window treatments, Corvettes, dog toys, cheese sandwiches). The dog toys and cheese sandwiches created now could possibly at some future time fulfill a function of art at that future time.<sup>13</sup> Should somehow the future artworld be such that cheese sandwiches excellently fulfill some art function, then the cheese sandwiches that I made for lunch yesterday, as long as they survive, will become artworks. The cheese sandwich I made for lunch yesterday so made can never be an artwork. Stecker's theory says it can, so Stecker's theory is wrong.

Imagine that to alleviate severe boredom, God makes it the case that at time  $t_2$  everyone comes to believe both that dog toys (or toys, in which case dog toys are subsets) are central art forms and that entertaining dogs (or entertaining, in which case entertaining dogs is a subset) is a function of that central art form. Any dog toys made at  $t_2$  with the intention of entertaining dogs are artworks at  $t_2$ . Any artifact at  $t_2$  that satisfies excellently the function of entertaining dogs is also an artwork at  $t_2$ . At  $t_1$  (prior to God's interference) my pup's chew toy isn't art and neither is the sock he keeps pulling out of the hamper. At  $t_3$  (after God's interference) any newly (and excellently) made chew toy is an artwork, so too is the sock in my hamper (assuming, of course, that my sock would excellently entertain most or all dogs). This is clearly a *reductio*.

If any function can in principle become an art function and any form can in principle become a central art form, then art functions and central art forms are no more privileged than any other form or function. What have been and are now art functions and central art forms may be art historically interesting but certainly aren't particularly philosophically informative. Why isn't toy making a central art form? Stecker can only say why toy making isn't a central art form *now*. Why isn't lowering cholesterol<sup>14</sup> an artistic function? Stecker can only say why lowering cholesterol isn't an artistic function *now*. Worry not, artistically inclined pharmacists! Those particularly enamored with lowering cholesterol need only cross their fingers and hope that at some future point lowering cholesterol will be an artistic function. For any given time  $t$ , there exists a set of art functions and a set of non-art functions. If  $t$  is December 15th, 2006, then lowering cholesterol is a member of the set of non-art functions. This doesn't tell us anything about 3006 (or even 2007). Art functions and central art forms are uninformative, so too then is Stecker's definition of art.

Perhaps art functions and central art forms aren't arbitrary after all. Simply because God makes everyone believe dog toys to be central art forms doesn't make dog toys central art forms. Some set of forms (functions or forms with corresponding functions) are legitimate candidates *simpliciter* (not at some time  $t$ ), and dog toys aren't such



candidates. Art functions and central art forms are essentially teleological notions, that is, forms that are central art forms and functions that are art functions get to be so only in virtue of coming to be so in a certain way. When God makes everyone think that toy making is a central art form, this doesn't make toy making a central art form. To be a central art form, a form must have a certain history, a certain causal story, a certain evolution. Art forms come in and out of fashion not willy-nilly but through the context and machinations of a rich and robust art history. Art history's purpose, in part, is to elucidate the required causal story for art functions and central art forms.

The above reply cannot work. Stecker only provides the means to understand art up until a certain point. To be sure, art history richly chronicles both the rise of absolute music and the fall of the essay as central art forms. Art history, however, doesn't say anything about what forms and functions *will be*, *won't be*, *could be*, or *couldn't be* central art forms and art functions. Doing so entails some sort of teleological necessity. For every deep-rooted historical account of how an art form came to be a central art form, there is an equally shallow and arbitrary story as to how that art form could cease to be central and another form, such as dog toys, could rise through the ranks. There is some possible world  $w$  such that  $w$  doesn't art historically diverge from the actual world until time  $t$ . In virtue of the divergence at  $t$ , dog toys in world  $w$  become

artworld sweethearts at time  $t+1$ . Denying the above suggests accepting some sort of art historical determinism—all art containing worlds necessarily share the same art history (i.e., actual world art history). Central art forms then cease to be institutional features; instead, central art forms become features that must proceed along certain lines. Art institutions can be mistaken. Stecker can dodge arbitrariness at the cost of losing the initial attractiveness of his definition.

One of two sides must be taken. 1) Any form is a potential art form and any function is a potential art function. 2) Some forms or functions can never be art forms or art functions—the baloney sandwich in my refrigerator can never be art. Siding with the second demands some sort of in principle reason to exclude refrigerated lunches. One such way, both intuitive and foreshadowing, is to claim that *the intentions behind refrigerated lunches just aren't the right sorts of intentions for art*.

### *Back to Intentions*

Recall the troublesome outsider art and found art. Art theories shouldn't appeal to unnecessary and *ad hoc* addendums to accommodate these forms. Outsider art and found art become troublesome only when art theories have thin intentional components. Art theories must minimally commit to robust intentionality to capture outsider art and found art. The important distinction between the piece of driftwood in the ocean and the one on the gallery wall isn't its spatial

location. Driftwood on the gallery wall has intentional properties that driftwood as mere ocean flotsam necessarily lacks. What the Appalachian whittlers share in common with the New York abstract expressionists can't be their position in the artworld nor their understanding of art. How then can both produce art? Minimally, intentionality binds these two together. The whittler and the expressionist have in common the intentional orientation to their respective objects, and this intentional orientation cannot be exhausted by artifactuality or extra-intentional satisfiers. Capturing this doesn't require multi-track definitions, complex, interrelated definitional components, or contingently-satisfied historical features.

Both Levinson and Stecker have built into their definitions a success clause. For intentions to succeed, their content need only match up with extra-intentional states of affairs. Intentions matter only when their contents match up to facts about the art world or art history, and how they match up is purely contingent (directly for Levinson and indirectly for Stecker). This could be avoided by shifting the focus away from the content of intentions back to intentionality itself. Intentions can't be important solely in virtue of having certain contents that just so happen to correspond to extra-intentional and contingent historical/institutional facts.

Perhaps the importance of intentions lies not with the content they bear but rather with their very structure—what kind of intentions they are. Focusing not on intentions *simpliciter* but on what kind of intentions art requires may in turn suggest what kind of content those intentions could support, which may or may not be historically or institutionally flavored. If intentions are in fact necessary for art, then an account of that intentionality must be revelatory. Theoretically uninformative accounts of intentionality, in addition to making intentions *ad hoc*, undermine the necessity of intentions in art. We ought to expect minimally an account to both positively contribute to understanding art and to reinforce the necessity of intentions. Simply put, working out intentions in art ought to tell us more about art while also showing us that we were right to think intentions important and necessary in the first place.

## CHAPTER VII

*Case study: the impossibility of pornographic art*

What work should intentions as necessary conditions perform? Necessary conditions themselves chiefly are useful as world-carving tools, dividing the world up according to satisfaction of those conditions. Necessary conditions for art should likewise carve the world into the philosophically handy sections of candidates for art—things (objects/events/actions) that satisfy the necessary conditions—and non-art—things failing to satisfy the necessary conditions. Crude views of intentionality cordon off the artifactual—searching for artworks in a world begins by searching for artifacts in that world. Crude intentionality does little more than flimsily support intuitions rejecting the possibility of natural or purely accidental objects as art. Intentionality *qua* artifactuality tells us why sunsets and aardvarks aren't artworks but falls silent as to why cheese sandwiches and computers aren't art. More really ought to be expected from the only consensus-earning necessary feature of art.

This chapter presents a case study highlighting how providing a positive, explanatory role for intentions in art can firmly ground a coherent distinction between art and non-art. I examine the commonly held intuition that pornography cannot be art, and find it to be correct but not

for the reasons one might suppose. Instead of basing an exclusionary principle on assumed (mistakenly so) essential value differences between art and pornography, I show that pornography clashes with art metaphysically—just what it is for something to be pornography entails that something cannot also be art. While pornography's essential purpose is to sexually arouse, many artworks share this purpose, rendering ineffectual any exclusionary appeals to incommensurability of purpose.

My project shows that while artworks and pornography may share purposes as well as the means of satisfying those purposes, they necessarily differ as to the fundamental relationship between those purposes and the means of their satisfaction. Pornographic purposes can be satisfied *simpliciter*, artistic purposes cannot be so satisfied. Pornography makes contingent what art makes necessary, namely the connection between the purpose and the means.

If a work of pornography sexually arouses its viewer, then its purpose is satisfied even though this satisfaction may not be in virtue of the intended means. If an artwork's purpose is to sexually arouse its audience, this purpose must be satisfied in the intended way. For art, otherwise being satisfied counts only as an interesting species of failure. In addition to showing pornography's exclusion no different than the exclusion of advertising and other similar forms, my view coherently captures a

distinction between the erotic and the pornographic without relying on mistaken views about pornography and art's essential value.

This chapter has two goals: 1) to reinforce my claim that especially in aesthetics, philosophical problems often dissolve once the descriptive story is settled, and 2) to offer a proto-version of my view of intentionality (reflexive intentionality), which is developed and defended in Chapter Seven. Unsurprisingly, crude intentionality and bare artifactuality are incapable of grounding such an exclusionary principle. Interestingly, however, intentionality occupies a central role in the exclusionary principle I defend. Making the connection between the purpose and its means of satisfaction necessary for art implies a certain kind of intentionality, namely intentions governed by reflexive conditions. Intentionality of this sort provides the bedrock for the view of intentionality pushed in Chapter Eight.

### *Pornography and Art*

If it's pornography, then it isn't art. Frequently invoked by such diverse groups as judges, politicians, gallery owners, art critics, and philosophers, this claim (and its contrapositive) reflects the widely held intuition that a tension exists between the artistic and the pornographic—pornography simply is ill-suited for art candidacy. Typically thought to ground such a claim is a supposed essential value difference (moral, aesthetic, or both) between art and pornography; artworks have inherent

value whereas pornography is valueless or has inherent disvalue. Not one to disagree, I too think that pornography cannot be art, but perhaps not for the reasons one might suppose. I argue for an exclusionary principle indifferent to pornography and art's value, that is, a descriptive exclusionary principle rather than an evaluative one. Pornography cannot be art, and to reach this conclusion one needn't risk being mired in controversial value claims.

I first provide the motivation for my project by showing at least *prima facie* implausible exclusionary principles predicated on essential value differences. I then propose a value-neutral argument which not only excludes pornography but does so necessarily. Works of pornography and works of art can and in fact sometimes do share identical aims or purposes (namely sexual arousal), but what they never share is the relationship of these purposes to their means of satisfaction. Pornography makes this relationship contingent and art makes it necessary, so pornography cannot be art. My view has the following promising advantages: it coherently preserves a distinction between the erotic and the pornographic, and pornography's exclusion becomes no different than the exclusion of advertising and other similar forms, keeping in step with art critical practice. Finally, I show how "pornographic art" can still be a useful phrase without entailing an extensional overlap.



First, a few caveats. One might think supposing a value difference provides the only meaningful frame for the question of pornographic art. To some extent, this may be correct. Given that this paper is not an exercise in underwriting legal policy, its lay implications should be unsurprisingly lacking. I merely show that an exclusionary principle needn't be hostage to value claims thought by many including myself to be by and large theoretically unsupportable or demonstrably false.<sup>1</sup> Also, no definition in this paper is intended to be explanatorily complete. I leave it up to the reader to consider what a complete account of pornography may be, and I leave it up to better philosophers to figure out a complete definition of art. I traffic in the far safer business of suggesting necessary rather than sufficient conditions.

### *The Value of Pornography*

One could easily grant that pornography is necessarily immoral (degrading, objectifying, produces bad consequences) and still be unsure of its status *qua* art. The assumptions needed to go from the immorality of pornography to the denial of its art status require a quite extreme form of moralism—moral value affects aesthetic value—even then able only to support the claim that pornography necessarily cannot be good art.<sup>2</sup> The standard moderate moralist position only shows that maybe some works of pornography, if they are art, may be worse off aesthetically in virtue of their inherent immorality. Clearly, then, an

exclusionary principle dependent on moral properties of pornography is a non-starter.<sup>3</sup>

All of this assumes that pornography is *essentially* immoral—a view in which I find little intuitive purchase. Consider the modal intuitions for the following:

- 1) Pornography no longer degrades or objectifies (is immoral).
- 2) Torture no longer is painful or unpleasant.

The truth of 1) seems quite possible, and, in fact, is an explicit goal for some pornographic photographers, publishers, and directors. 2) suggests, however, a conceptual confusion. It may be no longer possible to torture but torture cannot cease to be painful or unpleasant. One may try to torture but fail because the subject cannot experience pain or unpleasantness (or torture but fail to extract information), but one can't torture and fail to cause pain. One cannot try to make pornography and fail solely in virtue of the failure to degrade, objectify, or be immoral. This suggests that any definition of pornography with an essential moral component is false; recall, however, that even supposing it true fails to ground the exclusion of pornography from art.<sup>4</sup>

This section need only show my motivation for looking elsewhere for an exclusionary principle. Should one fail to be so motivated, then perhaps I shall succeed only in convincing those that pornography's exclusion is overdetermined, that is, the exclusionary principle I offer is fully

commensurate with one based on essential value differences between pornography and art. I just happen to think that there are none. Pornography neither appears to be necessarily immoral nor necessarily lacking aesthetic value. Art, most certainly, isn't necessarily moral, and anyone claiming art necessarily has aesthetic value just hasn't seen really bad art.

### *Necessary and Contingent Features of Pornography*

Those who argue against pornography's art status I take to be claiming that any instance of pornography is necessarily not an instance of an artwork. The strength of such an argument rests on finding out what essential feature makes this the case rather than pointing to failures of actual pornographic instances. Matthew Kieran argues against a project such as mine, which he dubs "definitional fiat". The definitional opponent for Kieran is roughly the following:

Pornography necessarily has as its sole purpose sexual arousal necessarily achieved "via the explicit representation of sexual behavior and attributes".<sup>5</sup>

Kieran argues that the success of this fiat depends on illicit generalizations about paradigmatic instances of pornography. While we can accept that most pornography (*Hustler*, *Penthouse*, and so on) lacks artistic purpose, this fact alone can't support a necessary distinction between art and pornography. As such, the definition fails to exclude pornography from

the art world as it merely implies exclusion in virtue of a “contingent fact due to certain historical and sociocultural factors”.<sup>6</sup> Kieran is correct. To rescue the definitional fiat position, I propose a distinction between artistic purposes and non-artistic or pornographic purposes (both of which may have as their constitutive content sexual arousal).

My project doesn't require that pornography have a sole purpose, and it seems plausible that pornography may have additional purposes other than sexual arousal of its audience. But clearly pornography's primary purpose is sexual arousal, and the primacy of this seems necessary. So, minimally,

Pornography necessarily has as its primary purpose the sexual arousal of its audience.<sup>7</sup>

What of the other supposed necessary condition, that pornography is necessarily sexually explicit? The connection between sexual arousal and sexual explicitness seems purely contingent, and as such, pornographers are in the business of sexually explicit representations *insofar as this contingent connection holds*. In fact, some pornography is anything but sexually explicit. Pornography directed at bondage fetishists need not be explicit sexually to arouse sexually but nevertheless regarded as pornography. “Sexual explicitness” as a contextual notion risks dilution to the point where whatever sexually arouses is *ipso facto* sexually explicit, which is patently false. Imagine a possible world where sexually explicit

representations (or even sexually suggestive ones) sexually arouse no one. This world nevertheless may contain pornography. To be sure, if imported into our world, its failure would be unsurprising, but why think that makes it not pornography?

Kieran, in his recent book *Revealing Art*, implies that pornography is necessarily representational, and its representational content is necessarily sexual.<sup>8</sup> The former condition remains plausible only insofar as Kieran wants to retain something particularly meaningful by 'sexual,' and I deny the latter condition. It just so happens that in our world, for the most part, explicit depictions of the biological act of sex arouse us sexually, e.g., increases our desire to engage in such sexual acts. It could be the case, however, that explicit depictions of sexual acts never arouse us sexually—this seems to be exactly the case with certain object fetishes (shoes, stuffed animals, the smell of linoleum.)<sup>9</sup> Denying this entails denying that we mean the same thing by "sexually explicit" in "the anatomy book is sexually explicit" and "the pornographic photo is sexually explicit" (even though the former may never arouse its audience sexually and the latter almost always does).<sup>10</sup> Perhaps Kieran only claims that relative to a set of sexual appetites, desires, and norms, pornography is necessarily explicit in its representation of those, but this doesn't entail that pornography is necessarily *sexually* explicit, at least in a decidedly meaningful way.

*Why Pornography Is Not Art*

So far the only essential feature grounding an exclusionary principle is sexual arousal of its audience as the pornography's primary purpose. While this provides a general distinction between art and pornography, it certainly doesn't show why a particular piece of pornography can't be art. True, art doesn't necessarily have as its primary purpose sexual arousal, but I see no *in principle* reason why some artworks can't have sexual arousal as their primary purpose. Miller's *Tropic of Cancer*, de Sade's *Juliette*, Lawrence's *Lady Chatterley's Lover*, and Jeff Koons' *Made in Heaven* objects all seem to be good candidates. Of course, Kieran thinks these examples have other purposes as well, most importantly certain artistic purposes. So the definitional fiat can't rely on primacy of purpose to do the necessary work. If pornography is to be excluded *qua* art it must be due to some other essential feature.

Jerrold Levinson, in his *Routledge Encyclopedia of Philosophy* entry on erotic art takes an interesting position. In distinguishing pornography from the erotic, Levinson claims

...pornography makes no credible appeal to viewers to consider the mode and means of depiction, as opposed merely to what is depicted; pornography, unlike art of any kind, is wholly transparent in both aim and effect.<sup>11</sup>

Imagine that the publishers of *Penthouse* discover that this year's November issue was wildly popular. They are baffled since due to a

budget crunch, they merely re-issued a terribly unsuccessful month two years previous as this year's November issue, with all but the printing ink being the same for the two issues. Sure enough, a battery of tests shows that mere sight of this strange ink causes the viewer to become exceedingly sexually aroused. Discovery that some chemical property of the ink, not the sexually explicit photographs, is responsible for the sexual arousal of the audience doesn't frustrate *Penthouse's* intent; they may even deem this fortuitous. The sexual arousal of the audience *simpliciter* matters to *Penthouse* rather than how or why that arousal occurs. Recall that I offer *no sufficient condition* for being pornography, avoiding the awkward conclusion that a bottle of this special ink is itself pornography. The presence of this ink and its effects do not interfere with the aims of pornography. What is *essentially* pornography has nothing to do with its particular content but rather what primary purpose that content is supposed to serve, namely the sexual arousal of its audience. This is precisely what it means to be "wholly transparent."

Should the connection fail between explicit representations of sexual acts and sexual arousal, pornographers would inevitably turn to a means re-establishing a connection with sexual arousal, whatever that means may be (shoes, swatches of velvet, special ink). Pornography doesn't demand that the audience see *that* the nude couple is having sex or even that the audience recognize the picture as a picture of a

couple having sex. Ultimately pornography seems wholly unconcerned with even foundational etiological matters. *Penthouse* would be unphased by, even deem fortuitous, the discovery that the photographs it published were mere photochemical accidents rather than photographs of people engaging in sexual acts—pornography makes contingent normal photographic etiology. Here lies the *in principle* distinction between art and pornography. Consideration *qua* pornography, the means of satisfaction are contingent (and never constitutive) of the purpose satisfied. Consideration *qua* art, the means are necessary and typically (if not always) constitutive of the purpose satisfied.

Reflect on the difference between Jeff Koons' artwork *Red Butt* (a photograph of Koons having anal sex with his wife) and a similar looking page from *Penthouse*. Imagine that both have as their primary purpose sexual arousal of the viewer. Sexually arousal of the viewer *simpliciter* matters to *Penthouse*, but Koons' *Red Butt* requires sexual arousal in virtue of seeing *Red Butt* as depicting a sexual act involving Jeff Koons.<sup>12</sup> Should both photographs sexual arouse the viewer merely due to the lighting, *Penthouse* would be satisfied, Jeff Koons would not. Part and parcel of understanding *Red Butt* is recognizing that it depicts a sexual act involving Jeff Koons and his attractive, famously libidinous wife. Failure to do so fails to satisfy the primary purpose of the work.<sup>13</sup>

*The Erotic and the Pornographic*



A definition of pornography ought to preserve a distinction from the erotic. The erotic and the pornographic share primary purposes, namely the sexual arousal of their audiences but differ in how this purpose can be satisfied. Pornography is explicit, the erotic is suggestive. Being suggestive requires an inference to satisfy the purpose of sexual arousal while being explicit clearly does not. Mapplethorpe's *Grapes* are by no means pornographic but most certainly erotic, sexually suggestive rather than sexually explicit. To be sexually aroused by a picture of a person eating a strawberry, requires an inference from that act to a sexual act (whether this inference is consciously made or not doesn't matter.) Two people may be sexually aroused by a picture of a person eating a strawberry for very different reasons. One may make the inference from the act of eating to a sexual act, making the representation suggestive, while the other may be merely turned on by the representation of the act of eating itself, making the representation explicit. The very same image may seem erotic for the one and pornographic for the other. Certain science-fiction stories often humorously require this modal intuition. Martians could find sexually explicit, sexually arousing, and even pornographic, our typically nonsexual act of eating, leading to all sorts of hi-jinx involving violations of Martian propriety.

Dependence on inferences is a dependence on the connection between the means and the purpose those means are intended to satisfy.

For example, erotic literature seems to be invested in the means in the proper artistic way. Being aroused by the font or printing ink and not the literary representations that the words—composed of that ink and written in that font—depict frustrate the purpose of the erotic. This suggests a passive versus active engagement, that is, the effect of pornography isn't mediated by the means in any important way, but mediation becomes significant for the erotic.

Arthur Danto, in his work *Playing with the Edge: the Photographic Achievement of Robert Mapplethorpe*, makes a telling comment. Speaking generally about Mapplethorpe's work, Danto says, "the content of the work is often sufficiently erotic to be considered pornographic."<sup>14</sup> To be mediated by the means is necessary for the erotic, but should the depictions be sufficiently sexual in nature that the mediation falls out and the effect becomes immediate, the erotic becomes pornographic. Certain erotic failures may be pornographic successes in virtue of the type of erotic failure.

#### *Advertising and Art Criticism*

My view preserves a distinction between pornography and the erotic as well as supporting commonly held intuitions both philosophical and art critical. My position doesn't rarify pornography's exclusion from art—pornography simply joins the ranks of other typically excluded forms such as advertising, propaganda, religious iconography, *et cetera*. For the

sake of space, I only discuss advertising, but my arguments should generalize to similar forms.<sup>15</sup> Advertising's principle aim is to get the audience to purchase or use the featured product or service (or at least to engender in the audience the disposition to do so.) Furthermore, advertising looks to be a paradigmatic example of the contingency of the how the aims get satisfied. Some advertisements merely feature the product and attempt to demonstrate its value to the purchaser—"Here are Brillo pads, observe how well they clean your kitchen!" More often than not, however, what gets featured is wholly unrelated to the product the consumer is enjoined to purchase—"Observe the scantily clad, sexy models driving expensive sports cars. Buy Brillo pads!" The advertisers aren't deeply mistaken about the relationship of sexy models and sports cars to the cleaning power of Brillo pads; they realize that showing these images makes the audience more likely to buy the product *whatever that product may be*. Jerry Fodor makes a similar claim in arguing for the art/ad distinction.

...in the ad case, the intention is *primarily* just that they should have their effect upon the audience. The reflexive intention (viz. the intention that the effect be brought about by the audience's recognition that the ad is intended to bring it about) is merely secondary.<sup>16</sup>

A compelling picture emerges from the comparison of pornography with advertising. In Levinson's words, both are "wholly transparent," and this transparency underwrites their exclusion from the art world, or as Fodor argues,

I take the moral to be that the intention that the reflexive condition be satisfied is *primary* in the case of an artwork but only *secondary* in the case of the ad. In so far as a thing is not primarily intended to satisfy the reflexive condition, it is not intended to be an artwork.<sup>17</sup>

Fodor suggests here that the artist intends the audience to see the work as intended to have a certain interpretation, whereas the ad-men just intend the audience to perform an action (buying Brillo.) The same holds for pornography; the pornographers intend the audience to receive an effect sans interpretation, and that effect is sexual arousal. Again, I dare not suggest that all there is to being art is tying together in the appropriate way the relationship between the purpose and the means of its satisfaction, or is it merely making the satisfaction of the reflexive condition, as Fodor puts it, primary. I am, however, suggesting that in order to be an artwork this condition must be at least minimally satisfied.

My view is both commensurate with and supportive of art critical practice, which at least should be a *prima facie* endorsement. Art critics, not uncommonly, declare an offered work to be 'mere advertising' or 'just propaganda,' and as such not a legitimate artwork. This art critical

exclusion, while often based on a muddled value claim, is nevertheless a practice to be taken seriously and ought to be supported by a coherent theory. My view does this. Moreover, when pornographers (as well as advertisers) begin to consider primary the reflexive condition border cases ought to result—works that push the question of pornographic art (Bob Guicionne's *Caligula* or Larry Flynt's politically charged photos in *Hustler*).

### *What is Pornographic Art?*

Famously in the late 80s and early 90s, Robert Mapplethorpe's work brought the question of the possibility of pornographic art to the fore. The argument was fairly straightforward: Mapplethorpe's *Jim and Tom, Sausalito, 1977*, (triptych featuring a leather-masked man urinating into a kneeling man's mouth) was brazenly pornographic and therefore couldn't be art. Moralists claimed that it was indeed pornography and therefore not art, art critics argued that it was art and therefore not pornography, and a few (Danto among them) said that it was pornographic art. I think the art critics were right (but for the wrong reasons). As with most of Mapplethorpe's pieces, the names of the people photographed are part of the titles. Clearly in the *Jim and Tom, Sausalito, 1977* case, the work demands, at least minimally, that the photograph be a *photograph of Jim and Tom* (taken in Sausalito in 1977). Imagine Mapplethorpe while photographing Jim and Tom in Sausalito in 1977 had forgotten to remove the lens cap from his camera. The resultant

photographs, due to a photochemical accident, just so happen to be perceptually indistinguishable from actual photographs of Jim and Tom. This obviously wouldn't be *Jim and Tom, Sausalito, 1977*. Similarly, being sexually aroused by the formal features of the graffiti on the back wall in *Jim and Tom* is purely incidental to the work's primary purpose (assume which is sexual arousal) and deeply misses the point.

Essential to pornography is the satisfaction of the primary purpose of sexual arousal *simpliciter*, but that makes *Jim and Tom* decidedly unpornographic. Moreover, most, if not all, of Mapplethorpe's works are awkward candidates for advancing the case of pornographic art as his purpose seems to be to personalize, normalize, aestheticize, and celebrate sexual differences rather than cause sexual arousal in the audience. Whereas for all of the elaborate and colorful set design, make-up and costumes in Jeff Koons' *Made in Heaven* photos, they really are just photos of Koons having sex with his wife. Unlike Mapplethorpe, the aesthetic components of the *Made in Heaven* photos take a backseat to the very real and very explicit depiction of Koons and wife *pre-, inter-, and post-coitus*—the *Made in Heaven* photographs are supposed to look like highly aestheticized pornography. Insofar as both are art, the *Made in Heaven* photos are like *Jim and Tom*, normal photographic etiology being crucial to both.

Perhaps since 'pornographic art' is used in an ostensibly meaningful way suggests an extensional overlap of pornography and art. The possibility of pornographic art, however, really is just a red-herring. On my view, 'pornographic art' is meaningful but only in a counterfactual sense. Something is pornographic art only if were the connection between the ends and means made contingent and the work possessed features otherwise sufficient to be pornography, it would be merely pornography. This is in step with normal usage; calling something 'pornographic art' just is to say that the artwork displays characteristics typical of actual world pornography—being sexually explicit, indecent, obscene, even objectifying and degrading. Likewise, to call something 'artistic pornography' isn't to claim or even suggest that it is both art and pornography. 'Artistic pornography' just means that in addition to the sexual content, the pornography is aesthetically pleasing, entertaining, or has interesting formal features.

Of course, artworks can be pornography in a trivial way. Imagine Jeff Koons' *Made in Heaven* photographs weren't well received by the artworld. Koons, in desperation for money, could have sold his photos to *Penthouse*. While his artworks could have been used to satisfy pornographic purposes, this doesn't make his photographs both art and pornography anymore than my throwing *The Polish Rider* onto the fire makes *The Polish Rider* both an artwork and kindling or using Rodin's *The*

*Thinker* to weigh down my hot air balloon makes *The Thinker* both an artwork and ballast, at least in any interesting, meaningful sense.<sup>18</sup>

An artwork is pornographic only if it displays many (salient) features pornography displays (even essentially displays), and this may result in many often being fooled into thinking that the artwork is, in fact, just pornography (or that a work can both be art and pornography). But once we get a coherent picture of what pornography is essentially, we can rest assured that pornographic art is nothing more than pornography-like art, and pornography-like art isn't particularly metaphysically troublesome. No one thinks calling a dog 'cat-like' somehow suggests that the animal is both a cat and a dog rather than a dog possessing salient properties typically had by cats. So why think the presence of artworks called 'pornographic' suggests an extensional overlap? I have suggested a picture of what pornography essentially is, such that, while making pornography impossible *qua* art, the usefulness of phrases like "pornographic art" remains.



## CHAPTER VIII

*Reflexive intentions*

Art theories must afford intentions some positive explanatory function; intentions cannot merely be buffers against certain counter-examples. Intentionality *qua* bare artifactuality fails to satisfy this explanatory demand, and having deliberateness or purposefulness exhaust the explanatory burden of intentional components of art theories really just does seem *ad hoc*. Dickie tries to restrict intentional content by requiring the concept of art to be constitutive, but he then gives us an incoherent notion of that concept. Likewise for Levinson, intentions are mere vehicles for the real explanatory component, that is, his concept of art, the extension of which just is the set of arbitrary ways of regarding. So while both Dickie and Levinson have commitments to intentionality, intentionality in their definitions doesn't seem to do any explanatory work. Dickie's intentionality really just collapses into bare artifactuality, and Levinson builds in an illicit success notion into his intentional account. Stecker has fewer intentional leanings than either Dickie or Levinson, but when his theory commits to the necessity of intentions, he gets exactly the same problem as Levinson; intentions matter only insofar as they have the required content, but the content required is arbitrary.

My project so far has been to examine the role assigned to intentions in current definitions art and from this, determine whether or not a full notion of intentionality in art can be found. These definitions either reduce intentional components to bare artifactuality or they retain a robust notion of intentionality only by making the intentional content arbitrary. Intentionality fails to be explanatorily informative because the direction or orientation of intentions could be any direction or orientation. Intentions *qua* theoretical features inform only insofar as their direction or orientation informs. A full account of intentionality in art, then, becomes entirely hostage to their art theories. A robust, coherent account of intentionality depends on the unlikelihood of a robust, coherent account of the concept of art, art-regards, and central art forms. This runs counter to the basic intuition that intentions matter, and given this shared intuition, intentionality in art ought to have at least some explanatory depth independent of the full-fledged theory of art that employs it. Current definitions of art, therefore, fail to demonstrate satisfactorily both what intentions matter and why intentions ought to matter at all. Although assuming intentions necessary has intuitive force, doing so has yet to yield any promising theoretical fruit.

Perhaps, the focus ought to shift to favor the structure of intentional states rather than their particular content. Moreover, abandoning content as the individuating feature frees intentionality from necessarily entailing

hyper-aware restrictions (the intention to make art is necessary for making art) while still capturing the intuitions supporting hyper-awareness (artists are in some sense robustly aware of what they are doing). If intentions are necessary for art, then intentions ought to act like necessary conditions. If intentions matter, then intentions, not the art theories that employ them, at least ought to do work commensurate with their mattering.

*New Work for a Theory of Artistic Intentionality*

Intentions alone are not sufficient for art. Earlier I showed that Levinson, insofar as art-regard and art-making are concerned, completely severed the connection between intentions and the states of affairs represented by their contents. Artists do not have super-intentional powers; they are no more successful than non-artists in getting the content of their intentions (propositional or otherwise) to obtain. Any theory that radically revises the connection between actions, intentions, and the states of affairs represented must be rejected.

In fact, the standard *ceteris paribus* connection between intentions and actions underpins the intuition that intentions matter in art. For example, the necessity of intentionality significantly explains, I think, the phenomenon of failed art. We should suppose that a massive disconnect between what was intended and what obtained is precisely what is going on when we regard an object as failed art. By “failed art” I mean that some objects are failed art in the same way that some planets (e.g.,

Jupiter) are failed stars (significantly shared etiology diverging only at some critical point). Failed art—in the descriptive rather than evaluative sense (failing to be good art)—comes in two flavors. I can fail to make art due to some obstruction (poor skill, unstable medium, misinformation, improper historical or cultural context, lack of imagination, and so on), that is, the appropriate intentions were present but in virtue of some defect or obstacle the particular content of the intention failed to obtain. I can also fail to make art because the content of the appropriate intentions obtained in the wrong sort of way. To be sure, a distinction must be made between failing to make a good representation of a sunset and simply failing to make a representation of a sunset. The cause of the former may, though not always, be the same as the cause of the latter (lack of skill), but this is the difference between minimal satisfaction of an intention and wholesale failure to satisfy the same.

This also explains why forgeries typically aren't regarded as failed art. The thief who stole my chequebook would be deeply metaphysically mistaken if he thought he had to produce my signature in order to purchase products with my cheques; he just has to make the right people believe that the mark on the cheque is my signature. His forgery cannot fail due to a failure to produce my signature because *not being my signature is a necessary condition for being a forgery*. Tying together the important notion of artistic failure to intentional failure is both theoretically

and practically efficient. This also simultaneously grounds a distinction between descriptive and evaluative failure and explains why we shouldn't regard paradigmatically non-art objects (fish sandwiches) as failed art objects. Making intentionality a necessary condition for artworks should provide a useful way of separating art from non-art (including both artifacts and natural objects) and robustly contribute to an explanation of failed art without dependence on the presence or absence of the intention to be art (e.g., outsider art, that is, just as one may succeed in making art without the intention to make art, one can fail to make art without the intention to make art.)

All of the above advantages depend on a full account of intentionality. Such an enterprise should *prima facie* demand the independence of intentionality from other art-theoretic components. Failure to do so runs the risk of either making intentions explanatorily circular or entirely subject to the peculiarities of the art theory. Again, one of the few intuitions philosophers of art share is the necessity of intentions. Were intentions to have no explanatory role in art or have explanatory roles varying radically from art theory to art theory, this shared intuition would be wholly undermined.<sup>1</sup> In requiring intentionality to be hyper-aware, Dickie makes intentionality circular. Levinson, while having a clearer notion of intentionality, makes intentionality entirely dependent on art-regard, and, as such, objections to art-regard are *ipso facto*

objections to intentionality. Stecker, fittingly, when he commits to a robust intentionality as a necessary condition, either ends up in Dickie's camp embracing circularity or he must abandon intentionality as an explanatorily useful tool in favor of some non-arbitrary explanation of central art form (which he fails to provide and most likely isn't forthcoming.)<sup>2</sup>

What I propose to do now is to defend, in a roundabout sort of way, a certain view of intentionality in art. Again, if all there is to intentionality in art is merely the intentionality involved in artifactuality, then intentionality really isn't so special a feature. This of course doesn't suggest that the proper account ought to be exclusive to art. We needn't rarify intentionality in art to capture its necessity. Artworks share with non-art objects many interesting features both perceptual (aesthetic objects) and etiological (creative enterprises). Perhaps, unsurprisingly, the correct account lies somewhere in between, neither mundane (artifactuality) nor rarified (only artworks).

Minimally, any account of intentionality in art should satisfy the following conditions:

- 1) Necessary but not sufficient for art.
- 2) Wholesale absence is sufficient for being non-art.
- 3) Wholesale failure is sufficient for being failed art.<sup>3</sup>
- 4) Not exclusive to art.

5) Theory neutral (e.g., while vehicles for varied contents, intentions themselves should be informative independent of those contents.)

Meeting the above should not prove difficult, yet as shown, current accounts of intentionality in art (at least those implied by art theories) fail to satisfy at least one of the above conditions. Taking intentions seriously should have consequences, otherwise why think them theoretically significant in the first place? The day cannot be won by brute force. Intentionality in art isn't primitive and neither is it a proxy for mere deliberateness. Understanding the role of intentionality in art should contribute to the understanding of what it is to be art.

#### *Intentions with Reflexive Conditions*

Chapter Seven showed that artworks, unlike other forms such as advertising and pornography, not only have reflexive conditions governing intentions but that the satisfaction of the reflexive conditions is primary (and necessary as I will later argue). Certain purposes are necessary to advertising (e.g., enjoining the audience to buy the product) and to pornography (e.g., sexually arousing the audience), but what isn't necessary is how these purposes get satisfied. Real world pornographers and advertisers are gainfully employed insofar as they are adept at figuring out what turns us on both sexually and as consumers. There could be, however, lucky advertisers (or felicitous pornographers), successful despite and contrary to the intended means of achieving that success.

Praise for a successful advertising campaign could come apart from praise for the advertiser. For example, compare the following:

- 1) Smith's ads are some of the most effective ads in advertising history despite Smith being the single most inept and incompetent advertiser to have ever lived.
- 2) Smith's novels are some of the best ever written, and this despite Smith being one of the worst authors ever to have put pen to paper.

Smith can be the luckiest ad man, but Smith cannot be the luckiest novelist. To be a successful ad is just to enjoin the public to buy the product *simpliciter*. Art doesn't work that way. Clearly, advertising and pornography make contingent what art makes necessary. In the former, the connection between the purpose (affect) and the means of satisfying that purpose is purely contingent; in the latter, it is always necessary.

Perhaps a full account of intentionality can now be reached, but recall that this full account of intentionality in art must also double as a full account of a necessary condition for art. As such, we should reasonably expect to gain a good deal of philosophical mileage; anything less, I suppose, ought to suggest that either intentions are not in fact necessary for art or that their necessity is really of the trivial sort (e.g., I am necessarily not a minotaur or Socrates is necessarily Greek or not Greek.) I propose that intentions *simpliciter* aren't necessary for art, rather the necessity rests



with a particular sort of intention: reflexive intention. Reflexive intentions are necessary for art, that is, the intentions necessary for art are governed by reflexive conditions and the satisfaction of the reflexive conditions is necessary for the satisfaction of the intention.

Imagine that I fancy myself an artist. To demonstrate this, I plan to paint my masterwork, a painting of a tearful circus-clown. I intend that my painting of a tearful clown communicate sadness to its audience. If this intention is reflexive, then the communication of sadness to the audience isn't itself sufficient for the satisfaction of the intention. Satisfaction of the reflexive intention must be in virtue of the satisfaction of the reflexive conditions governing it. I intend that sadness be communicated in virtue of the intended audience recognizing my intention that sadness be communicated by a representation of a tearful clown; I believe that (representations of) tearful clowns bear a conventional relationship to notions of sadness and poignancy, and I rely on audience recognition of this convention. This intention can only be satisfied if sadness is in fact communicated in virtue of the intended audience recognizing the way in which I intended to communicate sadness. Furthermore, I should expect the audience in virtue of my painting to discover the intentions behind my painting. Should the audience become sad in virtue of some chemical property of the paint, the reflexive intention wouldn't be satisfied; my intention would have failed. Were my painting to communicate sadness

because, unbeknownst to me, each audience member has had a tragic clown-experience, the reflexive intention would not be satisfied. Intentions *simpliciter* don't matter. Intentions get to matter because intentions underwrite the connection and relationship between artist, work, and audience; reflexive intentions do this.

#### *Actual Advantages of Making Reflexive Intentions Necessary*

As argued before, intentions, while assumed to be necessary for art, lacked explanatory power, and more dangerously, by lacking any explanatory virtue, intentionality's role in art theories appeared to be *ad hoc*. My account<sup>4</sup> supports the necessity of intentions, divorces intentions from other art theory components, and begins to reveal exactly why intentions are thought to matter in the first place. In short, if intentions are necessary conditions for art, they ought to start acting like necessary conditions.

#### *Commonsense Virtues*

Reflexive intentionality is neither a stand-in for mundane deliberateness nor is it unduly rarified. Intentions behind mere artifactuality are not governed by reflexive conditions, and reflexively governed intentions most certainly are not exclusive to art. Moreover, reflexive intentions are in line with basic communicative intentions, reinforcing the position made in Chapter One that art (or at least its ancestral form) is just as foundationally human as language. Finally, one might ask, as in

Chapter One, can cats make art? If Dickie (as well as Levinson or Stecker) are correct, cats cannot make art, not because they can't form intentions, but because they lack the concept of art. On my view, cats aren't incapable of making art because they lack the appropriate concepts; cats cannot make art because *cats cannot form the appropriate intentions*. This, I think, supports the intuition that art-making requires some higher-level mentality without the rather daunting and heretofore unfinished task of elucidating the possession conditions for the concept of art as well as the exact cognitive requirements necessary for being able at least in principle to satisfy those possession conditions. To be sure, finding out whether rhesus monkeys can form reflexive intentions is a far easier and less abstract enterprise than finding out if they can in principle have the concept of art (whatever that may be).

### *Bad Art and Failed Art*

Reflexive intentionality clearly grounds both descriptive and evaluative artistic failures. Failure to satisfy reflexive intentions really is the main ingredient in the recipe for failed art. My painting of a tearful clown can fail to communicate sadness for a variety of reasons. My lack of skill could result in the painting's failure to be a representation of a tearful clown or cause the audience to fail to see it as a representation of a clown tearful or otherwise. My use of bright, gay colors could contribute to the audience's failure to recognize my intention to communicate sadness

via a representation of a tearful clown. I could also simply be deeply mistaken about the relationship between sadness and tearful clowns—maybe representations of tearful clowns are great vehicles for communicating irony, kitsch, or morbid humor but never sadness. Just as the absence of reflexive intentions is sufficient for being non-art, the presence and wholesale failure of reflexive intentions is sufficient for being failed art. Similarly, an artwork could be an evaluative failure (fail to be good art) because the reflexive intentions were only *minimally satisfied*. My painting of the tearful clown could communicate sadness in the right sort of way but do so only by the skin of its black velvet teeth, and, as such, fail to be good art. Moreover, one could, plausibly contend that *ceteris paribus* were an artwork to satisfy only minimally the reflexive intentions, this minimal satisfaction would be a bad-making property of that work.

I have merely claimed that reflexive intentions are necessary for art. I have not claimed that *the satisfaction of reflexive intentions is necessary for art*. More importantly, however, artworks could have multiple/numerous reflexive intentions in play, and one should expect that were all of them to fail, the work really should be considered failed art, and therefore not art.

*Non-Art and Border Cases*

As shown in chapter seven, this account of reflexive intentionality supports both why we typically consider other relevantly similar forms, such as advertising and pornography, to be non-art and why these forms sometimes produce borderline case. Certain advertisements may have all sorts of interesting aesthetic features and some pornography may be strikingly similar to certain artworks. Furthermore, the intentions behind advertising and pornography most likely are in fact governed by reflexive conditions, and as such, they may seem plausible candidates for art. While these forms and the intentions behind them may share all of the above in common with art, the satisfaction of the reflexive condition is necessary for the success of reflexive intentions in art while merely contingent for the others.<sup>5</sup> We can easily imagine serendipity in advertising, e.g., "The ad for Brillo pads would have failed if not for the randomly chosen font disposing the public to buy Brillo Pads." Imagining artistic serendipity, however, should be at least be awkward if not wholly muddled, e.g., "*Flowers for Algernon* would have been a failure if not for the randomly chosen font disposing the reader to experience poignant sadness."<sup>6</sup>

These forms, some argue, can produce interesting borderline cases. Certain examples of pornography and advertising seem to be candidates for art, and my view accommodates this. One must be careful, however, as an aesthetically meritorious commercial shouldn't push the question of

art candidacy anymore than an aesthetically interesting *Hustler* spread or an aesthetically interesting automobile—looks can be and often are philosophically deceiving. We should expect borderline cases *when the intentions behind these cases seem to be reflexive and necessarily satisfied as such*. Of course in step with my arguments in Chapter Seven, the apparent presence of reflexive intentions suggests that the supposed “border” case really wasn’t pornography/advertising in the first place. Artworks are actually used quite often in advertisements, but this doesn’t then make the artwork an advertisement or the advertisement an artwork anymore than *Fountain* is both an artwork and a urinal. Border cases emerge only when the intentions behind them begin to look like reflexive intentions, that is, when the intentions are governed by reflexive conditions and the satisfaction of the reflexive conditions looks to be necessary for the satisfaction of the intentions so governed.

#### *Found Art and Outsider Art*

Reflexive intentions insulate art theories against charges of natural and accidental artworks as well as *prima facie* accommodating found art and outsider art. A piece of ocean flotsam cannot communicate desolation. An artwork, however, composed entirely of unaltered, found ocean flotsam can do so in virtue of the reflexive intentions behind it, which are satisfied only by the audience recognizing the intention to communicate desolation via ocean flotsam. Similarly, the Appalachian

hermit's stick, whittled to resemble a fierce mountain lion, may be a candidate for art precisely because of the reflexive intentions behind it. The hermit intends to convey fierceness and the success of this intention depends necessarily on the audience's recognition of the hermit's intention to convey fierceness via a representation of a mountain lion.<sup>7</sup>

Reflexive intentionality easily accommodates found art and outsider (folk) art. Artworks composed of entirely of unaltered driftwood are not artifacts. Representations of mountain lions whittled by Appalachian hermits, who presumably do not possess the concept of art, are not intended to be art. Nevertheless, these are frequently thought to be art. The intentionality involved in these works, namely reflexive intentionality, is no different from the intentionality involved in a Pablo Picasso painting, an Andres Serrano photograph, or a Damien Hirsch installation. Most importantly, reflexive intentionality doesn't entail that poems are artifacts and isn't hostage to there being a coherent and robust concept of art, thereby avoiding making necessary the possession and employment of such a concept.

#### *Possible Advantages of Making Reflexive Intentions Necessary*

Aside from finally making explanatorily virtuous intentions *qua* necessity and doing so independent of art theories, my view offers substantial philosophical gains. A robust notion of intentionality in art really should illuminate other areas in the philosophy of art—this is a reasonable

expectation of taking intentions seriously. Intentionality is a central feature in all sorts of areas in aesthetics and the philosophy of art, and as such, once a coherent account of intentionality emerges, these areas must adjust accordingly. My view, I show, helps link together the evaluation and the interpretation of artworks, underwrites a coherent account of essential properties of artworks, and accrues the advantages of a Gricean model of communication while avoiding the formal problems associated with Gricean meaning.

Reflexive intentions I have maintained are not sufficient for being art, only necessary. Similarly, my view neither entails nor suggests sufficiency claims in other relevant areas of the philosophy of art. Sufficiency claims are volatile stuff and certainly not my goal. I claim only the following:

- 1) We should expect an account of intentions *qua* necessary condition for art to inform accounts of intentions elsewhere in art as well as the theories employing them.
- 2) The consequences of so informing should bear directly on the theoretical virtue of the account in question.

Given this, the burden of the following sections is to show that reflexive intentions inform other areas, that so informing is philosophically meritorious, and this is all the more reason to think intentions reflexive.

*Hypothetical Intentions, Actual Intentions, and Theory Neutrality*



As stated before, the account of intentionality in art should be theory neutral. Again, most agree intentions are necessary, but both this necessity and the intuitions behind it cannot rely on support from disparate peculiarities of art theories. If intentions matter they must matter in the same way across art theories. Intentionality ought to shape art theories rather than be shaped by them.

My view of reflexive intentions is neutral as to the source of the intentions—the sole requirement is that those intentions, regardless of their point of origin, be governed reflexively and necessarily so. Some philosophers claim that only actual authorial intentions matter. Others claim that only virtual or hypothetical intentions need figure (Levinson, Stecker, and Fodor as well), that is, we needn't bother with actual intentional etiologies of artworks; what matters are the virtual or hypothetical intentions the work supports. Actual artists (and their actual reflexive intentions) are often banal, pretentious, or far too self-righteous. Despite this, one may find the artist's work exciting, clever, and emotionally stimulating. The reflexive intentions behind this work are those virtual or hypothetical reflexive intentions that plausibly support finding the work exciting, clever, etc.<sup>8</sup> Reflexive intentions work well as necessary conditions for art in part because reflexive intentions work well regardless of their source.<sup>9</sup>

Furthermore, reflexive intentions, actual or otherwise, need not be necessarily authorial, actual or otherwise. Reflexive intentions could be audience intentions, the intentions of the critics, or even the gestalt intentions of the bourgeois artworld elite. Art theories often differ as to the centrality of the artist, the audience, and the object, and my account doesn't entail a commitment to the priority of any one of any other. Again, I claim only that reflexive intentions are necessary; this holds even if the mind from which they emanate is virtual, actual, gestalt, or even divine. Most importantly, my view supports theorists sharing the intuition that intentions are necessary even while radically differing as to the proper source of those intentions. Finally, while reflexive intentions may in fact be necessary for communication, this needn't entail that art is necessarily communicative. The necessity of reflexive intentions is commensurate with theories claiming that art necessarily serves an aesthetic function, is emotionally expressive, or is purely formal. My view only suggests that insofar as intentions are necessary for art, they are reflexive, e.g., satisfaction of the aesthetic function, expression of emotion, or possession of formal features must be largely intentionally determined. To be sure, reflexive intentionality naturally lends itself to a communicative theory of art or a content theory of art, but the necessity of reflexive intentions is just that, a necessary condition. While art theories must

account for this, reflexive intentions themselves neither entail nor suggest what flavor art theories must have.

### *Incidental and Constitutive Intentions*

Numerous and varied intentions are involved in art making. I intend my painting to put my children through college. I intend my wood carving of Abraham Lincoln to be the template for the new U.S. penny. I intend to write my novel only on Tuesdays between the hours of 8:13 a.m. and 10:27 a.m. I intend that my poem dispose the audience to find me sensitive and therefore more attractive. Which intentions do we count as constitutive, that is, which intentions are determining intentions? Which intentions contribute to the interpretation and evaluation of the work? Why are some intentions constitutive of the work and others incidental to it? Is there an in principle difference? In fact, this very problem has driven some to abandon intentions completely, claiming that no information about the artist's mental states should ever inform the work. Texts speak for themselves, and do so only once we declare the author informatively dead.

Here is at least a foundation for a principled method of distinguishing constitutive from incidental intentions: an intention is a constitutive intention only if it is reflexive.<sup>10</sup> Minimally, to be a constitutive intention is to be a reflexive intention. While incidental intentions could, I imagine, also be reflexive, constitutive intentions are necessarily reflexive.

Again, I am not suggesting that reflexive intentions exhaust constitutivity, only that reflexive intentions can provide a basis out of which a full theory of constitutivity could arise.

Imagine that I intend that my painting sell for at least 10,000 dollars. Should the painting sell for 10,000 dollars or more, my intention is satisfied. Perhaps my intention could be satisfied in a more expedient manner if the audience discovered my intention (perhaps by minimizing any haggling), but this discovery isn't necessary. Clearly this intention isn't reflexive and therefore isn't constitutive. Here is another scenario. An artist makes a collage consisting of pictures of her from 1997, which was a particularly awful year for her. She titles her work *Low Point, 1997*, and intends that this work communicate/express her despair and isolation during 1997. She also intends that her painting be wall-mounted two feet from the gallery floor. This intention is a reflexive intention if and only if she intends that wall-mounting the painting two feet from the floor expresses/communicates (or contributes to the expression or communication) despair and isolation, and that it does so largely in virtue of the audience recognizing this intention in virtue of the manner intended. Now imagine that she intends that the painting be wall-mounted two feet from the gallery floor but does so only because she lost a bet earlier that morning. In this case, this intention is satisfied merely by the curator complying with her request (or

just simply being mounted two feet from the gallery floor), and as such, this intention is incidental to the work.

While commonsense seems to inform us correctly in both cases, something must inform commonsense. The commonsense method of distinguishing between those intentions constitutive and incidental to a work is itself far too coarse-grained. A particular intention may seem to the entire world incidental but could in fact be a constitutive intention (though one that failed miserably). While incidental intentions might also be reflexive, failed incidental intentions (reflexive or not) are no more interesting than successful ones. Being reflexive is necessary for being constitutive, but being successful needn't be. This is where commonsense fails. Commonsense cannot distinguish between a failed constitutive intention and a similar incidental one; failed constitutive intentions really might come off frequently as merely incidental. While relying on commonsense may be a rough and ready epistemic guide, my view provides the principled descriptive base, that is, underwrites a consistent and systematic way of distinguishing between constitutive and incidental intentions while also supporting commonsense intuitions.

Finally, one might reasonably argue that some works would have been better off evaluatively had certain constitutive intentions been incidental and *vice versa*, and much of art criticism reflects this. For example, "Smith's novel might have been refreshingly self-aware had his

obvious intention to capitalize on current literary trends been constitutive rather than incidental" or "Her collage would not be so insufferably melodramatic had her intention to hang the collage two feet from the floor been incidental to rather than constitutive of the work." The full account of intentionality *qua* necessity should unsurprisingly buttress a theory of constitutive intentions.

*Strong Gricean Spirit without the Troublesome Gricean Flesh*

My account of reflexive intentionality quite obviously borrows from a Gricean model of communication/meaning.<sup>11</sup> The advantage of employing a Gricean model is that it is a Gricean model; the disadvantage of employing a Gricean model is that it is a Gricean model. My account of reflexive intentionality is Gricean in spirit, but one needn't be a Gricean about meaning to think reflexive intentions are necessary for art. My project is not an account of artistic meaning, and I do not claim that all art is necessarily communicative or semantically evaluable. I merely employ the type of intentions many think crucial to communication and meaning. My account, however, provides a natural foundation for a communicative or semantic theory of art, at least insofar as one sees Grice as offering a broad theory of meaning rather than just linguistic meaning. Furthermore, my view captures, shares, and is motivated by the same basic intuition behind the Gricean model. Marks and squiggles on the page come to have meaning minimally in virtue of

intentions. Similarly, blobs of paint so too come to have meaning minimally in virtue of intentions. Also, my account is commensurate with both the rational reconstruction view and the psychological reality view (e.g. note my view's neutrality between actual and hypothetical intentionalism).

### *Interpretative and Evaluative Theories*

Chapter Three argued that prescriptive theories of art (how we ought to interpret and evaluate artworks) ought to be built out of (or at least suggest) coherent, descriptive stories. Naturally, then, my account of reflexive intentions as necessary conditions for art ought to provide a descriptive default position for prescriptive theories. To be sure, one could argue that while reflexive intentions are necessary for art, intentions themselves, nevermind their reflexivity, simply aren't features of prescriptive theories. Note, however, that one must *argue* for this. Prescriptive theories have a *prima facie* commitment to reflexive conditions. The descriptive assertion that reflexive intentions are necessary for art is *prima facie* incompatible with both the prescriptive assertion that intentions aren't contributory and the prescriptive assertion that even if they are contributory, their reflexivity isn't. All things being equal, those prescriptive theories entailing descriptive accounts of intentionality contrary to mine are worse for doing so and ought to be rejected. Of course, metaphysical bludgeoning persuades no one. If reflexive intentionality is to be at all convincing, no matter how descriptively sound,

it cannot run roughshod over basic prescriptive intuitions. Reflexive intentions, I have tried to show, can both descriptively ground prescriptive theories and be prescriptively informative.

Recall again from Chapter Three that all prescriptive theories of art imply (explicitly or implicitly) a domain over which the theory may legitimately range, and presumably artworks and their relational properties constitute the default domain. Artworks, like anything else, admit numerous relational properties, so in order for prescriptive theories to avoid absurdity, they must restrict this domain, which descriptive theories intuitively do. Prescriptive theories of art ought to be constrained minimally by descriptive accounts of art. Since reflexive intentions are necessary conditions for art, we should reasonably expect prescriptive theories of art to count reflexive intentions as domain constituents (or at least have reflexive intentions assist in restricting that domain.)

With this in mind, I propose the following:

The necessity of reflexive intentions demands *prima facie* that interpretive and evaluative theories of art minimally must range over the necessary reflexive intentions or any feature/property/function for which those reflexive intentions are etiologically necessary (or simply figure etiologically).

Reflexive intention R is necessary for artwork A, which possesses property P, and A's possession of P is determined (largely) by R. *Prima facie*,



prescriptive accounts of A must minimally range over R or P; any prescriptive theory that fails to include R or P in its domain is *prima facie* false.

The above constraint on prescriptive theories of art really isn't all that demanding. It is not at all uncommon for descriptive accounts to restrict firmly the evaluative domain—judges at dog shows range over only certain physical properties, comparing these to the breed standard. Often too, the evaluative domain is only indirectly descriptively restricted, that is, the domain contains all and only those properties that supervene on the descriptive properties—an evaluative theory may range over all and only an object's aesthetic properties, but those properties must supervene on the descriptive, physical properties of the object. Furthermore, one might plausibly claim:

- 1) A work's constitutive properties are those properties determined by the work's constitutive intentions.
- 2) Constitutive intentions are necessarily reflexive.
- 3) Prescriptive theories must minimally range over a work's constitutive properties.

Of course my account of reflexive intentions neither entails nor suggests any of the above. What the above shows is just how effortlessly a robust descriptive account of intentions can become a tremendous theoretical tool. While reflexive intentions *per se* need not be at all

prescriptively informative, *the descriptive necessity of reflexive intentions* should unsurprisingly have consequences for prescriptive theories *tout court*.

## NOTES

Chapter I      *Groundrules and methodology*

1. "Essential Distinctions for Art Theorists," *Art and Essence*, ed. Stephen Davies and Ananta Sukla (Westport, Connecticut: Praeger Publishers, 2003), p. 5.
2. *Ibid.*, p. 8. I think there is at least a *prima facie* case for weeds being a functional kind. On Mars they may have crystal gardens, and thereby declare errant, unwanted, and erratically growing crystals to be weeds. The point should be clear that there are things not purely nominally defined that nevertheless are not themselves pure natural kinds.
3. See David Lewis, "Mad Pain and Martian Pain," *Readings in the Philosophy of Psychology*, vol. 1, ed. Ned Block (Cambridge, Massachusetts: Harvard University Press, 1980), pp. 216-222, and Hilary Putnam, "Meaning of 'meaning'," *Mind, Language and Reality* (Cambridge University Press, 1975), pp. 215-271.
4. Paul Boghossian, "What the Externalist Can Know A Priori," *Proceedings of the Aristotelian Society*, 97, (1997).
5. Robert Stecker's historical-functional definition is good example of this. I will address his definition in chapter three.
6. *In Critical Condition: Polemical Essays on Cognitive Science and the Philosophy of Mind* (Cambridge, Massachusetts: MIT Press, 1998), pp. 9-24. Our modal intuitions should tell us that there are possible forms of art not present in the actual world, and this suggests that art isn't disjunctive (at least conservatively disjunctive). More on this in chapter three.
7. "Interpreting the Arts: The Patchwork Theory," *Journal of Aesthetics and Art Criticism*, 51 (1993).
8. For a good discussion of why disjunctions and negations make for bad metaphysics, see D.M. Armstrong, *A World of States of Affairs* (Cambridge University Press, 1997) and *Theory of Universals: Universals and Scientific Realism Volume II* (Cambridge University Press, 1978).
9. Nick Zangwill is the principle defender of this claim. See his "Groundrules in the Philosophy of Art," *Philosophy*, 70 (1995).

Chapter II      *Case study: recordings as performances*

1. Lest anyone be tempted to argue that all live performances are improvisational, let me point out that this can be true only by emptying the notion of improvisation of any significance beyond "having a choice to make." Improvising isn't equivalent to choosing. For a good discussion of improvisation and recordings see Lee Brown, "Phonography, Repetition and Spontaneity," *Philosophy and Literature*, 24 (2000).
2. Theodore Gracyk, "Listening to Music: Performances and Recordings," *Journal of Aesthetics and Art Criticism*, 55 (1997).
3. Aron Edidin, "Three Kinds of Recording and the Metaphysics of Music," *British Journal of Aesthetics*, 39 (1999).
4. Stephen Davies, *Musical Works and Performances* (Oxford University Press, 2001), Ch. 4, Jerrold Levinson, *Music, Art, and Metaphysics* (Ithaca, New York: Cornell University Press, 1990), Ch. 16, and Peter Kivy, *Introduction to a Philosophy of Music* (Oxford University Press, 2002), pp. 218-19.

5. Sonically the violinists could be in synch, but if their bow movements are not, the audience may regard the resultant sound as discordant. Should the pianist appear to be gentle with the keys whilst playing a turbulent piece, the audience may think the performance unduly muted.
6. Stephen Davies gives the most complete account of the differences between live performances and recordings (and broadcast performances) in Ch. 4 of *Musical Works and Performances*. He also, I think, successfully rebuts many of Gracyk's claims.
7. A holodeck is a fictional, recreational device from the television program, *Star Trek: the Next Generation* and subsequent Trek series. These holodecks, using only light beams and force fields, create situations perceptually indistinguishable from their real counterparts (or were the situations to be real, they would be perceptually indistinguishable from those in the holodeck). Many of the Star Trek episodes revolve around the crew being unable to distinguish between the real world and the holodeck world, the failure of the holodeck safety protocols, or holodeck characters becoming self-aware.
8. For the remainder of the paper recordings are perfect recordings unless otherwise specified. Also note that Davies discusses holodeck recordings, but his target is simulated performances rather than recordings of live performances (*Musical Works and Performances*, p. 301).
9. Arthur Danto, *The Transfiguration of the Commonplace* (Harvard University Press, 1981), Ch. 1.
10. "Musical Recordings and Performances: A Response to Gracyk," *Journal of Aesthetics and Art Criticism*, 57(1999).
11. Again, Edidin has a similar position in that the ephemeral nature of performances "is of little fundamental aesthetic significance" (p. 25).
12. One could argue that current performative practice constrains what it is to be a performance, and since there are no performances such as the one I described, then my example is not an example of a performance. This won't do. Of course, many people may be uninterested in attending performances put on by the authoritarian conductor and his disciplined orchestra, but it would be absurd to think that this fact makes it the case should you decide to attend you necessarily wouldn't be attending a performance.
13. One could argue though, unlike my expectations of recordings, my expectations are only *ceteris paribus* expectations. To be sure, something could go wrong on Wednesday—the pianist could fall off of his stool or a light could crash down onto the percussion section. Surely, though, the belief about what could happen would either not be occasioned or would be illegitimate ground for a necessary aesthetic difference. Furthermore, expectations of recordings should too be *ceteris paribus* in much the same irrelevant way they are in the Wednesday performance.
14. If this difference wasn't always aesthetically relevant, then it would render the claim (A) "Wednesday's performance was the same as Tuesday's performance" trivial just like (B) "The Tuesday listening of the recording was the same as the listening on Wednesday" is trivial. (A) isn't trivial, and (B) clearly is. But this all depends on being convinced that multiple playings of recordings are necessarily qualitatively identical, and that looks to be false—*ceteris paribus* clauses go both ways.
15. Again, note Edidin's position. He claims that performances should be individuated this way but that no fundamental aesthetic significance supervenes on this.
16. Other individuating conditions for performances include the performers, spatial location, interpretation and so forth. For an excellent discussion about individuating conditions, see Davies, *Musical Works and Performances*, pp. 184-89.
17. For example, one could argue that recordings of performances are exactly like copies of paintings (pictures, lithographs, etc.), but pictures of *Guernica* are not

*Guernica*. I need not get into a potentially treacherous debate about whether reproductions of paintings are ontologically no different from the originals (although I do think they are no different). I merely need to show that the position of recordings *qua* reproductions accrues a counter-intuitive result. For a defense of pictorial transparency see Kendall Walton, "Transparent Pictures: On the nature of photographic realism" *Critical Inquiry*, 11 (1984). For a critique of Walton, see Jonathan Cohen and Aron Meskin, "On the Epistemic Value of Photographs," *Journal of Aesthetics and Art Criticism*, 62. Cohen and Meskin argue that there are perspectival differences that are salient enough to defeat the transparentist position. This shouldn't be a problem for my account, as the perfect recording takes into account perspective (the egocentric position.)

18. Davies thinks that the medium really isn't transparent and the lack of transparency always makes an aesthetic difference (*Musical Works and Performances*, p. 302). Although Davies is usually quite clear, on this point I find it hard to tell whether he is speaking of recordings *simpliciter* or recordings given current technological limitations. Thanks to Casey O'Callaghan for allowing me to read his manuscript "Hearing Recorded Sounds" (2005) as his assessment of intuition in auditory cases versus visual cases is illuminating.

19. Note that such a condition could also equally affect the eyes and other senses, but I want to focus on hearing so as not to muddle the thought experiment unduly.

20. The unaffected would also fail to hear the performance should they place the device in their ear, so it can't be counterfactual dependence doing the work.

21. The same holds for broadcasts. If there is a difference between our intuitions about broadcasts and recordings, it may hinge on the flow of information from performer to audience being uninterrupted in the broadcast case and interrupted in the recording case. Again, while this is true, I fail to see how this fact can ground an aesthetic difference, and this suggests that we shouldn't appeal to flow continuity or time differentials for performance individuation.

22. One might argue that outside of music, my position is counter-intuitive. Surely it matters, say for sporting events, whether I attend the match or merely watching a recording. As a football fan (Go, Celtic!) I rightly prefer attending matches to watching recordings of those matches. This really is just a salience issue. Ignoring for now crowd interaction, my preference becomes salient only given a large temporal gap between when the actual events occur and when I see the event-images on my TV. It doesn't matter to me if I am watching the match live (or a live broadcast) or a nanosecond delayed recording of that match as long as there is no relevant experiential difference between the two. As long as my experience of the match is perceptually indistinguishable from those experiencing the game live, I am happy. They are no more privileged than I am, so why would I care? Again, the perfect recording case combined with the hearing aid case should render any objections of this sort toothless. Thanks to Stephen Davies and Andrew MacGonigal for this objection.

23. Just as recordings of utterances retain the content of the recorded utterance, so too would recordings of performances retain the interpretative/aesthetic content of the live performance. The content as well as all of the other relevant features depends on the original instancing.

24. Perhaps a more intuitive way to capture this is to adopt an object/person approach to identity. This would, I think, address the problems of swamp recordings a bit more seamlessly. I have chosen the type-token method due to its prevalence in philosophy of music. Since the relationship between musical works and their instances are type-token relationships, I thought it only natural that performances of those works and their instances ought to have the same relationship.

25. This is consistent with various views on authenticity; it very well could be the case that certain works/performances can never be authentically instanced by recordings

(baroque works requiring improvisation (i.e., figured bass)). The above seems plausible, is not a worry for my position, and most likely provides one more good reason to adopt my position.

26. Stephen Davies offered this view to me in conversation and in correspondence. A similar view was suggested independently by P.D. Magnus, that is, we can retain typical performance individuation but claim that what it picks out (the token) is uninteresting aesthetically. What should be the object of our attention is performance\* (the type/structure).

27. Davies uses the example of Marilyn Monroe's performance of Happy Birthday for John F. Kennedy. Her performance is far more aesthetically interesting than the particular interpretation-type instanced by that performance. While correct, the quibble I have with Davies' view is that performances themselves are not aesthetic objects; only in certain cases is the performance rather than the interpretation type it instances the aesthetic object. On my view, performances retain their status as proper aesthetic objects but at the cost of regarding them as types rather than singular events.

28. I owe much to conversations with Stephen Davies, Peter Kivy, P.D. Magnus, and Peter Lamarque. That being said, any and all philosophical errors contained herein are my fault and were most likely pointed out by others then ignored by me.

### Chapter III     *Intensions and tensions*

1. Human *qua* person rather than human *qua* organism.

2. Heather Busch and Burton Silver, *Why Cats Paint: A Theory of Feline Aesthetics* (Berkeley, California: Ten Speed Press, 1994), p. 64. If you doubt that this work is a work of humor, see Busch and Silver's companion book *Why Paint Cats: The Ethics of Feline Aesthetics* (Berkeley, California: Ten Speed Press, 2002).

3. *Why Cats Paint*, p. 86.

4. Note that in Chapter Eight, the account of the kind of intentionality involved in art I propose further explains why even if we assume cats, elephants, or chimps capable of forming rudimentary intentions, they still are cognitively incapable of making art.

5. Daniel Dennett, "True Believers: The Intentional Strategy and Why it Works," *Philosophy of Mind: Classical and Contemporary Readings*, ed. David Chalmers (Oxford University Press, 2002).

### Chapter IV     *Case study: the intentional failure of aesthetic theory*

1. For example as an evaluative theory of art or cleverly hedged aesthetic theories such as Gary Iseminger's aesthetic functionalism in *The Aesthetic Function of Art* (Ithaca, New York: Cornell University Press, 2004). Iseminger's theory is not definitional, not about artworks, and most certainly not essentialist, clearly making it not the sort of aesthetic theory under discussion.

2. See Monroe Beardsley, "An Aesthetic Definition of Art," *What is Art?* ed. Hugh Curtler (New York: Haven Publishing, 1983).

3. See James Anderson, "Aesthetic Concepts of Art," *Theories of Art Today*, ed. Noel Carroll (University of Wisconsin Press, 2000). Anderson provides a nice overview of the available descriptive options for aesthetic theory and shows why disconnecting intentions from the aesthetic isn't a wise move. By and large, my arguments are in step with his assessment.

4. For more detail on the realist/anti-realist debate see Alan Goldman, "Realism about Aesthetic Properties," *Journal of Aesthetics and Art Criticism*, 51 (1993), and Eddy Zemach, *Real Beauty* (University Park, Pennsylvania: The Pennsylvania University Press, 1997).

5. Thanks to Peter Lamarque for suggesting this scope clarification. For a defense of the latter claim see his "Aesthetic Essentialism," *Aesthetic Concepts: Essays After Sibley*, ed.

Bradley and Levinson (Oxford University Press, 2001). I am sympathetic to Lamarque's position, but as he has pointed out to me, this is a controversial position, and for my purposes here, I need not claim it.

6. "Are There Counterexamples to Aesthetic Theory of Art?" *The Journal of Aesthetics and Art Criticism*, 60 (2002).

7. Of course, there are those who think that *Fountain* does in fact have aesthetic properties, just non-perceptual ones such as being witty (cf. James Shelley, "The Problem of Non-perceptual Art," *British Journal of Aesthetics*, 43 (2003), and Noel Carroll, "Non-perceptual Aesthetic Properties: Comments for James Shelley," *British Journal of Aesthetics*, 44 (2004). I am skeptical of this dilution of what it means to be an aesthetic property, but I am far more skeptical of the claim that conceptual art is not art. Of course, my paper does not depend on *Fountain* actually being a counterexample, but I use it to retain the spirit of the Zangwill article.

8. "Are There Counterexamples to Aesthetic Theory of Art?" pp. 112-113.

9. *Ibid.*, p. 112.

10. Thanks to Aaron Meskin and Jonathan Weinberg for suggesting this reply.

11. This retreat into art history will be a common one for aesthetic theory.

12. See Stephen Davies, "First Art and First Art's Definition," *Southern Journal of Philosophy*, 35 (1997).

13. *Ibid.*, p. 112. Zangwill thinks that all aesthetic properties are derivable from beauty and ugliness. For the detailed arguments see Ch. 1 and Ch.2 of Zangwill's *The Metaphysics of Beauty* (Ithaca, NY: Cornell University Press, 2001).

14. Again, thanks to Peter Lamarque for this clarification.

15. For discussion of why negative properties are ill-advised world constituents see Ch. 14 of D.M. Armstrong, *Theory of Universals: Universals and Scientific Realism Volume II* (Cambridge University Press, 1978).

16. I think that this version is really what Zangwill meant by his negative reply. Of course, the intentional component keeps this revision from being trivially true. Additionally, the anti-realist could claim that both RAT<sub>2</sub> and RAT<sub>3</sub> are equivalent, but this doesn't save them from the objections to RAT<sub>3</sub> and objections raised later on in the paper.

17. We could even admit that aesthetic properties or concepts are necessary for any theory that defines art historically but at the cost of emptying aesthetic theory of its descriptive and explanatory worth *qua* general theory of art.

18. I imagine that one would get little mileage out of the claim that mere possession of aesthetic concepts is the thrust of aesthetic theory. It must be that what is doing the explanatory work is the employment of aesthetic concepts, and then any possession claim is just trivially true.

19. The aestheticist could object by claiming that imagining what it would be like to lack aesthetic concepts is either incoherent or muddled enough to take the bite out of my objection. My reply is that intuitively the employment of aesthetic concepts has relatively little effect on my everyday phenomenal life (then again, I have lived in New Jersey). While I can admit that my life absent these concepts may be far less interesting, I doubt sincerely that I am asking the reader to imagine zombie-like cases (see Robert Stalnaker, "What is it Like to be a Zombie?," *Conceivability and Possibility*, ed. John Hawthorne and Tamar Gendler (Oxford: Clarendon Press, 2002). The fact that this thought experiment seems to have little in common with zombie-like thought experiments suggests that imagining someone lacking aesthetic concepts (or even what it would be like to lack them) is not conceptually difficult and certainly not conceptually impossible.

20. See Davies, *Art and Essence*, and Ch. 1 of George Dickie, *The Art Circle: a Theory of Art* (Chicago Spectrum Press, 1997). Also note Zangwill, "Groundrules in the Philosophy of Art," *Philosophy*, 70 (1995). Zangwill thinks descriptive theories can unproblematically

fudge the extension of art in order to explain art's value, which clearly suggests that Zangwill favors the evaluative over the descriptive.

21. Many thanks to Peter Kivy, Peter Lamarque, Jonathan Weisberg, and Elisabeth Nottingham for their suggestions and criticisms.

#### Chapter V *Intentionality and artifactuality*

1. Kendall Walton, *Mimesis as Make-Believe* (Harvard University Press, 1990).

2. Some theories of art, primarily George Dickie's institutional theory and Joseph Margolis' cultural emergence theory, take a sort of b-type artifact position (although Dickie expressly builds in a-type artifactuality as a necessary condition). I will show further reasons later in the chapter why we ought to regard this approach as flawed.

#### Chapter VI *Intentions and definitions*

1. *Art and the Aesthetic* (1984).

2. George Dickie, *The Art Circle: a Theory of Art* (Chicago Spectrum Press, 1997), pp. 80-82.

3. Also note that artifactuality always carries with it a notion of being made for some use, and this will be a troublesome notion for art as well.

4. *Ibid.*, p. 30.

5. *Ibid.*, p. 80.

6. *Ibid.*

7. *Ibid.*

8. Levinson, *Music, Art and Metaphysics*, p. 38.

9. Levinson could claim that only certain ur-regards count, like regarding as a representation. Of course, if he does this, his theory is no longer historical; artworks are such because they have their regard traceable to some representation-regard, and therefore, this ur-regard (representation) becomes foundational.

10. *Ibid.*, p. 40.

11. Robert Stecker, *Artworks: Definition, Meaning, Value* (Pennsylvania State University Press, 1997). I should note that the bulk of Stecker's book is devoted to defending a Constructionist view of interpretation, and as such, it won't be surprising to learn that his definition may be less than informative with regard to actual intentions.

12. *Ibid.*, p. 50.

13. Note that this objection doesn't claim that it is impossible for an object that we all consider to be non-art to be a constituent feature of an art object at a future date. I think that Volkswagens (as created now) are non-art objects, but I also think that Volkswagens (or any other non-art object) can be a constituent feature of an art object (as in Chris Burden's *Transfixed*, 1974).

14. *Ibid.*, p. 257.

#### Chapter VII *Case study: the impossibility of pornographic art*

1. For an elegant defense of the position that art is value-neutral see Davies, *Art and Essence*, pp. 3-16.

2. I use moralism to refer to both Noel Carroll's version and Berys Gaut's ethicism. See Noel Carroll, "Art, Narrative, and Moral Understanding," and Berys Gaut, "The Ethical Criticism of Art", *Aesthetics and Ethics: Essays at the Intersection*, Jerrold Levinson ed. (Cambridge University Press, 1998). I am skeptical of these positions as I think they are merely theories of uptake failure that lack a coherent moral component.

3. Of course, claiming that art is inherently moral is both philosophically anachronistic and just plain wrong.

4. I also want to avoid the issues of the hostility between appreciation of a work *qua* pornography and *qua* art. Matthew Kieran, "Pornographic Art," *Philosophy and*



*Literature* 25 (2001) deals quite well with these issues. See also his recent and compelling book *Revealing Art: Why Art Matters* (London: Routledge, 2005), pp. 151-166. I will, however, take issue with Kieran's dismissal of the rejection of pornography by definitional fiat.

5. Kieran, "Pornographic Art," p. 32.

6. Ibid.

7. The primary purpose of actual-world pornographers could be making money. The sense of primary that I am using carries an essentialist connotation, and I see no reason why there couldn't be *pro bono* pornographers. Also note that the intentions of photographers and publishers can and do differ, but my position address easily any objections that may issue from this.

8. Kieran, *Revealing Art*, pp. 151-166.

9. For a classic discussion on fetishes, see Thomas Nagel, "Sexual Perversion," *The Philosophy of Sex: Contemporary Readings*, ed. Alan Soble (Rowan and Littlefield Publishers, Inc., 2002).

10. Kieran seems to think they mean the same. I think this commits him to the contingent connection between sexual explicitness and pornography.

11. Jerrold Levinson, "Erotic Art" *Routledge Encyclopedia of Philosophy*, ed. Edward Craig (London: Routledge, 1999). Levinson also claims that pornography is necessarily degrading and objectifying, but, as I have argued, we can conveniently ignore these as necessary conditions.

12. This is in keeping with most of what Koons does as an artist—Jeff Koons' artworks are largely about Jeff Koons. Also note that the point of many of the *Made in Heaven* photographs is that they are posed and shot in much the same way photos are posed and shot for *Playboy* and *Penthouse*.

13. This may imply a distinction between *de re* and *de dicto* satisfaction of a purpose.

14. Arthur Danto, *Playing with the Edge: The Photographic Achievement of Robert Mapplethorpe* (University of California Press, 1996), p. 23. I find it odd that Danto would think that pornographic art is possible given his views in *The Transfiguration of the Commonplace*—opacity of medium, interpretive requirements, and so forth. What I think motivates Danto in this case is a messy notion of what it is to be pornography; he really just seems to be conflating smut with pornography.

15. The primary purpose of propaganda is to make the viewer at least sympathetic to, if not an advocate of, a particular viewpoint (usually political or social), and the primary purpose of religious iconography is to engender in the viewer religious devotion. Both of these forms, like pornography and advertising, seem to make contingent how the means satisfy their purposes.

16. Jerry Fodor, "Déjà vu all over again: How Danto's Aesthetics Recapitulates the Philosophy of Mind," *Danto and his Critics*, ed. Mark Rollins (Blackwell Publishers, 1993), p.

49. Fodor's italics.

17. Ibid.

18. Being kindling and being ballast may be purely functional properties. Again, if there is a compelling argument as to why we ought to think pornography purely functional like kindling and ballast, I will happily concede. I doubt, however, that any such argument is forthcoming. An additional argument here would be that the negatives of Koons' photos aren't the artworks and as such can coherently yield both artistic and pornographic results. In fact, this is often the case when advertising campaigns employ artworks; the products of advertising and pornography may have, directly or indirectly, artworks as etiological components (e.g., using Warhol's *Soup Cans* or "Cheeky's Spot Remover for faces only Whistler's Mother could love"). Similarly, artworks may have advertisements or pornography as constitutive features (e.g., Andy Warhol's *Brillo Boxes* and Chris Ofili's *The*

*Holy Virgin Mary*). These examples, rather than provide evidence for an extensional overlap, actually demonstrate its absence.

#### Chapter VIII *Reflexive intentions*

1. For example, one could argue that their moral theory doesn't violate the intuition that slavery is morally wrong, but this isn't a virtue if the theory makes slavery morally wrong because slavery fails to be economically efficient.
2. This isn't surprising since Stecker really seems to be an institutionalist at heart.
3. There might be several reflexive intentions at play, so I need only claim that the failure of all the reflexive intentions is sufficient for the work being failed art.
4. i.e., "my account" insofar as I have made some minor alterations to what I largely borrowed from Fodor's ideas.
5. Notice here that Fodor makes the distinction in terms of the satisfaction of the reflexive condition being primary or secondary, whereas I argue that the satisfaction of the reflexive condition is necessary for the satisfaction of the reflexive intention and contingent for the other forms.
6. Of course, I am discussing reflexive serendipity after the fact rather than reflexive serendipity that occurs during the creative process.
7. Note that I am not arguing that reflexive intentions are sufficient for art.
8. Imagine that Orwell's actual principle reflexive intention behind *Animal Farm* was to communicate nostalgia for the rural life. Some contend that *Animal Farm* is a commentary on Russian Communism because such a reflexive intention while not actual is nevertheless plausibly attributable (either to Orwell or to some hypothetical author).
9. Of course, I think actual authorial intentions are the only proper candidate, but this view is entirely independent of my view of reflexive intentionality.
10. One might also plausibly argue that all it is to be a constitutive intention is to be a successful reflexive intention, or perhaps being a reflexive intention is both necessary and sufficient for being constitutive.
11. Of course, I inherited this in virtue of borrowing heavily from Fodor's view elucidated in Chapter Seven.

## BIBLIOGRAPHY

- Anderson, James. "Aesthetic Concepts of Art." *Theories of Art Today*. Edited by Noel Carroll. Madison, Wisconsin: University of Wisconsin Press, 2000.
- Armstrong, D.M. "Meaning and Communication." *Philosophical Review*, 1971.
- . *Theory of Universals: Universals and Scientific Realism Volume II*. Cambridge University Press, 1978.
- . *A World of States of Affairs*. Cambridge University Press, 1997.
- Avramides, Avra. *Meaning and Mind: An Examination of a Gricean Account of Meaning*. Cambridge, Massachusetts: MIT Press, 1989.
- Barthes, Roland. "The Death of the Author." *Image-Music-Text*. New York: Hill and Wang, 1977.
- Beardsley, Monroe. "An Aesthetic Definition of Art." *What is Art?* Edited by Hugh Curtler. New York: Haven Publishing, 1983.
- Bell, Clive. "Art as Significant Form." *Aesthetics*. Edited by George Dickie, Richard Sclafani, and Ronald Roblin. New York: St. Martin's Press, 1989.
- Boghossian, Paul. paper on switching and self-knowledge.
- Brown, Lee. "Phonography, Repetition and Spontaneity." *Philosophy and Literature*, 24 (2000).
- Busch, Heather and Silver, Burton. *Why Cats Paint: A Theory of Feline Aesthetics*. Berkeley, California: Ten Speed Press, 1994.
- . *Why Paint Cats: The Ethics of Feline Aesthetics*. Berkeley, California: Ten Speed Press, 2002.
- O'Callaghan, Casey. "Hearing Recorded Sounds." Manuscript, 2005.
- Carroll, Noel. 1992
- . "Art, Narrative, and Moral Understanding." *Aesthetics and Ethics: Essays at the Intersection*. Edited by Jerrold Levinson. Cambridge University Press, 1998.
- . "Non-perceptual Aesthetic Properties: Comments for James Shelley." *British Journal of Aesthetics*, 44 (2004).
- Cohen, Jonathan and Meskin, Aaron. "On the Epistemic Value of Photographs." *Journal of Aesthetics and Art Criticism*, 62 (2003).
- Danto, Arthur. *Transfiguration of the Commonplace*. Cambridge, Massachusetts: Harvard University Press, 1981.
- . *Playing with the Edge: The Photographic Achievement of Robert*

- Mapplethorpe. University of California Press, 1996.
- Davies, Stephen. *Definitions of Art*. Ithaca, New York: Cornell University Press, 1991.
- . "First Art and First Art's Definition." *Southern Journal of Philosophy*, 35 (1997).
- . *Musical Works and Performances*. Oxford University Press, 2001.
- . "Essential Distinctions for Art Theorists." *Art and Essence*. Edited by Stephen Davies and Ananta Sukla. Westport, Connecticut: Praeger Publishers, 2003.
- Dennett, Daniel. "True Believers: The Intentional Strategy and Why it Works." *Philosophy of Mind: Classical and Contemporary Readings*. Edited by David Chalmers. Oxford University Press, 2002.
- Dickie, George. *Art and the Aesthetic*. Ithaca, New York: Cornell University Press, 1984.
- . *The Art Circle: a Theory of Art*. Chicago Spectrum Press, 1997.
- . "The Institutional Theory of Art." *Theories of Art Today*. Edited by Noel Carroll. Madison, Wisconsin: University of Wisconsin Press, 2002.
- Eaton, Marcia. "Art, Artifacts, and Intentions." *The American Philosophical Quarterly*, 6 (1969).
- Edidin, Aron. "Three Kinds of Recording and the Metaphysics of Music." *British Journal of Aesthetics*, 39 (1999).
- Fodor, Jerry. "Déjà vu all over again: How Danto's Aesthetics Recapitulates the Philosophy of Mind." *Danto and his Critics*. Edited by Mark Rollins. Cambridge, Massachusetts: Blackwell Publishers, 1993.
- . *In Critical Condition: Polemical Essays on Cognitive Science and the Philosophy of Mind*. Cambridge, Massachusetts: MIT Press, 1998.
- Frankfurt, Harry. "Freedom of the Will and the Concept of a Person." *Free Will*. Edited by Gary Watson. Oxford University Press, 2003.
- Gaut, Berys. "Interpreting the Arts: The Patchwork Theory." *Journal of Aesthetics and Art Criticism*, 51 (1993).
- . "The Ethical Criticism of Art." *Aesthetics and Ethics: Essays at the Intersection*. Edited by Jerrold Levinson. Cambridge University Press, 1998.
- . "Art as a Cluster Concept." *Theories of Art Today*. Edited by Noel Carroll. Madison, Wisconsin: University of Wisconsin Press, 2002.
- Goldman, Alan. "Realism about Aesthetic Properties." *Journal of Aesthetics and Art Criticism*, 51 (1993).
- Gracyk, Theodore. "Listening to Music: Performances and Recordings." *Journal of Aesthetics and Art Criticism*, 55 (1997).
- Grice, H.P. "Meaning" 1957
- . "Utterer's Meaning, Sentence-Meaning, and Word Meaning" 1968
- . "Utterer's Meaning and Intentions." *Philosophical Review*, 78

- (1969).
- . "Meaning Revisited." 1982
- . *Studies in the Way of Words*. Harvard University Press, 1989.
- Iseminger, Gary. "The Work of Art as an Artifact." *The British Journal of Aesthetics*, 13 (1973).
- . *The Aesthetic Function of Art*. Ithaca, New York: Cornell University Press, 2004.
- Kieran, Matthew. "Pornographic Art." *Philosophy and Literature*, 25 (2001).
- . *Revealing Art: Why Art Matters*. London: Routledge, 2005.
- Kim, Jaegwon. "Multiple Realization and the Metaphysics of Reduction." *Philosophy of Mind: Classical and Contemporary Readings*. Edited by David Chalmers. Oxford University Press, 2002.
- Kivy, Peter. *Introduction to a Philosophy of Music*. Oxford University Press, 2002.
- Krausz, Michael. "Interpretation and its Objects." *Is There a Single Right Interpretation?* Edited by Michael Krausz. University Park, Pennsylvania: The Pennsylvania State University Press, 2002.
- Lamarque, Peter. "Aesthetic Essentialism." *Aesthetic Concepts: Essays After Sibley*. Edited by Bradley and Jerrold Levinson. Oxford University Press, 2001.
- Levinson, Jerrold. *Music, Art, and Metaphysics*. Ithaca, New York: Cornell University Press, 1990.
- . "Erotic Art." *Routledge Encyclopedia of Philosophy*. Edited by Edward Craig. London: Routledge, 1999.
- . "Hypothetical Intentionalism: Statement, Objections, and Replies." *Is There a Single Right Interpretation?* Edited by Michael Krausz. University Park, Pennsylvania: The Pennsylvania State University Press, 2002.
- Lewis, David. "Mad Pain and Martian Pain." *The Nature of Mind*. Edited by David Rosenthal. Oxford University Press, 1991.
- Margolis, Joseph. *What, After All, is a Work of Art?* University Park, Pennsylvania: The Pennsylvania State University Press, 1999.
- McGinn, Colin. "Can We Solve the Mind-Body Problem?" *Philosophy of Mind*. Edited by David Chalmers. Oxford University Press, 2002.
- Nagel, Thomas. "Sexual Perversion." *The Philosophy of Sex: Contemporary Readings*. Edited by Alan Soble. Rowan and Littlefield Publishers, Inc., 2002.
- Niblock, Howard. "Musical Recordings and Performances: A Response to Gracyk." *Journal of Aesthetics and Art Criticism*, 57 (1999).
- Putnam, Hilary. "Meaning of 'Meaning'." *Philosophy of Mind*. Edited by David Chalmers. Oxford University Press, 2002.
- Scalfani, Richard. "Art and Artifactuality." *The Southwest Journal of Philosophy*, 1 (1970).
- Schiffer, Stephen. *Meaning*. Oxford: Clarendon Press, 1972.

- . *The Remnants of Meaning*. Cambridge, Massachusetts: MIT Press, 1987.
- Shelley, James. "The Problem of Non-perceptual Art." *British Journal of Aesthetics*, 43 (2003).
- Stalnaker, Robert. "What is it Like to be a Zombie?" *Conceivability and Possibility*. Edited by Tamar Gendler and John Hawthorne. Oxford: Claredon Press, 2002.
- Stecker, Robert. *Artworks: Definition, Meaning, Value*. University Park, Pennsylvania: The Pennsylvania State University Press, 1997.
- Walton, Kendall. "Transparent Pictures: On the Nature of Photographic Realism." *Critical Inquiry*, 11 (1984).
- . *Mimesis as Make-Believe*. Harvard University Press, 1990.
- Weitz, Morris. *The Opening Mind*. Chicago University Press, 1977.
- Wittgenstein, Ludwig. *Philosophical Investigations*. Translated by G.E. M. Anscombe. Oxford: Blackwell Publishers, 1953.
- Zangwill, Nick. "Groundrules in the Philosophy of Art." *Philosophy*, 70 (1995).
- . *The Metaphysics of Beauty*. Ithaca, New York: Cornell University Press, 2001.
- . "Are There Counterexamples to Aesthetic Theory of Art?" *The Journal of Aesthetics and Art Criticism*, 60 (2002).
- Zemach, Eddie. *Real Beauty*. University Park, Pennsylvania: The Pennsylvania University Press, 1997.

## Curriculum Vitae

Christopher Domhnall Mag Uidhir

Education

1994-1998 Texas Christian University  
B.A. History, B.A. Philosophy

1998-1999 Brown University  
A.M. History

2000-2007 Rutgers University  
Ph.D. Philosophy

Publications

"Recordings as Performances," *The British Journal of Aesthetics*, 47 (2007).