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Book forum

Sherri Irvin, Shelby Moser, Darren Hudson Hick, Guy Rohrbaugh

On Sherri Irvin, *Immaterial: rules in contemporary art*

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Sherri Irvin (University of Oklahoma)

Précis of *Immaterial: rules in contemporary art*

Contemporary art can seem like a wilderness of unwieldy installations, decaying materials, immersive environments, and audience participation. It can be hard to know what to focus on and how to assess the value or meaning of what we encounter, since so many artworks use non-art materials and techniques and defy familiar conventions. In *Immaterial: rules in contemporary art* (Oxford, 2022), I argue that these developments, disparate as they may seem, can be understood by shifting our focus to the *rules* that artists articulate in creating and deploying their works. Rules have become an *artistic medium* that artists customize to achieve specific artistic statements and aesthetic effects. Rules are partly, and sometimes wholly, constitutive of the very structure of the artwork; grasping the rules associated with a work is thus crucial to understanding its nature. Articulating these rules, which may be quite specific and fine-grained, is part of the act of artmaking, and the rules bear meaning just as essential physical objects do.

When artists articulate rules, they are sometimes overturning established conventions. We typically expect an artwork to have a fixed form or, at the very least, we expect that the artist is responsible for the key aesthetic elements of what we see. But El Anatsui ships his large metal tapestries, made from found materials like bottle tops, in crates with no installation instructions. Installers are invited to use their own aesthetic sensibility and creativity in deciding how to orient, fold, and drape the panels. A work like *Drifting continents* (2009) thus has dramatically dif-

ferent presentation despite its enduring material components. Jan Dibbets's work *All shadows that occurred to me in … are marked with tape* (1969), on the other hand, involves no enduring physical objects at all: it is displayed by marking the boundaries of light entering the exhibition space through doors and windows, and the tape is removed and discarded when the display ends. Both works centrally involve rules for *display*, which govern the nature and configuration of objects that should be shown when the work is exhibited (as I discuss in chapter 2).

Preserving items in their collections is a core function of museums, but Zoe Leonard articulated a rule prohibiting aggressive conservation of the fruit peels in her work *Strange fruit (For David)* (1992-1997). The physical evolution of the objects thereby becomes an essential meaning-bearing element of the work. Other artists, though, double down on conventional conservation even for materials unhospitable to it: Robert Gober specified that the doughnuts in his *Bag of donuts* (1989) must be preserved as essential to the work, though the bag may be periodically replaced. These artists shape their works through rules for *conservation*, which govern whether and how any objects associated with the work may or must be preserved over time or replaced (chapter 3).

"Do not touch" is a mainstay of the museum experience, but Felix Gonzalez-Torres articulated rules allowing you to take away and eat the wrapped candies involved in displays of his works from the early 1990s, with the museum periodically replenishing them. Gonzalez-Torres thus enlists the museum in an unaccustomed act of material generosity. Lygia Clark insisted on the ability of viewers to manipulate her *Bichos* (*Critters*) (c. 1959-1966), sculptures made from hinged sheet metal: her whole aim was to facilitate embodied interaction with an entity that seemed to assert its own agency and being. The rules for *participation* articulated by these artists shape the experiences that audience members may have (chapter 4).

There have always been rules governing display, conservation, and participation: it's just that typically, these rules have been fixed by convention and have governed all works in a given art form. Painting has been governed by rules such as: Display this specific canvas, with the painted surface facing away from the wall and the pictorial content right side up. To the extent possible, preserve the painted surface in its original form. When it is on display, leave it alone. When these rules applied to all works in an art form, they were simply part of the artistic baseline, not specifically expressive. The associated conventions were, accordingly, an important part of the artistic background but not specifically implicated in the

structure of particular works. But during the twentieth century, artists began to play around with the rules themselves as an artistic resource. Thus we have Saburo Murakami using painting as an overtly time-based medium by specifying that the paint of his 1950s *Peeling pictures* should be allowed to flake away; Fiona Banner allowing the primary marked surface of *Shy nude* (2007) to be turned toward the wall for display; and Gerald Ferguson allowing purchasers to repaint his *Maintenance paintings* of the 1970s and 1980s.

Because articulating such rules is a key part of artmaking, and the rules make an essential contribution to the aesthetic effects and meanings of these works, the rules should be understood as *constitutive* of the works, just as essential physical components are. As I discuss in chapter 5, rules are quasi-abstract entities: they supervene on physical objects and events but are not constituted by any essential physical substrata. They can change over time as the artist revises them, just as a sculpture might change over time if the artist adds to, subtracts from, or reconfigures its material. Artworks constituted by both rules and physical materials are hybrid entities, with both components potentially subject to change over time.

In chapter 6, I delve into the argument that rules function as an artistic medium. It might seem that many contemporary artists have abandoned medium, since they eschew traditional artistic materials or subvert the conventions associated with them. This, in turn, might undermine the reasons that structure an artist's choices and our ability to understand those choices, since medium provides a framework within which artistic choices become meaningful. But I suggest that this is a misdiagnosis: rules themselves have become a medium, providing a context for artistic achievement and meaning-making. Rules, like notes in music or language in poetry, are a symbolic support the artist can manipulate to achieve particular effects. The activity of prior artists working in the medium helps to calibrate our understanding of a particular artist's choices: Anatsui's choice to give installers latitude over the configuration of the display, because it functions in contrast to artists' usual exertion of aesthetic control, becomes a salient element of the work that must be taken into account in interpretation. With her *Cemetery – Vertical garden* (1992/1999), on the other hand, Maria Fernanda Cardoso insists on a fine-grained level of control over complex organic forms, with precise instructions about every detail. Because Anatsui and others have opened up this space for the artist to relinquish control, Cardoso's control and precision assumes new meaning as an intentional choice in a space of options, rather than simply a default of the artist's role.

Rules as medium have distinctive aesthetic potential (chapter 7). Because rules are used to regulate the evolution of physical objects, they are especially well suited to explore loss, decay, and grief. Whereas Zoe Leonard's *Strange fruit* confronts us visually with the inevitability and pain of loss, Saburo Murakami's *Peeling paintings* invite us to delight in the richness of the changes wrought by degradation. In addition, because artists use rules to tamper with longstanding institutional conventions and to invite participation, artworks deploying rules are well suited to examine institutions and social structures, both within and outside the realm of art. By articulating the rule that viewers should be allowed to take and eat the candies in displays of his works, Felix Gonzalez-Torres intervenes in a museum culture that can be punitive and oriented toward surveillance and exclusion. The fact that artists like Gonzalez-Torres have invited people to physically interact with their works imbues the choice *not* to allow interaction with a significance it would not previously have had. When, with *A subtlety, or the marvelous sugar baby*… (2014), Kara Walker created a huge sugar sculpture of a nude Black female figure in the pose of a sphinx, with prominent signs asking viewers not to touch, the ways in which audience members defied the instruction, or physically positioned themselves for visible interaction with the display even without touching, themselves became meaningful in revealing social currents of racialized and gendered domination.

The picture of contemporary artworks as partly constituted by rules is complicated by the fact that rules have no standard notation and are not always communicated in a clear, final form (chapter 8). Some rules ("Let the paint peel") can be articulated simply, but others are far more complex. For a multi-object work subject to variable display, the artist may refine the rules in the act of installation as the aesthetic effects of particular decisions become clear, just as a painter repaints a section of the canvas in response to aesthetic observations. Rules may be conveyed over time and through a variety of modalities, with the museum shaping their content and form through institutional constraints, negotiation, and even which questions happen to be asked. Reconstructing the rules may be a matter of consulting an archive consisting of artist interviews, correspondence, notes from studio assistants, and documentation of the work's prior history of installation. This archive may contain some internal tensions and leave some matters unresolved, much as if we were operating from different marked up versions of an author's manuscript. To this extent the work may have some areas of structural indeterminacy, and art insti-

tutions may need to make decisions about how to resolve these in their treatment of the work.

Naturally, the rules constituting a work are sometimes broken, whether by mistake or intentionally (chapter 9). An incorrect display may still count as a display of the work, just as a performance with a few wrong notes still counts as a performance, albeit flawed, of a musical composition. Sometimes a rule violation is so severe that the display may no longer count as a display of the work – or, where the rule violation involves object conservation, it may impinge on the work's material authenticity. Nonetheless, there may sometimes be good reasons for an institution to violate rules. Museums generally do not allow visitors to handle Lygia Clark's *Bichos*, though she stated throughout her life that this was essential. The objects are fragile and are now sometimes exhibited in contexts with thousands of visitors per day; allowing them to be manipulated would destroy these essential physical components, and thus the works themselves. One approach to this conundrum involves allowing audience members to manipulate close simulacra of Clark's objects while viewing – but not touching – the original objects on display. They can thereby have a direct visual encounter with the original objects and also reconstruct what it would be like to have the interaction Clark intended. It's an imperfect solution but perhaps the best on offer.

Because rules are partly constitutive of artworks and serve the meaning-making function of artistic medium, it's important to know what they are. Rules can't be directly read off the display – for a display may be mistaken, and even if it is not, a display does not tell us whether and to what extent the rules admit of variability. Art institutions can play a key role in ensuring that audiences have the information they need to grasp these works and appreciate them fully. If information about the rules is lost, much as a chunk of a sculpture may be lost, we may lose our ability to grasp some element of the work; and where rules play a sufficiently important role, losing access to them may result in the work functioning for us as a physical relic rather than as the artwork it was in its original context. But as long as the information remains available, attending to the rules, and to the kinds of experiences they make possible, positions us to recognize the artistic innovations, richness of meaning, and aesthetic affordances of contemporary artworks using this evolving artistic medium.

Shelby Moser (University of Utah)

On the importance of interactivity in Sherri Irvin's rules in *Immaterial: rules in contemporary art*

Sherri Irvin's book, *Immaterial: rules in contemporary art* is a wonderfully rich resource to help us better appreciate both the nature and the functional role of rules in contemporary art. Importantly, this book illustrates (once again!) the strong pulse Irvin continues to have on the contemporary arts. One of the highlights of Irvin's book – and indeed of her many publications – is in the careful selection of broadly different works of art that she skillfully and perceptively contextualizes for her readers. In some ways *Immaterial* is just as important for historians and critics of art as it is for philosophers.

As the book title suggest, rules are at the forefront of Irvin's text. Her appeal to center rules in the contemporary arts is important when considering artworks from the 1960s onward because, according to Irvin, the rules play a different role and function in comparison to more traditional works. An endeavour to focus on rulesets may cause two initial reactions: either that rules might sound completely antithetical to any art form where originality and creativity are so explicitly regarded; or one might begin to think about the numerous ways in which rules have always factored in the arts. Afterall, Michelangelo's *David* was intended to face a particular direction when displayed in Florence and Hans Holbein the Younger's double portrait *The ambassadors* was intended to be hung at a particular height so the correct vantage point would reveal the atmospheric painted skull at the bottom of the canvas. I imagine we can drum up more examples throughout history where rules aptly apply, but these cases are outliers in the traditional arts. Typically, rules of sculptures and paintings are more benign. These sorts of works have historically been displayed or hung following certain conventions of the categories. But these "default rules" as Irvin calls them are not what especially interests her. In fact, it is perhaps the acceptance of such rules that has prompted contemporary artists to "play" with rules more transgressively, upending the conventions of certain artistic practices and making the rules explicitly part of their art as a medium.

Although I imagine default rules are integrally important for curators, no matter how benign they may seem to audiences, rules such as precise placements of paintings and sculptures, that they should be forward facing and right side up, are traditionally not what comprises the appreciable features of work or any feature that is intrinsically essential to our appreciation of the work's meaning. To any degree that these rules *do* factor for

an audience, they, one would hope, do not supersede the intrinsic features. This is where Irvin seems right to pinpoint rules as more overtly important for the nature and function of contemporary art. Like site specificity, once rules become an artistic *medium* – not merely an extrinsic default – they factor more significantly up and down the pipeline of the artistic practice.

So, with the examples above, what kinds of rules in the contemporary arts does Irvin have in mind? According to Irvin, rules might pertain to the work's display, conservation, and/or participation. The boundary between these stages is not so sharp, and an overlap between these three sets of rules can occur. At each stage of the practices an agent or agents are responsible for complying with the rules. An agent, usually the curator, is responsible for following the rules sanctioned by the artist to properly install or instantiate the display of the work. An agent (same or another) is responsible for maintaining a proper display over time, either by intervening in some way(s) or letting nature take its course. Other agents, the audience, best appreciate the work by understanding the rules of participation or how one interacts or engages with the display (i.e., whatever the work's perceptual features are). Irvin uses Gonzalez-Torres's "*Untitled" (Portrait of Ross in L.A.)* as a paradigmatic example of how display rules essentially help us "to grasp this work fully" (Irvin 2022: 15). A curator must follow the rules as stipulated by Gonzalez-Torres such as the weight of the starting pile of candy. Audiences need to know that picking a piece of candy from the installation is a prescribed action because removing a candy and depleting the overall weight of the candy pile adds to the meaning of the work. This work also requires an agent to follow rules for conservation, or the possible ways in which the candy pile should be maintained. Importantly, for works such as these "if we lose the rules we are directly losing parts of the work's very structure" (Irvin 2022: 35).

I agree with Irvin that rules function differently in many contemporary works of art. Still, rulesets are not typically associated with art as an artistic medium. To justify this kind of structure governed by rules – and some works of art are partially constituted by rules and others are wholly constituted by rules – Irvin points us to games and music (Irvin 2022: 29). The latter is a plausible comparison and one that makes a good case for how we might conceive of contemporary art. Music is, after all, a rule-bound structure comprised of key signatures, tempos, dynamics, notes and more. Performers attend to the rules of the structure in order to generate an authentic display (or performance). Audiences, however unattuned they are to the rules, still appreciate the sounds because of the underlying

structure. Games are also rule-bound structures. Rules of a game permit certain actions and lay out the consequences of those actions (Irvin 2022: 29). For example, games have operational rules such as what we can and cannot do with a basketball or chess piece. Games also have informal rules that govern the "ethos" of a game or the social norms such as those pertaining to good or poor sportspersonship. Game rules can also evolve as with football (soccer) and chess. Rules then, help us play the game correctly. Importantly, rules are important for audiences as well, says Irvin (Irvin 2022: 31). Not only do rules regulate how audiences engage with a game, but they also "are relevant to appreciation" (Irvin 2022: 31). To grasp the game, audiences must understand what constraints are placed on the player that procedurally make the rules of any game less efficient. The golf ball, the pawn, or the final boss monster, for example, isn't merely placed, moved, or killed willy-nilly. Where's the fun in that? Rather, the constitutive rules of games are introduced to make the means to the end somewhat trickier for the player.

I want to take a moment to appreciate the fact that games in this context are used to legitimize works of art when usually it's the other way around. For reference, philosophers of art have made considerable efforts to justify games and play – especially video games – by comparing them to respected art forms such as fiction or cinema[1]. That games are used here to justify art is not lost on me and it's perhaps a moment of validation some of us have been waiting for. However, there is something fundamentally different between an audience member appreciating a musical structure and a player who plays a game. This difference connects with the kinds of works Irvin introduces in her book because there is something fundamentally and ontologically different between rule-bound structure of contemporary works like *Barbed salt lamps* and others like *Portrait of Ross in L.A.* – namely, interactivity.

Many activities in life are rule-bound. The rules for display and conservation seem to be followed in a similar way as rules of most activities – in the way we follow a cookie recipe, to simply put air in our tires, perform a music concerto, or play a game of chess. The artistic agents Irvin discusses must follow strict or open-ended rules to ensure that a given work is instantiated and maintained properly. On behalf of the curators, works like *Urban Landscape – Beijing* (Zhan Wang 2006) have thicker rulesets that must be adhered to more closely while works like *Drifting continents* (El Anatsui 2009) have thinner rulesets that allow for stronger degrees of interpretation.

[1] For video games as interactive fiction see Tavinor 2009; as interactive cinema see Gaut 2010; as interactive computer art see Lopes 2009.

Contemporary rule-bound art might ontologically rely on particulars that represent rules and physical components. A work like Landau's *Barbed salt lamps* is predominantly object-oriented. The physical objects in *Barbed salt lamps* are allowed to degrade over time given "a rule governing the works" (Irvin 2022: 17). Because audiences are not prescribed to interact with the work, *Barbed salt lamps* is especially rule-bound at the display and conservation level. Its ontological structure is more akin to a painting that slowly changes its appearance over time, or like the works by Eva Hesse and Robert Smithson. Regardless of any changes over time, the work is mostly appreciated as a product in the same object-oriented sense we appreciate most traditional art. I do not mean object-oriented in the sense of its physical components, but in the sense that we direct our appreciation toward the display in a similar manner as we appreciate paintings, music, plays. Alternatively, *Portrait of Ross in LA*. has "a rule permitting interaction" (Irvin 2022: 17). An appreciator grasps the meaning of the work more fully by taking a piece of the candy and recognizing their impact on the display. Similarly, Abramović's *Rhythm 0* also consists of rules for participation. Unlike *Barbed salt lamps*, Abramović allows participants to use certain objects such as scissors, wine, perfume, a scalpel, a gun, or a bullet as objects of pleasure or pain. With these two examples, the structure is not fixed (by the artist or curator) and the outcomes will change depending on the audiences.

The focus on Irvin's ontology is placed on the nature of material-rule hybrids, but I think a stronger emphasis on the differences between non-participatory and participatory structures is warranted because not all rule-bound structures are ontologically the same. Rules of participation prescribe interactivity. This prescription changes the ontology of the structure, the aesthetic experience, and shifts where such works gain their aesthetic value. Works like *Barbed salt lamps* have material components such as barbed wire and salt from the Dead Sea and immaterial components like rules of conservation. Works like these are what Irvin calls material-rule hybrids (Irvin 2022: 125). In many ways, works such as these seem to share a similar nature of appreciation and ontology to other object-oriented works, including music and other performance works where the value comes from an aesthetic "object" of interest, be it an installation or a song. Their structures may be hybrid, but they generate a singularly correct display (e.g., *Barbed salt lamps*). Interactive works have very different ontological structures, and this is relevant to the aesthetic experiences and value of the work, making an even stronger connection to the structure of games. Interactive structures can generate variable

displays with properties that are very different than a previous display. Even though a work like *Drifting continents* is not interactive for the audience, its structure allows for similar kind of variability for the curator. Stronger cases such as *Portrait of Ross in L.A.* grant the audience (users) an opportunity to generate different properties of the work.

Works like *Portrait of Ross in L.A.* and *Rhythm 0* (also a material-hybrids) gain value through interactivity. The activity seems to take precedence over the features that are displayed, highlighting the aesthetic *process* (not object) (Nguyen 2020). As Thi Nguyen (2020: 20) says of some works, "[W]e simply self-attend to the aesthetic qualities of our activity, and then we secondarily evaluate the object in terms of its capacities to encourage and foster those aesthetically rich activities". Interactivity redirects our attention to inner aesthetic experiences we get from participating with a work, which is ontologically dependent on the structure.

It is clear that in the examples Irvin provides in her book, rule bound structures are not all ontologically the same. The rules bear on the kinds of structures of certain art works and those structures determine how we engage with the art. While Irvin's book does an exceptional job at introducing the function and nature of rules in contemporary art, maybe interactivity serves as an invitation for a follow-up book.

Bibliography

Gaut, B.N., *A philosophy of cinematic art*, Cambridge, Cambridge University Press, 2010.

Lopes, D., *A philosophy of computer art*, London, Routledge, 2009.

Moser, S., *Videogame ontology, constitutive rules, and algorithms*, in J. Robson, G. Tavinor (eds.), *The aesthetics of videogames*, London, Routledge, 2018, pp. 42-59.

Nguyen, C. Thi, *The arts of action*, "Philosopher's imprint", 20 (2020), pp. 1-27.

Suits, B., *The grasshopper: games, life and utopia* (1978), Peterborough, Broadview Press, 2014.

Tavinor, G., *The art of videogames*, Malden, John Wiley & Sons, 2009.

Thomson-Jones, K., Moser S., *The philosophy of digital art*, in E.N. Zalta, U. Nodelman (eds.), *The Stanford encyclopedia of philosophy* (Winter 2023 Edition), URL https://plato.stanford.edu/archives/win2023/entries/digital-art/.

Darren Hudson Hick (Furman University)

It takes two?

In *Immaterial: rules in contemporary art*, Sherri Irvin presents a theory of what contemporary artworks are made of. And it quickly becomes apparent that "paint", and "wood", and "stone" are insufficient answers. So, we're mostly not talking about paintings, drawings, and sculptures, though we're certainly talking about some of those, too. One of Irvin's many terrific examples is Gerald Ferguson's *Maintenance paintings*, a series of flatly monochromatic paintings, on the back of each of which is a notice stating that the owner of the object can repaint the front surface as they choose. The painting that you bought was blue, but now (thanks to you) it's green, and *it's the same work of art*. Yes, paint is certainly involved in one of these *Maintenance paintings*, but paint isn't the whole story. Rather, Irvin compellingly argues, part of what these works are made of is *rules*. Some rules, like this one, are rules of conservation – about what can and can't be done to the object before the artwork is destroyed. Some are rules for display – and things certainly get weird here, too.

I really like this theory. I think Irvin is right. My quibbles with Irvin are about how those rules get set.

When it comes to a painting like Lawren Harris's *Isolation Peak, Rocky Mountains*, from 1930, I don't have to ask if I can paint over the surface in uniform yellow. The Art Gallery of Ontario will be most displeased – primarily because I will have destroyed Harris's creation (or, at least, made it really difficult to see). I don't need to ask whether I can do this because this is the default rule about what you can and can't do to a painting like that, and we don't need to specify this for every painting that comes along. When the gallery acquired Harris's painting, they didn't have to ask questions about conserving it – this, after all, is their business, and Harris's painting is a pretty standard case. But if the AGO buys a *Ferguson* painting, they are going to have some questions. This is because, Irvin says, it's the artist who "sanctions" the rules that (in part) make up the work. If there's a chance that the rules are non-standard, the AGO needs to know this. Ferguson's *Maintenance paintings* are actually a fairly simple case in this regard; with other works of contemporary art, it may not be immediately clear how a work is even to be installed in a gallery, or what lengths the gallery should – or can – go to in order to preserve it.

Consider Anya Gallaccio's *Preserve beauty*, primarily composed of lots and lots of red flowers, arranged as tapestries behind glass. Over time, the flowers wither and fall to the ground, where they decay, spawn mold,

and start to stink[2]. A curator, interested in acquiring or displaying *Preserve beauty*, will have questions. How many flowers? (The Tate Gallery reports that "Gallaccio generally includes between sixteen hundred and two thousand for each installation, depending on the sizes of the flowers' heads" (Anderson 2014), though apparently it has been displayed with as few as 500). How many tapestries? (I have seen examples from one to four). Can the museum replenish the flowers as they drop to the ground? (Apparently not). Who supplies the flowers? Can the museum sweep up the flowers that attract mold and start to stink? After the last flower has fallen, can the whole thing be reset by the gallery? I can't find answers to these last questions online, but these are the ones a gallery is going to want answers to. The flowers are a very specific hybrid species, so they're probably not easy or inexpensive to obtain. The stink of decay is unlikely to refine itself to the area immediately surrounding the work's display, and mold can be a health problem with legal constraints. If the gallery isn't allowed to reset the installation after it has run its course, this will certainly factor into what a gallery might be willing to pay for it. Some of these things, Irvin suggests, will be negotiable between the artist and the gallery, and the answers decided upon will tend to constrain the meaning of the work.

This is the real world that both artists and art institutions must operate in. Contemporary artists often work with galleries and museums to realize many of their works. So, Irvin notes, determining the rules for some given work of art is often a collaborative process between artist and institution, and much of her book provides the reader with a tour through this rich and fascinating world.

Irvin writes, "Where an artist specifies a rule for conservation and the institution agrees to it, sanctioning that rule is part of the artist's artmaking activity, and the rule is part of the structure to which it is appropriate to attribute meaning" (Irvin 2022: 65). This practice of customizing rules is the result of an evolution of art practices, and, Irvin suggests, it has limits.

Irvin's thesis lies at the intersection of artistic practice and metaphysics. A work of contemporary art is, in part, composed of rules – the rules sanctioned by the artist. Irvin characterizes those rules as subject to negotiation between artist and institution, but what happens when negotiation reaches a stalemate? Can the artist be overruled by the institution?

Discussing the installation of Jamelie Hassan's *Los Desaparecidos* in Canada's National Gallery, where installation decisions at odds with the

[2] The flowers are a hybrid of a gerbera and a daisy, known as a "beauty". The title of the work is sometimes written: *preserve* '*beauty*'.

artist's sanctions have been made in order to preserve the objects, Irvin says:

> When Hassan sold her work to the National Gallery of Canada, she relinquished it to an institution with a clear mandate to maintain the physical integrity of the artifacts under its care. She thus implicitly sanctioned that the porcelain objects should be maintained in an unbroken state (and that measures should be taken so to maintain them). (Irvin 2022: 221)

Although default to art standards (like, you can't paint over my painting) makes a lot of sense, I don't know what to say about "implicit sanction-[ing]" when it comes to institutional mandates.

In an earlier piece, *The ontological diversity of visual artworks* (2008), Irvin (2008) places some limited restrictions on the efficacy of an artist's sanctions. She writes: "[I]f the artist makes contradictory statements, or expresses preferences that would be dangerous or impossible to carry out within the framework of the institution, it may be necessary to rely on art world or institutional conventions to resolve the issue of what we should take to have been sanctioned" (Irvin 2008: 5-6).

If an artist's sanctions would require a work to be displayed in a space unavailable to a gallery, for instance, rather than saying that the work simply cannot be instantiated, the 2008 version of Irvin suggests that this sanction may be overruled by the institution. Similarly, if a museum's conservators feel that following through on the instructions provided by the artist would put the museum's staff or visitors at undue risk, these sanctions may not be realized (see Irvin's case of *Time and Mrs. Tiber* in Irvin [2005: 316-7]). Put another way, at least in some cases, where a sanction lacks institutional uptake, that sanction may fail to dictate the nature of the work. But something has changed between 2008 and the present volume.

Here, Irvin writes: "There are constraints on how far rule-making can go: if artists want their works to be collected, to be displayed and treated in accordance with their sanction, and to be taken seriously, they must restrict their rules so as not to endanger audiences, museum staff, architectural structure, or other artworks" (Irvin 2022: 34).

At first glance, it might *seem* that Irvin is suggesting there are limits to the sorts of rules that an artist can use to construct her work. But the restraint here seems only a matter of practicality: if the artist asks too much, the gallery won't buy the work. In chapter 9 of the book, Irvin offers several cases of noncompliance, where the gallery possessing a work has failed to follow or enforce the artist's rules for that work. In each of these cases, however, noncompliance by the gallery at worst risks a failure to display the work, rather than some failure of sanctioning itself. That is,

while Irvin describes sanctioning as subject to negotiation between artist and gallery – a sort of give-and-take – in each of these cases the artist gives, and the gallery can only take or fail to take.

Of course, artistic practice isn't exhausted by the activities of the artists and the galleries. How about the artworld at large? Irvin does make some moves towards addressing broader issues of artworld uptake. Returning to Gerald Ferguson's *Maintenance paintings*, Irvin writes:

> Owners of his works have been very conservative about repainting them, owing no doubt to the recognition that judgments about provenance and the associated economic value of the work are likely to remain tied to the expectation that the surface was painted by the artist's own hand. […] Collectors and institutions may rightly fear that were they to exercise the full permission to repaint these works, their market value would diminish; community understanding of artworks and their value does not immediately update when artists begin to challenge longstanding conventions. (Irvin 2022: 60, 156)

Irvin *seems* to be suggesting that it's really just a matter of time before the artworld "updates" its valuation, but why think that should happen at all? If the public at large continues to reject a repainted "Maintenance painting" *as* the original, even if the gallery bought into this idea, why think that the rule-sanctioning has been effective? Why think that an attempted sanctioning cannot be rebuffed?

In suggesting that artworks are at least partly composed of rules, Irvin makes comparisons with games. There *are* games that one just plays with oneself, and there *are* artists who just make art for themselves, but I suspect these are both the exceptions. In typical cases, the artist *wants* the audience to play along, but this requires some buy-in, else the game of art is not being played by either party. Language, Wittgenstein long ago suggested, is that sort of game, and it's easy enough to see how the art game would be of a similar kind. There are lots and lots of rules, which all of us follow without even having to think about it – indeed, only tending to notice the rules when someone breaks them, or deliberately tries to alter them. But contemporary art, Irvin suggests, tends to do to the art game what the Harlem Globetrotters do to the game of basketball. Watching a Globetrotters game only makes sense against a backdrop of the rules of the sport, but they're stretching the rules to (and sometimes beyond) the breaking point. At what point are they no longer playing basketball? When do the Washington Generals get to throw up their hands and walk off the court in disgust? And at what point does the artworld get to just reject attempts to change the game being played? As Irvin notes, the rules of basketball are subject to "transmission and uptake through longstanding

tradition" (Irvin 2022: 32). In the case of art, however, Irvin has a lot to say about transmission, and little to say about the possibility of refusal of uptake.

Cases where the public have rejected artistic innovation are often hard to identify specifically because the attempts to rewrite the rules *were* unsuccessful. But we can learn a lot from the near-misses, and one of my favorite cases is John Cage's *4'33''*. The first performance of *4'33''* was at a 1952 recital of contemporary piano music in Woodstock, NY. Pianist David Tudor took the stage, and didn't play piano for the duration of the piece. Cage recalls, "People began whispering to one another, and some people began to walk about. They didn't laugh – they were irritated when they realized nothing was going to happen" (qtd. in Kostelanetz 2003: 70). Indeed, one might reasonably ask whether anything *did* happen. After the purported performance, Cage joined Tudor on stage for a discussion with the audience, but discussion was soon overtaken by uproar. At one point, an audience member stood and declared, "Good people of Woodstock, let's drive these people out of town!" (Revill 1992: 166). Now, Cage persevered, and so we get to talk about his weird little empty composition in every intro aesthetics class. But, we might ask, what if audiences continued to rebuff Cage's new rules for his work, chasing him from town to town, back-alley recital to back-alley recital? Would he really *have* rewritten the rules, or only tried and failed? How much uptake is actually required? Is contemporary art a tango that takes two? Or can it just be flossing?

Bibliography

Anderson, F., *Preserve "beauty"* 1991-2003, Anya Gallaccio, Tate.org.uk, 2014, https://www.tate.org.uk/art/artworks/gallaccio-preserve-beauty-t11829.

Irvin, S., *Immaterial: rules in contemporary art*, Oxford, Oxford University Press, 2022.

Irvin, S., *The ontological diversity of visual artworks*, in K. Stock, K. Thomson-Jones (eds.), *New waves in aesthetics*, Basingstoke, Palgrave Macmillan, 2008, pp. 1-19.

Irvin, S., *The artist's sanction in contemporary art*, "Journal of aesthetics and art criticism", 63/4 (2005), pp. 315-26.

Kostelanetz, R., *Conversing with Cage*, 2nd ed., New York, Routledge, 2003 (1st ed. 1988, New York, Limelight Editions).

Revill, D., *The roaring silence: John Cage, a life*, New York, Arcade, 1992.

Guy Rohrbaugh (Auburn University)

An art of rules: Sherri Irvin's *Immaterial*

To make the rounds of the international contemporary art scene is to encounter a bewildering variety of artistic projects. Is it a performance? An installation? A garden? Maybe a happening? Sherri Irvin's *Immaterial* offers up what you might have thought was no longer possible, a unified theoretical perspective for thinking about these works and what they are all up to. In Irvin's view, the common thread is their relationship to *rules*. "Rules" here doesn't mean "expectations about what art should be like", which of course lay about in shattered heaps, but instead those invisible norms which govern how works are presented to audiences, how we interact with them, and how we go about maintaining them over time. There have always been such norms, mostly taken for granted, but in Irvin's telling, something shifts in the closing years of the Twentieth. As rule-breaking works (in the more pedestrian sense) filtered into the institutional system of museums and collections, curators started asking new questions: What did you mean for me to do with this? How do I put it on display again? What is required to maintain it when it's not? But once these questions had been made salient, artists came to see the norms themselves as legitimate targets for artistic intervention. In thinking about the meaning and significance of contemporary works, Irvin argues that it has become essential to consider not just their more obvious physical, literary, or referential qualities, but also their less visible normative features.

The central theme is developed in a few different ways. In one thread, Irvin argues that we need to think of rules as a new kind of medium. Every bit as much as paint or dance movement, rules are subject to deliberate and meaningful manipulation by artists. They imbue their works with artistic significance through the manipulation of normative resources – permissions, requirements, and prohibitions – which are embedded in larger practices of shared understandings which, in turn, valence these choices. In a very literal sense for Irvin, every work these days is in a mixed-medium, one of which is rules. This is true even of those which might appear to abstain from such hi-jinx. At this point in time, the choice to embrace old defaults, as with, say, a revanchist portraiture project, can only be a knowing and significant artistic choice. Having been made salient, these rules are suddenly everywhere and there is no going back. This is, I think, the ground of Irvin's confidence that her perspective here really is comprehensive and unifying in the midst of diversity.

This brings us to a second thread. Inasmuch as the chosen norms help determine the artistic content of such works, we are to think of these rules as partially constitutive of works, indeed, as *parts* of the works themselves alongside their physical components. Irvin turns out to be as interested in developing an ontology of such rule-focused works as she is in her art-critical framework for thinking through their significance. So, what kind of thing has rules as parts? The story is complex, but here are some highlights. With some exceptions, Irvin thinks of these works as repeatable. The various displays of a work are a bit like the performances of a play or musical work, held together by a particular set of norms governing what counts as a permissible manifestation or re-manifestation. Many or most works are 'hybrid' combinations of rules and particular material bits worked or chosen by artists, but some consist solely of rules which may be manifested in any properly assembled bit of matter or action. Furthermore, these normative parts of the work are under the all-but-complete control of the artist. A work's constitutive rules are, within certain very broad limits, whatever the artist says they are. As a consequence, the task of conservation turns out to have a surprisingly deep epistemic dimension. It's as much about ascertaining and tracking the artist's intentions and plans for the work as it is about things like temperature and humidity. Indeterminacy here is, in her view, inherited by the works themselves. Lastly, all this is offered in the spirit of a realist, social ontology. It's not a game of make-believe or a mere manner of speaking, but a matter of genuine creation by artists, at least in the context of the artistic and curatorial practices which make their actions and choices possible by taking their pronouncements seriously.

While I think Irvin's claims about the newfound importance of rule-making to art and its status as an artistic medium are all but unassailable, there's more room to resist her attempts to bring a uniform ontology to the lawless frontier that is contemporary art. Consider her claim that displays are occurrences of repeatable works. Many of her examples, those like Sarah Sze's *Migrateurs* and Liz Magor's *Production*, not only involve material objects, but particular material objects, selected or fabricated by the artist. Now, it's true that these have been displayed on multiple occasions, in different locations, in different arrangements. But notice that these works cannot be displayed in two places at the same time in the way that Jeff Wall's *A view from an apartment* or Thornton Wilder's *Our town* can be. I am pretty sure that the former are unrepeatable particulars, made of literal parts, with interesting histories of exhibition, but their successive displays are not their occurrences, as opposed to episodes of

travel and reinvention. Rules govern their permissible manifestations in exactly the meaningful ways Irvin suggests, but the leap to genuine repeatability seems to come at just the point where rules are all that a work consists in. Felix Gonzalez-Torres' candy spills, Lawrence Weiner's text-based works, and some of Adrian Piper's performance pieces have in common that the artist provides only instructions for fabricating or staging a display. It seems that such things could manifest themselves in distinct displays, not just over time, but simultaneously across space and are, as such, genuinely repeatable.

Now you might think ownership by a single institution or an artist's stipulation could prevent simultaneous occurrence, but there are tricky cases here, and Nelson Goodman's questions about the possibility of forgery point to why. Could a rogue gallery stage one of these works without permission? What would happen if the owning museum sold "reproductions" in the gift shop, just instructions and a courtesy set of materials? Would it be a reproduction, or another display? For that matter, what are we to say about the wall label that sits near Weiner's *A WALL BUILT TO FACE THE LAND & FACE THE WATER, AT THE LEVEL OF THE SEA* and presumably bears the same text. Has the Pérez Art Museum Miami displayed it twice? They do possess the certificate of authenticity. Should there be a second label, and then a third? Such immaterial works threaten a kind of metaphysical promiscuity that sounds, for all the world, like Goodman's conception of an allographic work. Try as you might, you can't forget one, because the damn thing reappears as soon as you follow the instructions. Now I feel sure that Irvin would, quite correctly, point out that no one in the relevant communities would consider such cases to be "true displays" of these works, unless specifically authorized by the artist.

This talk of "what is really on display" and of "true displays" is assigned important work in Irvin's book. Once we conceive of works as containing normative components, we immediately face questions about the status of non-compliant displays. Irvin documents a wide range of such cases, including those due to accident, negligence, ignorance, and deliberate departures rationalized by justifications of varying quality. When less goes wrong, she allows the presence of genuine but mistaken displays, ones that misrepresent the work or provide only impaired access. When more goes wrong, she holds that the work doesn't even show up; it's not on display; there's no true or real one to behold.

While I tend to agree with Irvin's reasoning about which approaches make for better and worse curating, I am less sure about the metaphysical terms in which her conclusions are cast. This talk of 'real' and 'true' dis-

plays makes it seems like *display* has to be one of those dual character concepts which have both a wider, merely descriptive extension and a narrower, normatively loaded one. It is obvious what the narrower extension would be. A true or real display is one that succeeds in providing an acceptable level of access to the work's artistic properties, but this suggests that displays which aren't 'true' or 'real' are nonetheless still displays of the relevant work, just importantly flawed ones. But now, circling around, I worry that in all the tricky cases, those in which we have something just like a display of the work, only without the artist's *imprimatur* or permission, we do have actual, literal displays of the work. It's just that members of this community will not allow that they are 'real' or "true" because they ought to have the artist's authorization and don't.

These are not the only cases in which it can seem like artists have less power and authority than Irvin believes. She claims that Georg Baselitz's paintings subvert the default rule that paintings are to be hung right side up, but it's not clear that they actually do this. It's true that their subject matter is painted upside down, but the norm is just as much in force as ever. It would be a mistake to hang these pictures so that the subject matter was oriented "heads up", which is to say, upside down. She takes Gerald Ferguson's *Maintenance paintings* to have "rejected the persistence conditions traditionally associated with paintings", that paintings cannot be altered without damaging, destroying, or rendering them inauthentic. It's true that each is labeled on its reverse, "reinstallation and maintenance (re-painting) is at the discretion of the end user", and that Ferguson speaks in these same terms, but it's not crystal clear that either the inscription or his words thereby express truths. They might just be ordinary paintings, bearing some provocative text, which would be destroyed by re-painting, just like any other. James Turrell's *Tending (Blue)* involves a carefully framed view of the Dallas sky, one that was later encroached on by the construction of a condominium. Turrell, Irvin, and the Nasher Sculpture Center consider the work to have been destroyed because the intended experience is no longer available, but, again, one wonders. Were the Nasher to buy and demolish the offending building, *Tending (Blue)* would again function as intended and, thus, exist and have existed all along. Presumably, it does right now. In these last two cases, artists attempt to stipulate identity and existence conditions for their works, but they do not clearly succeed, and do not even though many in their practice believe they have succeeded, as Irvin correctly reports.

Irvin's picture is definitely appealing. We have a newly minted practice which allows artists to create bespoke ontologies and opens the doors to

previously unimagined artistic and expressive possibilities, along with a good bit of fun. But it might also be the case that artists have less demiurge-like control than she envisions, indeed, that they are forced to work, to some degree, with ontological possibilities already on hand even where they don't quite fit their purposes, that there is only, god forbid, metaphysical *prêt-à-porter*. Now, Irvin is not conjuring her picture from nowhere. The *dramatis personae* here really do talk, think, and act as if this picture were true, and we are seriously entertaining the possibility that by doing so, they make it so. But that is turning out to be a little harder than it looks, especially when it is a matter not just of making, but of exerting control over what already exists and continues to, more than a little like one's children. Perhaps it will come as no surprise to hear that artists are pushing back at just this point. Irvin devotes significant attention to the puzzling case of Tino Sehgal, whose performative works are governed by the stipulation that no institutional records of any kind – no archive – be maintained. Knowledge of how to perform the pieces may only be transmitted orally, and Irvin gives a first-hand account of the predictably destabilizing effects on re-staging them. Because Sehgal is targeting the very mechanisms which form the infrastructure of Irvin's proposed ontology, it's hard to know what to make of the results. I'm not sure if every social order contains the seeds of its own destruction, but something like this often appears true in the arts.

Bibliography

Irvin, S., *Immaterial: rules in contemporary art*, Oxford, Oxford University Press, 2022.

Sherri Irvin (University of Oklahoma)

Responses

I'm delighted to have this opportunity to respond to three outstanding critics who have engaged with my book *Immaterial: rules in contemporary art* (Irvin 2022). I'm grateful to "Studi di Estetica" for hosting this conversation and also to A.W. Eaton for organizing the session of the Eastern Division of the American Society for Aesthetics where the critics and I originally met and grappled over these issues.

1. Because Shelby Moser has thought deeply about the appreciation and ontology of videogames and digital artworks involving rules and algorithms (see Moser 2017 and 2018), she is an ideal person to examine how rules function in contemporary artworks. She offers two primary suggestions. First, rules for participation have different ontological import than rules for display and rules for conservation, since they result in a greater degree of open-endedness than other types of rules do. Second, rules for participation lead to a fundamentally different kind of aesthetic experience for the audience. For both of these reasons, Moser suggests, my discussion would be improved by highlighting the distinction between rules for participation and other rules, rather than presenting them as though they are on a par.

Taking the second point first, I completely agree that when a work offers opportunities for participation, this has a great effect on the audience member's aesthetic experience. Visual art has often required us to keep our distance, looking at objects – which are themselves usually static – while resisting any temptation to engage with them physically. Our agency in relation to such works is constrained, and the works themselves are unresponsive to the forms of engagement available to us (such as walking around the room to gain a different vantage or allowing our eyes to trace different paths on a marked surface). When our participation is invited, however, our agency is activated in a different way. We experience a substantive choice about whether and how to take up the opportunity for participation, and simply having this choice gives us a more personal and immediate connection to the work (Irvin 2022: 77ff). Some participation is playful and affords pleasures, but interacting with a work may also cause discomfort, highlight vulnerability, or interrogate our core values. Moser is certainly right to note that these rich aesthetic affordances deserve detailed discussion.

Rules for participation do not always yield flexibility or open-endedness. Micah Lexier's 1995 *A work of art in the form of a quantity of coins equal to the number of months of the statistical life expectancy of a child born January 6, 1995* offers only a very specific and rigid option for participation: one coin is to be moved from the left box to the right on a specific day of each month until all coins have been transferred (Irvin 2022: 151). And rules for display, followed only by museum staff, may lead to quite open-ended results. The displays of El Anatsui's 2009 *Drifting continents* may have dramatically different appearances depending on the aesthetic choices made by the installers (Irvin 2022: 44ff). Moreover, it would be

possible for an artist to specify rules according to which objects are re-configured by installers as the display proceeds, resulting in a display that evolves in real time though not due to audience participation. Open-endedness is thus pragmatically correlated with but not conceptually linked to rules for participation.

Moser also suggests that "[i]nteractivity re-directs our attention to inner aesthetic experiences we get from participating with a work", such that in at least some cases "[t]he activity seems to take precedence over the features that are displayed, highlighting the aesthetic process (not object)" (this volume). I agree that in cases like Marina Abramović's 1974 *Rhythm 0* or 2010 *The artist is present*, where the artist creates a charged situation of interpersonal engagement, focus is directed away from exploring sensory affordances and toward considering the ethical and relational elements of a form of activity. But in other cases, participation deepens our understanding of an object and its meanings. Eating a candy from Felix Gonzalez-Torres's 1991 *"Untitled" (Portrait of Ross in L.A.)* is an opportunity to consider: what is the point of putting a pile of brightly colored candies in a gallery for audience members to consume? In what sense is this a portrait of someone? How does my sensory experience relate to the work's meanings? Playing with one of Lygia Clark's *Bichos* (Critters) from the 1960s, sculptures made of hinged sheet metal that can be folded into different configurations but tend to be rather stubborn and resistant, helps one experience its nature as, in Clark's words, "an organic entity that fully reveals itself within its inner time of expression" (Irvin 2022: 206).

Rules for participation can thus facilitate many kinds of experiences, from strictly prescribed actions to open-ended play. The resulting displays, accordingly, may be highly predictable or fluidly evolving. The display itself is nonetheless an event, just as it is for works involving no audience participation. I am thus inclined to emphasize the ontological continuity among artworks partly constituted by rules rather than to highlight an ontological distinction between rules for participation and other kinds of rules. But I agree with Moser that rules for participation have a unique ability to foster experiences in which our agency and sense of self are activated.

2. Darren Hudson Hick, who has done important work on authorship in art contexts (e.g., Hick 2014, 2017), gets to the heart of something I have, as he observes, shifted my stance on over time. Namely: artists can say whatever they like. But should we always see their statements as work-constituting? Isn't some degree of uptake necessary?

My general view is this. The sanctioning of rules is a communicative act, and like other communicative acts, it has success conditions. Lack of uptake sometimes signals failure of the communicative act: what the artist was trying to do couldn't reasonably be done through that communicative act in that context, and therefore the rule the artist had in mind was not sanctioned. But lack of uptake sometimes signals an undue recalcitrance in the listener. When that's the case, I want to say that the artist said what they said and sanctioned what they sanctioned, and the institution's resistance doesn't show that the work is not constituted by the rule in question.

From my philosophical armchair, I can't entirely pin down which cases are which: much depends on the specifics of the social practices in which contemporary art is embedded. But let me give some indication of where I would draw the line between failures of sanctioning and institutional recalcitrance.

The case of Gerald Ferguson's *Maintenance paintings*, which Hick and Rohrbaugh both mention, is an interesting one. Ferguson clearly states that the persistence conditions of these works differ from the persistence conditions of most paintings: specifically, the "end-user" is allowed to perform "aesthetic maintenance" by repainting them. A label on the back of each painting indicates this. In my inquiries, I've never found a case in which someone took full advantage of the opportunity that this rule affords (and to be clear, it is a permission, not a requirement). The Art Gallery of Nova Scotia has never repainted the *Maintenance paintings* in their possession. One collector engaged the artist himself to do the repainting, adding a second label to document the event. John Murchie, a collector and artist, repainted the edges of a *Maintenance painting* he owned to match the color of the wall on which the work was hung, but did not repaint the forward-facing surface. I believe this was intended as a wry gesture at the tendency of people to favor art that matches their décor. Murchie reported to me that Ferguson seemed annoyed when he told him about it (Irvin 2022: 155-6).

So: did Ferguson in fact sanction the rule that his work can be repainted without damaging it or undermining its identity? My view is that he did. He used the right mechanisms, the permission has received some uptake, and a forward-thinking collector or museum conservator might well take up the opportunity to repaint the surface (It's possible this has already happened, and I just didn't find the case). Hick notes, "In typical cases, the artist *wants* the audience to play along, but this requires some buy-in, else the game of art is not being played by either party" (this volume). In my view, Ferguson has had enough buy-in – including collection of

the works by museums and serious collectors and some repainting – to show that he is playing the game of art, and the specific rules he proposed have gained some uptake. The fact that no one has yet exploited all the possibilities within the game the artist proposes doesn't show that the game doesn't have the rules Ferguson specified.

In a similar vein, El Anatsui has long held that installers may exercise creativity in how they display his works. Early on, institutions seemed reluctant to take up this opportunity: they would present the works flat, like simple wall hangings, or attempt to copy earlier displays. Robust uptake of the rule inviting creativity of display happened only later, as Anatsui gained full recognition as a contemporary artist (Irvin 2022: 45). But the works were always partly constituted by this rule, which was clearly communicated in the context of an artworld already equipped to support variability of display.

I will admit, though, that the import of an artist's statement is not always so straightforward. Yoko Ono's 2000 book *Grapefruit* (first published in 1964) contains texts in the form of imperatives, which look like rules for constituting works of art. One of these is *Smoke painting*: "Light canvas or any finished painting with a cigarette at any time for any length of time. See the smoke movement. The painting ends when the whole canvas is gone" (Ono 2000: n.p.).

Ono has in fact made a physical manifestation of this work (albeit lit with a candle rather than a cigarette), so it appears that the text has the status of rules for constituting a display (Irvin 2022: 192). But other texts, presented in the same straightforward language, point to unrealizable scenarios. *Painting for the skies* states:

> Drill a hole in the sky.
>
> Cut out a paper the same size as the hole. (Ono 2000: n.p.)

Other artists in the Fluxus movement have likewise generated imperative texts proposing impossible or outrageous situations. Though these look like instructions, I do not believe we should understand these as works constituted by rules for display. Instead, we are invited to respond aesthetically to the texts themselves and the scenarios they invite us to imagine (Irvin 2022: 192). An artist who *is* making works partly constituted by rules for display, conservation, or participation might likewise occasionally make a statement that is so outrageous or obviously unrealizable (because, say, it would put audience members in danger) that we are moved to reject the idea that a rule has been sanctioned through this communicative act. As Hick notes, I acknowledged this in earlier work (Irvin 2005).

I should have reiterated the point in *Immaterial* rather than giving the impression that such rules are successfully sanctioned.

The mere fact that full uptake has not occurred, then, is in my view no reason to reject the notion that a rule has been sanctioned – it may signal merely an institutional sluggishness which the artwork itself may over time contribute to overturning. Stronger indications of unreasonableness or unrealizability would, however, prompt me to agree that no sanction was made through a communicative act.

We may disagree about where the boundaries are: you may think the reluctance to fully take up the permission to repaint the *Maintenance paintings* shows that Ferguson's rule was not successfully sanctioned. I hope we can disagree on where this boundary lies without disagreeing about the more fundamental point that the artist sometimes successfully sanctions rules that partly constitute the work.

Hick also questions the stance I take on some cases of non-compliant display. In making her 1981 work *Los Desaparecidos*, which is a memorial to disappeared people in Argentina, Jamelie Hassan clearly sanctioned a form of display that puts the porcelain objects she created in danger of breakage: she indicated that people should be permitted to walk among the objects, which are displayed on the floor. When the National Gallery of Canada acquired the work, they changed how the work is displayed to reduce this risk, allowing viewers to walk only around the perimeter, consistent with their institutional mandate of artwork preservation.

In the book I say that when Hassan sold the work to the National Gallery, she implicitly sanctioned that it would be subject to the institution's conservation measures (Irvin 2022: 221). Hick expresses skepticism about this notion of implicit sanction, and I think he is correct to do so. Hassan had clearly sanctioned a set of rules for display with an annotated diagram. The museum, balancing considerations, made the understandable and predictable choice to mount displays that don't fully comply with the rules Hassan sanctioned. Artists who are adamantly opposed to such outcomes can make pragmatic decisions about who acquires their work and under what conditions. But we can tell this story without claiming that Hassan implicitly sanctioned the museum's rules. So: taking on board Hick's comments, I now revise my stance on this case, though perhaps not in the direction he is urging: I hold that the rule that audience members may circulate among the porcelain pieces was successfully sanctioned – it is not so outrageous or unreasonable as to warrant the verdict that the communicative act failed. But a museum with a mandate for long-term preservation of works in its care may be justified in presenting non-com-

pliant displays (I discuss other cases of justified non-compliant display in Irvin 2022: chapter 9).

3. Guy Rohrbaugh engages with the story I tell about the metaphysics of these works, which I appreciate because his wonderful and groundbreaking paper "Artworks as historical individuals" (Rohrbaugh 2003) has greatly influenced my thinking, even if we don't always agree.

Rohrbaugh rightly points out that most contemporary artworks are not repeatable in the sense in which a musical work is repeatable. Some are: there are works with no essential material components, and even works that can be realized by following a set of rules without any special authority or proprietary right. Sol LeWitt's wall drawings are a commonly cited example. But most contemporary works are what I call material-rule hybrids: they are constituted by *both* essential material components *and* rules, and mounting a display of them requires following rules *including* a rule requiring the inclusion of specific material components. Rohrbaugh suggests that we should see works with essential material components as "unrepeatable particulars, made of literal parts". I think of these works as hybrid entities made of both literal parts and rules, packaged together, which can have occurrences that are their displays. But there are constraints on what can count as an occurrence of the work, and a display that doesn't incorporate the essential material elements is a non-starter.

Rohrbaugh is correct, then, to note that there are sharp constraints on the repeatability of any work that includes a unique physical particular: such a work can't be displayed in two places at once or in any location where the physical particular isn't present. Moreover, for a work that involves a single enduring object with a fixed orientation, the significance of the display as an event may recede into the background: the display is simply an occasion for gaining access to the features of that object. The fact that a such a work – say, Amy Sherald's 2016 painting *All things bright and beautiful* – is accessed by way of its displays is a relatively uninteresting fact about it. It remains true, though, that to function as an artwork it must be displayed such that the object is oriented correctly and the aesthetically relevant features – the front of the painted canvas, say – are accessible to the audience. We learn from works like Fiona Banner's *Shy nude*, which may be displayed with the primary marked surface facing the wall, that rules for display are a substantive normative element of artworks, though this was not salient until contemporary artists began toying with them (Irvin 2022: 2ff). If a curator, faced with a threatened cut in funding, were to turn Sherald's canvas toward the wall to emphasize the

critical role of museums in preserving material culture, this would be a stunt, using the painting as an instrument for some other project rather than presenting it as a work of art.

So, while there *is* an unrepeatable particular – the canvas Sherald painted – on the scene, I argue that the *work* is not reducible to that particular but must also take on board the rules that govern its display and conservation, even though in this case the rules don't invite our special notice. In other cases the rules are foregrounded to a much greater extent, sometimes because there is no enduring physical particular at all and other times because the rules combine with essential material objects to create rich and variable possibilities for display. In these cases, both the aesthetic character of the particular display(s) we encounter *and* the possibilities for other displays with markedly different features are of direct interest as we appreciate the work the artist has created.

Rohrbaugh suggests that "the leap to genuine repeatability seems to come at just the point where rules are all that a work consists in", and I'm thus wrong to suggest that works involving essential material objects are meaningfully repeatable (this volume). But I take it that within social practices, we're free to carve up the world in a variety of ways. We already recognize activities (basketball, chess) constituted by rules, such that some events count as occurrences of those activities by virtue of their relationship to the rules. Might a community designate a game or sport that can only be played if a specific physical particular is deployed in specifically regulated ways? I don't see why not; perhaps such entities already exist. Such a sport or game would, it seems, be susceptible of having occurrences – its playings – just as basketball is now. It's simply that instead of needing some basketball or other, the players would need access to the specifically designated object, just as installers need access to the bricks Liz Magor fabricated to constitute a display of her 1980 *Production*.

Contemporary art reveals that there are many positions on the spectrum between a purely repeatable work (like one of LeWitt's wall drawings, if we take his declarations seriously) and a fixed form artwork consisting of a unique, essential object (like Sherald's painting). Even in works of the latter sort, artists sometimes toy with longstanding conventions, as when Georg Baselitz created works whose representational content is to be displayed upside down (To be clear, I agree with Rohrbaugh that Baselitz's paintings do have a correct orientation. My point is that the correct orientation cannot be read off the representational content: Baselitz has sanctioned a custom rule prescribing a different correct orientation (Irvin 2022: 2). It would also be open to an artist to sanction a rule such that

their work has no correct orientation and either *may* or *must* be displayed in different orientations on different occasions).

What of my restricting which displays count as 'true' displays? The three categories that matter to me are compliant display, non-compliant display (in which some of the rules sanctioned by the artist are violated), and non-display (something that no longer meets the minimum standard for counting as a display of the work). Both a compliant display and a non-compliant display that still meets the minimum standard are "true" displays of the work; a situation in which the objects created by the artist are present but are configured in a way that badly violates the rules may not count as a display at all (just as if we turned the Sherald canvas to face the wall). This is similar to a taxonomy many would recognize for performances of repeatable musical works: a performance may be perfect, it may be flawed (with a nonfatal quantity of wrong notes), or it may diverge so far from the work's prescribed structure that we think it fails to be a performance *of* that work, though we still recognize some structural and/or historical relationship to the work.

Rohrbaugh expresses skepticism that a requirement for the artist's authorization could be one of the rules whose violation distinguishes a merely non-compliant display from a non-display. Can't any of us display a work by Lawrence Weiner, given that the rules for display require only that the relevant words be inscribed somewhere, somehow: even, as Weiner's representative has said, "in lipstick on a sidewalk" (Irvin 2022: 55)? Rohrbaugh suggests that in such cases "we do have actual, literal displays of the work. It's just that members of this community will not allow that they are 'real' or 'true' because they ought to have the artist's authorization and don't" (this volume). To my mind, it is up to members of the contemporary art community (including artists themselves) to set the normative conditions that determine what counts as a display of the work, just as there are governing communities that set the rules and related normative conditions for sports. There is a fact of the matter about what counts as a playing of the game of American football and what counts as a playing of the Super Bowl, and an event looking a lot like the Super Bowl could fail to be the Super Bowl if it fails to meet the relevant normative conditions.

My underlying proposal is that the creative activity of the artist, the appreciative activity of the audience, and the professional activities of curators and conservators largely converge on one entity conceived as "the artwork": and that is an entity designated by the artist who may use not only their literal but their metaphysical scalpel to carve out a chunk of the

universe and say, this is my work. A poorly conserved painting by Artemisia Gentileschi and a painting by Saburo Murakami might be equally flaky, but Murakami gets to stipulate that the flaking is integral to his work in a way that the flaking is not integral to Gentileschi's work but instead constitutes damage. It is in this sense that I hold artists have the authority to customize their works rather than, as Rohrbaugh puts it, being restricted to "metaphysical *prêt-à-porter*" (this volume). But customization like Murakami's or Ferguson's (in the *Maintenance paintings*) doesn't require us to brook entirely new kinds of entities. We already recognize many kinds of things that readily survive being repainted: an everyday chair, a wall, a house. Ferguson is affirming that his works are, in some respects, more like the walls on which they hang than they are like other works of painting. This is a surprising and adventurous choice, but not a spectacular act of metaphysical fabrication.

I will allow that some metaphysical assertions are a bit over the top. Rohrbaugh points out that James Turrell's "destroyed" skyspace, whose visible airspace was intruded on by a skyscraper in Dallas, is still intact as a structure and could be restored to "existence" if the skyscraper were demolished (Irvin 2022: 66-8). Talk of the work as "destroyed" is loose talk, acknowledging the supreme unlikelihood of a skyscraper takedown. Fair enough: perhaps claims about persistence conditions should be less sensitive to the contingencies of Dallas real estate.

Though Rohrbaugh and I disagree on some aspects of the context, I hope I am operating in the spirit of his claim that "[w]hatever works of art are, they manifest themselves in the world primarily – if not solely in the case of repeatable works – through our practices" (Rohrbaugh 2012: 29) and that repeatable works may themselves be "miniature, individual practices" that are "the product of our wider practices, the traditions in which artists are working" (Rohrbaugh 2012: 46). I am grateful that this exchange with Moser, Hick, and Rohrbaugh has pressed me to deepen my exploration of the rich and stimulating terrain of those wider practices and the extent to which they constrain the artist's activity in devising the work of art.

Bibliography

Hick, D.H., *Artistic license: the philosophical problems of copyright and appropriation*, Chicago, University of Chicago Press, 2017.

Hick, D.H., *Authorship, co authorship, and multiple authorship*, "The journal of aesthetics and art criticism", 72/ 4 (2014), pp. 147-56.

Irvin, S., *Immaterial: rules in contemporary art*, Oxford, Oxford University Press, 2022.

Irvin, S., *The artist's sanction in contemporary art*, "The journal of aesthetics and art criticism", 63/4 (2005), pp. 315-26.

Moser, S., *Digitally interactive works and video games: a philosophical exploration*, PhD thesis, University of Kent, 2017.

Moser, S., *Videogame ontology, constitutive rules, and algorithms*, in J. Robson, G. Tavinor (eds.), *The aesthetics of videogames*, London, Routledge, 2018, pp. 42-59.

Ono, Y., *Grapefruit: a book of instructions and drawings* (1964), New York, Simon & Schuster, 2000.

Rohrbaugh, G., *Artworks as historical individuals*, "European journal of philosophy", 11/2 (2003), pp. 177-205.

Rohrbaugh, G., *Must ontological pragmatism be self-defeating?*, in C. Mag Uidhir (ed.), *Art and abstract objects*, Oxford, Oxford University Press, 2012, pp. 29-48.