

The Work of Art Does Not Exist: Reflections on the Ontological Openness of Damien Hirst's *The Physical Impossibility of Death in The Mind of Someone Living*

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When Edvard Munch's *The Scream* went up for auction in 2012, it took twelve minutes for the bidding to reach a record breaking 119.9 million dollars. Despite the fact that the painting is reproduced endlessly on postcards and hangs ubiquitously in countless dorm rooms, and despite the fact that the image rivals the Nike swoosh for sheer familiarity, the *painting*, the *actual physical painting*, commanded a sizable fortune in minutes. Not quite one of a kind, there are four more *versions* of the work hanging in Norwegian museums, *The Scream* is nevertheless a highly precious item.¹ *The Scream* is not the image reproduced on the postcard or poster. Just like it was sold at an auction, it could be tossed in a fire. It is concrete and particular. When we think of a work of music or a novel, on the other hand, we don't think of the "copies" we encounter to be copies at all; my copy of *One Hundred Years of Solitude* is as much *that work* as any other, likewise for my copy of Nirvana's *In Utero*. I can go see *Rocky Horror Picture Show* any Friday night, practically anywhere. On the other hand, if I have similar aspirations for gazing on the *Mona Lisa*, I commit myself to spending every Friday at the Louvre. Why are some works of art treated as repeatable, where any copy will do, while others are treated as singular, individual, almost mortal in how we care for and protect them as actual physical artifacts? Wherein lies the difference between the *Mona Lisa* and *Moby Dick*, in terms of the repeatability of their form in connection to the identity and ontology of the work?

In this paper I explore questions concerning repeatability in music and the visual arts, in the assignment of ontological categories. I will argue that the arguments of type-theorists, particularly Julian Dodd, are perfectly applicable to visual works. However, I claim if artworks are to be treated singularly at all, this must be

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the result of human choice, codified in artistic practice. Furthermore, if practice actually determines ontological category, then artworks must be construed as socially constructed and imaginary, insofar as we treat them as objects. To say that the notion of a “work” is socially constructed or “projected” is not to say that it names *nothing* in the world. Rather, it is to point out that we have cognitively organized *something, or a group of things* under a particular name, in a way that is consistent with our values, our social practice, etc. This position is non-derogatory because it does not entail that artworks are somehow cognitively trivial simply because they are social constructions. This view is indebted particularly to the work of Lydia Goehr, especially her view of musical works as “imaginary” or “projected,” in *The Imaginary Museum of Musical Works*. It also borrows significantly from the work of David Davies, particularly his methodological principle, the “Pragmatic Constraint.” I will also be scrutinizing the example of a contemporary artwork in order to highlight the element of circumstance, as well as that of human choice, in terms of defining whatever features of a work one might take to be relevant to a discussion of the ontological status of such a work.

Repeatability is a major point of contention in the philosophy of art. It is taken by many to have major ontological significance. One incredibly tidy way of explaining repeatability has been to treat musical works, and other art forms, in type theoretic terms. On this view, the actual work is construed as an abstract type whose instantiations are its tokens. The type-token distinction can be made fairly clear by asking whether, for example, the word “dad” contains two letters or three. “Dad” contains three letter tokens, but only two letter types. So in the case of music, you have a single sound event type with any number of sound-event tokens. The sheer explanatory power of type theory makes it an attractive position. As it will play a role in my further argumentation, let me give it an extended introduction by considering the work of one of its most persuasive and maximally consistent advocates, Julian Dodd.

Dodd is a Type-theorist and self-described platonist regarding musical works, which is to say that he subscribes to the theory that musical works are abstract forms which exist eternally apart from any concrete instantiation. In *Works of Music*, he defines a musical work as follows, “(A musical work) is a type of sound sequence event (x), whose tokens, if they are to be properly formed, must have the set of (y) properties normative within (x).”²² What makes this a platonist view, according to Dodd, is that the *type* described by the above definition is correlated to a property, *being x* , which qua property cannot come into or go out of existence as

long as it is metaphysically possible at any time for such a property to be instantiated.³ What distinguishes this from a more conventional type theory view is that this is construed as a Norm-Type, which by definition allows for properly and improperly formed tokens, e.g. misspelled or mispronounced words, as malformed tokens of word-types (which are in themselves norm-types).

One feature of the platonic view that is particularly controversial is the consequence that musical works, as abstract types, are not creatable, but are rather discovered by their composer in a way that is akin to discovering a mathematical formula, e.g. the uncovering of an abstract pattern. This is the essence of my forthcoming claim that type-theory, insofar as it is an ontological theory of works, is unacceptably revisionary. Jerrold Levinson disputes this view by appealing to “indication.”⁴ The idea behind indication is to limit the metaphysical commitment implied by type theory, namely eternal existence and non-creatability. The concept of indication is supposed to limit these commitments by building the causal and historical origins of an object into its ontology. Rather than being simply x , an object could be identified more precisely as x at time t , or x at t by person p , etc. While Levinson agrees that musical works stand in a type-token relationship with their performances, he argues that such types are not eternally existent, but are ontologically marked, if you will, by the activity of the composer and the time of composition or discovery. However, according to Dodd, even if we allow indication, eternal existence and non-creatability still follow. For Dodd, Levinson-style proposals such as, “Work- W -equals-sound-structure- S -as-indicated-by-composer- C -at-time- T ,” while indefensible because types are unstructured, would still count as atemporal conditions, claiming that even relational *properties*, such as *indicated by* or *son of*, etc., pre-exist the concrete particulars on which they seem to depend.⁵ So, *types* are conceived as eternally existing because the *condition or rule of being a well formed x* (in this case we are dealing with a norm-type), *exists apart from the possibility of anything satisfying its conditions in the present*, e.g. “Nobel Prize winner, 2015.” This is because properties such as *being-a-Nobel-Prize-winner* are conceived as eternally existent because for any property f , if f is capable of instantiation at *any* time, f *exists* at all times.⁶

To further my argument, I would like to convince the reader of two things concerning Dodd’s musical platonism that I believe are incompatible. First, that musical platonism is a Trojan horse for full platonism, and second, that Dodd implicitly argues that philosophers of art are obliged to give accounts that are maximally compatible with actual artistic practice. These two pieces, I will argue, *must*

come apart. If they *do* come apart, Dodd's impressive philosophical structure will be severely damaged. He will either owe us a more practice-sensitive version of type theory *or* a slew of new arguments against his competitors, especially Gregory Currie and David Davies. Furthermore, insofar as type theory is susceptible to nominalist paraphrase, which limits the implicit ontological commitments of everyday language through a more precise description of the phenomenon in question, it ceases to be "platonist." Insofar as type theory does not commit us to the eternal, unchanging existence of types (especially works *qua* types) as abstract forms, it fails to be the kind of robust ontological theory that is the target of this essay.

As a theory, Dodd's platonic account of music is an invasive species, meaning it easily outgrows the narrow boundaries laid out for it by Dodd. Dodd intends to explain repeatable artworks, but ends up applying the platonic framework to just about anything imaginable. According to Dodd, animals are types, both as species and as individuals, e.g. the polar bear and the son of Lincoln. So are artifacts like signatures and cars.⁷ In the former cases, we see platonism aspiring to give an account of nature, for which it is particularly ill suited. In the latter cases, we have a platonist conception of artifacts, which is likewise suspect. Consider Dodd's application of type theory to "Natural Kinds": Dodd, in his defense of his construal of musical works as norm types rather than strictly specified types, appeals to the existence of natural kinds, e.g. dogs, which he claims are types that admit of malformed tokens (three legged dogs or blind dogs, etc.). This is problematic for several reasons. One, malformations are mental constructs, which is to say they are the product of thought and are totally value-laden. Why should one consider albinism a malformation in dogs?⁸ Why should our value laden, human judgments about what is properly or improperly formed lead us to believe that, "Norm types are a part of the fabric of the universe"?⁹ Secondly, the comparison is illustrative of the vacuousness of type-theory even if taken to be correct. What could be the benefit of assigning an ontological category to dogs, for example, that would lead you to the conclusion that a "dog" is nothing but a set of abstract specifications? This approach would lead you in precisely the wrong direction if you wanted to know anything worth knowing about dogs: their evolutionary history, biology, psychology, and history of interactions with us. Furthermore, it leads to the appalling conclusions that "dogs" pre-existed earth and will exist abstractly for all eternity.¹⁰ It also suggests that "dog" refers to something fixed and unchanging.¹¹ These are not simply *controversial* claims, but *manifestly false* ones. Dogs are animals with an evolutionary history. They live and die, like us. They came into existence at a particular time

and through a particular evolutionary process, in which humans have obviously and dramatically intervened. More to the point, however, is Dodd's application of type theory to specific historical individuals like, "the son of Lincoln." The only way to make this move is to construe existence as *merely* conforming to a rule. Again, according to Dodd, types are abstract and eternally existing because the *condition or rule of being a well formed x* (in this case we are dealing with a norm-type), *exists apart from the possibility of anything satisfying its conditions in the present*, e.g. "Nobel Prize winner, 2015." If we may apply this to a single individual, including "well formed" as a proviso against variability, then we are free to replace *x* with the earth itself, the sun, the universe and everything in it. So, insofar as it is resistant to nominalist paraphrase, and insists on being a robust ontological theory, the type theory of Dodd is on a slippery slope to full blooded platonism. Even if the above criticisms were deflected by Dodd, and he were to bite the bullet and embrace full platonism, he would still need to produce new arguments against several of his competitors because his account entails a massive error theory while at the same time dispatching interlocutors on the basis of deviation from the practice to which his own error theory (e.g. the non-creatability of musical works) applies.

Descriptivism is the idea that the folk-theoretical conceptions about the nature of artworks, embedded in our artistic, appreciative, and critical practices, cannot be substantially mistaken; therefore the correct ontological proposals concerning artworks cannot be significantly revisionary of that practice.¹² Dodd denies this position, in favor of a metaontological "realist" view that supposes the "metaphysical facts" about an artwork to be totally "mind-independent." However, in *Works of Music*, particularly as he presents the preliminary arguments he claims will establish type theory as the de facto theory of music, Dodd relies quite heavily on certain common ways of speaking about, thinking of, or classifying artworks. Major parts of his arguments against his interlocutors rely on "intuitions," "pre-philosophical instincts," and presuppositions about where "our" interest lies concerning works of music.

Just a few examples from his book will suffice to make the point, but this is by no means an exhaustive list. Dodd denies that his view applies to musical improvisations. Dodd says "our" *interest* in them is in their immediacy. They are not musical works *because* they are not *regarded* as "blueprints for future performances."¹³ Later, Dodd claims his theory is preferable to its competitors in part because it is "minimally disruptive to our pre-philosophical instincts."¹⁴ Dodd's argument against Gregory Currie's view that musical works are "action-types" relies on the "strong

intuition” that musical works are hearable in their entirety.¹⁵ A similar strategy is used to dispatch nominalism: “Music is a performance art.” He says, “To identify a work with its score is to miss the purpose of music.”¹⁶ Finally, in motivating his account, Dodd claims that the interesting thing about music--the primary observation motivating our ontological speculations--is its *repeatability*. This he contrasts to paintings, which (again appealing to some form of conventional wisdom) we are obliged to treat as physical objects, despite the fact of its admitted repeatability in terms of “reproducing the original’s visual array.” Dodd hints in a footnote that all artworks may be types after all--he writes, “At this stage I have no wish to take sides on this issue.” Yet he has just motivated his account on the basis of a distinction that he admits may or may not hold. He motivates his account *not* on the basis of its repeatability alone, on the contrary viewing music *disjunctively* opposite painting implies there is something interesting or special about the repeatability of music, in terms of the application of ontological categories.¹⁷

My purpose here is not to dispute any one of these claims but rather to make explicit how Dodd relies on intuitions and concepts embedded in our actual practice to dispatch his competitors. If robust art-platonism really follows from Dodd’s arguments (I believe it does), and art-platonism implies a strong error theory concerning artistic practice (like the deportation of achievement qualities such as virtuosity or originality, despite their widespread role in art theory and appreciation),¹⁸ then Dodd’s claims against many of his competitors lose their force. Furthermore, since Dodd has pursued the strategy of inter-theoretical comparison rather than outright demonstration (judging his own theory by how well it stacks up next to others, instead of proving it outright), and has dispatched several opponents by claiming that *they* are at odds with common intuitions and practices (a criticism now leveled at Dodd), his *overall argumentative strategy fails*. He owes his interlocutors an argument that does not rely on practice or intuitions about practice to dismiss the work of others, when his own account implies a robust error theory about that very practice. Dodd appeals to artistic practice in an ad-hoc way, using it to fend off competitors while he himself is freely revisionary.

Dodd is free to employ an error theory, of course, and there are some good arguments for taking this view. In *Adventures in Metaontology*, he straightforwardly defends the meta-ontological realist view that “the correct ontological theory of a given artwork kind might be substantially revisionary of our folk ontological conception of things of this kind.”¹⁹ This is to point out the rather obvious fact that people are sometimes wrong, and even in the case of art that one has made one-

self, one may have some inconsistent or incoherent ideas. Fine. The question then becomes a matter of deciding which feature of our explanandum is most relevant to ontological considerations. For a theorist like Dodd, what is needed is an Archimedean point, a feature of practice that is so non-negotiable that consistency with that feature would outweigh any revisionary moves such consistency would call for. This primary quality for Dodd, in the ontology of music, is repeatability. But repeatability does not, even for Dodd, stretch across the whole field of music. If it did then why, in *Works of Music*, would Dodd exclude improvisational music from the scope of his “simple view”?²⁰ So, even if we accept the meta-ontological realist point, we are at a loss to justify privileging certain features of “artworks” over others in assigning ontological categories. This is an *epistemological* problem for the “realist.” If practice and folk beliefs are inconsistent and likely false, and salient features (assuming they are salient features) like repeatability seem to be contingent on the application of those false beliefs and un-reflective practices, then how are we to possibly tell the “true” metaphysical facts from the “false” ones in order to take that first step in a logical chain that will deliver the correct ontology?

The view I endorse, the “Projectivist” view for which I am indebted to Lydia Goehr, nicely avoids this whole tangle of problems. It does not require us to blindly fix on to some feature of practice and mechanically deny any and all other features of art which are inconsistent with our chosen “salient” feature, in attempting to get at some “metaphysical facts.” It sidesteps the whole issue by denying that there are relevant “metaphysical facts” about art at all, insofar as they would apply to artworks, qua works, over and above the material from which they are fashioned and the way they are treated in practice.

Ontology of a Dead Shark

For the sake of argument, let’s separate the problematic nature of Dodd’s account from the explanatory power of type-theory more generally. Let’s assume that repeatability is a salient factor for the ascription of an ontological category to a work of music. If repeatability in music is based on the possibility of something conforming to a rule or specification, as opposed to the technical feasibility of reproducing sounds, then it does not *especially* apply to music. Type-theory, if successful in providing an ontological account of music, would be the *de facto* ontological theory of art. It would also be highly revisionary and insensitive to artistic practice, particularly in its devaluation of the role of the artist from creator to mere discoverer. In what follows, I will try to make this point explicit by pointing to a contemporary

artwork, which on its face seems uniquely resistant to type-theoretical description, but is not. In order to deny the repeatability of any artwork whatsoever, which even Dodd seems obliged to do, insofar as he has motivated his account of music disjunctively against supposedly non-repeatable artforms, one must appeal to the norms of artistic practice, particularly the authority of the artist, to define the salient features of her work.

The Physical Impossibility of Death in the Mind of Someone Living, an artwork by the British conceptual artist Damien Hirst, is, at the level of physical description, a 14 foot long tiger shark, dead as a doornail, encased in a glass cabinet, and floating (eerily) in formaldehyde. Commissioned in 1991 and first displayed in 1992, by the next year, some of the material had begun to decay. The shark itself began to lose its lifelike appearance and the formaldehyde became cloudy and discolored. The first attempt to preserve the work saw the shark removed and its skin stretched over a fiberglass mould. This solution never quite satisfied Hirst, and when the piece changed hands in 2006 he asked the new buyer to allow him to replace the mould with a new shark. The buyer agreed. At the time of the replacement, Hirst himself acknowledged the possibility of philosophical debate over whether, after replacing the original specimen and solution, one is obliged to treat the ensemble as a new work. In a newspaper account from 2006 Hirst is quoted as saying, "Artists and conservators have different opinions about what's important: the original artwork or the original intention. I come from a Conceptual art background, so I think it should be the intention. It's the same piece. But the jury will be out for a long time to come."²¹

Hirst's comment is suggestive of several interesting points about ontology of art. First, the debate rages on, in the artworld as well as in academia, as to whether to associate an artwork ontologically with its original, usually but not always material, configuration. Secondly, Hirst's position would seem to commit him to the existence of something called a "work," which is not identical with any particular physical object but, rather, is a product of his intention. Yet still, Hirst speaks of the "piece." It seems to be an object *plus* something that it gets from Hirst. Third, Hirst aptly describes the artworld as a *jury* whose deliberations about an ontological question (basically, 'What is X?') somehow hang on normative considerations ('What is most *important* about X?). The metaphor of artworld as jury is also apt because, vividly in this case, many serious ontological features of *The Physical Impossibility of Death* will be largely settled by how the artworld of the future *treats* this work. Will they preserve it, feeding new sharks into the cabinet every genera-

tion or so? Or might a private collector let the piece literally rot? Would that even count as a destruction of the work itself, or just the decay of a shark? The fact that this last question is part of what is at issue, the fact that we are not *discovering* how the work exists but rather *deciding* that question, makes explicit the following: that whether *it* (the work) exists or not, physically *or* abstractly, seems to be a matter of some public deliberation ultimately *decided* by human practice.

Dodd himself appeals to human agency when applying ontological categories to artifacts. Consider his comments on the Ford Thunderbird. In considering the modal and temporal flexibility of “types” like the Ford Thunderbird, Dodd appeals to *specifications* in the original design. If those specifications “allow” for minor changes by being vague with regard to certain features (mirror length, say) then the minor changes reflect the variability within a single type. If the specifications are too rigid then minor changes must be construed as constituting a new type. According to Dodd, certain forms of variability are “built into” the Thunderbird in the first case, but not in the latter. This illustrates my point that in trying to figure out the ontological category to which a human creation belongs, we are constantly forced to refer to some *decision* on the part of an agent or group of agents, in this case the designers at Ford. It seems that Dodd’s view implies that the Thunderbird is ontologically flexible based on those decisions (consisting in the first case of a single vague type and in the second case of many closely related types). The only data Dodd appeals to in this case is human design and the specifications laid out therein.²² This last point brings to mind David Davies’s “Pragmatic Constraint,” or PC. I think, however, it also points beyond it, with serious implications.

The pragmatic constraint is a methodological principle utilized by David Davies that makes ontology of art tethered to artistic practice. It ties ontology of art to its common epistemology or common ways of speaking about, thinking of, or classifying artworks: “Artworks must be entities that can bear the sorts of properties rightly ascribed to (them) ... 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.”²³

This restraint ties ontology of art with epistemology of art by insisting that it follow from and conform to (critically considered) norms of practice and appreciation. Davies claims this principle implicitly informs much of the analytic philosophy of art. He cites Jerrold Levinson, Gregory Currie, Robert Stecker, and Arthur C. Danto as all following some version of this rule. By claiming that we are not after our actual norms but those that would survive rational reflection, Davies’s principle

avoids the criticism that tying ontology of art to practice would risk importing contradictory pre-theoretical intuitions. Ontology then stands in a normative and not simply descriptive relationship to artistic practice, this approach is similar to John Rawls's idea of reflective equilibrium, where one begins with pre-theoretical intuitions and then moves to an examination of the deep *basis* for those intuitions. Whatever insights are mined in this exercise are then compared with actual practice, which then is considered in a corrective tension with ontological theory. Davies is right to insist that theorizing about art must begin with artistic practice, for the simple reason that there is *nowhere else to start*. If one ignores a wide range of real particular artistic practices, about which nothing is knowable *a priori*, then one is theorizing about something other than, or some narrower subset of, what we are commonly refer to as art. In such a case, one's account is undermotivated and one owes an explanation of the relevance of one's theory. Practice, therefore, is primary.

Practice, however, is not simply the data set available about something beyond or outside of it. Practice, as is made explicit in the case above *determines* what kinds of objects are existent within it, by determining (vaguely and conditionally, no doubt) for example, whether to treat the "object" as continuous and physical, continuous and non-physical, or abstract-multiply realizable and repeatable, etc. (this is not intended as an exhaustive list, just one that is illustrative of the range of possibilities). Each one of these is a possible view. In the first case, we could treat them as concrete particulars that go into and out of existence with the breakdown of their physical components. In the second case, you may take what seems to be Hirst's view that there is *one* work, non-identical to its actual parts, nevertheless sustained continuously by human activity. Lastly, you could take the work to be fully abstract, like a condition or a rule: "Large shark placed in tank filled with formaldehyde, to be titled *The Physical Impossibility of Death in the Mind of Someone Living*." This last approach would have rendered the work endlessly repeatable, introducing a host of metaphysical questions, making it easy prey for platonists and type-theorists, who claim that certain art forms (music, films, photographs, etc.), by virtue of their repeatability, are abstract forms which exist eternally apart from any concrete instantiation. All of these options were available to Hirst from the beginning (or insofar as they mentally possess the proper categories, *any artist whatsoever*), and nothing whatever definitive could be said to decide between them, or to persuade Hirst, having chosen to present his work in one way, that he has assigned his creation to the wrong ontological category. Furthermore, in the absence of clear instructions from Hirst, who seems to have only considered the

topic philosophically after replacing the first shark, future generations will be faced with a similar question every time they “restore” or fail to restore the work. For the artworld of the future, the ontology of *The Physical Impossibility of Death in the Mind of Someone Living* is a choice.

Repeatability in *Physical Impossibility*

Here we may raise the original question put to Hirst in order to tease out a few ontological conclusions. Is *Physical Impossibility* one work or two? If it is one work, then it is not identical with its material parts. We don't need *that* shark. Just a similarly large, ferocious looking shark. If the shark is replaceable then one might suppose the tank is as well, so goes the batch of formaldehyde, and so on. It amounts to, as Hirst said, a “concept.” Given that he holds this view, it is, I think, a rather bland suggestion to say that Hirst could have made ten “copies,” if he so desired, and called them all by the same name, unnumbered and undifferentiated. So, on the theory that by replacing the shark, the identity of the work has remained the same, we have shown that the *possibility* of repeating the piece, by virtue of its being “conceptual.” On the other hand, if *Physical Impossibility* is two artworks, merely *numerically* distinct, the same conclusion still follows. It is on this view, not potentially repeatable, but actually repeated already. Nothing would be inconsistent here if Hirst, were he to fully embrace this view, simply started making copies.

So, either way you slice it, *Physical Impossibility* seems repeatable. The only good reason to deny this point would be something along the lines of PC, to say that since in practice there is only one, it *must* be something singular. Or perhaps to forestall any objections that I am swatting at straw men, let us stipulate that Hirst *insists* that it be treated as singular, the way Western tradition has typically treated paintings and sculptures. The only reason to give Hirst, or by extension, any agent of the artworld, the authority over the *ontology* of his piece, **or any work whatsoever**, would be some species of PC. To deny the type-theorist the toe-hold of repeatability, even in the case of objects treated singularly, you have to appeal to some feature of artistic practice itself. One must appeal to some form of human agency, individual or collective.

The pragmatic constraint rests on an assertion that ontology is tethered to practice, “that artworks must be the kinds of entities capable of bearing the properties we ascribe to them in practice.” The Hirst example supports the principle in that it shows salient features such as repeatability, taken by many to be crucial to the assignment of ontological category, are actually the result of circumstance

(material flaws in this case) and choice (whether and how to replace material leads to a categorical question about what the work *is*, one of many possible answers chosen and codified by the artist). It follows, at least in some cases if we accept PC, that ontology is the product of human choice. The type-theorist faces a fork. Either works, *qua* works, are types or not on the basis of human choice, in which case we cannot construe the “work-type” to pre-exist that assignment, or she may abandon the pretense of sensitivity to artistic practice (which for Dodd would mean the abandonment of essential elements of his strategy against his interlocutors, as described above). Either move strengthens the hand of her contextualist opposition, indeed any critics of ontological type-theory in art or music. On the other hand, opponents of type theory face a new question. It was only appeal to practice that prevented us from considering visual works that were *potentially* repeatable, thereby vulnerable to type-theoretic description, as *singular or individual*; and only on the basis of human agency (the artist, future caretakers, etc.) were we able to ascribe singularity or individuality to them. What kind of entity, then, is capable of that sort of ontological flexibility in the face of human demands?

Goehr’s Projectivist Thesis

In keeping with PC, we may now ask what kind of entity could have an ontology which was the product of human choice? Only an imaginary one, only an idea or a concept, socially constructed and acted upon “as if” it were real. Lydia Goehr has laid the groundwork for this view.

For Goehr, the ontological project is one definitively tied to historical inquiry. She shifts the focus from musical “objects” to an inquiry into the history and function of the “Work-Concept,” which Goehr claims arose circa 1800. *Imported from other European arts*, it then began to serve as a regulative concept, guiding musical practice. Goehr claims this is an *open* rather than *vague* concept. An open concept is not compatible with essentialist definitions because it is fundamentally contestable, there is no way to dismiss the possibility that future events might necessitate a change in whatever definition is operative at any time. Goehr makes five claims about the “Work-Concept.” First, that it is an open concept (as described above) with *original* and *derivative* use, so that derivative examples depend conceptually on original ones (think Duchamp in relation to Classical Sculpture). Second, that the concept is connected to the *ideals* of practice, as opposed to its requirements. Third, that it is a regulative concept, guiding and shaping practice externally; in contrast to constitutive rules that *define* a practice, regulatory concepts provide the

justification for any constitutive rules. Fourth, that it is projective, meaning that the function of the concept is to “project” the existence of a musical object, to demand of us that we treat musical objects *as if* they were existent. And finally, that the concept is emergent, meaning that it is the contingent result of a whole field of interacting historical, social, and intellectual phenomenon, the roots or threads of which are retroactively discovered.

It is Goehr’s fourth thesis that is of most immediate concern. The projectivist view is neatly put by Goehr:

In its regulative capacity the work-concept suggests to us, because of some quite peculiar aesthetic and musical reasons offered at a particular time, that we should talk of each individual musical work as if it were an object, as if it were a construction that existed over and above its performances and scores. In a projectivist view, indicated by the ‘as if’ clause, works do not exist other than in projected form...²⁴

And quoting Jeremy Bentham on the definition of a “fictional” object, she writes: A fictional entity is “an entity which, though by the grammatical form of the discourse employed in speaking about it, existence be ascribed, yet in truth and reality existence is not meant to be ascribed.”²⁵ The idea is that we have special discourses associated with some of our practices, where often there will be “entities” described in the discourse, which are not genuine entities. They are entities that exist within “the fiction” of a practice. Fictional characters like Sherlock Holmes provide the paradigm examples. Less obvious, however, is the projected status of a work of fiction as such, or that of the “knights” in a game of chess, or of money. Like fictional characters though, the latter examples are all mind-dependent entities that do not exist apart from their use within human practices.

Projectivism, here a kind of anti-realism concerning artworks, is a position that denies the existence of musical works as mind-independent entities. In drawing our attention away from the projected entity as an object, it instead draws our focus to the historical, intellectual origin of the projected notion, in order to comprehend its function. Construing “works” in this way (artworks in general, not just musical works) is crucial to understanding why there are so many features of artistic practice that are seemingly contradictory. How does a “work” bear properties (like originality or virtuosity) that seem properly to belong to its creator, or come to have meanings and significances beyond its original context, or address us in some profound way that mere artifacts do not? It does all of these things by *importing* significant properties from a range of sources, including: the artist and her histori-

cal context, the audience and theirs, shared meanings in language. The “work” may also allow, for particular people at particular times, deportation of all of these factors at will, allowing the audience to focus on what’s before them; it “affirms” the *sui generis* value of its own form (as expressed directly by: a real object, a series of sounds, an image, etc.). Only construed as imaginary or constructed, could a work of art be capable of such ontological shapeshifting and mysterious quality-borrowing. In other words, the projectivist thesis neatly explains the contradiction between our empiricism about certain artworks versus our intuitions about context when it comes to others. It also neatly explains how the “ontology” of a work could, in any case whatsoever, be the result of human choice. The artist, and later the traditions that embrace her, continually contest and codify the pragmatic expressions of values, (should it be one or many?, precious or available to everyone?, etc.) which only in our practice take on the appearance of external ontology. Furthermore, it seems like one of a very few options available for the ontologist of art who accepts the pragmatic constraint and is resistant to the idea of robust art-platonism. Finally, unlike art-platonism, it is maximally compatible with the way in which we feel we are responsible for our art, our traditions, and our philosophies.

Conclusion

Type theory is a powerful tool for explaining certain mysterious features of seemingly repeatable artworks. However, consistently applied, it simply outgrows what it is supposed to explain. It explains too much. Furthermore, it leads to a robust error theory, which is highly revisionary and insensitive to artistic practice, and insofar as it does so, its proponents are not entitled to argue against rival proposals on the basis of a deviation from the intuitive norms of practice. Descriptivists, on the other hand, are obliged to explain what kind of entity a work of music could be such that its *ontology* would be the product of human activity, or necessarily conform to our folk-theoretic conceptions about it. Goehr’s “projectivist” view avoids a whole host of problems by denying mind-independent ontological status to *works* all together, instead focusing in on the function of concepts in the history of practice.

Notes

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1. Carol Vogel, "'The Scream' is Auctioned for a Record \$119.9 Million," *New York Times*, May 2, 2012.
2. Julian Dodd, *Works of Music: An Essay in Ontology* (Oxford: Oxford University Press, 2007), 99.
3. *Ibid.*, 61.
4. Jerrold Levinson. "What a Musical Work Is," *Journal of Philosophy* 77, no. 1 (1980): 5-28
5. Dodd, 73.
6. *Ibid.*, 61.
7. Dodd, 43, 71, 70, and 55, respectively.
8. *Ibid.*, 33.
9. *Ibid.*
10. *Ibid.*, 37.
11. *Ibid.*, 53.
12. Julian Dodd, "Adventures in the Metaontology of Art: Local Descriptivism, Artefacts, and Dreamcatchers," *Philosophical Studies* (August 2012), doi: 10.1007/s11098-012-9999-z
13. Dodd, *Works of Music*, 3.
14. *Ibid.*, 5.
15. *Ibid.*, 5.
16. *Ibid.*, 21.
17. *Ibid.*, 10.
18. *Ibid.*, 228.
19. Dodd, "Adventures in the Metaontology of Art," 2.
20. Dodd, *Works of Music*, 3.
21. Carol Vogel, "Swimming With Famous Dead Sharks," *New York Times*, Oct. 1, 2006.
22. Dodd, *Works of Music*, 55-56.
23. David Davies, *Art as Performance* (Malden, MA: Blackwell), 2004, 18.
24. Lydia Goehr, *The Imaginary Museum of Musical Works: An Essay in the Philosophy of Music* (Oxford: Oxford UP, 1994), 106.
25. *Ibid.*

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