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**Perennial Questions, Fresh Insight:  
Contemporary Art as a Guide to the Philosophy of Art**

**Sherri Irvin and Julian Dodd**

**1. Introduction**

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

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

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

In what follows, we shall examine the way in which these three recent trends in the philosophy of art have been prompted by consideration of contemporary art. This direction of influence is an

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

interesting phenomenon in itself, not least because it demonstrates that we can do the philosophy of art without automatically shoehorning new art forms and genres into extant theoretical structures that were not built to house them. In this sense, a case can be made that contemporary art has expanded the philosophical horizons of philosophers of art, enabling them to see that other, hitherto uncharted, theoretical moves are possible.

Before we go any further, however, we would like to do two things: explicitly acknowledge the restricted scope of our enquiry; and then add a general note of caution concerning the nature of the claims we make. First, limitations of space have led us to focus on the three themes just adumbrated, but in the course of discussing these we shall also have to say, if only briefly, about a couple of other trends that have been accelerated by the consideration of contemporary art: a growing skepticism about the prospects for reducing artistic value to aesthetic value; and a widely shared acceptance that artists may make art by selecting or presenting, rather than by fabricating, objects (Binkley 1977, 273-276).

Now for the note of caution. The normative relation between developments in contemporary art and consequent developments in philosophical theory is difficult to fathom. In particular, while there can be little doubt that consideration of contemporary art has been causally responsible for the taking of new directions in the philosophy of art, this in itself does not establish either that these philosophical responses are justified or, indeed, that they make the best sense of the art that prompted them. By this essay's end, we hope to have helped readers make a start on addressing these challenging questions for themselves.

## **2. Defining the concept of art**

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

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

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

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

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

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

Also from 1992-1997, Tom Friedman created *1000 Hours of Staring*. The medium of the work is described as "stare on paper." The exhibited object is an unmarked square sheet of white paper.<sup>2</sup>

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

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<sup>2</sup> See <https://www.moma.org/collection/works/114939?locale=en>.

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

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

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

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

But the institutional theory might also seem unduly deflationary. When the artworld admits these avant-garde works, doesn't it do so for reasons, rather than arbitrarily? If so, perhaps a theory of art should attempt to say something about the substance of these reasons (Wollheim 1980, 160). Also, aren't there some (perhaps many) things that are artworks despite the fact that they operate outside institutional contexts and are not responsive to whatever "atmosphere of artistic theory" (Danto 1964, 580) currently prevails in the artworld? As Jerrold Levinson puts it, "Consider the farmer's wife at a country fair in Nebraska, who sets an assemblage of egg shells and white glue down on the corner of a table for folks to look at. Isn't it possible that she has created art? Yet she and the artworld exist in perfect mutual oblivion" (1979, 233). Annelies Monseré (2012) makes a similar point in relation to "non-Western" art: the fact that some such art does not share cultural and institutional contexts with the works catalogued earlier does not justify its neglect in theories of art.<sup>4</sup>

Such considerations motivate Levinson's historical definition of art, according to which something is an artwork if it is intended for a form of "regard-as-a-work-of-art" that is appropriate for prior artworks (Levinson 1979, 234). This definition accommodates a great diversity of works, since it allows that there may be many established forms of regard for art: some works may be appreciated principally by virtue of their appearances, some by virtue of their conceptual interest or their success at challenging prior conceptions of art, and still others by virtue of presenting a pointed social critique. Though Levinson did not initially emphasize this point, his definition can account for artworks from many global traditions, as long as the forms of regard

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<sup>4</sup> Of course, there are artists from "non-Western" cultures who are full participants in the global contemporary art system, and an institutional definition grounded in this artworld might apply perfectly well to their works.

already established within those traditions are counted among those that can ground art status.<sup>5</sup> The historical definition also allows for the evolution of art, and of the forms of regard appropriate to art, by way of conjunction: an innovator may intend an artwork both for a form of regard that is already accepted and for an additional form of regard. By virtue of the accepted form of regard, the innovator's work counts as art; by virtue of the additional form of regard, new possibilities are created for future art, since the new form of regard is now available to ground the arthood of future works without their needing also to satisfy some previously established form of regard (Levinson 1979, 241). In addition, Levinson allows that one might modify his definition to acknowledge that revolutionary artists sometimes create work that is intended for a new form of regard "in conscious opposition to" form of regard accepted as correct in the past (Levinson 1979, 242).

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

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

Stecker's definition, like Levinson's, accommodates the evolution of art by time-indexing the art-relevant functions. It combines procedural and functional elements and allows, in line with insights derived from contemporary art, that the class of relevant functions may be broader than the aesthetic. This defuses the objection to purely procedural accounts, such as the institutional account, that they render nominations to art status arbitrary.

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

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

More recently, Catharine Abell (2011) has argued for a different theory combining procedural and functional elements that leaves the individual creator's intentions aside. Following John Searle (1995), she notes that institutions are created and, typically, maintained because they are understood to serve some function(s). The same is true of the institutions of art. Moreover, an artwork is valuable insofar as it promotes the institution's ability to fulfill its functions. "Something is an artwork," on Abell's definition, "iff it is the product of an art institution, and it directly affects how effectively that institution performs the perceived functions to which its existence is due" (2011, 686). This definition might seem unduly conservative in its reference to the "functions to which [the institution's] existence is due," but in fact it allows that the institution's ongoing existence may depend on a set of perceived functions quite different from those that motivated its creation. And while some might be concerned by the fact that Abell's definition, like previous institutional accounts, excludes the possibility of artworks being created by agents operating independently of art institutions, she goes some way to assuaging this worry. The art institutions she has in mind are, she says, not formalized institutional structures, but "merely regularities in the collective assignment of status functions" (2011, 687). It is by no means obvious that artworks can be produced without art institutions once they are conceived this minimalist way (2011, 687).

Other theorists have given up on the possibility of offering a neat definition of art in terms of a few criteria. Berys Gaut (2000), taking up a line suggested by Wittgenstein's discussion of games and family resemblance, argues that there can be more than one path to arthood. While art cannot be defined in terms of necessary and sufficient conditions, there is a cluster of attributes that tend, when present, to count toward the arthood of a work; possession of an appropriate conjunction of these attributes is sufficient for art status. The kind of intention Levinson describes, and the institutional uptake appealed to by Danto and Dickie, may be members of the cluster. But Gaut suggests that other members of the cluster, such as "possessing positive aesthetic qualities," "being intellectually challenging," and "exhibiting an individual point of view," (2000, 28) could be jointly sufficient for arthood even in the absence of institutional uptake or art-relevant intention.

Gaut suggests that the attributes belonging to the art-making cluster are fixed. This fact might give us pause: can a theory that offers a static list of attributes allow for the evolution of art? Gaut suggests that the possibility of evolution is built into the attributes themselves. The evolution of art can happen because, for instance, what it is to possess positive aesthetic

qualities can shift over time: we may find aesthetic qualities in Sherrie Levine's or Tom Friedman's works because our current appreciative practices allow that ideas, as well as appearances, can have aesthetic value (Schellekens 2007).

Considering novel cases, however, calls into question the informativeness of Gaut's theory. Which conjunctions of attributes are sufficient for arthood? It seems we must examine things that are acknowledged as artworks to answer this question. But once we have identified the sufficient conjunctions, it is difficult to see what the explanatory underpinning is, particularly as the theory leaves open the possibility that there may be works with no overlap in their art-relevant attributes.

Moreover, suppose we are confronted with a novel art candidate that possesses all the attributes identified in one of the prior successful conjunctions. This fact does not appear to close the question of this candidate's arthood: for there may be something else about the candidate that throws its arthood into question, and this may point us toward a feature that was playing an unnoticed role in the arthood of earlier works. The solution may be to conclude that the prior conjunction was not in fact sufficient for arthood, rather than to admit the new candidate.

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

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

Lopes responds by arguing that regarding such works as free agents is less illuminating than the alternative, which is seeing them as belonging to specific arts, whether traditional or newly established. One possibility is that many of these works belong to the new art form of conceptual art. Of course, this may simply push back the problem: if conceptual art ends up as the repository for a very diverse array of works, we may once again be faced with the difficulty of making sense of a common categorization for works that have little in common. Lopes will likely reply that this is a problem for the theorist of conceptual art: one who wishes to defend conceptual art as a distinct art form must identify its medium, perhaps language and ideas, and the distinctive appreciative practice out of which these diverse works emerged. This can be done only by looking carefully at actual conceptual works and the critical and artistic projects surrounding them, as Peter Goldie and Elisabeth Schellekens (2007, 2010) have aimed to do. We shall return to the question of the nature of conceptual art - and, in particular, to the proposal that conceptual artists work in a medium of ideas - in §§3 and 4 below.

### **3. Medium**

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

The first way in which contemporary art has enabled us to develop our understanding of an artistic medium is by broadening our conception of the sorts of thing that can be used as such

media. The growth of new art forms - such as the readymade, computer art (Lopes 2009), street art (Bacharach, 2015; Riggle, 2010), and the like - has expanded our sense of the various artistic media available, so that we now appreciate the place of mass produced artifacts, street furniture, computer images and happenings alongside more traditional media. Just about anything, we might think, can serve as an artistic medium.

Coupled with this has been a tendency among contemporary artists to reject what has become known as the doctrine of “medium purity” (Davies 2005, 184-186; Goldie and Schellekens 2010, 18-19). This doctrine has it that any genuine art form has a distinctive nature that is explained by its having a medium that is specific to it. More precisely, the nature of any art form is said to be determined by what its distinctive medium makes uniquely possible within it. Contemporary art has tended to challenge the assumption of medium purity by taking an interest in using media that are unencumbered by associations with this thesis. Duchamp’s readymades do not belong to an art form governed by medium purity, and neither does Piero Manzoni’s signing and dating of a woman’s arm, or, for that matter, any number of Allan Kaprow’s happenings. In conceptual art, particularly, the aim would seem to be that of exploiting a medium, not in order to most fully achieve the effects supposedly uniquely possible within that medium, but with a view to inducing audiences to engage intellectually and emotionally with philosophical, social, or broadly theoretical matters.

But in addition to both being innovative in its use of artistic media and leaving behind questionable ideologies concerning the proper use of such media, contemporary art has served as a catalyst for us to think more carefully about what an artistic medium actually is. One such lesson that we can draw from the study of contemporary art is that the way of *working* with certain material that constitutes a medium can be a form of engagement that does not involve the *modification* of that material. Consider, once again, Duchamp’s *In Advance of the Broken Arm*. Duchamp does not work with the snow shovel in an analogous way to that in which a painter works with canvas and paint; rather, he uses it as is, placing it in a context that is designed to spur us into thought about the nature of art, artistic creativity, and authorship. Here we have a form of manipulation of an object that consists in a manner of presenting it to an audience for their conceptual engagement.<sup>8</sup>

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<sup>8</sup> It is notable in this regard that several developments in contemporary art have been taken to either give support to or express the idea that the nature of artistic authorship has shifted or even that the very concept of authorship is defunct (Barthes 1967). Besides the presentation of objects that have been altered minimally, if at all, by the artist (Duchamp, Friedman), these developments include the production

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

These media are, nonetheless, physical in a recognizable, everyday sense, which is why we need not join David Davies (2004, 59) in regarding cases such as these as demonstrating that artistic media need not be physical. The playwright's stage directions instruct the actors to perform certain actions, and performances of these actions are physical events. Composers work with sounds in the sense that they instruct performers to produce sounds – arguably, vibrations in the air – in certain ways. Similarly, the words that novelists use are plausibly viewed as types of physical inscription or utterance. None of this is to claim that works of music are mere sound structures or that literary works are reducible to their texts; it is just to point out that there is clear content to the claim that artists in these art forms work, albeit with some indirectness, in physical media. The moral to be drawn from all this is not that contemporary art (as well as literature, drama, and music) uses non-physical media, but that physical media should not be assimilated to kinds of physical substance. Perhaps it is the idea that that a medium is a kind of stuff that must be revised, not the idea that media are physical *per se*.

The case of conceptual art might bring us to question whether this comforting conclusion is a little precipitate, however. Peter Goldie and Elisabeth Schellekens float what they term “the *idea*

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of close copies of well known works (Levine), and the creation of works whose realization requires creative work by the people who constitute the display (Dibbets). As Binkley notes, authorship can now take the form of “indexing”: rather than creating something, the artist can simply identify a pre-existing object or event and appropriate it as her own work (1977, 272-273).

idea” for conceptual art. According to the *idea* idea, “[i]n conceptual art, *there is no physical medium: the medium is the idea*” (Goldie and Schellekens 2010: 33).<sup>9</sup> Now is not the time to discuss this proposal at length. For now, it is sufficient to say that Goldie and Schellekens’s assumption that a medium of ideas would not be physical is a bold one. As we shall see in §4, they say little about what ideas actually are, but a promising account of their ontological nature has it that ideas are, in fact, physical entities: namely, spatially discontinuous systems of contentful mental state tokens (Cray 2014, 237). Naturally, on this construal of ideas, a medium of ideas is a physical medium.

One more question must be considered before we bring this discussion of artistic media to a close. Has contemporary art taught us that artworks need not be in a medium *at all*? Binkley appears to think so. According to him, there is “a great deal of recent art which eschews media,” including Duchamp’s works (1977, 272). But once we have made the adjustments we have already suggested to our notion of an artistic medium, it is difficult to make sense of this claim. It looks very far fetched to say that there could be art which does not involve some kind of manipulation of material, however attenuated our understanding of this notion, in order to articulate artistic content. Without a medium, there is no work to be made accessible and so no possibility of transmitting any artistic content.

So we prefer to interpret Binkley’s remarks about mediumless art in a less controversial way. Perhaps the main message of Binkley’s paper is that much contemporary art has artistic value that far outstrips its aesthetic value. Much contemporary art, he says, is “non-aesthetic” (Binkley 1977, 272). In light of this, our interpretation of Binkley’s talk of such works “eschewing media” is not that he takes such works to be literally without a medium, but that he believes that they cannot be fitted into any *traditional* medium (i.e. one conceptualized from within a perspective in which artistic value is aesthetic value and according to which media are “specialized ways of indexing aesthetic qualities” (1977, 276)). On this interpretation, Binkley does not hold that non-aesthetic art lacks a medium, but that it involves media that have been detached from the ideology of the aesthetic. This is an observation wholly consistent with what we have said in this section.

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<sup>9</sup> According to Goldie and Schellekens (2010, 55-60), Joseph Kosuth, Sol LeWitt, and Lucy Lippard all gravitate towards the *idea* idea. The earliest philosophical expression of the view, however, is probably Binkley’s claim that a conceptual artist “creates directly with ideas” (1977, 265). Goldie and Schellekens (2010, 33, 60, 78) go on to adopt the *idea* idea, as does Diarmuid Costello (2013, 285).

#### 4. The ontology of art

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

Here is the disjunctive proposal in outline. On the one hand, there are artworks of the so-called “singular arts”: works such as paintings, non-cast sculptures, and pure musical improvisations. These are identical with, or constituted by, physical particulars (i.e. physical objects or physical events).<sup>10</sup> On the other hand, there are artworks of the claimed “multiple arts,” such as musical works, works of literature, cast sculptures, and photographs. Multiple artworks, so the disjunctivist story continues, while not themselves physical particulars, are repeatable entities whose occurrences are all and only physical particulars. Sibelius’s Symphony No. 5, for example, is the thing which all of its performances – all of those physical events – are performances of. Such physical occurrences of a work are presentations of it.<sup>11</sup>

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

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<sup>10</sup> Baker (1997) argues that a statue is constituted by the lump of clay, rather than identical with it.

<sup>11</sup> Here we remain silent on the lively dispute concerning which, among rival ontological proposals, best explains multiple artworks’ repeatability. The contenders include types of various kinds (Wolterstorff 1980; Levinson 1980; Currie 1989; Dodd 2007), mereological sums (Caplan and Matheson 2004), and historical individuals (Rohrbaugh 2005).

is empty, the more robust approach would have us supplement disjunctivism with at least one new ontological category in which to house recalcitrant contemporary artworks. In what follows, we shall examine two putative examples of this latter, more robust train of thought.

First, consider works of conceptual art. Although conceptual works such as Duchamp's *Fountain*, Joseph Kosuth's *Four Colors Four Words*, and Rosemarie Trockel's *Cogito, ergo sum* plausibly possess aesthetic properties, conceptual art is sometimes thought to be distinctive insofar as such works' aesthetic properties seem to have no bearing on their artistic value (e.g., Binkley 1977).<sup>12</sup> On such a view, appreciating conceptual artworks – that is, apprehending their artistic value – is, rather, a matter of grasping and appreciating the intellectual conceit they embody. Accordingly, the details of a conceptual work's execution – the nature of the perceptual array it presents – matters not all, just as long as it expresses the conception the artist has in mind. Consider, for example, Duchamp's *LHOOQ*. Duchamp made this work by taking cheap reproductions of the *Mona Lisa*, scribbling a goatee beard and moustache on them, and then adding the five letters at the bottom as a title. Clearly, appreciating this work does not require us to attend to the fine details of how such tinkered-with reproductions look; “for this reason it would be pointless to spend time attending to the piece as a connoisseur would savor a Rembrandt” (Binkley 1977, 266). All we need do to appreciate *LHOOQ* is recognise the *Mona Lisa*, note the scribbled additions, understand the intended pun that emerges once the letters are read aloud, and then start figuring out what Duchamp's point was in making this artwork: specifically, what it was he wanted to get us to think about.<sup>13</sup>

So far, we have solely been concerned with characterizing the way in which we appreciate conceptual artworks. But might this fact about appreciation have an ontological payoff? If, as the

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<sup>12</sup> This discussion assumes that aesthetic appreciation is understood in what Goldie and Schellekens (2010:89) call “the traditional sense,” i.e. the sense which takes aesthetic properties to be perceptible. Goldie and Schellekens agree that aesthetic appreciation in the traditional sense is largely irrelevant to conceptual art. However, as they argue, “there is room for aesthetic experience, aesthetic character and aesthetic properties in conceptual art - as long as one is willing to be a little flexible about what is meant by the term ‘aesthetic’” (Goldie and Schellekens 2010, 87). The flexibility they have in mind is this: certain properties may warrant the term ‘aesthetic’ even though they are not perceptible (Goldie and Schellekens 2010, 101-102). With this proposal in place, they agree that the aesthetic properties possessed by conceptual works' physical presences (i.e. physical things or performances) do not determine such works' artistic value (Goldie and Schellekens 2010, 82-87), while also suggesting that the ideas expressed by such works, though in themselves non-perceptible, can possess aesthetic properties, such as elegance, wittiness, and subtlety (Goldie and Schellekens 2010, 99-100; Schellekens 2007).

<sup>13</sup> Here we resist Binkley's claim that “the piece might be better or more easily known by description than by perception” (Binkley 1977, 266). While we agree with him that appreciating the work is an intellectual matter, we leave it open that *perceptually recognizing* it as a defaced reproduction might provide the necessary jolt to transport us into the conceptual regions Duchamp wants us to explore.

artist Sol LeWitt has said, “the idea or concept is the most important aspect of the work,” such that “the execution is a perfunctory affair” (LeWitt 1967, 79; quoted at Goldie and Schellekens 2010, 34), should we not think of the conceptual artworks themselves *as* ideas? In §§2 and 3 we alluded to this thesis - the *idea* idea - when considering the thought that ideas are the medium of conceptual art. Adopting a more explicitly ontological mode, this thought becomes the claim that conceptual artworks *are* (collections of) ideas (Schellekens 2007, 75, 85).<sup>14</sup> Goldie and Schellekens’s own view is that the *idea* idea is both plausible and disruptive of our extant ontology of art (2010, 55-60). And this second thought, at least, might seem right. For it might be supposed that the *idea* idea, if correct, would demonstrate that our disjunctive ontology of art needs revision. As we saw in §3, Goldie and Schellekens regard conceptual artworks, if ideas, as lacking a physical medium. Such artworks would be, contrary to the disjunctive view, neither physical particulars nor repeatable things whose occurrences are physical particulars (Goldie and Schellekens 2010, 33).

However, there are reasons to question the nascent ontological conception of ideas that underpins Goldie and Schellekens’s construal of the medium of ideas as non-physical. For while it might be tempting to follow Locke in taking ideas to be abstract, non-physical, and “invisible” things (Locke 1689, III.2.1), a better proposal as to their ontological nature exists. According to Anthony Everett and Timothy Schroeder (unpublished manuscript), ideas are not abstracta but physical entities: specifically, ideas are spatially discontinuous systems of token contentful mental states. Wesley Cray points out that this latter approach is more attractive, since it makes it easier for us to explain how ideas can be created, publically accessible, causally efficacious, and have “dynamic lives” (for example, be capable of being spread or forgotten) (Cray 2014, 237). We should see at once, however, that once the defender of the *idea* idea adopts this evidently more attractive physicalist construal of ideas, she thereby brings the *idea* idea within our extant disjunctive ontology of art. For ideas, understood in this way, are historical particulars located in physical space (Cray 2014, 237); and what this means is that they are assignable to

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<sup>14</sup> Here we agree with Cray (2014, 236) that the *idea* idea is most straightforwardly formulated as the claim that conceptual artworks are (collections of) ideas. One might wonder, though, whether this adoption of the ontological mode is justified by the mere talk of ideas being the medium of conceptual art. Could we not think of conceptual artists as working within the medium of ideas *by* working with physical material? This is an intriguing suggestion, although Goldie and Schellekens themselves show no signs of entertaining it. Tellingly, however, if adopted, this suggestion would create a difficulty in distinguishing conceptual artworks from other works that express ideas. For example, there would seem to be nothing to stop us from saying that Rembrandt worked with ideas (concerning, for instance, the possibility of confronting and outfacing death) in his late self-portraits, though he clearly should not be classified as a conceptual artist.

the disjunctive account's first disjunct. Once the *idea* idea goes down this route, its novelty consists in introducing a new kind of physical particular into our ontology of art, not in disrupting the disjunctive account. So without entering into the debate as to the cogency of the *idea* idea itself, we have done enough to show that its most plausible manifestation actually props up, and does not challenge, disjunctivism.<sup>15</sup>

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

However, things get more interesting still, and perhaps disruptive of our folk disjunctive ontology of art, when we consider particular contemporary works. Irvin's own example is Felix Gonzalez-Torres's *Untitled (Portrait of Ross in L.A.)*. This is a work presented by a pile of candies weighing approximately 175 pounds: a significant feature of the work, since this was the ideal body weight of Gonzalez-Torres's lover, Ross, who died of AIDS. According to Irvin's methodological standpoint, the ontological nature of this work is to a large extent determined by what Gonzalez-Torres sanctioned concerning his work. And it is at this point that the potential for ontological innovation emerges. For Gonzalez-Torres sanctioned that the work has the following striking features: viewers are invited to consume candies from the pile, if they wish; when this happens, gallery staff are instructed to periodically replenish the pile of candies to

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<sup>15</sup> For objections to Goldie and Schellekens's version of the *idea* idea, in which ideas are presumed to be abstracta, see Dodd 2016, 252-256. For objections to a version of the *idea* idea with ideas taken to be spatially discontinuous systems of token contentful mental states, see Cray 2014, 237-239.

approximately the weight of the original installation; the work can go out on loan from a host gallery to another gallery; and, finally, a gallery still counts as possessing the work even in cases in which the gallery staff allow the pile of candies to be totally consumed, or in cases in which the work is between exhibitions and no such pile of candies has been constructed. Furthermore, all of this, Irvin explains, is enshrined in our critical and appreciative discourse about this work and works of its type: that is, works that involve the assembly of new materials for each display (Irvin 2008, 8).

So, given that the nature of Gonzalez-Torres's work is determined by what he sanctioned when he made it, what sort of thing is it, ontologically speaking? It is not identical with, or essentially constituted by, a pile of candies, since it continues to exist in the absence of any such pile; and it is not a repeatable entity - for example, a type of such a pile - because it is something that goes on loan from gallery to gallery, not something that can be multiply instantiated in more than one gallery at once. To Irvin's mind, this artwork can only be *a non-physical particular presented by appropriately constructed piles of candies*: what she calls "an individual concretum not essentially constituted by a physical object" (Irvin 2008, 12). Such items, it barely needs to be said, do not fit into the disjunctivist ontological scheme: they would seem to be neither physical particulars nor repeatables, but non-physical particulars displayed by physical particulars.

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

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

The obvious reason for thinking that such a constraint must apply is that our critical practice provides the nexus which determines our artworks' ontological nature. As Davies puts it, "it is our practice that determines what kinds of properties, in general, artworks must have" (Davies

2009, 162). Irvin's explication of the notion of the artist's sanction tells us a little more about how this determination is supposed to actually take place.

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

Second, some philosophers will question the claimed motivation for the critical practice constraint in the first place. Irvin says that "the critical practice constraint is an acknowledgement of the fact that artworks, unlike such things as stars and water molecules, have no existence independent of human interests and practices" (Irvin 2008, 2). Something similar could be said, no doubt, for our moral values: they, too, are inextricably entangled with our form of life. And yet metaethicists do not take this fact in itself to show that our practices cannot embody metaphysical error concerning those values. If J.L. Mackie is right, in our moral practices we presuppose that there are objectively prescriptive properties, and yet there cannot be such things. They are "metaphysically queer" (Mackie 1977, 38). A skeptic of Davies's and Irvin's shared methodological approach to the ontology of art will ask why our critical and appreciative practices in the arts cannot similarly mislead as to the art ontological facts. This question is particularly pertinent to the case in hand, since Irvin's suggestion that we think of the non-physical concretum that is *Untitled (Portrait of Ross in L.A.)* as akin to a particular bank account or a particular marriage (Irvin 2008, n. 28) might prompt the response that these are examples of the kind of obscure, pseudo-entities that we should eliminate from our ontology.

Davies and Irvin's opponent here is a thoroughgoing ontological realist about the ontology of art (and about ontological facts quite generally). She is someone who takes ontological facts - whether they concern the ontological nature of water molecules, electrons, or works of art - to be mind-independent, rather than determined by our practices (Sider 2009, 409; Dodd 2013).

True enough, artworks, unlike electrons or water molecules, are artifacts: they are created by us to serve a purpose. But a philosopher attached to ontological realism will deny that it follows from this that the ontological facts concerning artworks - that is, the facts concerning their ontological status and the kinds of properties they can have - are determined by what we say, think or do in engaging with them. That artworks are made for a purpose does not mean that their ontological nature is made by us in any analogous sense. The ontological realist will insist that we can bring something into existence to serve a purpose while being quite wrong about its ontological nature.

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

## **5. Conclusion**

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

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