

In Advance of the Broken Theory: Philosophy and Contemporary Art
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1. Introduction

In 1964, Arthur Danto encountered Andy Warhol's *Brillo* in a New York gallery. Warhol's Brillo boxes closely resembled those that could be purchased in grocery stores, prompting Danto to reflect on why the former are art and the latter not. Danto concluded that it was the "atmosphere of artistic theory" surrounding Warhol's work that made the difference (Danto 1964: 580).

Danto's question arises equally with regard to Marcel Duchamp's readymades of the early twentieth century. How can a shovel purchased in a hardware store become art, when it wasn't made with the intention that it be art and when many similar shovels never become artworks? Danto (1964) concluded that it was an object's relation to an institution, the artworld, that enables it to be transfigured into art. Danto and George Dickie (1969, 1974) became known as the main proponents of the "institutional theory of art," according to which whether something is art or not is determined by whether it is deemed as such, or accepted as such, by members of the artworld.¹

The institutional theory exemplifies several trends that have been affected by consideration of contemporary art. Here are three. First, it does not attempt to define artworks in terms of necessary and sufficient conditions related to their structures or appearances. Second, it opens the door for a diverse metaphysics of art, if the items given uptake by the artworld happen to be ontologically diverse. Third, and relatedly, it diminishes the role of artistic medium: the artworld may admit items that violate the historic conventions of medium or even stand outside traditional and established media altogether.

In what follows, we shall examine the way in which these three recent trends in the philosophy of art have been prompted by consideration of contemporary art. This direction of influence is an interesting phenomenon in itself, not least because it demonstrates that we can do the philosophy of art without automatically shoehorning new art forms and genres into extant theoretical structures. A case can be made that contemporary art has expanded the philosophical horizons of philosophers of art, enabling them to see that hitherto uncharted theoretical moves are possible.

Limitations of space have led us to focus on the three themes just adumbrated, but in the course of discussing these we shall also have to say, if only briefly, about a couple of other trends that have been accelerated by the consideration of contemporary art: a growing skepticism about the prospects for reducing artistic value to aesthetic value; and a widely shared acceptance that artists may make art by selecting or presenting, rather than by fabricating, objects (Binkley 1977, 273-276).

Now for a note of caution. The normative relation between developments in contemporary art and consequent developments in philosophical theory is difficult to fathom. While there can be little doubt that consideration of contemporary art has led to new approaches in the philosophy

¹ This way of glossing the institutional theory is due to Catharine Abell (2012: 674). Inevitably, it elides – harmlessly, for our present purposes – substantive differences between Danto's and Dickie's theories. For discussion of the various forms institutional theories can take, see Yanal 2014.

of art, this in itself does not establish either that these philosophical responses are justified or that they make the best sense of the art that prompted them. By this essay's end, we hope to have helped readers make a start on addressing these challenging questions for themselves.

2. Defining the concept of art

The difficulty of defining art, given developments in contemporary art and its avant-garde predecessors, can be indicated through a catalog of works any adequate definition would need to capture.

In 1915, Marcel Duchamp hung a store-bought snow shovel from the ceiling of a gallery. He titled this work *In Advance of the Broken Arm*.²

In 1969, Jan Dibbets created his work *All shadows that struck me in....* This work is installed by a team that uses tape to capture the boundaries of sunlight that enters through the windows of the exhibition space. Sunlight is captured at intervals, so the resulting tape markings, which are the exhibited object, tend to take the form of overlapping parallelograms. The work has no enduring material components, can look quite different on different occasions, and can be installed without Dibbets's participation (Stigter 2015).

In the 1970s, Adrian Piper undertook a series of performances in which she ventured around New York City while engaged in socially unacceptable self-presentation: covered in wet paint (*Catalysis III*), with a towel stuffed into and hanging out of her mouth (*Catalysis IV*), covered in a smelly substance (*Catalysis I*), and so forth (Lippard and Piper 1972).

In 1981, Sherrie Levine photographed reproductions from a catalog of the works of Walker Evans. She exhibited the resulting photographs as her own work, in a series titled *After Walker Evans*.

From 1992-1997, Zoe Leonard created *Strange Fruit (for David)*, a work constituted of fruit peels that she embroidered back together and embellished. The work will eventually degrade to the point of being unexhibitable (Temkin 1999).

Also from 1992-1997, Tom Friedman created *1000 Hours of Staring*. The medium of the work is described as "stare on paper." The exhibited object is an unmarked square sheet of white paper.³

One is immediately struck by the way in which such works reject or overturn the assumption that the value of art must consist principally in creating pleasing appearances or, indeed, appearances of any kind. They stand as repudiations of prior standards of artistic value grounded in beauty or in a broader notion of the aesthetic. The experience of viewing Friedman's unmarked (but extensively stared at) sheet of paper does not seem best characterized as an aesthetic one, given that the perceptual apparatus that could give rise to aesthetic experience has been foregone. The audience for Adrian Piper's *Catalysis* performance series may have had aesthetic experiences characterized by disgust, but this fact does not seem to explain the art status of the works or to exhaust their principal aim, which was

² This and other readymades by Duchamp, while prior to the contemporary period, exemplify some of the hallmarks of the contemporary and are frequently adduced as examples in philosophical discussion.

³ See <https://www.moma.org/collection/works/114939?locale=en>.

to explore social processes of stigma and ostracization. And to focus on perceptually grounded aesthetic experience in viewing Levine's appropriations is to attend to Evans's project rather than Levine's.

Given the way in which many contemporary artworks direct our attention away from their sensory surfaces and toward something else (such as a challenge to established ideas about the nature of art or the proper role of the artist, or a form of social commentary), there is little mileage in characterizing a form of experience they generate that explains their value and, in so doing, their arthood. Consequently, there is little temptation to revert to a definition of art in terms of aesthetic function such as that offered by Monroe Beardsley, according to which an artwork is "either an arrangement of conditions intended to be capable of affording an experience with marked aesthetic character or (incidentally) an arrangement belonging to a class or type of arrangements that is typically intended to have this capacity" (1982, 299). Such cases have prompted a proliferation of alternative approaches: procedural definitions, according to which something becomes art by virtue of having been created or selected through the right sort of process; hybrid procedural and functional definitions, according to which the capacity to perform the right sort of function plays some role in art status; and a shift away from definitions and toward theories of art or of the several art forms, which give an account of what art is without either offering necessary and sufficient conditions or fully specifying the extension of the concept.

The works by Dibbets, Levine, Piper, and the rest exemplify the rapid evolution in art since the early twentieth century, and differences among them are more salient than similarities. Some are unique objects, others events, others types. Some involve significant design and fabrication activity by the artist; others little or none. Some have a stable appearance over time; others change markedly from one exhibition to the next. Some are made from recognizable art-making materials; others are not. The kinds of experience they induce, and the kinds of value they exhibit, are quite diverse. Some function precisely by challenging earlier conceptions of what art can be. Yet, all of these works belong to the visual arts tradition and are exhibited and collected in the same international network of galleries and museums. To exclude some of them seems unacceptably ad hoc. The challenge, then, is to formulate a definition that accounts for all of them and allows for further evolution of art in directions not now predictable.

The prospects for a definition of art in terms of the structural features that artworks must share are dim, especially given that art will continue to evolve in directions we cannot now predict (Weitz 1956, 32). Philosophers have used a number of strategies to define art in the face of this challenge. The institutional theory of art, described earlier, was one response: it treated artworks as unified by the fact that the artworld accommodated them, rather than by shared intrinsic features. When it comes to thinking about the works catalogued in this section, this theory has much to recommend it: a blank sheet of a paper, or a set of photographs of someone else's photographs, could easily fail to be art, were it not for the fact that the artworld has welcomed these projects.

But the institutional theory might also seem unduly deflationary. When the artworld admits these avant-garde works, doesn't it do so for reasons, rather than arbitrarily? If so, perhaps a theory of art should attempt to say something about the substance of these reasons (Wollheim 1980, 160). Also, many things may be artworks despite the fact that they operate outside institutional contexts and are not responsive to whatever "atmosphere of artistic theory" (Danto 1964, 580) currently prevails in the artworld. As Jerrold Levinson puts it, "Consider the farmer's wife at a country fair in Nebraska, who sets an assemblage of egg shells and white glue down on the corner of a table for folks to look at. Isn't it possible that she has created art? Yet she and the

artworld exist in perfect mutual oblivion” (1979, 233). Annelies Monseré (2012) makes a similar point in relation to “non-Western” art: the fact that some such art does not share cultural and institutional contexts with the works catalogued earlier does not justify its neglect in theories of art.⁴

Such considerations motivate Levinson’s historical definition of art, according to which something is an artwork if it is intended for a form of “regard-as-a-work-of-art” that is appropriate for prior artworks (Levinson 1979, 234). This definition allows that there may be many established forms of regard for art grounded in appreciation of appearances, conceptual interest, success at challenging prior conceptions of art, and social critique. Though Levinson did not initially emphasize this point, his definition can account for artworks from many global traditions, as long as the forms of regard already established within those traditions are counted among those that can ground art status.⁵ The historical definition allows for the evolution of the forms of regard appropriate to art by way of conjunction: an innovator may intend an artwork both for a form of regard that is already accepted and for an additional form of regard, which then becomes available to ground the arthood of future works (Levinson 1979, 241). In addition, Levinson allows that one might modify his definition to acknowledge that revolutionary artists sometimes create work that is intended for a new form of regard “in conscious opposition to” form of regard accepted as correct in the past (Levinson 1979, 242).

In the face of the great diversity of contemporary artworks, Levinson offers a genuine definition appealing to an attribute (albeit a relational, not an intrinsic one) shared by all artworks.⁶ Others, though, have been skeptical both that there is a type of intention all artists share in making their works, and that this intention (even when present) is invariably what grounds the art status of the artist’s work. Robert Stecker offers a disjunctive definition:

An item is a work of art at time t , where t is a time no earlier than the time at which the item is made, if and only if (a) either it is in one of the central art forms at t and is made with the intention of fulfilling a function art has at t or (b) it is an artifact that achieves excellence in fulfilling such a function, whether or not it is in a central art form and whether or not it was intended to fulfill such a function. (Stecker 1997, 50)

Stecker’s definition, like Levinson’s, accommodates the evolution of art by time-indexing the central art forms and art-relevant functions. It combines procedural and functional elements and allows, in line with insights derived from contemporary art, that the class of relevant functions is not restricted to the aesthetic. This defuses the objection to purely procedural accounts, such as the institutional account, that they render nominations to art status arbitrary.

More recently, Catharine Abell (2011) has argued for a different theory combining procedural and functional elements that leaves the individual creator’s intentions aside. Following John Searle (1995), she notes that institutions, including institutions of art, are created and, typically, maintained because they are understood to serve some function(s). Moreover, an artwork is valuable insofar as it promotes the art institution’s ability to fulfill its functions. “Something is an artwork,” on Abell’s definition, “iff it is the product of an art institution, and it directly affects how

⁴ Of course, some artists from “non-Western” cultures are full participants in the global contemporary art system, and an institutional definition grounded in this artworld might apply perfectly well to their works.

⁵ Levinson (1993) claims that his theory can be extended to non-Western art. Monseré (2010) argues, to the contrary, that Levinson’s theory lacks the resources to do so successfully.

⁶ With the exception of the earliest artworks, or ur-artworks, whose art status cannot be grounded in their being intended for a form of regard already established for earlier works.

effectively that institution performs the perceived functions to which its existence is due” (2011, 686). This definition allows that the institution’s ongoing existence may depend on a set of perceived functions quite different from those that motivated its creation. Abell goes some way to assuaging the worry that her definition, like previous institutional accounts, excludes the possibility of artworks being created independently of art institutions. The art institutions she has in mind are, she says, not formalized institutional structures, but “merely regularities in the collective assignment of status functions” (2011, 687). It is by no means obvious that artworks can be produced without art institutions once they are conceived this minimalist way (2011, 687).

Other theorists have given up on the possibility of offering a neat definition of art in terms of a few criteria. Berys Gaut (2000), taking up a line suggested by Wittgenstein’s discussion of games and family resemblance, argues that while art cannot be defined in terms of necessary and sufficient conditions, there is a cluster of attributes that tend, when present, to count toward the arthood of a work; possession of an appropriate conjunction of these attributes is sufficient for art status. While intention and institutional uptake may be members of the cluster, Gaut suggests that other members of the cluster, such as “possessing positive aesthetic properties,” “being intellectually challenging,” and “exhibiting an individual point of view,” (2000, 28) could be jointly sufficient for arthood even in their absence.

Gaut suggests that while the list of attributes belonging to the art-making cluster is fixed, the possibility of evolution is built into the attributes themselves. For instance, what it is to possess positive aesthetic properties can shift over time: we may find aesthetic properties in Sherrie Levine’s or Tom Friedman’s works because our current appreciative practices allow that ideas, as well as appearances, can have aesthetic value (Schellekens 2007).

One might question the informativeness of Gaut’s theory, especially when it comes to novel cases like those presented by contemporary art. Even when a novel art candidate possesses all the attributes identified in a conjunction that has previously been thought sufficient for arthood, this fact does not appear to close the question of the candidate’s art status: for there may be something else about it that throws its arthood into question, and this may point us toward a feature that was playing an unnoticed role in the arthood of earlier works. The solution may be to conclude that the prior conjunction was not in fact sufficient for arthood, rather than to admit the new candidate.⁷

Arguably, this problem arises because Gaut’s theory takes on too broad a task. Different art forms function very differently, and attributes that are essential in one art form may be irrelevant to another. The functions and values most relevant to artworks in different art forms may vary widely. Identifying an art-making cluster that applies across the arts, then, may be impossible. Dominic Mclver Lopes (2008, 2014) suggests, on this basis, that we should renounce the task of offering a unified theory of art and work, instead, toward theories of the individual arts. All it is to be a work of art is to belong to one of the individual arts; and the criteria for belonging to each individual art must be worked out separately. Lopes allows both that the criteria for belonging to an art may evolve over time, and that artists may initiate new arts through novel creative activity. There is a schematic claim we can make, namely that “what makes an item a work in an art is that it is a product of a medium-centred appreciative practice” (2014, 196). But both medium and appreciative practice may vary dramatically among arts, so any truly informative claims about arthood must await careful examination of these specifics.

⁷ Fokt (2014) argues that any viable version of the cluster account must resort to historical indexing of either the particular attributes or the clusters sufficient for arthood.

As Lopes (2014, 185-194) notes, a challenge to this picture arises out of the view that some contemporary artworks innovate by standing as “free agents” that don’t belong to any art form. Levine’s *After Walker Evans* series uses photography as a tool, but does not seem to be implicated in the same sort of appreciative practice as the Evans photographs Levine appropriates. Friedman’s work involves paper, but no marks, ruling it out of the art of drawing. Dibbets’s *All Shadows...* cannot be assimilated to any traditional art form.

Lopes responds by arguing that regarding such works as free agents is less illuminating than the alternative, which is seeing them as belonging to specific arts, whether traditional or newly established. On this view, we should assign such works either to traditional art forms such as photography and drawing, albeit as marginal cases, or to new art forms such as conceptual or installation art. The latter approach may simply push back the problem: if conceptual art and installation art end up as repositories for a very diverse array of works, we may once again be faced with the difficulty of making sense of a common categorization for works that have little in common. Lopes regards this as a problem for theorists of these art forms: one who wishes to defend conceptual or installation art as a distinct art form must identify its medium and the distinctive appreciative practice out of which these diverse works emerged. This can be done only by looking carefully at actual works and the critical and artistic projects surrounding them, as Peter Goldie and Elisabeth Schellekens (2007, 2010) have aimed to do for conceptual art. We shall return to the question of the nature of conceptual art in §§3 and 4 below.

3. Medium

On the face of it, an artistic medium is a way of working with physical material in order to produce a work of art and thereby transmit that work’s content to a receiver. How have developments in contemporary art brought about refinements in our understanding of this notion? In three ways, we think. The first two such ways, though interesting, can be described fairly quickly; the third is altogether more profound, since it encourages us to reconsider in various ways the very idea of an artistic medium.

The first way in which contemporary art has enabled us to develop our understanding of an artistic medium is by broadening our conception of the sorts of thing that can be used as such media. The growth of new art forms - such as the readymade, computer art (Lopes 2009), street art (Bacharach, 2015; Riggle, 2010), and the like - has expanded our sense of the various artistic media available, so that we now appreciate the place of mass produced artifacts, street furniture, computer images and happenings alongside more traditional media. Just about anything, we might think, can serve as an artistic medium.

Coupled with this has been a tendency among contemporary artists to reject what has become known as the doctrine of “medium purity” (Davies 2005, 184-186; Goldie and Schellekens 2010, 18-19). This doctrine has it that any genuine art form has a distinctive nature that is explained by its having a medium that is specific to it. More precisely, the nature of any art form is said to be determined by what its distinctive medium makes uniquely possible within it. Contemporary art has tended to challenge the assumption of medium purity by taking an interest in using media that are unencumbered by associations with this thesis. Jan Dibbets’s *All Shadows...* does not belong to an art form governed by medium purity; nor do Piero Manzoni’s signing and dating of a woman’s arm, or Adrian Piper’s *Catalysis* performances. In conceptual art, particularly, the aim would seem to be that of exploiting a material, not in order to most fully

achieve the effects it uniquely makes possible, but with a view to inducing audiences to engage intellectually and emotionally with philosophical, social, or broadly theoretical matters.

But in addition to both being innovative in its use of artistic media and leaving behind questionable ideologies concerning the proper use of such media, contemporary art has served as a catalyst for us to think more carefully about what an artistic medium actually is. One such lesson that we can draw from the study of contemporary art is that the way of *working* with certain material that constitutes a medium can be a form of engagement that does not involve the *modification* of that material. When Sherrie Levine photographs Walker Evans's photographs, she does not construct a photographic image to create a specific visual effect; rather, she uses an existing image as is, placing it in a context that is designed to spur us into thought about the nature of art, artistic creativity, and authorship. Here we have a form of manipulation of an object that consists in a manner of presenting it to an audience for their conceptual engagement.⁸

This suggests that the use of a specific kind of material or process may not yet be sufficient for the deployment of an artistic medium. Davies (2005, 183) distinguishes between physical and artistic medium: while a physical medium is a type of stuff, an artistic medium is a framework of communicative possibilities provided by historical uses of that physical medium in art, allowing the artist to articulate an artistic statement. While Levine uses the materials and processes of photography, she uses them in ways that eschew the standard communicative possibilities of the photographic image. Her work may thus not be best understood in the medium of photography. Likewise, while displays of Dibbets's work are made of tape, tape is not an established artistic medium; the artistic statement Dibbets articulates cannot be understood by invoking a history of practices of using tape in art.

Nor, once a good range of conceptual artworks have been considered, should we assume that the *material* involved in a medium is invariably physical *stuff*.⁹ While a sculptor might work with stone, bronze, or ice, the material of much contemporary art is not a kind of physical substance. Piper's *Catalysis I*, for example, appears to be an extended action; Robert Barry's *All the things I know but of which I am not at the moment thinking – 1:36 pm; June 15, 1969* seems to be the word-sequence type of which the italicized matter following this sentence's first semicolon is a token. In fact, it should not have taken examples from contemporary art to make us see how flexible the notion of *physical material* must be to do justice to the full gamut of artistic media. In specifying what actors should say and do on stage, playwrights work in the medium of actions; novelists, meanwhile, work with words; and composers work with sound. The artistic media involved here are not kinds of physical stuff.

These media are, nonetheless, physical in a recognizable, everyday sense, which is why we need not join David Davies (2004, 59) in regarding cases such as these as demonstrating that

⁸ It is notable in this regard that several developments in contemporary art have been taken to either give support to or express the idea that the nature of artistic authorship has shifted or even that the very concept of authorship is defunct (Barthes 1967). Besides the presentation of objects that have been altered minimally, if at all, by the artist (Duchamp, Friedman), these developments include the production of close copies of well known works (Levine) and the creation of works whose realization requires creative work by the people who constitute the display (Dibbets). As Binkley notes, authorship can now take the form of "indexing": rather than creating something, the artist can simply identify a pre-existing object or event and appropriate it as her own work (1977, 272-273).

⁹ Davies invokes the notion of vehicular medium to allow for the possibility that the base material is not physical. Literary works, for instance, might have words as their vehicular medium, while their artistic medium is related to histories and practices of deploying words within specific literary art forms.

artistic media need not be physical. The playwright's stage directions instruct the actors to perform certain actions, and performances of these actions are physical events. Composers work with sounds in the sense that they instruct performers to produce sounds – arguably, vibrations in the air – in certain ways. Similarly, the words that novelists might be viewed as types of physical inscription or utterance. None of this is to claim that works of music are mere sound structures or that literary works are reducible to their texts; it is just to point out that there is clear content to the claim that artists in these art forms work, albeit with some indirectness, in physical media.

The moral to be drawn from all this is not that contemporary art (as well as literature, drama, and music) uses non-physical media, but that media should not be assimilated to kinds of physical substance. Perhaps it is the idea that that a medium is a kind of stuff that must be revised, not the idea that media are physical *per se*. Moreover, some artistic media may accommodate works made from diverse kinds of physical stuff: the art form of installation art may involve an artistic medium that permits the articulation of artistic statements by way of manipulation of tape (Dibbets), fruit peels (Leonard), and all manner of other traditional and non-traditional artistic materials.

For all we have said so far, it may be possible to see every artistic medium as involving the articulation of artistic statements by way of physical particulars or types or types of physical particular. The case of conceptual art might bring us to question whether this comforting conclusion is a little precipitate, however. Peter Goldie and Elisabeth Schellekens float what they term “the *idea idea*” for conceptual art. According to the *idea idea*, “[i]n conceptual art, *there is no physical medium: the medium is the idea*” (Goldie and Schellekens 2010: 33).¹⁰ As we shall see in §4, they say little about what ideas actually are, but a promising account has it that ideas are, in fact, physical entities: namely, spatially discontinuous systems of contentful mental state tokens (Cray 2014, 237). On this construal of ideas, even a medium of ideas is a physical medium.

One more question must be considered before we bring this discussion of artistic media to a close. Has contemporary art taught us that artworks need not be in a medium *at all*? Binkley appears to think so. According to him, there is “a great deal of recent art which eschews media” (1977, 272). When it comes to physical medium, this claim is far fetched: all art seems to involve some kind of manipulation of material, however attenuated our understanding of this notion, to articulate artistic content. Without a physical medium, there is no work to be made accessible and so no possibility of transmitting artistic content. We must, then, understand Binkley as referring to artistic medium: perhaps Binkley is claiming that some artworks are, to use Lopes's expression, “free agents” that belong to no art form and thus do not have their communicative possibilities shaped by the history and practices associated with an artistic medium.

It certainly seems true that many contemporary works are “non-aesthetic” (Binkley 1977, 272), with artistic value that outstrips their aesthetic value. Such works cannot be fitted into any *traditional* medium (i.e. one conceptualized from within a perspective in which artistic value is aesthetic value and according to which media are “specialized ways of indexing aesthetic qualities” (1977, 276)). However, this leaves open the possibility that such works may be best

¹⁰ According to Goldie and Schellekens (2010, 55-60), Joseph Kosuth, Sol LeWitt, and Lucy Lippard all gravitate towards the *idea idea*. The earliest philosophical expression of the view, however, is probably Binkley's claim that a conceptual artist “creates directly with ideas” (1977, 265). Goldie and Schellekens (2010, 33, 60, 78) go on to adopt the *idea idea*, as does Diarmuid Costello (2013, 285).

understood in relation to one or more newly emerging artistic media that are not defined by aesthetic qualities or by the deployment of specific kinds of physical material. Even highly innovative contemporary artworks, after all, emerge within historical practices that shape the kinds of artistic statement artists may articulate through their choices.

4. The ontology of art

What kind of thing, ontologically speaking, is a work of art? A tempting thought is that we should adopt a disjunctive ontological proposal. On this view, artworks fall into one of two broad ontological categories.

Here is the disjunctive proposal in outline. On the one hand, there are artworks of the so-called “singular arts”: works such as paintings, non-cast sculptures, and pure musical improvisations. These are identical with, or constituted by, physical particulars (i.e. physical objects or physical events).¹¹ On the other hand, there are artworks of the claimed “multiple arts,” such as musical works, works of literature, cast sculptures, and photographs. Multiple artworks, so the disjunctivist story continues, while not themselves physical particulars, are repeatable entities whose occurrences are physical particulars. Sibelius’s *Symphony No. 5*, for example, is the thing which all of its performances – all of those physical events – are performances of. Such physical occurrences of a work are presentations of it.¹²

Having said this, there are philosophers of art who believe that developments within contemporary art undermine this disjunctive ontological proposal. It will be helpful to distinguish a *robust* from a *modest* way in which this line of argument can be prosecuted. The modest way of elaborating such anti-disjunctivism is ably exemplified by David Davies (2004). Davies argues, first, that the ontology of art is constrained by our critical practices (2004, 18-23) and, second, that properly explicating our appreciation of certain contemporary artworks enables us to see that all works of art are best assigned to just one of the disjuncts. According to Davies, artworks are all physical events of a certain kind: specifically, they are those ‘generative performances’ (i.e. action-tokens) that end with the creation of the artistic products that we naively regard as works of art (Davies 2004, 80). By contrast, the more robust rejection of disjunctivism occasioned by the study of contemporary art has it that there are contemporary artworks whose ontological nature prevents them from being assigned to *either* disjunct. While the modest approach rejects disjunctivism by arguing that exactly one of the proposed disjuncts is empty, the more robust approach would have us supplement disjunctivism with at least one new ontological category in which to house recalcitrant contemporary artworks. In what follows, we shall examine two putative examples of this latter, more robust train of thought.

First, consider works of conceptual art. Although conceptual works such as Joseph Kosuth’s *Four Colors Four Words* and Rosemarie Trockel’s *Cogito, ergo sum* plausibly possess aesthetic properties, conceptual art is sometimes thought to be distinctive insofar as such works’ aesthetic properties seem to have no bearing on their artistic value (e.g., Binkley 1977).¹³ On

¹¹ Baker (1997) argues that a statue is constituted by the lump of clay, rather than identical with it.

¹² Here we remain silent on the lively dispute concerning which, among rival ontological proposals, best explains multiple artworks’ repeatability. The contenders include types of various kinds (Wolterstorff 1980; Levinson 1980; Currie 1989; Dodd 2007), mereological sums (Caplan and Matheson 2004), and historical individuals (Rohrbaugh 2005).

¹³ This discussion assumes that aesthetic appreciation is understood in what Goldie and Schellekens (2010:89) call “the traditional sense,” on which aesthetic properties are perceptible. Goldie and

such a view, appreciating conceptual artworks – that is, apprehending their artistic value – is, rather, a matter of grasping and appreciating the intellectual conceit they embody. Accordingly, the details of a conceptual work’s execution – the nature of the perceptual array it presents – matters not all, just as long as it expresses the conception the artist has in mind. Binkley makes this argument in relation to Duchamp’s *LHOOQ*, which Duchamp made by taking cheap reproductions of the *Mona Lisa*, scribbling a goatee beard and moustache on them, and adding the five letters at the bottom as a title. Binkley suggests that appreciating this work does not require us to attend to the fine details of how such tinkered-with reproductions look: “it would be pointless to spend time attending to the piece as a connoisseur would savor a Rembrandt” (Binkley 1977, 266). To appreciate *LHOOQ* we need only recognize the *Mona Lisa*, note the scribbled additions, understand the intended pun that emerges once the letters are read aloud, and then start figuring out what Duchamp’s point was in making this artwork: specifically, what it was he wanted to get us to think about.¹⁴

Might this understanding of the appreciation of conceptual art have an ontological payoff? If, as the artist Sol LeWitt has said, “the idea or concept is the most important aspect of the work,” such that “the execution is a perfunctory affair” (LeWitt 1967, 79), should we not think of the conceptual artworks themselves as ideas? In §§2 and 3 we alluded to this thesis - the *idea* idea - when considering the thought that ideas are the medium of conceptual art. Adopting a more explicitly ontological mode, this thought becomes the claim that conceptual artworks *are* (collections of) ideas (Schellekens 2007, 75, 85).¹⁵ Goldie and Schellekens’s own view is that the *idea* idea is both plausible and disruptive of our extant ontology of art (2010, 55-60). And this second thought, at least, might seem right. For it might be supposed that the *idea* idea, if correct, would demonstrate that our disjunctive ontology of art needs revision. As we saw in §3, Goldie and Schellekens regard conceptual artworks, if ideas, as lacking a physical medium. Such artworks would be, contrary to the disjunctive view, neither physical particulars nor repeatable things whose occurrences are physical particulars (Goldie and Schellekens 2010, 33).

However, there are reasons to question the nascent ontological conception of ideas that underpins Goldie and Schellekens’s construal of the medium of ideas as non-physical. For while it might be tempting to follow Locke in taking ideas to be abstract, non-physical, and “invisible”

Schellekens agree that aesthetic appreciation in the traditional sense is largely irrelevant to conceptual art. However, as they argue, “there is room for aesthetic experience, aesthetic character and aesthetic properties in conceptual art - as long as one is willing to be a little flexible about what is meant by the term ‘aesthetic’” (Goldie and Schellekens 2010, 87). They agree that the aesthetic properties possessed by conceptual works’ physical displays do not determine such works’ artistic value (Goldie and Schellekens 2010, 82-87), while also suggesting that the ideas expressed by such works can possess aesthetic properties such as elegance, wittiness, and subtlety (Goldie and Schellekens 2010, 99-100; Schellekens 2007).

¹⁴ Here we resist Binkley’s claim that “the piece might be better or more easily known by description than by perception” (Binkley 1977, 266). Even if appreciating the work is an intellectual matter, *perceptually recognizing* it as a defaced reproduction might provide the necessary jolt to transport us into the conceptual regions Duchamp wants us to explore.

¹⁵ One might wonder whether this adoption of the ontological mode is justified. Could we not think of conceptual artists as working within the medium of ideas *by* working with physical material? This is an intriguing suggestion, although Goldie and Schellekens themselves show no signs of entertaining it. Tellingly, however, if adopted, this suggestion would create a difficulty in distinguishing conceptual artworks from other works that express ideas: there would seem to be nothing to stop us from saying that Rembrandt worked with ideas (concerning, for instance, the possibility of confronting and outfacing death) in his late self-portraits, though he clearly should not be classified as a conceptual artist.

things (Locke 1689, III.2.1), a better proposal as to their ontological nature exists. According to Anthony Everett and Timothy Schroeder (unpublished manuscript), ideas are not abstracta but physical entities: namely, spatially discontinuous systems of token contentful mental states. Wesley Cray argues that this latter approach is more attractive, since it makes it easier for us to explain how ideas can be created, publically accessible, causally efficacious, and have “dynamic lives” (for example, be capable of being spread or forgotten) (Cray 2014, 237). This physicalist construal of ideas brings the *idea* idea within our extant disjunctive ontology of art: for ideas, understood in this way, are historical particulars located in physical space (Cray 2014, 237), and are thus assignable to the disjunctive account’s first disjunct. Once the *idea* idea goes down this route, its novelty consists in introducing a new kind of physical particular into our ontology of art, not in disrupting the disjunctive account.¹⁶

The failure to formulate an ontological proposal for conceptual art that genuinely serves as a counterexample to disjunctivism might be thought merely to demonstrate that we have been conducting our search for potential counterexamples in the wrong way. Rather than trying to come up with an art kind whose works are all of them neither physical particulars nor physically instantiated repeatables, a methodologically nuanced approach to the ontology of contemporary art might yet reveal piecemeal counterexamples to disjunctivism across many art kinds. This is Irvin’s idea (2005b; 2008). Taking as her starting point Davies’s thesis that the ontology of art is beholden to our critical and appreciative practice, Irvin proposes that an artwork acquires its properties by virtue of what she terms the artist’s “sanctioning” certain features of the work (Irvin 2008, 4-5): basically, by virtue of the artist’s specifying, explicitly or implicitly, as she produces the work, “details of presentation, which may include acceptable venues and physical configurations” (Irvin 2008, 4). As Irvin points out, even in an art form as traditional as painting, such sanctioning has a role to play in determining the artwork’s properties, since the artist sanctions the orientation that counts as the painting’s being the right way up (Irvin 2008, 4).

However, things get more interesting still, and perhaps disruptive of our folk disjunctive ontology of art, when we consider particular contemporary works. Irvin’s own example is Felix Gonzalez-Torres’s “Untitled (Portrait of Ross in L.A.).”¹⁷ This is a work presented by a pile of candies weighing approximately 175 pounds: a significant feature of the work, since this was the ideal body weight of Gonzalez-Torres’s lover, Ross, who died of AIDS. According to Irvin’s methodological standpoint, the ontological nature of this work is to a large extent determined by what Gonzalez-Torres sanctioned. And it is at this point that the potential for ontological innovation emerges. For Gonzalez-Torres sanctioned that the work has the following striking features: viewers are invited to consume candies from the pile, if they wish; when this happens, gallery staff are instructed to periodically replenish the pile of candies to approximately the weight of the original installation; the work can go out on loan from a host gallery to another gallery; and, finally, a gallery still counts as possessing the work even in cases in which the gallery staff allow the pile of candies to be totally consumed, or in cases in which the work is between exhibitions and no such pile of candies has been constructed. Furthermore, all of this, Irvin explains, is enshrined in critical and appreciative practice regarding this work and others that involve the assembly of new materials for each display (Irvin 2008, 8).

Given that the nature of Gonzalez-Torres’s work is determined by what he sanctioned when he made it, what sort of thing is it, ontologically speaking? It is not identical with, or essentially

¹⁶ For objections to Goldie and Schellekens’s version of the *idea* idea, in which ideas are presumed to be abstracta, see Dodd 2016, 252-256. For objections to a version of the *idea* idea with ideas taken to be spatially discontinuous systems of token contentful mental states, see Cray 2014, 237-239.

¹⁷ Gonzalez-Torres preferred that his titles be in quotation marks and not italicized.

constituted by, a pile of candies, since it continues to exist in the absence of any such pile; and it is not a repeatable entity - for example, a type of such a pile - because it is something that goes on loan from gallery to gallery, not something that can be multiply instantiated in more than one gallery at once. To Irvin's mind, this artwork can only be *a non-physical particular presented by appropriately constructed piles of candies*: what she calls "an individual concretum not essentially constituted by a physical object" (Irvin 2008, 12). Such items do not fit into the disjunctivist ontological scheme: they are neither physical particulars nor repeatables, but non-physical particulars displayed by physical particulars.

Irvin's approach places more flesh on the bone concerning the mechanism by which our critical and appreciative practice supposedly constrains the ontology of art. Such constraint has tended to be formulated as a "critical practice constraint" (Irvin 2008, 2) along the following lines:

Artworks must be entities that can bear the sorts of properties rightly ascribed to what are termed 'works' in our reflective critical and appreciative practice; that are individuated in the way such 'works' are or would be individuated[;] and that have the modal properties that are reasonably ascribed to 'works', in that practice. (Davies 2004, 18)

The obvious reason for thinking that such a constraint must apply is that our critical practice provides the nexus which determines our artworks' ontological nature. As Davies puts it, "it is our practice that determines what kinds of properties, in general, artworks must have" (Davies 2009, 162). Irvin's notion of the artist's sanction, which is grounded in study of the actual practices of artists and museum professionals, tells us more about how this determination is supposed to actually take place.

Nonetheless, while Irvin's account of the artist's sanction represents a step forwards for those philosophers attracted to the critical practice constraint, interesting questions remain. First, although appeal to the idea of the artist's sanction sheds some light on the mechanism by which artworks' ontological nature is supposedly determined by our practices, the nature of this determination remains mysterious. If the relevant practices determine the kinds of properties that artworks can have as a matter of metaphysical necessity, then the determination is not causal in kind. But if this is so, then Davies, Irvin and those sympathetic to their position must explain what exactly this non-causal determination is, being mindful of the fact that some philosophers find talk of "metaphysical grounding" and the like esoteric and obscure (Hofweber 2009, 270).

Second, some philosophers will question the claimed motivation for the critical practice constraint in the first place. Irvin says that "the critical practice constraint is an acknowledgement of the fact that artworks, unlike such things as stars and water molecules, have no existence independent of human interests and practices" (Irvin 2008, 2). Something similar could be said, no doubt, for our moral values: they, too, are inextricably entangled with our form of life. And yet metaethicists do not take this fact in itself to show that our practices cannot embody metaphysical error concerning those values. If J.L. Mackie is right, in our moral practices we presuppose that there are objectively prescriptive properties, and yet there cannot be such things (Mackie 1977, 38). A skeptic of Davies's and Irvin's shared methodological approach to the ontology of art will ask why our critical and appreciative practices in the arts cannot similarly mislead as to the art ontological facts. This question is particularly pertinent to the case in hand, since Irvin's suggestion that we think of the non-physical concretum that is "Untitled (Portrait of Ross in L.A.)" as akin to a particular bank account or a particular marriage

(Irvin 2008, n. 28) might prompt the response that these are examples of the kind of obscure, pseudo-entities that we should eliminate from our ontology.

Davies and Irvin's opponent here is a thoroughgoing ontological realist about the ontology of art (and about ontological facts quite generally). She is someone who takes ontological facts - whether they concern the ontological nature of water molecules, electrons, or works of art - to be mind-independent, rather than determined by our practices (Sider 2009, 409; Dodd 2013). True enough, artworks, unlike electrons or water molecules, are artifacts: they are created by us to serve a purpose. But a philosopher attached to ontological realism will deny that it follows from this that the ontological facts concerning artworks - that is, the facts concerning their ontological status and the kinds of properties they can have - are determined by what we say, think or do in engaging with them. That artworks are made for a purpose does not mean that their ontological nature is made by us in any analogous sense. The ontological realist will insist that we can bring something into existence to serve a purpose while being quite wrong about its ontological nature.

Insofar as Irvin's implicit critique of disjunctivism about the ontology of art relies upon her elaboration and defense of the critical practice constraint, its success ultimately depends upon these concerns being defused. At this point, however, we leave this discussion appreciating how thinking about contemporary artworks has eventually led us to consider what it is we are doing when we do work in the ontology of art.

5. Conclusion

Contemporary art has great potential to be a vehicle of conceptual self-discovery. Sometimes, as in the case of some conceptual art, the art itself has been a way of doing the philosophy of art. Most of the time, however, the influence of contemporary art has been, although vital and invigorating, less direct than this, providing us with stimulating and challenging examples with which to reflect upon our concepts of art, artwork, and artistic medium. We have tried to convey to readers some of the intellectual excitement that this has engendered, but we end by repeating a caveat we made in the introduction: it should not be assumed that the philosophical theorizing prompted by contemporary art is wholly, or even mostly, correct. We hope that what we have said here will prompt further thinking about these fascinating questions.

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