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**The Artist's Sanction in Contemporary Art**  
**Sherri Irvin**

**Abstract**

I argue that contemporary artists fix the features of their works not only through their actions of making and presenting objects, but also through auxiliary activities such as corresponding with curators and institutions. I refer to such fixing of features as the artist's *sanction*: artists sanction features of their work through publicly accessible actions and communications, such as making a physical object with particular features, corresponding with curators and producing artist statements. I show, through an extended example, that in order to grasp the nature of contemporary artworks, and thus be in a position to interpret them, we must attend to the features the artist has sanctioned. However, this does not amount to saying that the artist's *intention* fixes the features of the work. While related to intentions, sanctions are not identical to them; and, indeed, the features the artist has sanctioned may conflict, in some cases, with those she intended. I distinguish my view from actual and hypothetical intentionalism and show that considering the artist's sanction does not force us to accept any particular interpretation of the work. I also show that, while it has special relevance to our understanding of contemporary artworks, the notion of the sanction is in fact relevant to traditional Western art as well.

## The Artist's Sanction in Contemporary Art Sherri Irvin

Contemporary artworks raise a variety of ontological, epistemological and interpretative questions that have not yet been adequately dealt with in aesthetics. Whereas traditional visual artworks have typically had a set of privileged and (ideally) unchanging properties fixed at a particular moment early in their histories, a contemporary installation artwork may be installed differently each time it is taken out of storage, or even constituted out of different objects at each exhibition site. The resulting variation in its configuration and visual properties may simply be a function of the changing features of galleries or available materials, or it may be essential to the work's meaning. Or both: many contemporary works are site-specific, essentially responsive to their environments, in such a way that context is incorporated into the work's meaning.

Some contemporary works are made from materials that gradually degrade or decay over time. Sometimes, as with Jana Sterbak's *Vanitas: Flesh Dress for an Albino Anorectic* (1987), a dress made from raw meat that decomposes over the course of the exhibition, such degradation is intended by the artist and seems to contribute to the work's meaning. In other cases, it is the unintended result of experimentation with new techniques or substances, in which case it often appears regrettable and is subject to conservators' attempts to control the damage.<sup>1</sup> The question of whether and how the degradation is relevant to our interpretation of the work can be quite difficult to answer.

In such cases, it may be difficult to get a handle on the nature of the artwork. Is the work an essentially decaying entity, such that its decay is an interpretable feature of it? Or is its material degradation something we should politely ignore, as we ignore (and, when we have the resources, may attempt to correct) the yellowing of varnish, the flaking of paint and the breaking off of noses in traditional Western artworks? Is the installation work simply a collection of objects which may be assembled in whatever way? Well, typically not: usually there are heuristics and gestalts that seem to guide acceptable configurations, so that not just anything goes. But algorithms that will allow us to determine with exactitude which arrangements are acceptable and which are not are exceedingly rare. Thus the work may seem to have a deeply indeterminate nature. And we may wonder, is this indeterminacy central to the work's meaning? Or is it simply part of the framework, a function of the medium within which the artist is working, and thus to be ignored in interpretation?

In this paper, I argue for a view that provides reasoned answers to such questions about the nature of the artwork and the considerations relevant to interpreting it. Through an extended example, I will show that if we wish to be true to the nature of many contemporary artworks, we must appeal to information related to the artist's intention at relevant points during the works' production. My view, however, is not an intentionalist one: it does not require that we make inferences about the artist's intentions, whether actual or hypothesized, construed as mental states or as behavioral

dispositions.<sup>2</sup> It requires, instead, that we examine the artist's publicly accessible actions and communications, the contexts in which they were delivered and the conventions operative in those contexts, to determine what the artist has *sanctioned*. The artist's sanction may serve to fix the boundaries of her work, to determine whether a particular feature is relevant to the work's interpretation, to establish in what genre the work belongs,<sup>3</sup> and, in some cases, to determine whether it, qua artwork, has a particular feature or not. Under the right conditions, the artist has a degree of special authority over these matters: through her actions and communications in particular contexts, she can stipulate certain aspects of the nature of the work. In short, through her sanction the artist can endow the work with certain features, just as she endows it with certain features by manipulating the physical materials which will ultimately be displayed to the viewer. As we shall see, however, accepting that the artist's sanction can fix features of the work does not oblige us to accept the idea that the artist fixes the correct *interpretation* of the work.

I begin, in section I, by presenting an example of an artwork involving objects that are gradually decaying over time. As I show in section II, only the artist's sanction can fix which of the objects' possible future states are relevant to our understanding of the artwork. In section III, I develop the theory of the artist's sanction more explicitly and discuss some of its complications. In section IV, I distinguish sanctions from intentions and show how my view is related to the debate over intentionalism. In section V, I show that the sanction is relevant to our understanding not only of contemporary but also of historical art. Finally, in section VI, I show how the sanction constrains our practices of interpretation.

I will now turn to an extended example of a contemporary artwork by Canadian artist Liz Magor to illustrate how sanctions are created and how they function in our understanding of a work. I will show that we must appeal to the artist's sanction to determine which physical features of the objects she created are relevant to interpretation. This example goes into a level of detail that is rarely seen in philosophical discussions of artworks, and some of the details might appear, on the surface, to be trivial. However, my arguments imply that if we take artworks seriously, and wish truly to grasp their natures, we must attend to the specific details that make each work what it is. As we shall see, these details sometimes include not only the features of the physical objects the artist has presented, but also the features of the surrounding situation in which the artist interacts with curators and institutions and thereby sanctions features of the work. Only by looking carefully at particular, real works can we develop adequate theories of contemporary art and, indeed, of art in general.

### **I. TIME AND MRS. TIBER**

Liz Magor's *Time and Mrs. Tiber* (1976) centrally involves a collection of decaying objects, namely jars of preserves in the process of decomposing. The physical evolution of objects is an issue of which Magor is highly conscious, and I will argue that this work cannot be correctly apprehended, and hence adequately interpreted, without consideration of how the relevant

objects change over time. Furthermore, I will show that in order to take account of *how* the change in Magor's objects over time is relevant to what the artwork is, ontologically speaking, and to how it should be interpreted, we must look to Magor's own sanction of the changes in and future treatment of the object. This sanction, I will argue, is established through her explicit communications with the institution holding control over the work.

*Time and Mrs. Tiber* includes a number of jars of preserves positioned on a wooden shelving unit along with a number of handwritten recipes, which Magor has annotated and pasted into the shelving unit. Magor found the recipes and about half of the preserves in an abandoned house, on a British Columbia island, that had once belonged to Mrs. Tiber and her husband. Magor supplemented Mrs. Tiber's preserves by making a few jars of her own, adding such items as mangoes and zucchini to the mix.

Soon after the National Gallery of Canada acquired *Time and Mrs. Tiber* in 1977, some of the jars started to develop mold around the outside. The liquid levels of some jars dropped, and the contents gradually started to resemble brown mush. The metal lids started to develop whiskers, or chains of crystals that form as metal oxidizes. Finally, a microbiologist discovered that seven of the jars (all of which had been created by Magor) had developed botulism, a deadly toxin that posed a serious health hazard to employees handling the work. It became clear that these jars had to be discarded.<sup>4</sup>

From the beginning, Magor said that this work is about decay and about our attempts, always doomed, to preserve ourselves and other things against the injurious effects of time. For this reason, she saw the deterioration as part of the work and opposed aggressive or invasive conservation efforts. At one point, she reportedly told conservators that when the work was no longer in exhibitable condition, it should be "thrown in the garbage." This sparked a flurry of concern, accompanied by rhetoric about "the first ever de-accessioning of a contemporary work of art in the National Gallery's collection."<sup>5</sup> As these institutional concerns were expressed, and as the deterioration began to accelerate, Magor acknowledged that she had expected the work to last about as long as she herself expected to last, on the order of fifty years rather than five or ten. She visited the Gallery to inspect the work and agreed to the addition of preservatives to the jars and to efforts to seal them more thoroughly against evaporation and penetration by bacteria. She also agreed to make replacements for the jars that were discarded. She found an expert in canning and spent a day "slaving in the kitchen" to produce new jars for the work.<sup>6</sup>

Along the way, an interesting change in attitude about the ultimate disposition of the work occurred, as well. While Magor had initially felt that the objects making up *Time and Mrs. Tiber* should be tossed out when no longer in exhibitable condition, in the end she decided that transfer to the Gallery's Study Collection would be more appropriate. This way the objects would be preserved within the institution, though no longer put on display, and scholars (though not the general public) could continue to view and gain knowledge from physical encounter with them. This outcome was also in line

with institutional procedures and desires about the treatment of a deteriorating work.

My consideration of *Time and Mrs. Tiber* will center on changes over time in the work and in Magor's attitude toward it. After the work was acquired by the National Gallery of Canada, Magor twice changed her view about how the work was to be treated: once when she agreed to aggressive conservation measures she had initially rejected, and once when she decided that the work should be archived in the museum's Study Collection rather than discarded, as she had initially wanted. Magor's actions and communications in these cases, I will argue, constitute her sanctioning of certain features of the work, and they must be taken into account for purposes of interpretation. With regard to the decision that the work should not be discarded but transferred, I take the view that the artwork was altered in a way which alters, in turn, the range of appropriate interpretations of the work.

## II. THE ARTIST'S SANCTION AND RELEVANT PHYSICAL STATES

*Time and Mrs. Tiber* violates one of the primary traditional conventions relating object to artwork, namely the convention that there is a privileged physical state of the object according to which interpretation should proceed. Apprehending a traditional painting or sculpture involves focusing on a privileged physical state of the object. With regard to traditional works in painting and sculpture, a privileged state (or narrow range of states) is usually easy to identify, though not always to reconstruct: it is just the state of the object at or shortly after the time of its completion.<sup>7</sup> Our recognition of this state's importance is demonstrated by our practices of conservation and restoration, which are dedicated to maintaining the object in such a state.<sup>8</sup> Successful restoration efforts sometimes reveal that we have misapprehended the work, as when Michelangelo's Sistine Chapel ceiling was restored to its unexpectedly gaudy array of original colors. If we are unable to carry out physical restoration of the object to its privileged state, we do imaginative restoration instead, ignoring damage or color change and trying to see the work as it was when the artist first made it. Change in the object over time is something to be ignored as we interpret the work, not something to be acknowledged and figured into our interpretations.

With Magor's work *Time and Mrs. Tiber*, there is no privileged physical state or timeslice of the object to which we can appeal in our interpretative efforts. The importance of physical change in the object over time means we must consider a *series* or *progression* of physical states. Right now, as the object sits in storage awaiting its turn to be exhibited, some of the relevant states lie in the future. These future states might even be thought the most important: the progression of decay and degradation of materials will provide the clearest expression of the phenomenon of mortality explored within the work.

The relevance of future states to our current apprehension of the work poses some problems. How will we figure out *which* future states to consider? We could try predicting the work's future. We could study the National Gallery of Canada's storage and conservation policy, and even the

adequacy of security and storage facilities, to infer how the work will be treated within the institution over time. And we could run experiments with jars of preserves to see how they change over time (though, of course, it might be difficult to learn anything that will be helpful, since our new jars of preserves won't catch up to Magor's jars in age). Both of these methods will give us more or less useful information about the work's probable future.

Predictive efficacy aside, though, these methods are wrongheaded when it comes to establishing future states of the work in a way that is relevant to interpretation. Prediction is just the wrong project here. There are all sorts of factors which may influence the art object's future states while remaining irrelevant to what the artwork is or how it should be viewed. The work might be damaged or destroyed in a fire started by some other strange contemporary art object. The National Gallery might experience financial difficulties and sell part of its collection, resulting in a dramatic change in the work's circumstances and hence its physical evolution. A clumsy custodian might knock one of Magor's jars with a mop handle and break it. Or an overzealous conservator might commission a new set of preserves with the misguided intention of restoring the work to its initial privileged physical state. None of these possibilities, even if we could predict it with a high degree of likelihood, is such as to affect what the work is. Even after such an event, the nature of the work would not be altered (though the object associated with it might come to look different). We would not begin interpreting the work differently because of the resulting change, and we would not replace images of the object in our history books with images from after the transformative event.

A related proposal would be to regard the object's *actual* future states (rather than the future states we currently predict for it) as those relevant to the work. Under this proposal the work remains partly epistemically inaccessible to us until those states come to an end. But the same problems of irrelevant factors arise for actual future states as for predicted future states: there might actually be a fire that damages the art object next year, but this would not change how we should interpret the work. Moreover, seeing the object's actual future states as privileged would pin the work down too strictly. If the object's actual future states are important, it is also important that we cannot predict them with any degree of certainty. The relevant future states belong not to one possible future but to a *range* of possible futures. But as we have seen, some of the object's possible futures are not relevant: our interpretation of the work would not be affected by some calamity, like fire damage, any more than would our interpretation of a more traditional work. What we have, then, is a tricky situation in which the possible futures belonging to a particular range, but not *all* possible futures, are relevant to the work's interpretation. How, then, are we to establish which range of futures is privileged?

If we want to establish a range of possible futures while barring the influence of things like fire damage, one option is appeal to a set of defaults: standard conditions that allow us to make a *normative* prediction about the development of the object. We could regard the range of probable futures of the object under these default conditions as the range relevant to interpreting

the work. One sort of default condition would be institutional practice: for instance, what conservation and restoration policies are currently in place, or were in place when the work was created or acquired? What instructions for the object's treatment have been given by the curators or other authorities? For example, if the institution's policy were to take aggressive measures to halt the deterioration of objects, which in this case would mean adding preservatives and sealing the jars, we would interpret the work according to a normative prediction on which it would deteriorate more slowly than if it had been left in its original state. If the policy were, instead, one of non-interference, then the work would be interpreted according to a normative prediction such that it would deteriorate rapidly and exhibit marked signs of decay, including the growth of microorganisms in the jars and so forth. Our interpretations of the two works whose features would be fixed by the application of these different institutional policies would differ in accordance with the difference in the two works' rates of deterioration.

But in the case of *Time and Mrs. Tiber*, to regard the work's features as being fixed by institutional policies will result in a serious misapprehension. Those policies will not settle which rate of deterioration is relevant to the interpretation of the work. In fact, they will get it exactly wrong. An important feature of the work, especially before Magor's changes in view, is its *violation* of institutional defaults. Magor's work is in specific tension with the institutional will to immortalize (or at least mummify) the art object, and so simply to apprehend the work in accordance with the institution's default practices, without considering the artist's sanction in relation to those practices, would be a mistake. It is the artist's sanction, not the default policy or practice, that fixes the features of the work that must be apprehended and then considered for purposes of interpretation.

Just as we can't look to general institutional policies for the treatment of art objects for guidance about how to interpret the work, neither can we look to *specific* policies for the treatment of the particular object associated with the work. The mere existence of a policy for treatment of the object is not sufficient to fix the features of the work, or to determine the range of futures that are relevant for interpretative purposes. It is not only the content of such policies but also their *sources* that matter. If Magor gave instructions to discard the object when it could no longer be exhibited, and a curator (rather than Magor herself) later ordered it transferred to the Study Collection instead, thereby putting into effect a specific policy for treatment of the object, this would *not* alter the range of appropriate interpretations of the work, though it would change the object's future. The curator's decision would not change the work; it would only jeopardize our access to the work by preventing the object from developing in accordance with the artist's sanction. In much the same way, poor restoration of a painting might jeopardize our access to the artwork by obscuring the features the artist sanctioned for it through her acts of painting. Poor restoration changes the object, but it does not change the artwork, which is the proper target of interpretation. The range of appropriate interpretations of the work would not change because the object has been badly restored, though shoddy restoration would complicate our task of apprehending the work, possibly

causing us to make mistakes that would diminish the adequacy of our interpretations. Similarly, we should not change how we interpret Magor's work if the curator makes a unilateral decision that alters how the object will develop over time, though the curator's decision might make apprehending the work more difficult.

But the very same change in policy, made with Magor's authorization, did in fact change the work itself.<sup>9</sup> Through effective communications with the institution, Magor altered the course of conservation and restoration efforts. She rejected the existing defaults and thereby sanctioned a new set of privileged states of the object for interpretative purposes. This change in sanction (unlike a mere change in policy made unilaterally by the curator) constituted a change in the work: initially, the work had the feature that its associated object would one day deteriorate and be discarded; now, it has the feature that the object will be preserved indefinitely. We can account for the change in the work only by appealing to the artist's sanction.

### **III. WHAT SANCTIONS ARE AND HOW THEY WORK**

What exactly is a sanction, and how is one established? The most common way for an artist to sanction particular features of her work is by presenting an object within a particular context: by presenting a painted canvas with a particular set of visible features, for instance, the artist typically sanctions a corresponding set of visible features for the artwork. In addition, some features of the artwork are fixed by actions and communications of the artist *other than* the creation or presentation of the art object. Through these actions and communications, such as giving the work a title, offering an artist statement to accompany the work or instructing curators about conservation or the conditions of display, the artist establishes a sanction of certain features of the work. These features must be ascertained and taken into account during any interpretative endeavor: just as the configuration of colors in a traditional painting must be attended to by any viewer who claims readiness to interpret the work, the features the artist has sanctioned through her actions and communications must be attended to by any viewer who aims to interpret a contemporary work. The artist's sanction, even when it is established through means other than presenting an object with particular features, plays an ontological role in fixing features of the artwork. For this reason, information about the sanction is often critical to the apprehension of a contemporary work. Looking at formal artist statements and other evidence of an artist's actions and communications isn't just an activity for fastidious critics and historians; it's something every viewer may need to do just to be able to "see" the work at all.

I should dispel three potential confusions about what I am claiming. First, I do not claim that the artist has stipulative authority regarding how the work should be *interpreted*. Indeed, this is a view I explicitly reject. The range of the artist's special authority, on my view, is restricted to certain aspects of the *nature* of her work; that is, it pertains to features the work possesses. Insofar as interpretation must be responsive to the work's nature, the artist's sanction will place some indirect constraints on interpretation, just as an artist places constraints on interpretation by



applying paint to canvas in a particular arrangement: we are not free to ignore the work's features as we interpret. The only role the artist's sanction plays in constraining interpretation, on my view, is an indirect one, mediated by its role in determining certain of the work's features. The sanction does not establish the ultimate meaning of those features or of the work itself.

Second, I do not claim that the artist endows her work with features simply by intending that it have those features.<sup>10</sup> Neither the artist's conscious or unconscious thoughts or ideas about the work, nor her behavioral dispositions, have any effect on the work's features except insofar as they lead her to take certain kinds of action in appropriate contexts. Moreover, the work may, on my view, have features that expressly conflict with those the artist intended. The intention that a surface have a metallic texture, or that a human figure appear elderly, does nothing on its own to make it the case that the work possesses the corresponding features. This is true even where we have unimpeachable evidence of the artist's intention, say in a series of journal entries and records of private conversations over an extended period of time. Even if the work itself supplies ample evidence of the artist's unsuccessful attempts to create a metallic surface texture, the failure of these attempts means that no sanction of a metallic surface texture was established. The same is true for the sorts of features that might be fixed through negotiations with curators: if the artist intends that a work be displayed in a certain way, but never communicates that intention effectively, she has failed to sanction the relevant display conditions.

Third, I do not claim that the artist can, simply by fiat, cause the work to have (or not to have) any property whatever. The artist's primary sanction-creating activity is to present an object with certain features within a particular context. Normally, the features of the object will go a long way in determining the nature of the work: if, and only if, a painted canvas has a patch of crimson in the lower right corner, its having a patch of crimson in the lower right corner is an interpretable feature of the artwork.<sup>11</sup> The artist cannot, through private entries in her journal or public declarations, make patches of crimson appear or disappear. Nor, given the strength of the convention that the appearance of the painted surface matters, can she enjoin us to ignore the patch of crimson, to regard it as lying outside the boundary of the work, as we might so regard an oil stain on the reverse of the canvas. The possibility of creating sanctions through actions *other* than manipulation of materials does not relieve the artist of responsibility for what she has done, or failed to do, with those materials.

#### **IV. SANCTIONS AND INTENTIONS**

To see the artist's presentation of a work within a particular context as an act of *sanctioning* certain artwork features, as I suggest, is to give substance to the popular intuition that artworks are of interest because they are the products of intentional human activity. The sanction bears an important relation to the artist's intention: the actions and communications that serve to establish a sanction are, generally speaking, expressions of the artist's intention (and are certainly outgrowths of the artist's intentional action), just as painted marks or other physical manipulations within a medium are,

generally speaking, expressions of the artist's intention. The underlying intentions, however, are not what brings the sanction into existence: the actions and communications themselves are what determine whether or not a sanction is in place. Thus if an artist intended that the artwork have a particular feature but failed to act effectively on that intention either through the presentation of the object or through other actions or communications, then a sanction has not been established, and the artist's intention is irrelevant to the the nature of work.

The artist's sanction, as I have suggested, is related to, though not identical with, the artist's intention. How, then, does my view relate to other views about the role of the artist's intention? The intentionalist holds that the artist's actual intentions fix the correct interpretation of the work.<sup>12</sup> This view differs greatly from my own, insofar as I am concerned not with the content of interpretation but with the work's features, which are the object (not the outcome) of interpretation. But we can imagine a version of intentionalism that suggests that the artist's actual intentions determine the work's features, rather than only the correct interpretation of those features. Such a view differs markedly from my own, since, as we have seen, intention is not sufficient to establish a sanction. The operative notion, on my view, is not intention per se but effective intention, or intention that has been put into action in a specific way; this is one way of describing the artist's sanction. Intentions which have never been acted upon have no effect on the work's features, on my view; nor do intentions which have been acted on ineffectively. Though we may have very good evidence, from within the work or without, that the artist intended to depict a cylindrical form, the form will in fact be cylindrical only if the artist has successfully executed her intention. The same goes for other sorts of features established by the artist's sanction: the work in fact has those features only if the sanction was successfully established. Our ability to infer what the artist meant to do does not make it the case that the work in fact has the feature she meant to give it, just as our ability to infer that the high jumper meant to surmount the bar does not make the jump successful.

In a way, a sanction is like a contract: both are established by making certain statements and/or performing certain acts under appropriate conditions. When we want to know whether someone has entered into a contract, we look for behavioral evidence. There is a fact of the matter about whether a contract has been entered into, and we will look to particular kinds of evidence to determine whether a contract exists (though, of course, the availability of the relevant evidence may sometimes be limited, in which case our ability to make a determination will be limited as well). The making of a contract depends on the prevailing communicative conventions: in one context, an utterance may not count as entering into a contract, while in another context it will. Suppose that, while standing on a used car lot with your friend and a car salesperson who's just been giving you a pitch, you say, "Okay, I'm going to buy that car!" If the utterance is spoken directly to the salesperson, in a legal context where verbal utterances are considered binding, you will through your statement have entered into a contract to purchase the car at the terms the salesperson has been offering. If the

statement is made in a context in which verbal utterances are not legally binding, or if the statement is made to your friend while the salesperson is talking on the phone, you will not have entered into a contract.

Whether a person has entered into a contract will ultimately depend on what the person has said and done in particular circumstances. The artist's sanction, similarly, is established through the artist's observable actions and communications, though it may in some or even most cases be implicit, as I described above. To reiterate, a sanction is an outgrowth of the artist's intentional activity, but it is not identical to her particular intentions. An intention never clearly and effectively conveyed does not give rise to a sanction, and therefore does not fix the features the artist intended for the work.

Learning about the artist's sanction, then, depends not on retrieving the artist's intentions but on studying her overt actions and communications, including the act of presenting an object within a particular context. It bears some resemblance to the enterprise of the hypothetical intentionalist, who formulates hypotheses about the artist's intentions on the basis of the features of the work and relevant information about the artist, such as historical context and biographical details.<sup>13</sup> These hypothesized intentions are then used as the basis for interpretation.

Hypothetical intentionalism with respect to interpretation strikes me as a plausible view: to make sense of a work, it may well be necessary to make inferences about the likely intentions of the artist (or of an idealized author bearing some resemblance to the actual artist). And in some cases, these may include intentions that have not been successfully executed. A failed intention may at times be the best explanation for, or the most reasonable inference from, a set of object features. But my view relates to identification of the features of artworks, rather than to interpretation of those features. And failed or unexecuted intentions do nothing to determine the features of the artwork (though they may affect how those features should be interpreted). As we try to grasp the nature of the work, we should consider the artist's sanction rather than her intention (hypothesized or actual), and there is no such thing as a failed sanction: sanctions are either successfully established or nonexistent. And again, the point of relying on the artist's sanction, on my view, is not to identify the proper *interpretation* of the work but to apprehend *features* of the work, prior to interpretation.<sup>14</sup> The artist's sanction can determine that the paint flaking from a painting is properly regarded as a feature of the work that must be considered when we interpret, rather than a problem with the object that must be fixed so it doesn't interfere with our understanding of the work. The artist's sanction does not, however, determine *how* that feature is to be interpreted.

My view, then, differs in two critical ways from both varieties of intentionalist view. First, my view is not intentionalist because sanctions, although related to intentions, are not identical to them. My view does not, therefore, require learning about, inferring or reconstructing mental states or behavioral dispositions, either actual or hypothesized. A second important difference is that my inquiry does not primarily concern how we should go about interpreting artworks, whereas this is the central question for the

actual and hypothetical intentionalist. I am concerned with identifying the proper *target* of interpretation, which is what I mean by 'artwork.' My view has implications for interpretation, of course, insofar as the artwork poses powerful constraints on interpretation. Essential features of the work cannot, for instance, simply be ignored; the interpreter is constrained to be faithful to such features. We will see more about how such constraints operate in section VI.

#### **V. THE SANCTION IN CONTEMPORARY AND HISTORICAL ART**

I have suggested that many contemporary artworks have special features which oblige us to consider the artist's sanction if we are to apprehend them adequately. An obvious question, then, is whether I am advocating the idea that there has been a radical break between the art of the last several decades and its historical precursors. Am I a proponent of a view which suggests that what we now call "art" is a phenomenon utterly separate from what people a century or two ago called by that name? The answer is no.

The notion of the artist's sanction is applicable to traditional Western art forms, just as it is to contemporary artworks. The artist's primary sanction-creating activity, now as before, is to present an object within a particular context. When an artist puts forward an *object* with certain features, she is sanctioning the set of *artwork* features that, given the context and the conventions connecting the object and the artwork, the suitably informed audience will take the artwork to have. Simply by giving his fresco a certain appearance, Piero della Francesca sanctioned a substantial array of artwork features, including both the configuration of colors on the surface and the fact that the work depicts John performing the baptism of Jesus. This is because he was, and knew he was, producing his painting in a context where certain conventions for the representation of John and Jesus were operative, so that audience members applying these conventions would take certain configurations of colors and forms as depicting John and Jesus. The artist's sanction, then, functions in concert with a set of conventions that connect object features to artwork features.

The strength of the conventions with respect to traditional artworks, and the ease with which we tend to apply many of them, has obscured the degree to which the artist's sanction plays a role in making the artwork what it is. But certainly there have been past periods of art history in which the then-current conventions were undermined by new artworks. The development of perspectival representation during the Renaissance may have been a case in which the conventions for depicting three-dimensional space in a two-dimensional artwork were revolutionized. In some historical cases where conventions were overturned or modified, it may have been necessary, as it is for many innovative works now, to appeal directly to the artist's sanction to determine how the works in question were to be understood. Many such works were eventually subsumed under a new set of conventions, so that specific appeal to the artist's sanction ceased to be necessary, though the artist's sanction remains responsible for the applicability of the new conventions. The same might be true for many contemporary works: looking to the sanctions of individual artists with

respect to particular works may lead to the development of new conventions that apply to those works as a class. But for some contemporary works, such as Magor's, explicit appeal to the artist's sanction is ineliminable: in order to establish particular aspects of the work's material form, we must look to the artist's sanction with respect to the specific work. But even in works for which such explicit appeal to the artist's sanction is not necessary, it remains the case that the sanction is essential to making the artwork what it is.

The sanction established through the artist's communications with curators is the extension of a much more basic sort of sanction: the presentation of the art object under a particular set of conditions is itself an action that establishes a sanction. The content of such a sanction, which may be thought of as an *implicit* sanction, will depend on certain facts about the conditions of presentation. If an artist presents a painting in a venue where the standard is to hang it flat on the wall so that only one side is visible, then she has implicitly sanctioned this presentation of the object, as long as she does nothing either to indicate that this standard is inappropriate or to prevent its application. The sanctioning of this mode of presentation also serves to sanction a connection between the object and the work, namely that the visible appearance of the reverse of the painting is not a feature of the work – unless, of course, the artist does something to sanction the consideration of this feature.

Many features of both contemporary and historical works are determined by the artist's implicit sanction. The creation of every artwork is informed, if tacitly, by the artist's understanding that the work will be received in certain ways by art audiences and institutions. Given the conventions that are operative within the context in which she creates her work, the artist can often assume that if she creates an object with particular features, the audience will understand the artwork to have a set of corresponding characteristics. In such a situation, it is appropriate to say that the artist has sanctioned those characteristics through a combination of her action of presenting an object with certain features within that context, and her tacit assumption that the usual conventions relating object to work would hold.

## **VI. SANCTION, EVALUATION AND INTERPRETATION**

It is obvious that many of the perceptually available features of an artwork place constraints on interpretation: if an interpretation conflicts with such features in any substantial way, that will be reason for seeking a new interpretation that better accommodates the work's appearance. What I have proposed here is an additional set of constraints: features of the work established by the artist's sanction. These constraints, while they make additional demands on the adequacy of particular readings, play no special restrictive role: they function just as relevant features of the object's appearance do. The fact that the objects of Liz Magor's *Time and Mrs. Tiber* are subject to particular kinds of treatment and will decay over time constrains how it is appropriate to interpret this work, just as the appearance of the painted surface of a canvas places constraints on interpretation.

Recognition of the role the artist's sanction plays in fixing certain *features* of her work does not, however, mean that we must accept the *interpretation* the artist would have proposed, or did propose, for that work. But how, exactly, do the features sanctioned by the artist affect the process of interpreting the work?

When the artist's sanction changes the work's features, as was the case with *Time and Mrs. Tiber*, this changes the range of interpretations that are appropriate to the work. Something the interpreter might wish to consider is whether the work that existed prior to the change is better or worse than the work that exists after the change. This is just as, for any kind of artwork, one appropriate task for an interpreter (especially one interested in evaluating the work) may be to consider what the work would have been like if the artist had made different choices. Would the work have been a better one if that blue had been cobalt rather than ultramarine? Would the work have been a better one if the artist had correctly sealed her jars to avoid the rapid deterioration of the contents and the development of botulism? To settle such questions, we may need to produce hypothetical interpretations<sup>15</sup> based on the work that *would* exist if the object had had the features, or the artist had established the sanctions, we are imagining. We can then compare our interpretation(s) of the *actual* work with the interpretations that arise from the hypothetical work. If the hypothetical work gives rise to richer or more interesting interpretations, that might be a basis for concluding that the artist should have made a work somewhat different from the one she in fact produced.

The process of interpreting and evaluating the work in light of the features sanctioned by the artist may be illustrated with appeal to *Time and Mrs. Tiber*, a case in which the artist's decision about the object's eventual disposition clearly changed the work. As discussed above, the disintegration of the physical objects presented is a prominent feature of the work, and this feature must be accounted for within a fully specified interpretation. It is likely, then, that any adequate reading of the work must identify decay as one of its central themes. It is interesting to consider Magor's decisions about the work in light of such a reading. Her initial view was that the work should be allowed to decay at its own, natural pace, with minimal intervention by conservators: no addition of preservatives, resealing of the jars, etc. An adjunct to this attitude was that the work would eventually "die," at which point it should leave the realm of art (signified by the museum itself) just as humans leave the realm of life. Later, though, she accepted much more drastic intervention: the destruction and replacement of several of the original jars, and the addition of preservatives and sealant to the remaining jars. And finally she accepted the idea of archiving rather than throwing away the objects once their public exhibition days are over.

The significance of this final change can be brought out by examining the task of interpretation before and after the change. Consider an interpretation of the work as dealing with decay and mortality, which would accord with Magor's explicit statements and with the object's material features. The title suggests an interpretation closely linking the objects presented to the figure of the deceased Mrs. Tiber: they serve both as a

trace of her attempts to preserve other living things and as her stand-in, showing the ultimate and necessary failure of her attempts at self-preservation. Her body has already broken down, and her material legacy, though surviving her temporarily, is fading before our eyes. Thus far, the interpretation is consistent with the work both before and after Magor's change in view.

But now let's finish the story. First, we'll consider the work under the initial sanction, such that it was to be permitted to decay and then thrown out, contrary to established institutional practices. Under this scenario, we might say allowing the work to "die" is a graceful way to bring its development to completion, suggesting understanding and acceptance of the life cycle's inevitable end. An alternate interpretation, focussing on the work's violation of established conservation practices, might see an obstinate, fatalistic viewpoint, like that of a religious sect that refuses established medical procedures and thus suffers avoidable illness and death. The work might even be seen as hopeless, implying that since we are all to die anyway, efforts to slow the process are futile.

On the sanction subsequently established, under which aggressive conservation measures are to be undertaken and the object is to be retained indefinitely for study, we must read the work differently. We might say, based on this new sanction, that the work undermines the message it purports to deliver, showing instead that both artist and institution are in denial about their ultimate relationships to time. Or we might read a clever irony, in which the work itself becomes something like a jar of preserves. On this view, Magor has enlisted the unwitting museum in a project much like Mrs. Tiber's, that of ensuring her legacy by preserving her material remains. Since Magor's material remains coincide with Mrs. Tiber's, she has thereby secured Mrs. Tiber's legacy as well.

Clearly, a wide range of interpretations is available to us both before and after the change in Magor's attitude.<sup>16</sup> The features of the work fixed by her sanction do not force a particular reading or evaluative stance. They do, however, make certain demands on the content of the interpretation, constraining it just as any other feature would. Readings which ignore or conflict with such substantial features of the work, while perhaps interesting, are not genuinely readings *of the work*. If being true to the work is something that matters to us, we are bound to take the artist's sanction into consideration.

The artist's sanction, as I have been suggesting, is an outgrowth of the artist's intentional activity, though not equivalent to her intention, just as the configuration of colors on a painted canvas is an outgrowth of the artist's intentional activity. Like the colors of a painting, and unlike mere intention, the sanction is publicly accessible, since it has been established through particular actions and communications by the artist. While the artist's sanction plays a crucial role in fixing certain *features* of the work, the artist's intention, effectively expressed or not, does not fix the proper *interpretation* of the work. My view, then, can account for the fact that the artist sometimes has special authority in determining the *nature* of the work, without incurring the liabilities of the view that the artist's intention

determines the correct interpretation. Artists make works, and making works, especially these days, means more than creating objects and titling those objects. But it is still up to us to figure out how those works are to be interpreted.<sup>17</sup>

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<sup>1</sup> For example, a set of murals by Mark Rothko were removed from their setting at Harvard University because of fading that Rothko did not intend. See Marjorie B. Cohn et al., *Mark Rothko's Harvard Murals* (Cambridge, MA: Harvard University Art Museums, 1988), and John T. Bethell, "Damaged Goods," *Harvard Magazine*, July-August 1988, pp. 24-31.

<sup>2</sup> My view's relationship to actual and hypothetical intentionalism is discussed in section IV below.

<sup>3</sup> Kendall Walton and Jerrold Levinson, among others, hold that the artist's intention about which category a work belongs in is relevant to how it must be considered. See Kendall Walton, "Categories of Art," *Philosophical Review* 79 (1970): 334-367, and Jerrold Levinson, "Intention and Interpretation in Literature," in *The Pleasures of Aesthetics* (Ithaca: Cornell University Press, 1996), pp. 175-213. I will suggest that we need consult only the artist's sanction, and not her intention, for this purpose.

<sup>4</sup> Marion Barclay and Richard Gagnier, "Is Time Up for *Time and Mrs. Tiber*?" *Journal of the International Institute for Conservation - Canadian Group* 13 (1988): 3-7.

<sup>5</sup> From a 1986 memo by conservator Marion Barclay.

<sup>6</sup> Factual information about the work and its history is taken from memos and conservation reports found in the National Gallery of Canada's curatorial file on *Time and Mrs. Tiber*. The expression "slaving in the kitchen" is taken from correspondence in which Magor describes the process of producing new jars.

<sup>7</sup> There are notable exceptions, including the development of patina, in which the privileged state takes longer to develop and may be somewhat more difficult to identify. Even in such cases, though, it is clearly true that there is a privileged state or range of states on which interpretation must focus.

<sup>8</sup> For discussion, see Anthony Savile, "The Rationale of Restoration," *The Journal of Aesthetics and Art Criticism* 51 (1993): 463-474. Richard Wollheim suggests, "[A]sked about the colour of Bacchus' cloak in Titian's *Bacchus and Ariadne* we should answer 'Crimson', and this would be the correct answer to give alike when the painting was freshly painted, when discoloured varnish and dirt had turned the relevant part of the canvas brown, and now that it has been cleaned." See "A note on the physical object



hypothesis," in *Art and Its Objects*, 2nd ed. (Cambridge: Cambridge University Press, 1980), p. 182.

<sup>9</sup> One might wonder whether we are dealing with a single work whose features have been altered, or with two distinct works, one of which ceased to exist and the other of which came into being upon Magor's change in view. But very little hangs on this: the crucial point is that the change alters the work's nature, and the range of interpretations that are appropriate to it is correspondingly altered.

<sup>10</sup> The relationship between sanctions and intentions is discussed further in section IV below.

<sup>11</sup> The artist's sanction might, however, serve to determine the correct orientation of the work, and thus which is the lower right-hand corner. For discussion of issues related to orientation, see John Dilworth, "Pictorial Orientation Matters," *The British Journal of Aesthetics* 43 (2003): 39-56.

<sup>12</sup> Well known examples include E. D. Hirsch, Jr., and Steven Knapp and Walter Benn Michaels. See Hirsch's *Validity in Interpretation* (New Haven, CT: Yale University Press, 1967) and *The Aims of Interpretation* (Chicago: The University of Chicago Press, 1976), as well as Knapp and Benn Michaels' "The Impossibility of Intentionless Meaning" in *Intention and Interpretation*, ed. Gary Iseminger (Philadelphia: Temple University Press), pp. 51-64. For a recent defense of Hirsch's early, strongly intentionalist view, see William Irwin, *Intentionalist Interpretation: A Philosophical Explanation and Defense* (Westport, CT: Greenwood Press, 1999). Intentionalists are sometimes referred to as "actual intentionalists," since they are concerned with the artist's actual intentions. Such views are to be contrasted with hypothetical intentionalism, discussed below.

<sup>13</sup> See especially Levinson, "Intention and Interpretation in Literature," as well as Alexander Nehamas, "The Postulated Author: Critical Monism as a Regulative Ideal," *Critical Inquiry* 8 (1981): 133-149 and "Writer, Text, Work, Author," in *Literature and the Question of Philosophy*, ed. Anthony J. Cascardi (Baltimore: Johns Hopkins University Press, 1989), pp. 267-291. For useful discussions of the relationship between hypothetical and actual intentionalism, see Noël Carroll, "Interpretation and Intention: The Debate Between Hypothetical and Actual Intentionalism," *Metaphilosophy* 31 (2000): 75-95; Gary Iseminger, "Actual Intentionalism vs. Hypothetical Intentionalism," *The Journal of Aesthetics and Art Criticism* 54 (1996): 319-326; and Robert Stecker, "Apparent, Implied and Postulated Authors," *Philosophy and Literature* 11 (1987): 258-271.

<sup>14</sup> For arguments that apprehension and interpretation must be separated, see my "Apprehension and Interpretation" (unpublished manuscript) and "Interprétation et description d'une œuvre d'art," forthcoming in *Philosophiques*.

<sup>15</sup> Not to be confused, of course, with hypothetical *intentionalist* interpretations.

<sup>16</sup> Critical monists who hold that only one correct interpretation of an artwork is ever available would deny this claim. The view I defend in this paper is in fact compatible with either monism or pluralism. The point here is that my

view does not force us into monism: although it establishes that the artwork has a particular set of features, it does not force us to adopt a particular interpretation of the work (unless one holds, with the monist, that *any* particular set of artwork features forces us to adopt a particular interpretation). For the debate between critical monism and critical pluralism, see *Is There a Single Right Interpretation?*, ed. Michael Krausz (University Park: The Pennsylvania State University Press, 2002).

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