

Artwork and Document in the Photography of Louise Lawler
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Some things are artworks, and other things are not. The facts that determine whether something is an artwork, however, are not like the facts about whether something is an alligator or a crocodile; while the names 'alligator' and 'crocodile' are human contrivances, the categories to which they refer include organisms that really do differ in systematic ways that are independent of human beliefs and practices. What makes Duchamp's *In Advance of the Broken Arm* an artwork while other snow shovels manufactured in the same batch are not, on the other hand, is a set of social facts that cannot in any way be divorced from human beliefs and practices.

So, some snow shovels are artworks, and others – most others – are not. The same goes, I take it, for photographs: some of them are artworks, and (especially given the ubiquity of inexpensive photographic equipment these days) most are not. What are the facts that make it the case that a particular photograph, or a particular body of photographs, is art? I will consider this question in relation to the work of Louise Lawler, which walks a line that often separates artworks and mere photographs: namely, the line of documentation. A kind of photograph that is frequently taken and presented in artistic contexts (e.g., in exhibition brochures and catalogues) is a photograph intended to document an artwork or exhibition. Typically, such photographs are not considered by anyone to be artworks, or even to be in candidacy for the status of artworks.

Louise Lawler's photographs, while they document artworks and the spaces in which they are displayed, are not mere documents: they are artworks in their own right. What makes this the case? Is it something about the photographs themselves, about the way in which they are interpreted, about Lawler's intentions, about the discourse with which she frames them, about the contexts in which they are exhibited and collected? These are the questions that will animate this discussion.

I will defend a cluster account of art according to which, while there is no individually necessary condition for arthood, there are individual conditions that count toward arthood and clusters of conditions that are jointly sufficient for an object to be art.¹ That is to say, there is more than one way for an object to come to be art. In this essay I will flesh out the content of my favored cluster account by discussing the contribution that particular conditions make to the arthood of specific works by Lawler and others.

The issue of when and under what conditions something is art arises in an especially pressing way for photography due to its many non-artistic applications. An account of what the arthood of artistic photographs consists in, I take it, will be central to understanding photography as an art.

I. LAWLER'S WORK

INSERT FIG. 1 ABOUT HERE

Much of Lawler's oeuvre consists of photographs of artworks created by others. The artworks are photographed in a variety of settings: at auction (fig. 1), in the exhibition spaces and storage rooms of museums or galleries (fig. 2), and in corporate (fig. 3) or private (fig. 4) collections. Lawler sometimes follows the trajectory of a particular work as it moves from one setting to another: for instance, some works are shown both hanging in a private home and at auction.

There is something destabilizing about Lawler's work at times, particularly when it is seen in representations. Looking at an image that is credited to Lawler, one wonders: Is this a picture Lawler took of someone else's work, a picture someone else took of one of Lawler's works, or both? The cataloguing of her work sometimes reveals a similar confusion. Her work *Nude* (fig. 2) is a photograph of a painting by Gerhard Richter lying on its side in preparation for installation. But in the on-line ARTstor database, an installation view of the photograph is rotated 90 degrees so that Richter's painting, but not the Lawler work being catalogued, appears upright. The medium of the work is also listed as painting rather than photography, though Lawler (rather than Richter) is credited as the artist.²

INSERT FIG. 2 ABOUT HERE

Lawler has sometimes played on this destabilizing aspect of her work, though not excessively. Her 1995 work *They Have Always Wanted Me to Do This* depicts one of her own earlier photographs, *Auction II* (1989/1990). *Auction II* shows two works (by other artists) hanging at auction; *They Have Always Wanted...* shows *Auction II* framed and hung on a background of worn floral wallpaper in a gallery.

Lawler also collaborated with Douglas Crimp on his book *On the Museum's Ruins*.³ In that book, she made three different types of photographic contributions. Some of her artworks are *directly presented* in the book, without captions: there are series of pages where Lawler's photographs are juxtaposed with text, making up a body of text-image works. Some of her photographic works from earlier years are *represented* in the book to illustrate points made by Crimp, with captions attributing the works to Lawler and identifying their titles and years of production. Finally, Lawler took some of the installation photos of artworks produced by others that Crimp used to illustrate his discussion. The installation photographs in this latter category do not appear to be artworks by Lawler; they are, instead, installation shots of the sort standardly produced by professional photographers outside of any art-making practice.

A foil for my discussion of Lawler will be Larry Qualls. Qualls has taken over 100,000 photographs of works (including Lawler's) shown in contemporary art exhibitions since 1980.⁴ Qualls's photographs are not regarded or treated as art. What makes for the difference between Lawler's project and Qualls's, such that Lawler's photographs of other people's works are artworks while Qualls's are not?

II. WHAT KIND OF QUESTION IS THIS?

As I've said, my aim is to establish what makes Lawler's photographic works – except for such photographs as the installation shots she produced for Crimp – art when other photographs that resemble them to varying degrees are not. But before trying to answer the question of what makes Lawler's works art, we should consider just what kind of question it is. Is it a sociological question about which features of the work have, in actual fact, caused people (especially artworld authorities) to accept it as art? Or is it a normative question that may be answered from the philosophical armchair, perhaps with a great willingness to revise or reject artworld views?⁵

In reality, the question – and the answer I will supply – has both sociological and normative elements. Art is essentially embedded in a set of social practices, and the nature of its products is determined in part by the nature of the social interactions and frameworks within and through which those products are made. To try to change those institutions and their practices would be, speaking loosely, a political project, which is not my aim. My aim is to try to understand them, which involves identifying the principles underlying them. This is a normative, as opposed to merely a sociological or descriptive, project because social practices as complex and diffuse as those constituting the artworld are inevitably somewhat chaotic and not entirely rule governed. To identify the principles underlying such practices is to identify the curves along which the relevant data points are roughly arrayed. These principles can then serve to justify future moves within the relevant practices.

My discussion will thus be significantly informed by the ways in which Lawler's works have actually been incorporated into social practices. But, as we will see, much of the treatment of Lawler's photographs presupposes, rather than determines, that the photographs are artworks. Part of my aim, then, is to disentangle the various ways in which Lawler's works are embedded in the practices of art and to ascertain which aspects of this embedding are responsible for their being artworks in the first place.

It is important for the success of my argument that the arthood of Lawler's works is not in question. My aim here is not to *argue* that Lawler is an artist; it is, rather, to use the uncontroversial fact that Lawler is an artist, and that many of her photographs clearly are artworks, as an occasion for understanding the conditions that determine the status of a body of photographs as art.

One might wonder whether and how this question, or its answer, really matters. Isn't it a persnickety philosopher's question to ask whether or not something is art, or to think there are boundaries that separate art from other things and to try to figure out what they are? A compelling version of this worry can

be seen as growing out of Lawler's work itself, whose aim, as Andrea Fraser puts it, is to "disrupt the institutional boundaries which determine and separate the discrete identities of artist and art work from an apparatus which supposedly merely supplements them."⁶ Is the identification of Lawler's photographs as artworks, in opposition to other, similar photographs that are not artworks, somehow revealed as or rendered inappropriate by Lawler's work itself?

To say that Lawler's work breaks down the boundary between artworks and non-artworks, though, would be to overstate its radicalness. Her work motivates us to consider *why* the photographs of Larry Qualls are not themselves art, but it does not motivate us to think that they are, in fact, artworks, or that there is no separation between artworks and other things. Her work might prompt us to rethink the nature and location of the art / non-art boundary; but if so, the investigation I am undertaking here seems to be entirely in the spirit of her project.

III. PHOTOGRAPHY AS AN ARTISTIC MEDIUM

A natural thing to say about oil paintings and bronze sculptures is that they are artworks by virtue of belonging to recognized artistic media. Photography is also (*pace* Scruton) a recognized artistic medium, and Lawler's works are photographs. Can we use Lawler's engagement with the artistic medium of photography to explain why her works are art?

To answer the question, we must first observe that belonging to an artistic medium involves more than simply being made from a certain kind of stuff. Oil painting on canvas is a recognized artistic medium, and there is no widespread non-artistic application for the materials of oil painting. Thus, the fact that something is an oil painting on canvas virtually guarantees that it participates in the artistic medium. I say "virtually guarantees" because, presumably, someone could have a decidedly non-artistic reason to apply oil paint to canvas: perhaps painted canvases are effective at keeping raccoons out of the vegetable garden. Thus, the mere fact that an object is made from the materials associated with an artistic medium is not sufficient to establish that the object is, in fact, articulated in that medium.⁷ However, it is, in the case of oil painting, a strong epistemic indicator that the object belongs to the medium.

The case of photography is different. While photography is an artistic medium, there are also widespread non-artistic applications of photography in family snapshots, scientific documentation, and so forth. Indeed, at this point in history, the majority of extant photographs clearly are not artworks. The fact that an object is made of photographic stuff or using photographic methods, then, not only isn't sufficient to position it in the artistic medium of photography; it's not even an epistemic indicator that it belongs to that medium (or, at most, it's a very weak epistemic indicator that functions in concert with other factors).

What, then, makes it the case that a photograph belongs to the artistic medium of photography? Consider David Davies' understanding of artistic medium:

A medium is a set of conventions (or shared understandings) whereby performing certain manipulations on a kind of physical stuff counts as specifying a certain set of aesthetic properties as a piece, and thus as articulating a particular artistic statement.⁸

To understand how medium functions in using shared understandings to allow for the articulation of an artistic statement, consider an example offered by John Dilworth:

[I]n many of his paintings Vincent van Gogh used a very free painterly style, which results in heavy brushstrokes being prominently visible in many of his works.... If the content of these works were interpreted literally or purely realistically ... one would have to conclude that these are pictures of hideously disfigured faces or horribly scarred landscapes.⁹

In fact, though, “the heavy brushstrokes express van Gogh’s vigorous way of seeing the perfectly ordinary, unscarred people and landscapes.”¹⁰

The medium of oil painting, then, is one in which, according to our shared understandings, only some of the features of the painted representation are to be understood as depicting features of the represented subject; others are to be understood, instead, as belonging to the painter’s distinctive stylistic vision. Were there no such shared understandings, artists who mean to make available new ways of seeing ordinary objects would likely be understood, instead, as presenting a grotesque menagerie of fantastical objects.

Let us now see whether and to what extent this sort of story can be transferred to photography. Consider, for example, black and white photographs. Our shared understandings allow us to distinguish between a color image that depicts gray objects and a black and white image; we thus do not understand the objects in a black and white photograph as gray objects. In a color photograph, we may recognize that a filter has been used, and we understand the photograph to contain not a representation of weirdly greenish objects, but a greenish representation of normally colored objects. Similarly, in both paintings and photographs, we typically understand that we are seeing a 2-dimensional representation of a 3-dimensional scene, not a representation of a bunch of flattened objects.

What allows us to draw these conclusions about which properties of the image belong to the represented subject and which do not? The following background knowledge and assumptions seem to be operative in our understanding of photographs: the widespread shared assumptions that were already established in relation to the pictorial medium of painting; our knowledge that a photograph is created by capturing light that has been produced by or reflected off of real objects; and our knowledge of the appearance of real objects and recognition of the similarities and differences between the image we see and the way real objects of the sort represented would appear to us if we saw them directly. If this is correct, then the ability of a photographer to articulate a statement through photography may not depend heavily on the establishment of a *new* set of shared understandings

that constitute the medium of photography. And this is why the content of photographs, at least at a pictorial level, is so easily “readable” even by naïve viewers with no special grounding in art or artistic practices.

Everything I have said about reading a photographic image applies equally to artistic and non-artistic photographs. The background knowledge and assumptions I have appealed to allow a photographer to create an image that is understood as depicting a particular content, regardless of whether the photographic project is an artistic one. But non-art photographs don’t make artistic statements, since they don’t (at least in standard cases) ask us to consider the relation between the image we are seeing and past artistic practices in photography and other media.

This observation should motivate a distinction between the medium of photography and the *artistic* medium of photography. All photographs that deploy the background knowledge and assumptions described above belong to the medium of photography. But not all of them are thereby artworks, since many do not articulate artistic statements, to use Davies’ terms. Berys Gaut puts forward such a distinction: “the medium is constituted by the set of practices that govern the use of the material,”¹¹ while “the art form is a particular *use* of the medium: a use that either aims to realise artistic values or that does realise those values.”¹² To bring together Gaut’s and Davies’ insights, I will treat Gaut’s notion of realizing artistic values as roughly equivalent to Davies’ notion of making an artistic statement, and Gaut’s notion of an art form as roughly equivalent to Davies’ (and my) notion of artistic medium.

What, then, allows for a photograph to make an artistic statement, and thus belong to the artistic medium, or art form, of photography? The artistic statement that will be made through a particular photographic artwork depends on how that photograph is positioned in relation to past artworks and artistic practices, both photographic and otherwise; and there are many ways in which an artist may thus position her work. Some artists position their photographic work primarily in relation to the works of other photographers; some (e.g., Hiroshi Sugimoto, whose photographs reconstruct images by Vermeer) make extensive reference to paintings; some (e.g., Sherrie Levine, who photographed the works of Walker Evans and presented the resulting images as her own work) use photography to appropriate images made by others; some use photography to document doings or events that they wish to make available for the viewer’s awareness. Now, one might wish to suggest that only some of these positionings are “truly photographic,” while others are not. But I suspect that this will not be a very promising move. Artists can use a set of materials to a wide variety of ends and purposes, and I doubt that any desirable aim is served by saying, “Well, *this* is a work of painting, but *that* is just paint used for some non-painterly artistic purpose, and it doesn’t really count as painting.” The purposes to which a given set of materials may be put are subject to evolution and expansion, and to define a medium in relation to a limited collection of ends is, in the face of artistic innovation, likely to lead to an undesirable proliferation of media. Moreover, a choice to make a work using a given set of materials is, among other things, a choice to position that work in relation to past works using those materials: part of making sense of a conceptual painting is to see it specifically in relation to the history of painting.¹³

What, then, brings a photograph into the artistic medium, rather than just the medium, of photography? As I have said, the shared understandings that make it possible to grasp the artistic statement made by a photographic artwork depend on the way it is positioned as art. For this reason, I submit that the criteria for belonging to the artistic medium of photography are simply (a) to have been made using photographic materials and methods (i.e., in Gaut's terms, to have been made in accordance with "the set of practices that govern the use of [photographic] material") and (b) to be an artwork (of which more below); for the satisfaction of this latter criterion is what allows us to see the photograph as having a particular artistic positioning and thus as making an artistic statement. We cannot, then, use the claim that Lawler's photographs belong to the artistic medium of photography to establish their arthood; for the claim that they belong to the artistic medium of photography depends on a prior demonstration that they are artworks.

The specification of what should count as photographic materials and methods is largely a technical project, not to be left to a philosopher. But I expect that the exposure of a light-sensitive material to light would come out as central; and if this is right, a digital image constructed without any technique that involves exposing a light-sensitive material to light would not count as a photograph, regardless of how photographic it appeared to the viewer. This means that there could be two digital images that look exactly alike, one of which is a photograph and the other of which is not. To my mind, this is a perfectly congenial result: how we should understand an artwork, and what modes of analysis we should apply to it, is a matter not only of its appearance but also of its actual history of production. To understand a digital image that appears photographic without actually having been produced through photographic methods, one must inquire into the reason an artist might have for engaging with the category of photography by producing an image that appears to be but is not in fact a photograph.

I will make two further remarks about artistic medium. First, not every artwork belongs to a recognized artistic medium. To come to be art, an object or event must have *some* kind of connection to past artworks,¹⁴ but the connection need not be one of medium. That's why it has been possible for new media, including photography and performance art, to emerge. Second, I don't know of any compelling reason to see media as mutually exclusive. The works of photographic appropriation artists like Sherrie Levine belong to the artistic medium of photography, on my account, but they may well also belong to the medium of conceptual art.

There is much more to be said about the artistic medium of photography that I will have to leave aside. The upshot, for the present, is that we cannot conclude, from the mere fact that Lawler's photographs are photographs, that they are art; instead, we need to know whether they are art in order to know whether they belong to the artistic medium of photography.

IV. POSITIVE AESTHETIC VALUE

How, then, do some photographs come to be artworks while others are not? Could it be by virtue of some sort of positive aesthetic value: beauty, interesting formal features, or something like that?

Positive aesthetic value does sometimes play an important role in the determination that a particular body of photographs is art. Presumably, this is a crucial factor that led to photography's being accepted as an artistic medium in the first place. The photographs of Julia Margaret Cameron are often formally stunning, and this in itself creates a strong and, in my view, appropriate temptation to regard her works as artworks – although I deny that positive aesthetic value is *necessary*, in general, for photographs or other artworks to be art.

This is the wrong sort of story to tell about Louise Lawler's works, however, for two reasons. First, a number of Lawler's photographs don't even tempt us to think that they might be art by virtue of their formal or aesthetic features. Some of her photographs of artworks in corporate or auction settings are, in my judgment, aesthetically ordinary, even drab or depressing. An example is *Who Says Who Shows Who Counts* (1989), which shows Warhol's *Wicked Witch* on the wall of a boardroom (see fig. 3). This is not a criticism of Lawler's photographs as artworks: they are designed to make us attend to and reflect on the institutional framework within which artworks circulate, and sometimes that institutional framework is a very drab or ordinary one.

INSERT FIG. 3 ABOUT HERE

Second, even when her photographs clearly do traffic in positive aesthetic value, as many do, very often it's the kind of aesthetic value that creates an association with non-artistic forms of professional photography. Her photographs of works from private collections hanging in the owners' residences tend to evoke interior design photography (fig. 4). Lawler strengthens the allusion to illustrative photography that is aesthetically appealing, but still not art, by giving her works titles that evoke picture captions in the style section of a newspaper, like *Pollock and Tureen, Arranged by Mr. and Mrs. Burton Tremaine, Connecticut*.¹⁵

INSERT FIG. 4 ABOUT HERE

Another important point is this: with regard to objects created by our contemporaries, to bring something into the category of art by virtue of its formal or aesthetic features is a bit of a last resort. We may use aesthetic criteria to recognize objects as "outsider art," in the rare case in which nothing else about the situation connects the objects or their maker with art and its institutions. But when a set of objects was created by a person who is clearly aware of and engaged with the artworld, that engagement should be the focus of our inquiry. And it would be hard

to find a purer case than Lawler of a maker who is aware of and engaged with the institutions of art.

V. APTNESS TO INTERPRETATION

I have suggested that, at least with regard to the works of our contemporaries, positive aesthetic value is not normally a key criterion in determining that they are art. But what about their tendency to be seen as making an artistic statement? Is this another species of value that can constitute the photographs as art, or count toward their status as art?

Lawler's photographs are widely and convincingly regarded as advancing some form of institutional critique. They reveal the treatment of artworks as commodities: financial commodities at auction, where they are unceremoniously reduced to their exchange value (fig. 1); reputational commodities in private collections, where they are used to make statements about their owners (fig. 4). They reveal the circulation of power and privilege in the artworld, where wealthy collectors can fetishize S & H Green Stamps,¹⁶ which would clearly be beneath them in real life, by virtue of the fact that they have been transfigured into art by Andy Warhol.¹⁷

It would be incorrect, though, to suggest that the aptness of Lawler's works to artistic interpretations is what makes them artworks. Normally, we undertake the project of interpretation when we already have independent reason to believe that something is an artwork: it is presented in a gallery, for instance. And even when we use a process of interpretation to come to the conclusion that something is art, this is typically a purely epistemic phenomenon. If I conclude, on seeing someone behaving strangely in a shopping mall, that I am seeing a work of performance art because the behavior is apt to the interpretation that it expresses a particular theme or meaning, it is not typically the case that this aptness to interpretation is what *makes* the behavior a work of performance art. Instead, I *explain* the occurrence of this oddly meaningful behavior in this context by attributing it to someone who sees herself as engaged in a certain kind of project, one that is responsive to the activities of contemporary art. It's not the fact that the behavior is apt to interpretation that *makes* it art; instead, the aptness to interpretation is a clue that informs me of its connection to art.

In a small number of cases, things might go differently. Just as things can be identified as "outsider art" by virtue of their aesthetic value, we might come to regard a group of objects as art because they are apt to interpretation, even though we have no reason to think that their maker had any explicit connection to art, either by way of his ideas or intentions or by way of an institutional framework. But, again, there is no reason to tell this sort of story about Lawler's work: Lawler is very far from being an outsider, and her photographs are not just things we stumble upon in the world. We regard them as a body of work and interpret them because we already have reason to believe they are art; aptness to interpretation is not what constitutes their arthood.

VI. ARTISTS, INTENTIONS AND INSTITUTIONS

Artworks are not found objects; they are created and, usually, presented for sale or display by individuals who have intentions and beliefs regarding the objects themselves, the process by which they were made, their meanings, and their connection to other things in the world.

In some instances, a work of art (a poem, for instance) can be constituted as such by events in the mind of the artist. A work of photography, of course, cannot be composed *exclusively* in the artist's mind. But perhaps the photograph together with some event in the artist's mind is sufficient to constitute the artwork.

What sort of event in the artist's mind would be such as to constitute the photograph as a work of art? Must this mental event be outwardly expressed, or is its mere occurrence enough? Are there limits on the art-constituting power of such mental events, or can an individual confer art-status on virtually anything?

Jerrold Levinson suggests that the mental event that constitutes an object as art is a certain kind of intention. "A work of art," he says, "is a thing intended for regard-as-a-work-of-art: regard in any of the ways works of art existing prior to it have been correctly regarded."¹⁸ As he emphasizes, this does not mean that its maker must have any connection to the artworld or even possess the concept of art. Suppose that one of the ways in which past artworks have correctly been regarded is as objects of aesthetic delectation detached from the cares of the world. If a maker, however innocent of art and its history and institutions, creates an object that is intended for such aesthetic delectation, then in Levinson's view she has created an artwork.

This account has many virtues. It requires that the intention have a connection with existing art, but that connection need not be transparent to the maker. It allows for the wide variety of ways in which artworks have been correctly regarded, and is open-ended, allowing for the likelihood that new modes of regard will emerge.

My view diverges from Levinson's in a number of respects (though the following remarks should not be taken as criticisms of his account). First, I think that something like the sort of intention Levinson describes is usually present and, where present, often plays a role in constituting an object as art. However, I also think that there are cases in which we do and should count something as art despite the absence of such an intention. As he advanced into dementia caused by Alzheimer's disease, the artist William Utermohlen executed a series of painted and drawn self-portraits that, while exhibiting the perceptual and cognitive disturbances characteristic of the disease, also have remarkable stylistic features and reward serious efforts of appreciation and interpretation.¹⁹ It may be that at some point during this progression, Utermohlen ceased to have the relevant sort of intention about the way his paintings should be regarded. However, we should continue to see them as art because of their formal and aesthetic features, their connection to his earlier paintings, their aptness to interpretation, the fact that they are articulated in paint, and so forth. These aspects of the work are, in my view, jointly

sufficient to connect them in the right way with past art, even in the absence of an express intention about how they are to be regarded.

I also hold that there are limits on the ability of a maker to constitute his products as art by forming such an intention. Suppose that Larry Qualls (perhaps inspired by Louise Lawler, many of whose works he photographed) had formed a serious, settled intention that the 100,000 photographs he took documenting artworks installed in museum and gallery settings themselves constitute a body of artworks, and should be seen as inviting reflection on the institutional framework in which artworks are circulated and displayed. In my view, this effort would be reasonably regarded as a failure: not just a failure to make a body of *good* artworks, but a failure to make a body of artworks at all. And it would be a failure even if he expressed the intention outwardly. The ad hoc tacking on of an art-related intention to an activity that would not otherwise be counted artistic is too thin to create the right sort of connection to art.

There are two further conditions the fulfillment of either of which might be sufficient to compel the conclusion that Larry Qualls's photographs are artworks. First, Qualls might couch his works, outwardly, in some sort of discourse that positions them as objects of interpretation. For instance, he might give a detailed and compelling explanation of how his works support an institutional critique. It would help if he gave some account of how the overwhelming and seemingly unedited bulk of the photographs, as well as their very straight, "styleless" appearance, in fact contributes to, rather than undermining, an effort to see them as making an artistic statement. The works would then be more compellingly seen as the product of a creative act that goes beyond an ad hoc pronouncement of arthood.

I should emphasize that I don't think it is necessary in general that artists couch their work in a discursive framework for it to count as art. Discursive framing (or some related maneuver) becomes necessary when the works need to be dislodged from some salient non-art category into which their manifest features invite us to place them.

The second condition whose fulfillment might constitute the arthood of a body of photographs like Qualls's is some form of uptake by the institutions of art. If a critic or curator, seeing a group of Qualls's photographs and, perhaps, being aware of his intention that they be regarded as expressing some form of institutional critique (but without any further elaboration), found such a reading compelling and chose to interpret or display them in an artistic context, this would, in combination with Qualls's intention, be sufficient to constitute the works as art. It could then be left to others, rather than to Qualls himself, to do the interpretative work I described above.

Thus, in my view both the artist's intentions and the institutions of art have their roles to play in constituting objects as artworks. Moreover, for the artist's intention to do the job successfully, there has to be some sort of fit between the nature of the product and what the existing institutions of art are prepared to accommodate.²⁰ Duchamp couldn't have constituted his first readymade as art *just* by forming an intention that it be regarded in some way in which past artworks had been correctly regarded, or even by forming that intention and expressing it outwardly. He had to either combine that intention with some further discursive

maneuver to make the connection to art compelling, or secure uptake by the institutions of art. Ultimately, of course, he did both of these things.

My account implies that institutional uptake functions in different ways with regard to different sorts of artworks. Most of the time, institutional uptake simply indicates recognition that some product is art; but at times, institutional uptake plays a role in constituting the product as art.

With regard to Lawler's photographic works, we don't need to invoke institutional uptake to explain their arthood. Her works did not strain the boundaries of art at the time of their creation. Thus, the power to confer arthood on them rested with Lawler herself. The remaining question is, would it have been sufficient for her to form a settled intention that the photographs be regarded as art, or was it necessary that this intention be expressed outwardly, and perhaps that she supply some sort of discursive framework?

If all of her works had appeared to be interior design photography or exhibition documentation, some outward expression or discursive framing would have been required. But many of her works operate outside established modes of professional non-artistic photography; and their content and formal features do not invite the supposition that they are mere snapshots. *Pink* (fig. 1) is an example: the non-standard cropping of the depicted artworks makes the image unsuitable for documentary purposes, and the attention to compositional detail and color reveals that it is not a mere snapshot. Given that such works do not naturally fall into a competing category like 'snapshots' or 'interior design photographs,' Lawler's settled intention that they be regarded as art would be enough to establish their arthood, even prior to any outward expression of that intention on her part.

Moreover, even the works that do look more like straight installation or interior design photographs (fig. 4) can be incorporated into the category of art in the same way, by virtue of Lawler's settled intention that they belong to the same body of work or constitute a further development of the same or a related artistic project. The photographs that would be left out, on such an account, are those installation shots of others' artworks she took simply to illustrate the arguments of Crimp's book. In the absence of a specific art-constituting intention, these photographs are not art. It is, of course, possible that Lawler did have such an intention, and thus that, unbeknownst to us, the works are art. However, the fact that the intention is nowhere signaled in the manner in which the photographs are presented – that, for instance, Lawler is credited as photographer rather than as artist – strongly suggests that no such intention is present.²¹

VII. CONCLUSION

I've suggested that there are a number of different ways in which objects can come to be artworks. That is to say, there are different kinds of art-constituting properties and relations. Forms of positive value, such as aesthetic value or aptness to interpretation, can play a role; but when an object's creator is aware of art and its institutions, it is more appropriate to see some relation to the artworld as constituting the arthood of her products. Often, the creator's settled intention that

her products be regarded as art (in something like the sense suggested by Levinson) is decisive. But in some circumstances it is not: if the products seem to fall into some existing non-artistic category, the creator will need to do something outwardly to dislodge them from or problematize their relation to that category. Offering a discursive framework is one way to do this. Another special case is when the products strain the existing boundaries of the category 'art': in such a case, discursive framing of the products and/or institutional uptake may be required to constitute their arthood. Excluding these special cases, though, institutional uptake is not required: works that exist outside the institutional framework are not thereby stripped of their arthood.

My account implies that something may be art without our knowing that it is: for instance, if the artist dies without having an opportunity to express her intention. It also implies that the very same photograph could be art in some circumstances but not in others – and, indeed, that it could start out as a mere document and come to be an artwork later, once the artist revised her settled intention about it.

The story I've told is complicated, but not more complicated than the realities it aims to capture. We apply the concept 'art' to different objects for different reasons. To be an artwork is to have a connection of the right sort to art and its institutions, but there is more than one right sort of connection: and, indeed, the possibility that institutional uptake can confer, as opposed to merely recognizing, an object's art status allows for the emergence of new sorts of connection that count as right.

The account also implies that an object can have a variety of connections to art and its institutions without thereby counting as an artwork. Not every connection is of the right sort. And that is why we can say, to my mind quite appropriately, that bodies of photographs taken and presented in art settings are not always art, and that photographic artists can and do undertake photographic projects that are not themselves artistic. Larry Qualls's photographs, however valuable for our understanding of the art of the late 20th and early 21st centuries, are not art; and while Louise Lawler has created an important body of photographic artworks, it remains in her power to engage in professional photographic projects that are not art.²²

¹ The notion of a cluster account is introduced in Berys Gaut, "'Art' as a Cluster Concept," in *Theories of Art*, ed. Noël Carroll (University of Wisconsin Press, 2000), 25-44; and "The Cluster Account of Art Defended," *British Journal of Aesthetics* 45 (2005): 273-88. My preferred cluster account differs from Gaut's.

² The Lawler work catalogued in ARTstor is *Four Nudes*, a gallery installation of four copies of *Nude*.

³ Douglas Crimp, *On the Museum's Ruins* (MIT Press, 1993).

⁴ Many of Qualls's photographs can be seen in the ARTstor database found at <http://www.artstor.org/>.

⁵ Philosophers have sometimes been happy to indulge in such revisionist thinking. Roger Scruton, for instance, famously argues that photography cannot be art, since it

merely presents rather than representing its subject matter. See Roger Scruton, "Photography and Representation," *Critical Inquiry* 7 (1981): 577-603.

⁶ Andrea Fraser, "In and Out of Place," *Art in America*, June 1985, pp. 122-29.

⁷ Berys Gaut makes related comments in ch. 7 of *A Philosophy of Cinematic Art* (Cambridge University Press, 2010), especially pp. 288-289.

⁸ David Davies, *Art as Performance* (Malden, MA: Blackwell, 2004), p. 58.

⁹ John Dilworth, "The Abstractness of Artworks," *Journal of Aesthetics and Art Criticism* 66, 2008, pp. 341-353, at p. 351.

¹⁰ Dilworth, "Abstractness," p. 351.

¹¹ Gaut, *A Philosophy of Cinematic Art*, p. 288.

¹² Gaut, *A Philosophy of Cinematic Art*, p. 289.

¹³ Some theorists have wished to offer a thicker account of artistic medium than I endorse here. For discussion, see David Davies, "Medium in Art," in *The Oxford Handbook of Aesthetics*, ed. Jerrold Levinson (Oxford University Press, 2003), pp. 181-191.

¹⁴ Jerrold Levinson has argued extensively for such a view in a series of papers: "Defining Art Historically," *British Journal of Aesthetics* 19 (1979): 232-250; "Refining Art Historically," *Journal of Aesthetics and Art Criticism* 47 (1989): 21-33; "Extending Art Historically," *Journal of Aesthetics and Art Criticism* 51 (1993): 411-423; and "The Irreducible Historicality of the Concept of Art," *British Journal of Aesthetics* 42 (2002): 367-379. While, as discussed below, I don't agree with every particular of his account, I am highly sympathetic to the general approach of specifying the conditions for arthood in terms of relations to past artworks.

¹⁵ *Monogram*, pictured in fig. 4, has been presented at auction with the title *Monogram – Arranged by Mr. and Mrs. Burton Tremaine, New York City*.

¹⁶ S & H Green Stamps were handed out with supermarket purchases at many stores in the US; the recipient would paste them into collectors' books which, when filled, could be exchanged for products ordered from a catalog. Their popularity declined after the 1970s.

¹⁷ Lawler's 1990 work *Who Are You Close To?* shows a *Green Stamps* painting by Warhol hanging on a red wall and flanked by two celadon horses. Like *Monogram* (fig. 4) and *Pollock and Tureen*, this work belongs to a series of photographs Lawler took of the private collection of the Tremaines.

¹⁸ Levinson, "Defining Art Historically," p. 234.

¹⁹ Many of the works are presented at <http://www.williamutermohlen.org>.

²⁰ This claim is related to Arthur Danto's insight, first introduced in "The Artworld," *Journal of Philosophy* 61 (1964): 571-584, that what can be art at a given time is determined (at least in part) by an atmosphere of art theory.

²¹ I resist the requirement that the intention be outwardly expressed, because I hold that an act of artmaking can sometimes be complete even before the resulting work or any ideas about it have been presented or conveyed to anyone.

²² This paper was first presented at the 2010 conference *Agency and Automatism: Photography as Art since the 1960's*, held at the Tate Modern. I am grateful to the organizers, Diarmuid Costello and Margaret Iversen, for inviting me to the conference and providing helpful comments on the paper. Diarmuid Costello and

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