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Volume 15, 2023

Edited by Vítor Moura and Connell Vaughan



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## Table of Contents

<b>Sérgio Pinto Amorim</b> <i>The Forms, the Architect, and the Act of Doing Architecture</i> .....	1
<b>Pedro Borges de Araújo</b> <i>Notes on Aesthetics in Architecture</i> .....	15
<b>Emanuele Arielli</b> <i>AI-aesthetics and the artificial author</i> .....	40
<b>Alessandro Bertinotto</b> <i>Habits of Unexpectedness. Expressiveness in Musical Improvisation (and Beyond)</i> .....	55
<b>Thorstein Botz-Bornstein</b> <i>Guilt and Shame: Ethics and Aesthetic</i> .....	84
<b>Gregorio Fiori Carones</b> <i>Simmel and the Aesthetics of Luxury</i> .....	94
<b>Veronika Darida</b> <i>The Aesthetics of Gesture</i> .....	110
<b>Harry Drummond</b> <i>Pitches and Paintings: A Conferralist Theory of Art</i> .....	124
<b>Hannah Fasnacht</b> <i>Different Levels of Narrative Pictorial Content</i> .....	139
<b>Anna Fech</b> <i>What's the "New" in "New Extractivism"? Tracing Postdigital Aesthetics in Vladan Joler's Assemblage</i> .....	167
<b>Stacie Friend</b> <i>Fiction, Belief and Understanding</i> .....	185

iii

*Proceedings of the European Society for Aesthetics, vol. 15, 2023*

<b>Pablo Genazzano</b>	<i>General Remarks for a Historical and Systematic Reconstruction of Kant's Analytic of the Sublime</i> .....	205
<b>Jeffrey Goodman</b>	<i>Should We Accept Fictional Universals?</i> .....	217
<b>Peter Hajnal</b>	<i>Aesthetic Education and Embodiment: Notes Toward a Cavellian Approach</i> .....	234
<b>Sarah Hegenbart</b>	<i>Democratic and aesthetic participation as imposition: On the aesthetics of the collective</i> .....	252
<b>Gizela Horváth</b>	<i>Displaying Participatory Art</i> .....	271
<b>René Jagnow</b>	<i>Multisensory Experience of Paintings</i> .....	285
<b>Lev Kreft</b>	<i>Resentiment, Artivism and Magic</i> .....	305
<b>Efi Kyprianidou</b>	<i>Moral disgust and imaginative resistance</i> .....	316
<b>Federico Lauria</b>	<i>Values in the Air: Musical Contagion, Social Appraisal and Metaphor Experience</i> .....	328
<b>Leonardo Lenner</b>	<i>From Concept to Image and Vice Versa: the Philosophical Frontispiece</i> .....	344
<b>Lukáš Makky</b>	<i>Revisiting the concept of the end of art</i> .....	363
<b>Martino Manca</b>	<i>For the Snark was a Boojum. Towards a Positive Aesthetics of Literary Nonsense</i> .....	384
<b>Sofia Miguens</b>	<i>The many ways of doing philosophy of architecture (and what they tell us about contemporary philosophy and the place of aesthetics in it)</i> .....	396
<b>Davide Mogetta</b>	<i>Between Art and Philosophy. Patterns of Baxandall's Criticism</i> .....	406

<b>Francisca Pérez-Carreño</b> <i>Fiction as Representation. Or the Verbal Icon Revisited</i> .....	419
<b>Dan Eugen Ratiu</b> <i>Objects at Work: How Do Artefacts Work Aesthetically in Everyday Organizational Life?</i> .....	431
<b>Matthew Rowe</b> <i>The Implications of Mistakes About Art: Ontological and Epistemological</i> .....	458
<b>Merel Semeijn</b> <i>Common Belief and Make-believe</i> .....	471
<b>Thomas Symeonidis</b> <i>On the different meanings of aestheticization</i> .....	486
<b>Malgorzata A. Szyszkowska</b> <i>The Impression of Music: Edmund Gurney's ideas about music in The Power of Sound</i> .....	497
<b>Elettra Villani</b> <i>Aesthetic versus functional: overcoming their dichotomy in T. W. Adorno's Functionalism today</i> .....	511
<b>Andrew Wynn Owen</b> <i>Does a plausible construal of aesthetic value give us reason to emphasize some aesthetic practices over others?</i> .....	522
<b>Giulia Zerbinati</b> <i>The Truth of Art. A Reflection starting from Hegel and Adorno</i> .....	533

## *The Implications of Mistakes About Art: Ontological and Epistemological*

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ABSTRACT. The paper discusses real and imaginary scenarios in which mistakes are made the ‘art-status’ of an object. The paper analysis this in terms of the belief of an agent when faced with an object, and whether and how that belief might be well-founded. Mistakes are then analysed as having one kind of inaccurate, or badly-founded beliefs about objects. The paper argues that the assumption that an object has already been made an artwork is necessary for a belief that something is an artwork. This assumption distinguishes such instances from so-called ‘designation’ events, in which an agent constitutes something as an artwork. Designation requires an attempt to make a new artwork, whereas to mistake non-art for art does not. Indeed, the belief that something is an artwork already specifically excludes that possibility. It’s argued that the same principle applies even if we all make such a mistake: Instances are distinguished if, when further information emerges, we choose to recognise a mistake or not. Also, this is a choice about the object’s art-status from this time onwards, but does not anywhere specify the basis of this choice, which can be principled or pragmatic.

### **1. Mistakes Do Happen**

Consider a scenario in which Brown looks at a fire-extinguisher attached to an art gallery wall. Brown believes that the fire-extinguisher is an artwork and, on this basis, that he is experiencing an artwork. Brown subjects the fire-extinguisher to a searching interpretation based his knowledge of the history of art and other factors that he deems appropriate. However, the fire-extinguisher is there solely to comply with health and safety regulations. This is an example of

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a person making a *mistake* about art. People can make many kinds of mistakes about art, and this one, specifically about the status of an object as an artwork, or if you like, the classification of that object as one member of the set of artworks, is of a particular kind and has implications both ontological and epistemological, for art and perhaps for artwork authorship.

In real life, we know we can make this kind of mistake: According to Ravi Shankar, the audience at the 1971 Concert for Bangladesh at Madison Square Garden took his group's long tuning up (necessitated by the heat of the arena) as its first performed piece.<sup>354</sup> And there is a rich occasional seam of instances in which an artwork has been taken to be rubbish to be cleared away by cleaners or members of the public.<sup>355</sup>

Moreover, there is recognition of the possibility of this kind of mistake within the philosophy of art: Mistakes are feature in some of Danto's indiscernibles thought experiments, such as that in the Transfiguration of the Commonplace (1981, pp. 1-3), in which a disgruntled painter's sabotage results in the 'wrong' identical red square replacing an artwork within a gallery, trade on replacing artworks with non-artworks and thus depend upon the possibility of mistakes.

So, in both life and in philosophy we *do* recognise that we can make mistakes and that we can theorise on the basis of assumed mistakes about artwork status.

## 2. Required Commitments for Mistakes

One point can immediately be made: Stating that the classification of objects as artworks can be wrong pre-supposes that it can be *true or false* that an object is an artwork independent of one's beliefs. Any theory in which art-status can exist independently of the recognition or experience of an object will have factual bases for whether an object is or is not an artwork - (since the world can be divided into two exclusive sets - the set of artworks and the set of non-artworks). Thus, the possibility of mistakes does imply that we hold a view in which believing

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<sup>354</sup> In *A Concert for Bangladesh* Apple Films 2005. Dickie (1974, p. 174) makes a point relevant to the Ravi Shankar case: "Performances do not occur on the stage at all times; in fact, they occur relatively infrequently, so temporal cues are given to indicate that the aesthetic object of a play is about to begin (the house lights dimming and going out) and beginning (the curtain going up)."

<sup>355</sup> See for example This from 2015: <https://www.theguardian.com/global/shortcuts/2015/oct/27/modern-art-is-rubbish-why-mistaking-artworks-for-trash-proves-their-worth>. Or this from 2001 <https://www.theguardian.com/uk/2001/oct/19/arts.highereducation1>. Or this from 1999 <http://news.bbc.co.uk/1/hi/wales/485270.stm> [All accessed on 01/10/2023]

something to be an artwork, or a non-artwork, is not sufficient to make that thing an artwork.

But what if we deny this? Perhaps with that hoary old suggestion that art is whatever I say it is. Since this is so, I cannot be mistaken. Well, denying this view, (even if you don't hold the 'whatever I say it is' view) entails that claims, attributions or refusals of artwork status could, no matter how deluded, never be wrong, since they would be indexed to the particular claim being made. And all these clearly can be wrong, are wrong, have been wrong and will be wrong. Denying this would also permit each of us to construct our own private catalogue raisonné constituted solely by our beliefs, with some of us no doubt saying 'yes', and others 'no', to the very same object, and a person to turn everything into art, or indeed hold that nothing is art, and for neither of these positions to be wrong, or even contradictory.

And again, this is not correct – some claims, attributions or refusals, clearly can be wrong. There has always been as long as there has been art, a history of the world separate from the history of art, so that at any time only some of the total number of artefacts in existence are artworks. This simple empirical or historical fact, is *prima facie* evidence of constraints about 'art' actually in operation – hence why only some things are artworks, and that there are settled members within the class of artworks. Sclafani (1975, p. 456) makes these points clearly: "Without logical constraints on artmaking and arthood the concepts 'artist' and 'work of art' are rendered vacuous. Without such constraints anything anyone said about 'art' would be right and this only means nothing that anyone said would be right." Simply put, the possibility of making mistakes then is one constraint placed on art and art-status is just one among the many things about which my beliefs can be mistaken, and about which I can be corrected.

The commitments required for an analysis based on the idea of a 'mistake' are then: (i) that mistakes *can* be made; (ii) that criteria exist separate to a person's experiences or beliefs through which mistakes can be identified and (iii) these criteria will also operate in forming the *response* to identified situations that bear on art-status.

This presupposes no actual basis for the division of the world, the choices, challenges or criteria involved, merely that one is possible - and that questions or disputes can be settled by criteria separate to a person's experience or beliefs.<sup>356</sup> In fact, I propose that each theory or

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<sup>356</sup> Diffey (1979, p. 21) illustrates a non-institutional corrective for an institutional account. See McFee (1985) for a view on the truth conditions of institutional concepts as applying to art. McFee (2005) states, "... taking an



proposed definition of art will generate its own criteria for mistakes on the terms of that theory; moreover what counts as evidence for a mistake may also depend on what theory of art is operating.<sup>357</sup> As a basic idea, therefore, 'mistake' can be applied across many different particular theories of art.

Call the set of all artworks at any time *t* the 'catalogue' of artworks. Now, the membership of this set will often be contested, and unclear, even to experts in the field, or even to philosophers. Its membership at any time *t* will depend on one's theory of art at *t*, both on what one thinks artworks are, and on how one thinks things can become, or cease to be, artworks. For instance, some people might suggest that this division of objects could be made on the basis of an object's perceptual, aesthetic or non-relational properties so that only those objects that possess such properties appropriately can be within the catalogue of artworks. An institutionalist may instead insist that it is the institution of the Artworld that determines the art-status of an object, and thus membership of the catalogue. Yet, even so whether any particular object has the right relation to the institution of the Artworld remains a fact that can be settled by criteria separate to a person's experience or beliefs.<sup>358</sup> It is only the fact of the possibility of mistakes and that criteria exist separate to a person's experiences or beliefs through which mistakes can be identified, that is needed.

There is also no commitment required to there being any substantive reason why an item might be within or without the catalogue artworks. Indeed, there is no commitment required to there being such a settled reason or reasons. There is only a commitment to there being a catalogue of artworks at *t*.

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artwork for a (merely) aesthetic object is *mistaking* it, *misperceiving* it .... We take objects to have a structure they *could* not have - as though a crack in a wall *seemed* to spell a loved one's name: it not only did not so, it *could* not so". This idea of mistaking is sufficient for the arguments here.

<sup>357</sup> Searle (1969, s.2.7, pp. 50-53) argues for a distinction between brute facts which can exist independently of human culture and "institutional facts" which are only true or false within a set of constitutive rules. So here, the institution of the artworld constitutes the rules against which the question has a factual answer. Stecker (1997) does not think that institutionalists can be mistaken about art status.

<sup>358</sup> Diffey (1979, p. 21) illustrates a non-institutional corrective for an institutional account. See McFee (1985) for a view on the truth conditions of institutional concepts as applying to art. McFee (2005) states, "... taking an artwork for a (merely) aesthetic object is *mistaking* it, *misperceiving* it .... We take objects to have a structure they *could* not have - as though a crack in a wall *seemed* to spell a loved one's name: it not only did not so, it *could* not so" Searle (1969, s.2.7, pp. 50-53) argues for a distinction between brute facts which can exist independently of human culture and "institutional facts" which are only true or false within a set of constitutive rules. So here, the institution of the artworld constitutes the rules against which the question has a factual answer. Stecker (1997) does not think that institutionalists can be mistaken about art status.

### 3. Artwork Regarding

Having established the potential factual basis to claims about art-status, with the idea of the catalogue, I now wish to introduce another quasi-technical phrase concerning the beliefs of a subject – ‘artwork regarding’. This means simply that an agent believes that what she is experiencing *is* an artwork. It does not specify any distinct kind of experience but only that an agent thinks that they are experiencing an object within a certain classification. This belief does not have to be true or even well-founded.

This idea is in many ways the analogue of ‘the catalogue’ in that it simply describes a fact without implying any content behind, or supporting that fact. The commitment simply is to there being an extension of a catalogue of art; the commitment is simply to agents having artwork regarding experiences. Put simply, when someone has an artwork regarding experience of something that is within the catalogue of artworks, then their beliefs are correct – if this is not the case then they make a mistake: either of not-recognising an item within the catalogue or of artwork regarding something that is not in the catalogue. We now have a commitment to an extension of art, and to a belief that something is art. This will suffice to generate a framework for the analysis and import of mistakes about art-status.

So, we can now say that Brown was having an artwork regarding experience when looking at the fire-extinguisher because he believed it to be an artwork. However, his artwork regarding experience was mistaken because it was based on inaccurate beliefs about the facts that determine whether the fire-extinguisher was an artwork. This is why, if given further evidence was brought to his attention that undermined or contradicted his previous beliefs, for example, that the fire extinguisher was there to meet health & safety regulations, Brown would change his beliefs and agree that it was not an artwork: Brown would concede the mistake of his artwork regarding on the basis that it was an object that was not within the catalogue of artworks.

When Brown enters the art gallery, he expects artworks to be present. He visits in order to pay regard to some objects that have already been made as artworks. He believes that the conditions for him to experience objects as artworks have already been met. Once there he believes that the fire-extinguisher is one of those objects - an artistic artefact. So, Brown thinks, when he experiences the fire-extinguisher, that all the activity that made that artefact into an

artwork has been completed by other agents before he came to the gallery and his experience is based on this assumption. Moreover, it is such an assumption that prompts him to attribute that status to it, to regard it as such and perhaps attempt an interpretation. Without this assumption he would not regard it as an artwork – so the assumption is necessary to his belief and to his regard.<sup>359</sup> So, Brown makes a factual mistake if he thinks that he is experiencing an artwork, a mistake which is based on the factual inaccuracy of that assumption and which remains true whether he realises it or not.

This marks the difference between the Brown case and those in which an agent designates a fire-extinguisher as an artwork. It seems that that this has, and will happen, and the possibility of this remains within this analysis. In that instance, there would be a supposition by an agent that a new artwork will be made through their regarding, (assuming it is successful). However, Brown, is not acting in such a way that he intends to make an artwork and add an item to the catalogue.<sup>360</sup> Nowhere in Brown's thoughts, experience, intention, or reason as he stands and regards the fire-extinguisher as an artwork is there any connection with artwork-making. Indeed, Brown's intentional action in paying regard to the fire-extinguisher specifically excludes such a presumption. Indeed, he would deny he was trying to make an artwork or being a creative artist at that moment if asked. He could of course, leave the gallery having never discovered it, dreaming his dreams of the great fire-extinguisher artwork.

#### 4. Art Regarding: A Sub-Distinction

Thus, we have a distinction in art-regarding between *recognitional* art-regarding, and *constitutive* art-regarding.<sup>361</sup>

The assumptions required for recognitional art regarding are different and incompatible

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<sup>359</sup> Diffey (1969, p. 146) makes a similar point.

<sup>360</sup> Davies (1991, pp. 177-178) similarly offers a distinction relating to maker's intentions, in the example of a tour guide who intends her audience to view the Grand Canyon as art. Davies argues that the difference between this and a conceptual artist who includes the Grand Canyon within an artwork might be that the latter intends that it should be regarded *as* an artwork, whilst the former intends that it should be viewed *as if* it should be regarded as an artwork. Whatever the detail, the intentions are clearly different.

<sup>361</sup> Dilworth (2003, p. 49) outlines a 'constitutive interpretation'. For Dilworth a constitutive interpretation, if performed on an object, constitutes it as an artwork. This amounts to saying that such constitutive interpretations can, in certain circumstances, be sufficient to make an artwork. Constitutive art regarding would be such an interpretation.

with those for constitutive art regarding. This is marked by what happens if each belief faces a challenge in those presumptions.

For recognitional art-regarding the result of the challenge is, as we've seen, to alert Brown to a *mistake* he makes about the artwork status of an object. For constitutive art-regarding the result of a challenge is a potential *failure* to make something an artwork.<sup>362</sup> One challenge relates to the basis of my beliefs about the status of an object, the other to the status of the object itself. So, Brown's recognitional artwork-regarding cannot constitute an artwork-making action nor can his belief that the fire-extinguisher has already been made into an artwork serve to thereby make it into an artwork.<sup>363</sup>

An artwork-making action requires an intention, or supposition, by an agent that a new artwork will be made, and the existing catalogue of artworks enlarged, as a result of performing this action (assuming it successful). As Levinson (2002, pp. 370-1) states: "There are admittedly many cases of attractive, merely utilitarian objects subsequently treated as artworks by some individual or individuals, counter to, or in the absence of any artistic intentions on the part of their creators. But it is an error, I suggest, that this makes such objects into artworks: audiences, appreciators, consumers cannot make things art merely by treating them as such". The acceptance of the artwork-status of an object in most cases is assumed, implicit and collective. That's what happens when we go to art galleries. However, sometimes we might doubt the sufficiency of a claim of someone to have made an artwork or be uncertain about something's status, especially if further information comes to light that draws doubt upon the established, collective, implicit classification.

When faced with a disputed claim to have made an artwork, or to an object of which we are uncertain, we have the choices to: (a) withdraw our claim, the artwork-status of the object falls and we recognise a mistake; (b) to sustain our claim to artwork status despite further knowledge. This is the scenario Brown is faced with.

However, let's imagine Brown goes to the gallery with his friend Rowe. They both regard

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<sup>362</sup> In both cases we are in the situation of the experimenter at the beginning of an application of the method of indiscernibles. When we find out what differentiates the situation from that which we take it to be, we will understand it differently.

<sup>363</sup> Iseminger's 'adverbial' view of artifactuality deals with similar situations in a closely related way. He states (1973, p. 12): "... a piece of driftwood, just lying there, or a rainbow in which we find and appreciate aesthetic properties, is not thereby artefactualised to any degree." Iseminger's view allows him to distinguish between (on his terms) doing something and regarding something and thus between artists and critics.

the fire extinguisher as an artwork, both perhaps are uncertain and look for a wall label or information sheet as supporting evidence, and both then receive the confirmation that it's there for fire safety reasons. Brown admits his mistake, but Rowe - a vain but wily philosopher of art - refuses to admit a mistake and insists he was engaged in constitutive art regarding.

This action – or choice – by Rowe, is then one that can be successfully or unsuccessfully challenged by Brown, or others. A successful challenge to *this* choice means that Rowe has failed to make a new artwork *now* – it says nothing about the fire extinguisher before this time. The absence of a successful challenge to this choice means that Rowe (and us by our acceptance) have acted so to add something to the catalogue of artworks, that would not have been there, or which would have been subject to challenge, had we not acted.

This means then that we *do* have criteria for distinguishing successful from unsuccessful constitutive artwork regarding instances - and both from mistakes. And that perhaps Rowe is the author of this artwork.

But what if we *all* make a mistake? Is collective art-regarding sufficient to produce an artwork, and in effect collapse the difference between recognitional and constitutive art-regarding?

## 5. Collective Mistakes

Perhaps there are competing and qualified intuitions about this question – I'm not sure even what Levinson or Isimenger would think if the extent of regard was large and longstanding enough.

However, the above analysis of the Brown scenario provides a structure: We distinguish instances by whether, if further knowledge comes to light, we choose to recognise a mistake (and so rescind artwork-status) or to accept the object as an artwork.

Again, that's just a statement of the available decisive outcomes arising from these scenarios, it says or offers nothing about the bases of arriving at one outcome or another. Discovering further evidence that would affect our attribution of artwork status<sup>364</sup> forces a choice on us - and it's this fact – the existence of the choice - which is of interest, since the

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<sup>364</sup> Whilst we could not be collectively unaware of health and safety regulations, we could easily be unaware of an artist's diary that said "this thing (x) is not an artwork and was not made or intended as such. It's simply where I wipe my brushes" (for instance).

necessity to choose is derived from the possibility of mistakes about art-status. The fact that we decide that a choice has to be made shows that we recognise that our acceptance that an object is (or is not) an artwork subject to revision and that mistakes are potentially correctable and that there are criteria for correcting them.

We can recognise that some fact or facts about the history of the artefact, or its contextual presentation undermines its being an artwork. This renders our beliefs that it is *already* one and our belief that we are recognitionally artwork-regarding, mistaken – that’s the first scenario. Yet we can also choose to ignore this putative deficit and retain the object as an artwork – that’s the second.

Within that first scenario we will recognise that what has happened to this artefact before has not necessarily been sufficient for it to already be an artwork. Otherwise, this choice would not be forced upon us now. The existence of the choice means the artefact’s claims to being an item within the catalogue of artworks has been somehow undermined, and so with it, our beliefs that it has already been made an artwork. Thus, we are now unable to unproblematically regard it as art as we did before and we look doubtfully on our past artwork regarding experiences. Once we have this doubt about the artwork’s status, the question is whether the decision to keep the object as an artwork constitute an artwork-making action over that object by a later authority? The following considerations might suggest it can:

Since an object can gain or lose its previous assumed status as an artwork, a positive decision to retain it within the set of artworks is necessary for that object to be an artwork. Such choices can be described as artwork-making since they are based upon a different set of considerations and knowledge from that which originally permitted the objects inclusion within the set of artworks and which in turn, by being thrown into doubt, permit the choice to recognise the object as a mistake. The presumption operating in the decision to retain scenario is that we should act so to add an object to the catalogue that would otherwise be excluded (as a mistake) in order to retain its presence within the catalogue despite the new doubts that have emerged. The explicit exercise of this choice acts as insurance against the object being correctly regarded as a mistake in the future. Conversely a positive decision to remove the object from the catalogue of artworks is also needed. Either way, whatever choice we do make is a choice about whether the object is to be an artwork or not *from this time* onwards.

This is despite the fact that the choice is to *retain* the artefact within the catalogue of

artworks. This is because the choice to recognise the artefact now, and its ongoing inclusion within the catalogue of artworks, can itself be successfully or unsuccessfully challenged. A successful challenge to this choice means we have failed to make an artwork *now*.<sup>365</sup> An unsuccessful challenge or the absence of a challenge to this choice means we succeed in making an artwork now. In this latter case we have acted so to add an artefact to the catalogue that would not have been there, or would have been subject to ongoing challenge, had we not acted. So, the decision to retain, is effectively a decision to constitute the artefact as an artwork, since, without this new actively positive decision made in the light of undermining evidence about its original inclusion, the artefact would be excluded from the catalogue from this time onwards, and be regarded instead as a mistake. In short, this choice is constitutive of the art-status of an artefact whichever way we choose.

Given this, within this choosing scenario we have criteria for distinguishing (a) successful new artwork making actions, (b) unsuccessful new artwork-making actions and (c) mistakes.

The unchallenged or unsuccessfully challenged choice, and so an example of (a) might be when icons from dead religions are accepted as artworks now when we know they were not made as such. A successful challenge to a positive constitutive choice (and so (b)) might be a claim that Duchamp *did* make the Sears Building into an artwork so that it is an artwork within his oeuvre now. The original Brown scenario is (c) where the claim of art status is withdrawn and an individual mistake acknowledged.

Collective level acceptance that a mistake had been made can occur when objects such as Benin Bronzes, or Indigenous Australian Ceremonial Objects are returned to their original contexts. What's of note however, is that for all these cases, we are told *that* we have to make a choice but not *why*.

## 6. Philosophy and Pragmatics.

In philosophy the 'why' may come from the substantial theory of art we are using to decide on the extension of the term 'artwork' but in messy reality, there will be pragmatics in play.

Intuitions in particular cases appear to depend on whether we can garner any further facts

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<sup>365</sup> A claim might be contested for instance, with calls for further discussion of the evidence presented.

or knowledge about the object and the salience of these facts for something's status as an artwork. There's also how those facts interplay with other ideas such as property, religious or human rights. It's likely that for collective 'mistakes' there is a debate about which choice we should make when forced and that these debates will centre around those pragmatics.

It's important to note however, that whilst pragmatics might operate in how we deal with discoveries of error they do not impinge on whether or not the discoveries are actually of errors. This is a pragmatism that acknowledges our epistemological frailties. It recognises that mistakes about art status can be made, and have, as a matter of fact, been made and will continue to be made. It does not provide a conceptual loophole that prevents mistakes from being dealt with should our imperfect knowledge become perfected, or our pragmatic decision-making change focus.

Note that although I have described this choice as constitutive, and therefore quite substantive in the matters that it considers, the fact of the choice, pragmatics aside, still does not anywhere specify the bases of the choices, challenges and success criteria operating for each of the outcomes. Thus, the choice can occur across and within many different particular theories of art. The choices (a), (b), or (c), for an artefact might for instance, be based on how well it fulfils the, or a dominant, function of art at the time of the choice. Indeed, if the functional aim of art at this time is one that can be described independently of how an object is made or the agent making it, then this will have already determined the objects over which a choice has to be made, as well as the substance of the choice that *is* made. Faults in how an object was made, for instance, may be considered of little importance given its great functional efficacy. The opposite may be true for a theory that says art is necessary consciously made as such etc. etc.

What count as reasons and evidence for a possible mistake, and what count as reasons and evidence for what to do when faced with a possible mistake will depend on what theory of art is operating at that moment. The pragmatics in play will also come from within a theoretical approach. Indeed, what could be counted as pragmatics will depend on the more foundational theoretical beliefs about in operation within the scenario of choice.

It's possible, of course, that there may be different, competing and ultimately incompatible theories of art operating in a particular scenario, in which some assert, and others deny, a mistake. There will, however, always be that scenario of choice and outcomes and



always be some basis for the choices that get made – both sides of a dispute would give their own reasons and the argument would then ensue between different theories of art, applied to this artefact and this scenario.

This position - that retrospective claims of artwork status, if successful, are re-described as contemporary claims of successful artwork-making actions – reveals these instances as another example of cases in which the making of the object and the making of the artwork are the result of different making choices at different places and times. The choice scenario renders such objects as potential ready-mades, ready for co-option as artworks or discarding from the world of artworks. This, in turn, forces on us the question of who is the author of these newly made artworks? This will be another choice - about authorship - born of a different set of presuppositions and intuitions, with the same potential for mistakes and disputes and subject to its' own pragmatics.

In terms of its aesthetic worth, or the ways in which it matters to our lives, the object is not altered pre- and post- the artwork author's actions. This is in marked contrast to the aesthetic effect of, for instance, Michelangelo's working on the marble to make *David*, where the re-classification of the material as an artwork is perhaps the least of his achievements and incidental to its worth as a physical artefact. This is the sort of discussion that will enter into the pragmatics of the authorship question, but I would suggest that unless the addition of this new piece radically alters the recognised achievement of an artist (a fire-extinguisher added to the oeuvre of Philip Guston for instance) the pragmatics will nearly always side with the author of the object, perhaps with an apologetic footnote. What is interesting is that this is a radically different pragmatics to that which we apply to any kind of co-option of physical artefacts by artists where artwork authorship always follows the art maker, as opposed to the artefact maker.<sup>366</sup> That this is so perhaps marks the difference between a purely re-classificatory act that tracks our epistemological situation, and which may amount to technical authorship, and a revolutionary ontological re-classificatory act which makes something that was not authored, into something else altogether, an authored thing, an artwork no less.

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