British Journal of Aesthetics, Vol. 41, No. 2, April 2001

ARTWORKS VERSUS DESIGNS

John Dilworth

I. ART, DESIGN, AND INTENTIONS

THE DISTINCTION of art from craft is a familiar one. Artistic intentions and activities produce artworks, while, it is sometimes held, (exclusively) craft-based intentions and activities produce instead only 'craft objects', which are not artworks.[1]

But there is another, arguably more significant, distinction between artistic and more mundane intentions, activities, and products—bearing some resemblance to artistic ones but yet being distinct from them—which (strangely enough) seems not to have been clearly proposed or investigated yet (or at least, not in the specific way in which I shall make the distinction).

The distinction I have in mind is that between genuine artistic intentions (or activities) and artworks versus what could be called *design* intentions (or activities) and *design* products. Examples of design products would include a specific type of car or motor vehicle, such as a Rolls-Royce, or any other invention or device, as well as closer relatives of art such as decorative wall or furnishing designs. Correspondingly, design intentions or activities are any of the intentions, or activities, which go into designing and actually producing some design product.

It might be thought that the class of design products is co-extensive with that of artefacts, and hence that I am merely discussing the more familiar distinction of artworks from artefacts.[2] However, though a good case can be made that any artefact must be *made* (rather than, for instance, just naturally occurring, or becoming so simply in virtue of someone *declaring* it to be thus),[3] it seems clear enough that not every artefact need be *designed* prior to its being made. For example, even birds and monkeys can make tool-like artefacts, but few would

[1] The *locus classicus* for a distinction of art from craft is R. G. Collingwood, *The Principles of Art* (New York: Oxford U.P., 1945). There is a useful recent discussion of the distinction in M. A. Boden, 'Crafts, Perception, and the Possibilities of the Body', *British Journal of Aesthetics*, vol. 40 (2000), pp. 289–301.

[2] Stephen Davies, in his book *Definitions of Art* (Ithaca: Cornell U.P., 1991), provides a useful overview of various positions on artefacts and artworks.

[3] George Dickie, in his later works such as *The Art Circle: A Theory of Art* (New York: Haven, 1984), argues for this view.

claim that they *intentionally design* the tools that they make. Thus issues concerning the intentions of designers play a significant part in discussing design products, just as a consideration of artistic intentions is integral to discussions of artworks.[4]

Returning briefly to the art/craft versus art/design contrast, a summary point showing their distinctness is as follows. If we accept R. G. Collingwood's account of the art/craft distinction, a critical difference between art and craft is that artistic activities are creative whereas craft activities are not, since (on Collingwood's account) they merely follow pre-established rules or recipes. However, the art/design contrast cannot be made in those terms, since it is clear enough that some design intentions and activities can be just as creative and original (in their own ways, of course) as paradigm cases of creative artistic activities. Museums that celebrate the originality and creativity of car and furniture designers, or of the work of significant inventors, are celebrating genuine creative achievements, whereas no amount of excellence of craftsmanship can (by itself) achieve any creative results at all.

Thus, designers can be creative, but (I claim) their design intentions, activities, and products are not, as such,[5] *artistic* intentions, activities, or artworks.

But then in what does the difference between art and design consist? As a first approximation to the solution I shall propose, Arthur Danto's account of the difference between artworks and (what he calls) 'mere real things' may be invoked. It will turn out that design products are indeed 'mere real things' whereas artworks are not, but my account of artworks will rely even more heavily on the role of an artist's intentions than does Danto's account.[6] I shall also draw attention to the differing roles played by the intentions of the artist versus those of the designer.

With respect to the intentions of an artist, a further element of Danto's approach to artworks may usefully be invoked, namely his 'method of indiscernibles', by which he argues that, of two perceptually indiscernible objects, one might be a work of art while the other is not, or (in another case) each might be a different artwork. In the second case, the differing intentions of each artist seem relevant in some way to distinguishing the two artworks from their corresponding indiscernible objects.[7]

However, since the objects in question are distinct objects with different causal histories, it is always open to objectors to claim that it is the distinct causal

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[4] A fuller discussion of the distinction is given in Section IV, including cases of designs that do not result from any design intentions or activities.

[5] I would not deny that a design object might come to be *regarded* or *used* as an art object, but (for example) even if a rock is used as a hammer, or regarded as such by its user, it does not thereby become a hammer.

[6] For example, as in A. C. Danto, *The Transfiguration of the Commonplace: A Philosophy of Art* (Cambridge, MA: Harvard U.P., 1981).

[7] Danto, *The Transfiguration of the Commonplace*, ch. 1.

histories (or some other factors connected with the distinctness of the objects), rather than the distinct intentions in question, which are actually what differentiates the two artworks.[8] Hence it would be very desirable, if possible, to find a case in which a *single* object (with a single causal history) is worked on by two different artists, each with different intentions, in which it is plausible to claim that two distinct artworks result from their artistic efforts.

If such a case were possible, one would have a 'pure' case of distinct artistic intentions providing both a necessary and sufficient condition for the distinctness of the corresponding two artworks. I shall shortly provide such a case.

On the other hand (to return to the main theme of this article), if it turns out that similarly distinct *design* intentions on the part of two designers as applied to a single object could result in only *one* finished design object, then a critical difference between the role of intentions in art versus design activities and products would have been identified, and hence a critical difference between art and design generally. (I shall show this after providing the promised artistic example.)

Another advantage of the artistic case to be provided will be that it will also show that neither artwork in question could be a type or universal,[9] since distinct types of the same general kind could not be co-instantiated by a single concrete object (example: no particular car can be both a Ford and a Pontiac, since each is a distinct kind of car).[10] But since cars and other 'type' objects provide paradigm cases of (tokens of) *design* objects, another critical difference between artworks and design objects will have been uncovered.

II. TWO SCULPTURES, ONE OBJECT

Here is the promised artistic example. Natalia and Seamus are sculptors who

[8] For various criticisms of Danto's view see M. Rollins, *Danto and His Critics* (Oxford and Cambridge, MA: Blackwell, 1993).

[9] Support for a 'type' view as applied to at least some works of art is provided by (among others) N. Carroll, *A Philosophy of Mass Art* (Oxford: Clarendon Press, 1998); G. Currie, *An Ontology of Art* (Basingstoke: Macmillan, 1989); J. Margolis, *Art and Philosophy* (Brighton: Harvester, 1980); and R. Wollheim, *Art and Its Objects : With Six Supplementary Essays*, 2nd edn (Cambridge: Cambridge U.P., 1980).

[10] This is so for the following reason. Types that are *not* of the same general kind (such as warmth and hardness) have their distinctness as types determined by the categorical differences of their general kinds rather than by their extensions, so that an object can be both warm and hard, for example. However, types that *are* of the same general kind instead have their distinctness as types determined by their relations as subsets of the extension of the general kind in question. Thus, if their extensions are disjoint then the types are indeed distinct; but any overlap in extension (so that there would be objects to which both types apply) would merely show that after all the types were not distinct. A biological example is provided by two species of the same genus: the species only count as distinct if there is no animal belonging to both species. A potentially more contentious example concerns the possibility of items of furniture such as 'sofa beds', specimens of which are both sofas and beds. However, such a case does not provide a counter-example to the present 'disjointedness of distinct types' principle, but instead merely shows that beds and sofas are overlapping rather than distinct types. (My thanks to the Editor for this putative counter-example.)

gradually become acquainted with one another via occasional, random meetings at the bronze foundry whose services both make use of. Each works in a modernistic, abstract style. Some of Natalia's works are similar to those of Seamus, but others are not.

Seamus and Natalia have great difficulty in communicating, partly because Natalia is an expatriate Russian with a very limited command of English. But even so, even when Seamus is reasonably satisfied that he understands what Natalia is trying to tell him, he can make little or no sense of the ways in which she describes both her own works and those of Seamus too. What is more, apparently she has similar problems with Seamus's attempts to explain his own works to her, or to describe how hers affect him. It is as if their divergent cultural origins have given them fundamentally different outlooks on art, in spite of the occasional, superficial similarities in some of their works.

One day, when they run into each other, they discover that a striking coincidence has occurred: each has been promised that one of their works will be included in an important exhibition in their respective countries. But what is also striking is that each also faces a major roadblock in acceptance of his or her opportunity. Each is required to submit a major, large-size bronze sculpture to their respective exhibitions, but neither of them can afford more than half of the tremendous costs associated with having such a large work cast at the foundry where they meet.

Each of them is rapidly becoming desperate, because for each the tremendous opportunity to advance his or her own career makes rejection of their respective offers unthinkable. Yet at the same time acceptance seems impossible because no one will extend either of them individually enough financial credit to go ahead with their respective opportunities—as mentioned, each has only about half of the financing that would be required to complete their projects.

Well, desperate situations lead to desperate solutions. One of them (it doesn't matter who) has a flash of inspiration. As sculptors working with industrial materials such as bronze, each is comfortable with their everyday artistic working conditions, in which it is commonplace for industry professionals to assist the artist at every stage of an artwork, from the conception in sketches and clay models right through to the final casting of a work.

Thus, as professional sculptors, each knows that his or her exclusive artistic control over their own work is completely compatible with other people having played some part in its production. What is important for such exclusive, complete artistic control by an artist is that at every stage the artist him or herself has complete freedom of decision as to whether or not to accept any changes in their work from its previous state, whether those changes are the result of her own work or of the actions of a professional assistant.

The flash of inspiration in question could be expressed as follows. Its first stage involves the realization by Natalia and Seamus that each of them could use the

other as their professional assistant—that Natalia could work on her sculpture, using Seamus as her assistant, while at the same time Seamus could work on his sculpture using Natalia as his assistant.

But the second and most critical part of the flash of inspiration is still to be expressed. It starts with the realization that the idea of some changes in a work being artistic changes made by an artist (those changes made by an artist after assessment of any 'assistive' changes made by an assistant in a work) is an idea that is relative to the perspectives and intentions of the person who is making the changes.

In the usual situation, an artist views his or her changes in a work as artistic changes, while his or her assistant views their changes as 'assistive' changes. However, as far as the object itself being worked on is concerned, it merely undergoes changes due to the actions of each person—there is nothing in the changes themselves which provide physical evidence of whether or not they are artistic or assistive changes.

The final stage of the flash of inspiration occurred when Seamus and Natalia realize that there is an additional kind of relativity involved in the ideas of artistic and assistive changes. It is that one of them could regard a given change as artistic (as a change made by her in her capacity as an artist), while the other could legitimately regard the very same change as assistive.

Natalia and Seamus thus realize that this makes it possible for each of them to work upon and make changes in the very same object. Each of them can regard that object as their own personal art object, and view their own changes to it as artistic changes, while at the same time viewing any changes made by the other in that object as assistive changes. At the completion of the project, each will have produced his or her own work of art. But by each working upon the very same object in this way, they will have halved their individual costs and made it possible for each of them to complete their project within their individual budget limitations.

Of course, actually carrying out this project involves many difficulties for Natalia and Seamus. First of all, neither has any desire to collaborate with the other in producing a single work of art for which they would jointly be the artists. Their fundamental lack of comprehension of each other's artistic outlook and point of view would make this impossible in any case.

Secondly, they realize that in order for each to achieve a work of art which is legitimately his or hers alone, they will have to enforce a mutual non-communication policy. Each will have to make any desired changes in the object with no information at all about why the other made his/her changes (if any).

This likely means that there will be various false starts and blind alleys, i.e. cases where one of them modifies it in a certain direction, but the result of which proves to be impossible for the other to modify it in a way which is artistically

satisfying to him/her. Nevertheless, each knows that since some of their previous works are similar, it should be possible for them to proceed in this manner.

Thirdly, each must agree that the other has an unrestricted right to make changes in the object until satisfied that his/her own artwork is completed. In particular this means that the project is not finished until both simultaneously regard their works as completed. Thus, each has an unrestricted right to modify or destroy (by making changes in it) even a finished work by the other, if its existence is incompatible with his/her own work achieving completion.

These conditions are certainly draconian. However, once embarked on this difficult enterprise, Seamus and Natalia do find an unexpected benefit from their unusual working procedure. At each stage, novel creative possibilities are suggested to each of them by the unexpected changes make in his/her own work by the other. Thus the experience turns out to be artistically liberating for each, in spite of their uniquely constrictive working conditions.

As expected, the project of each artist takes longer than their usual time for completion of a work, due to various false starts and unusual turns in their projects. But eventually their works are completed to the satisfaction of each. Seamus calls his work 'Epiphyte II', while Natalia entitles hers 'Homage to Malevich'.

Fortunately, the exhibition of Natalia's work is scheduled during a period that does not overlap with that for Seamus's later exhibition, so each is able to exhibit his/her own sculpture as desired without any practical difficulties arising.

After the exhibitions, the two artists work out an arrangement according to which each loans the sculptural object to the other for a specified period. Each artist is also successful at finding a buyer for their respective works, in one case a devoted collector of Natalia's art, in the other an enthusiast of Seamus's bronzes. Of course, the buyers too have to agree to the unusual loan conditions in order for either's purchase request to be accepted.

Subsequently Natalia's work begins to gain international recognition, so that one buyer after another is able to resell 'Homage to Malevich' at great profit to another eager collector (who must, of course, agree to abide by the same loan conditions as before.) However, Seamus's work 'Epiphyte II' enjoys only a somewhat more modest success, and so his work remains comparatively inexpensive as it passes through the hands of a succession of collectors. Thus ends the example.

As should be clear, I have tried to construct the example in such a way that there can be little doubt concerning the artistic distinctness and independence of the two sculptures 'Homage to Malevich' and 'Epiphyte II', in spite of the fact that each is associated with only a single sculptural object.

I think that this sculptural example shows at least the following. First, since there are two distinct sculptures, but only one sculptural object, neither can be identical with it, so neither is a concrete particular or (in Danto's terminology)

a 'mere real thing'.[11] What is more, the example gives this result without any (initial) need to bring in considerations of the role of the artworld, or of the role of interpretations of artworks, as does Danto's theory (which is not to deny that a deeper analysis of what underlies the possibility of such an example might invoke such concepts).

Second, the example does, as promised, provide a 'pure' case of distinct artistic intentions providing both a necessary and sufficient condition for the distinctness of the corresponding two artworks, since the only difference between the sculptures is provided by the distinct intentions with which Natalia and Seamus worked upon the corresponding single sculptural object.

And third, the example also shows (as pointed out in the previous section) that neither sculpture could be a type or universal (nor a token or instance of such), since the 'disjointedness of distinct types' principle applies,[12] namely that distinct types or universals of the same general kind could not be co-instantiated by a single concrete object, and hence to that extent it distinguishes artworks from design objects, which in paradigm cases *are* types (or tokens thereof).[13]

III. TWO DESIGNERS, ONE DESIGN

Now I shall raise the question as to whether the above case of two distinct sculptures—produced by different artists, yet being associated with a single sculptural object—could be matched with a parallel example, in which two *designers* with differing design intentions each produces his or her own distinct design product, and do so under the same restrictive conditions as before, namely that each works upon a single shared physical object, and does so without any discussion or collaboration with the other designer.

I claim that it is impossible to construct such a parallel example for the design case, and indeed that it is *conceptually* impossible to do so. One reason why this is so is because (as pointed out in the first section) paradigm cases of design objects are provided by cars and other type-based objects (for which individual cases are tokens of an appropriate type). Hence, given that design products are tokens of a design type, as before the 'disjointedness of distinct types' principle applies (any single token of a given type could not simultaneously be a token of some other type of the same general kind). Thus, for instance, a token of one particular type of car, produced by one designer, could not simultaneously be a token of another distinct type of car produced by another designer.

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[11] Danto, *The Transfiguration of the Commonplace.*

[12] See n. 10.

[13] But it should be pointed out that the same conclusion could be drawn from Danto's case of *two* indistinguishable objects which are different artworks, since presumably identical tokens of a type could not also be tokens of any distinct types of the same general kind, any more than could a single token. Thus if Danto's account is acceptable, there is already a conclusive argument available against paintings or sculptures being types.

However, it will still be useful to attempt to construct a design example that is as closely analogous as possible to the artistic case, as a way of showing how intentions play a very different role in design, as opposed to artistic, cases.

In the first place, any case in which an employer hires two designers for a project is one in which it is presupposed from the start that they are to produce a *single* resultant design product, no matter how different are the design intentions of the two designers. (This is the practical presupposition that corresponds to the logical point about design products being types.)

Also, the restrictive working conditions (each working independently and alternately, with no communications between them) would be just as draconian as in the artistic case, but one can imagine real-life cases where such a method might be used as a last resort, such as in a case of two brilliant but very argumentative designers, Jane and Enzo, who find it impossible to cooperate in a conventional way on a design project, since their design views and intentions are so different, but who could be persuaded or forced by their employers to work thus upon a single object.

There might even be some practical point or justification to the employer requiring Jane and Enzo to work in this manner, in that the employer might hope to achieve the best possible design result, in that it would be the result of *two* independent sets of design intentions, rather than just one set. For, even though it is impossible for two distinct design products to result from Jane and Enzo's efforts, it is possible (even if unlikely or very difficult) for the single resultant design to simultaneously realize the distinct intentions of each designer.

To see how this is possible, suppose that the design project for Jane and Enzo involves a futuristic car. Now of course in a real-life case there will be many design parameters (such as engine size, materials to be used, and cost) to which each designer must conform, but there could still be room for very different stylistic approaches by each designer.

The root cause of this possibility is that (whether in artistic or design cases) a given intention may be a sufficient condition, but it is never a *necessary* condition of whatever features of a physical result count as a successful carrying-out of it, because there are (in general) many ways in which an intention can be realized. For if instead there was a one-to-one correlation between intentions and results, then no result could simultaneously be the product of another intention as well; but since this is not so, a given resultant state of a physical object can correspond to the successful carrying out of more than one different intention, which hence would be *overdetermined* by such intentions (which thus provide sufficient but non-necessary conditions for the resultant state).

For example, a particular shape of the roof of a car could be intended or accepted by Enzo as being a kind of design flourish, expressing an unusual futuristic feeling, whereas Jane may have accepted or produced that shape of the roof (as part of her conception of the design) for quite different reasons, such as

that it is aerodynamically efficient, or that it accords well with other parts of her intended design, and so on.

Another way of expressing the possibility of overdetermination of a result by multiple intentions is in terms of reasons: there could be many reasons for producing a given design product feature (such as a roof with a particular shape), and each of these could be incorporated in an intention to produce that feature, which intention is justified by the reason in question.

Because of overdetermination, no design product feature (such as a particular roof shape) can be *individuated* purely by any one specific intention to produce it, and hence the different design intentions of Jane and Enzo are at best each merely a *causally* sufficient condition of the roof shape being what it finally ends up being. On the other hand, in the artistic case, the different intentions of Seamus and Natalia do serve to individuate their distinct works of art, and any specific features of them. Hence there is a fundamental difference, as claimed, between the role of intentions in the work of artists versus designers.

IV. MORE ON THE CONCEPT OF A DESIGN

The concept of a design will now be investigated more fully. So far designs have been claimed to be types (unlike artworks), and to be such that their tokens are distinct from artefacts in that there are artefacts (such as tools produced by birds or monkeys) that are not designed. (However, this last point will require some further discussion, to be provided shortly.)

One fundamental difference between artefacts and designs is, of course, that artefacts are particular physical objects, whereas designs are types. Hence it is the class of *tokens* of designs to which the class of artefacts most directly requires comparison.

Something should also be said about the relations between the *process* of designing something and the finished design *product*. On my account, it is the finished design product that is, properly speaking, (a legitimate token of) the 'design' in question. Admittedly, it is common to also speak about such things as plans or diagrams for a design product as being, or providing, 'the design' for the finished design product, but on my account such plans or diagrams are *representations* of the design (or of some possible token of the design) in question, rather than themselves constituting or being tokens of the design. Thus on my account *designing* activities are part of a planning or representing phase which is prior to the actual production of a design (or some token thereof), just as any creative artistic activities occur prior to the actual production of a finished artwork.

It is also necessary to consider perhaps unusual cases in which something may arguably be *recognized* as a (token of a) design without any prior designing activities having occurred in the causal history of the object in question. For example, a piece of driftwood, or some configuration in the sand on a beach, could be recognized as being (or having) an interesting design, in spite of the fact that

no one designed (or even made) the item in question (so that the item does not even qualify as being an artefact).[14]

Thus I claim that suitable natural or 'found' objects could (in addition to intentionally designed objects) also qualify as (tokens of) designs, so that neither artefactuality nor having been produced by some design process is a necessary condition of something's being a token of a design, or of its having a design.

To this extent, I would claim that designs are comparable to artworks, in that there are cases in which an object may be recognized as an artwork even if no artistic intent or activities were involved in its causal history (for example, if the object is from some culture which had no concept of art), and also in that there are cases in which an artwork is not an artefact, such as those when a piece of driftwood is legitimately exhibited as an artwork.[15]

Dickie and others have given a procedural account of how such objects as pieces of driftwood, which otherwise are not artworks, nevertheless acquire the status of being artworks,[16] but I claim that in the case of designs, there is in general no comparable procedural stage which is required in order that an object should become a design:[17] designs can, I claim, in many cases simply be recognized as such by competent individuals.

Nevertheless, it is important to limit the extension of the concept of a design in some way, so that not any object whatsoever qualifies as being a token of (or having) a design. I propose to do so by characterizing designs as a certain proper subclass of mere configurations or structures (which arguably are possessed by any object whatsoever).

On my account, a design is some configuration that (to competent observers) can be *regarded as if* a designer might have intentionally produced it, whether or not it was so produced. Or, to put the matter another way, a design is some *humanly interesting* configuration in an object, as opposed to configurations or structures in general which need not have any particular humanly interesting factors as part of their configuration.

Thus, on my account a design is any configuration that may be recognized (by suitably competent observers) to have at least some minimally striking or noticeable culturally significant component, of a kind that could plausibly be regarded *as if* it had been intentionally produced, whether or not it was so produced.

An implication of this view of designs is that there could be artefacts that are not designs (in addition to the above cases of designs which are not artefacts). For example, a device could be constructed to produce objects having random

[14] S. Knapp and W. Michaels discuss a sand-configuration case in G. Iseminger (ed.), *Intention and Interpretation* (Philadelphia: Temple U.P., 1992), ch. 4.

[15] Davies discusses such cases in ch. 5 of his *Definitions of Art*.

[16] For example in Dickie, *The Art Circle*, ch. 4.

[17] This not to deny that there might be some cases in which an object may become a design in a procedural manner; for example, see Section V, where such a case is discussed.

configurations of shape, surface texture etc. Each of these objects would be an artefact, but most of them would not be recognizable as designs, and hence would not qualify as designs.

Returning to the issue of there being artefacts (such as tools produced by birds or monkeys) which are not designed, it is still possible that in some cases such items would nevertheless qualify as being designs because they are recognizable as such. However, there could still be other cases where such recognizability is absent. For example, a case could be made that strictly speaking birds or monkeys do not make *tools* (since being a tool plausibly entails being or having a design), but rather that they make *artefacts* (such as a broken-off twig) which they *use* as tools, but which objects do not (usually) have a tool-related design because they are not recognizable as having such a design.

Two logical kinds of design should also be distinguished, namely (what could be called) *sortal* versus *qualitative* designs. *Sortal* designs are those designs in which the relevant term or description picks out a sort or kind of object, such as the design of a (particular model of) Rolls-Royce car. *Qualitative* designs, on the other hand, are those in which the relevant design term or description picks out some property or quality of an object. For example, a wineglass might be designed to be tulip-shaped, so that one would say that it *has* a tulip-shaped design, rather than that it *is* (a token of) a tulip-shaped design, as would be appropriate if it were a case of a sortal design instead. Qualitative designs could also be described as *design features* rather than as designs, to emphasize their non-sortal nature.

The possibility of qualitative designs provides another potential disanalogy between artworks and designs, in that visual artworks are often taken to be physical objects or particulars, rather than some of them (as with qualitative designs) being properties or qualities of objects.[18] Thus, though each visual artwork is associated with a (token of a) corresponding sortal design, design features would correspond not to visual artworks themselves, but instead to artistic *features* or *qualities* of visual artworks.

V. PIGGYBACK SORTAL DESIGNS

I now want to raise two potential problems for my account of designs, and show how they might be resolved. Consider a heap of garbage, which normally would not be considered to be, or be recognizable as, a (token of a) sortal design because of its cultural lack of interest, its fairly random specific configuration, and so on.[19]

Suppose that an established artist moves that heap of garbage into an art gallery, and declares it to be an artwork, in a legitimate enough way so that (on a

[18] But of course my sculptural double artwork example throws serious doubt on the first part of this assumption, regarding visual artworks being physical objects or particulars.

[19] Though photographers or others might be able to find a *qualitative* design or designs in various visual aspects of it.

procedural account of arthood such as that of Dickie) it thereby acquires the status of being a work of art. The first problem for my account is that there now seems to be an artwork (though admittedly a freshly minted one) without there being any corresponding sortal design. This is a potential problem because implicit in my discussion of the concept of 'design', and of how it should be distinguished from that of 'art', is a requirement that to each artwork there should correspond at least one sortal design token (one token in the case of visual arts such as painting and sculpture, and more than one in the cases of literature and the performing arts).

My solution for this potential problem is to claim that in such a case the configuration of the garbage heap has *become* of sufficient cultural interest (because of the procedural success of the heap's becoming an artwork) so that the heap *does* now qualify as a token of a sortal design. Thus the heap has become a sortal design token by virtue of a kind of implicit procedure, which piggybacks on the more explicit procedure by means of which the heap acquires its status as an artwork.

The second potential problem for my account concerns my claim that designs (whether sortal or qualitative) are types. To begin with, presumably it is true of types in general that, for any two perceptually indistinguishable objects A and B, if A is a token of type X, then B is also a token of type X.[20]

However, in the case of artworks which are particulars (such as paintings or newly promoted garbage heaps), it is not the case that perceptually indistinguishable objects A and B are both artworks if one is; indeed, a major reason for invoking a procedural theory of art is to explain how it is possible for one such object (such as the heap of garbage in an art gallery) to be an artwork even though an identical heap found elsewhere would not be an artwork.[21]

The potential problem (or what some might think of as a potential problem) for my account is that again there seems to be a mismatch between the concepts of art and design, in that my account has the implication that any identical heap of garbage outside the art gallery has, by virtue of the in-gallery 'procedural promotion' of the heap to sortal designhood, *also* become a sortal token of the same type as the heap inside the gallery, whereas there is no such 'procedural promotion' with respect to the outside heap's *arthood* status, since it remains as a non-artwork.

My solution to this potential problem is to deny that the mismatch is a genuine problem, and indeed to assert that the mismatch in actuality provides a good illustration of one way in which a type-concept such as that of a design is logically

[20] This principle holds for non-relationally defined types only; see the next section for a discussion of relationally defined types.

[21] In 'Art: Function or Procedure—Nature or Culture?', *Journal of Aesthetics and Art Criticism*, vol. 55 (1997), pp. 19–28, G. Dickie argues that both his theory, and that of Danto, are of such a procedural type.

different from a particular-object concept such as that of a visual artwork. Thus a mismatch should be expected on my theory.

Nevertheless, a more specific form of the problem might go as follows: that since I claim that sortal designs in general are recognizable as such, how can I account for the fact that various people who might happen to have identical garbage-heaps in their backyards, but who have no knowledge of the identical 'promoted' garbage-heap in the art-gallery, will still be unable to recognize their own heaps as being sortal designs of the relevant type?

My reply involves a clarification of the relevant sense of 'being able to recognize' a sortal type. For example, in scientific cases it is common for recognitional abilities to be very narrowly distributed among scientists, so that an ability to recognize a token of a certain fossil type may be possessed by very few of them. Also, new discoveries can allow a previously unrecognizable fossil type to become recognizable, but again, only by suitably informed scientists (or other enthusiasts). Thus my claim that sortal designs must be 'recognizable' as such does not deny that the possession of certain relevant kinds of knowledge may be necessary in order for a person to acquire the relevant recognitional ability. Thus in my account 'recognizable' means 'can be recognized by suitably informed or suitably competent persons', as implied by my initial recognizability claims.

VI. LITERARY VERSUS VISUAL DESIGNS

Now that some initial clarity has been achieved on artwork versus design issues with respect to visual artworks such as sculptures or paintings, it will be useful to briefly compare and contrast such cases with those of literary artworks and designs.

Jorge-Luis Borges has a well-known example in which he suggests that sections of the text of Cervantes's work *Don Quixote* could reappear in word-for-word identical form as a distinct literary work by another author, the fictional Pierre Menard.[22]

According to Borges, the very same text would, in Menard's version, serve as the basis for a work in a somewhat affected, archaic style, in spite of the fact that Cervantes's own literary work had no such archaic stylistic features. As a result, since each work sharing the same text has its own distinctive features of this or other kinds, each must be a different literary work, and also be distinct from the text which they have in common.

Now linguistic texts are types, as are designs. However, not any text is a design, since on my view only texts with at least a minimal level of meaning or

[22] Borges, 'Pierre Menard, Author of the *Quixote*', in J. L. Borges, *Labyrinths* (Harmondsworth: Penguin, 1985).

comprehensibility would normally count as designs (thus, for instance, a random sequence of words would not usually be a design).[23]

Thus on my view the text of a literary work is a (sortal) design type which, with the aid of Borges's argument, can (where applicable) be distinguished from various different corresponding literary artworks.

Given such distinctness arguments for literary designs versus literary artworks, enough resources are already available to mount an argument that literary artworks themselves cannot be types, any more than could visual artworks. For as noted at the end of Section II and elsewhere, by the 'disjointedness of distinct types' principle several identical tokens of a type could not also be tokens of any distinct types of the same general kind, any more than could a single token be of distinct but generally similar types (as in my sculptural double artwork example).

The applicability of this type-principle to the present case is as follows. If the literary artworks of Menard and Cervantes *were* each regarded as distinct literary types, each of whose tokens were (presumably) tokens of the identical textual passages in question, then those same tokens would (of course) be tokens of two distinct but generally similar types. But since this is impossible, such literary artworks cannot be types.

An attempt to avoid this conclusion might be made using (what could be called) a '*token segregation*' strategy. Instead of assuming that any identical tokens of the textual design in question are of the same type, an attempt might be made to segregate tokens into *Cervantes-tokens* and *Menard-tokens*, for example on the ground that only tokens printed in a volume with Cervantes's name on the cover should count as Cervantes tokens, and similarly for Menard. Thus, on this approach, Menard-artwork tokens are not simultaneously Cervantes-artwork tokens, and vice versa, so that the previous type-problem does not arise.

However, this attempt initially seems to fall foul of another previously invoked general principle about types, namely that, for any two perceptually indistinguishable objects A and B, if A is a token of type X, then B is also a token of type X. Nevertheless, as noted in the previous section, that principle holds true only for non-relational types (such as designs), so if it can be argued that 'token segregation' of the kind in question could produce *non*-relational types, this strategy has not yet been defeated.

Here is an attempt to explain in relatively neutral terms what might be involved in such a 'token segregation' strategy. The idea seems to be that, with respect to Cervantes's creation, there is a class of (what could be called) *legitimate associated artefacts*, or LAAs, each of which is a token of the textual design in question, but which are also differentiated from a distinct class of Menard-related LAAs (which are also tokens of the same textual design) by relational features

[23] Not, that is, unless it happened to be promoted to designhood via piggybacking on an artistic procedural creation of some corresponding literary artwork, which employed that exact sequence of words.

peculiar to each artefact, such as that the Cervantes LAAs are included only in volumes with Cervantes's name on the title page, and similarly for those of Menard.

The question then becomes whether membership in such a set, by an appropriate artefact which is a token of the relevant textual design, is sufficient for that artefact to be also a token of some relevant *artistic* type which *constitutes* Menard's or Cervantes's literary work.[24]

How might this issue be resolved? I believe that possibly the only definitive way to do so is to invoke concepts and methods similar to those used in my sculptural double artwork example, and thus to defeat the effort to achieve token segregation by finding cases in which at least one such supposed artwork token would (*per impossibile*) simultaneously have to be a token of another artwork, without any possibility of segregation.

Here is how this would work. As a preliminary, imagine that in my sculptural double artwork example the original single sculptural object which provided the physical basis of both Natalia's work 'Homage to Malevich' and Seamus's work 'Epiphyte II' is, with the agreement of both artists, itself duplicated. Since the work in question was a bronze cast, this would simply require another cast to be prepared using the same original mould, so that each cast is artistically on an equal footing with the other. Thus if one embodies the work of both sculptors, then so does the other. Hence the result of this process would be two distinct sculptural artefacts, each of which has full claim to embody both Natalia's and Seamus's work. And of course more legitimate copies could also be made if both artists gave their approval to such a procedure.

Perhaps it is clear enough that a type-theoretical explanation of such artefacts, which would seek to regard them as tokens of an artistic type, must fail because each such artefact would (*per impossibile*) simultaneously have to be a token of two distinct types (one for each artist's work) of the same general kind. For in this case a token segregation strategy is not possible, since each individual artefact, viewed as a putative token, already has full claim to be a legitimate token of both putative types.

A possible objection to this argument should be considered which involves changing the example somewhat. Suppose that Natalia and Seamus agreed, as a matter of practical convenience, to split the initial two artefacts between them so that Natalia would exhibit copy number one as her work and Seamus would exhibit copy number two as his work. Then, the objection would run, has not a *de facto* token segregation been achieved, in which Natalia's copy is her work but no longer Seamus's work, and vice versa for Seamus's copy, so that after all a type-token explanation of such artworks remains an open possibility?

[24] This question must of course be distinguished from the trivial one of whether, for example, each Menard LAA is a token of the type 'being a member of the Menard LAA set'.

My reply to this objection is that it conflates two different senses of ownership. All that Natalia and Seamus have agreed to (as a matter of practical convenience) is that each should have *legal* ownership or custody of a given copy of their work. Thus Natalia's copy is 'her copy', and fails to be 'Seamus' copy', only in the legal sense that Natalia but not Seamus has legal title to copy number one, by virtue of their contractual agreement to split the copies among them. But this contract has no bearing on the issue of the *artistic status* of each copy, which remains as before, such that each copy embodies both artworks simultaneously. Hence the objection on behalf of a type-approach fails.

Now that a sculptural double artwork case involving multiple artefacts has been discussed, it only remains to extend the procedure used to linguistic cases. Without constructing an example in detail, what is required is a hypothetical case in which two authors with very different backgrounds and intentions independently work upon producing a single text or textual design. (As with the sculptural case, different intentions and independent working conditions are required so as to avoid the case collapsing into one of joint authorship of a single artwork.)

In a successful case the resultant text would embody two distinct literary artworks, one for each author, and thus any tokens of it would also simultaneously embody both artworks, thus making token segregation impossible and hence showing that literary artworks could not be types any more than could sculptures.[25] Thus in literary cases too the suggested distinctions between artworks and designs can be maintained.

However, the undermining of type-based theories of art naturally raises questions as to what alternative kind of theory could serve as a replacement in an account of the ontology and identity of artworks and designs.[26] But an investigation of those questions will have to wait for another occasion.[27]

John Dilworth, Department of Philosophy, Western Michigan University, Kalamazoo, MI 49008, USA. Email: dilworth@wmich.edu

[25] It should be noted that this kind of double artwork counter-example is potentially effective against *any* type-based theory of art, including sophisticated versions such as that of Jerrold Levinson as applied to music in his article 'What A Musical Work Is', in J. Levinson, *Music, Art, and Metaphysics: Essays in Philosophical Aesthetics* (Ithaca: Cornell U.P., 1990), in that double artwork counter-examples specifically undermine the type-based logical status of a theory, no matter how (otherwise) successfully any types in question might be characterized.

[26] In an unpublished paper, 'A Representational Theory of Artifacts and Artworks', I attempt to provide an alternative account in terms of artworks being *represented* by artefacts (in place of the discredited view of artefacts being tokens of artwork types).

[27] My thanks to the Editor for many helpful suggestions for improvements to the original version of this article.