

Levinson, First Art, Art-Unconscious Art, and Non-Western Art

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[...] my definition thus allows [...] for art makers ignorant of all artworks, all art activities, and all institutions of art (Levinson 1990a, 11).

That it is our concept [of art we are analysing], however, and that it has roots in our tradition, by no means entails that it has no application to periods and places remote from, and perhaps causally isolated from, modern Western culture, or worse, that it is irrelevant to those other times and places (Levinson 1993, 413).

Introduction

Avant-garde art has drastically changed our thinking on art. In the 20th century, philosophers of art have been mainly concerned with developing approaches to art that can accommodate the many creations the avant-garde produced and continues to produce: Clive Bell's formalism, for example, was motivated by neo-impressionism (Bell 2003, 108), while Arthur Danto's historical essentialism was concerned with readymades (Danto 1992, 6). The 20th century posed yet another challenge to philosophies of art: Westerners were more and more confronted with artefacts from other cultures that fell outside of the Western history of art, but seemed to deserve the status of art (Carroll 1999, 206). This presumed art status is contested for two reasons. First, poststructuralist critiques argue that artefacts of non-Western cultures become art only by being appropriated by Westerners and their art institutions. To be included in the realm of 'art', non-western artefacts have to be transposed into the Western system of art classification (Phillips & Steiner 1999, 7). Though these critiques rightly point out that through Western paradigms the meanings and values of non-Western artefacts have been distorted, many philosophers equally rightly claim that this does not mean 'art' cannot have a transhistorical and transcultural significance (Crowther 2004, 368; Davies 2000, 199; Danto 1992, 110). The second reason why the art status of non-western artefacts is contested, is that many non-western cultures do not have or know our concept of art. Many of these art makers are not conscious of the concept 'art' and, as a consequence, do not identify the artefacts they have made as being art. But, it has been rightly argued that in the Western world the concept of art was also not clearly held before the Renaissance era. So-called 'art-unconscious art' is not unique to non-western societies. In both Western and non-Western cultures artefacts we now call art, have been produced apart from a conscious understanding of what art is. Most of these artefacts were created in order to perform religious functions. Thus, looking at the history and tradition of 'our' art, we do find similarities and parallels with the 'art-unconscious art' of other cultures (Dutton 2000, 218).

Both developments led to a preoccupation with defining art, hoping that a definition would answer the question: how can we identify both avant-garde and non-western artefacts as art (Carroll 1999, 206)? Philosophers of art in the analytic tradition are trying to find necessary and/or sufficient conditions for the truth of the statement that an item is an artwork. Most theories have been successful at including avant-garde art: institutional as well as historical definitions have formulated a concept of art that is applicable to avant-garde art (eg. Dickie 2001; Danto 1981). Still, the concept of art needs to accommodate non-western artworks. If all non-western artefacts are excluded from 'arthood' and art is simply equated with post-Renaissance, self-conscious artmaking then this makes a concept with a positive value connotation, in the sense that good art is worthwhile, exclusive to Western societies. Moreover, it reduces the scope of art in a globalised world. The case of non-western art is in this sense much more relevant and pressing than the case of avant-garde art. A definition shows us what objects are included in the ambit of the concept 'art'. Still, most contemporary theories treat the case of non-western art often only as an 'exception to the rule', but not as a central concern. When more elaborate attention is being paid to the arthood of non-western artefacts, they are given a separate account (Davies 2000; 2007). Both strategies seriously compromise the universality of the proposed definitions, as their basic definition does not account for the majority of all artefacts we now call art.

Jerrold Levinson attempts to formulate a universal definition of art that is not merely conditioned by issues concerning avant-garde art (Levinson 1989, 32 n15). His intentional historical account states that something is art when it is intentionally correctly related to past artworks (Levinson 1989; 1990a; 1993; 2006). Historical approaches, as Levinson's, claim to be much more inclusive towards new developments as arthood does not depend on exhibited properties of the candidate for arthood as is the case with formalism. The latter can be undermined by future art that does not have the exhibited properties formalist theories prescribed. All a relational theory as Levinson's intentional historicism requires, is that an artefact is related to other artefacts or practices in the right way. In his theory, the need for an art institutional context is obviated, and, as a consequence, non-western art that was made apart from an institutional framework can also be accommodated. However, historical approaches like Levinson's are by no means unproblematic. Historical theories define art in terms of what has been art before. But how can these theories accommodate for art without historical predecessors, so-called 'first art'? I will argue that the problem of first art in Levinson's theory is broader than is to be expected at first sight. It does not only concern the 'first artworks' of all art traditions, but also art-unconscious art and most non-western artworks. As in the case of 'first art', art makers of 'art-unconscious art', i.e. those who are unaware of the concept of art, do not refer to preceding artworks. It thus follows, I will argue, that his theory cannot identify much non-western art in general.

Levinson's definition lacks the relevance it is aimed at, as it cannot usefully describe 'first art' nor 'art-unconscious art'. The answers Levinson himself offers to these problems seriously compromise his definition and theory in general and lead to the marginalization of artworks outside the scope of Western art history. In this paper, first, I will expound Levinson's definition of art. Then, I will explore the problem of 'first art' in Levinson's writings and argue he never develops an adequate answer to the problem. After that, I will show how Levinson tries to accommodate for art-unconscious art and how these attempts are unsuccessful. Furthermore, I will criticize the strategies he has formulated in order to account for non-western art and clarify that they lead to the marginalization of these artworks. Finally, I will return to his original definition, and show how it becomes virtually meaningless when it is

adapted in order to include first art, art-unconscious art and non-western art.

Levinson's historical definition

Levinson's theory of art formulates an answer to the problems, which the philosophy of art has faced in the 20th century. Formalism and Institutionalism tried to point out an essence of art that would not be contradicted by new and unexpected developments in the history of art. Formalists claimed that the essential feature of art is not representation, but form, and artistic value should be judged on that basis (Bell 2003, 107-110). Avant-garde art, especially conceptual art, again undermined this definition. 'Procedural' theories tried to formulate sufficient and necessary conditions without pointing out specific features an artwork needs to have. These theories deny that an artwork performs a function (usually, that of providing a rewarding aesthetic experience) distinctive to art, but claim that an artwork is necessarily created in accordance with certain rules and procedures (Davies 1991, 1). The first procedural theory, Institutionalism, argued that art status depends on the object's relationship to the artworld (Dickie 2001, 7). This theory was criticized for being uninformative. The problem of defining art is moved to the problem of defining the artworld. Moreover, such an institutional framework does not seem to exist in many places and times beyond the modern Western world. In order to include art beyond these historical and geographical borders, the concept of 'the artworld' is stretched almost beyond recognition. If not, major parts of the world's artistic output is excluded from arthood.

The intentional-historical theory of Levinson tries to answer the challenges posed by the avant-garde as well as the challenges posed by non-western art. As noted above, institutional theories cannot easily incorporate non-western art as a lot of these artworks have been created apart from an institutional framework. Formalist theories, on the other hand, can see non-western art as art on the basis of their formal qualities, but deny much avant-garde artefacts art status as these have no formalist appeal (Davies 2006, 19). One of the most renowned formalist art philosophers, Clive Bell famously claimed 'To appreciate a work of art we need bring with us nothing but a sense of form and colour and a knowledge of three-dimensional space' (Bell 2003, 109). Conceptual art cannot be appreciated in this way. Though the material of the work might be of great importance, the oeuvre of Joseph Beuys, for example, cannot be appreciated unless the conceptual dimension of the work is understood. Though many of his works can be admired formally, without any conceptual context, the viewer is not able to fully appreciate his art. Another defender of formalism, philosopher Monroe Beardsley tries to 'solve' the problem of avant-garde art by claiming that pieces as Marcel Duchamp's 'readymades' only function as statements about art rather than as artworks themselves (Beardsley 1981, xx). And obviously, comments on art are by no means necessarily art, as art magazines etc. are not art (Beardsley 1983, 25). In this way, these aesthetic theories exclude major parts of the avant-garde. But, beyond that, it is not clear that the formalist aesthetic aspect of all other artworks can be appreciated apart from their conceptual dimension. Moreover, the way in which formalists include non-western art is highly problematic: modern art and 'primitive' artefacts can be judged artistically side by side on the base of decontextualized formal similarity between them (György 1999, 425), but to see and judge non-western art aesthetically only in the light of formal qualities like harmony and unity degrades its specific cultural and social context (Crowther 2003, 122).

Levinson's most recent formulation of his alternative to formalism and institutionalism goes as follows: 'The gist of the intentional-historical conception of art that I advocate is this: something is art if it is or was intended or projected for overall regard as some prior art is or

was correctly regarded' (Levinson 2006, 13). Fundamental to his definition of art is that arthood is not an intrinsic exhibited property of a thing (Levinson 1990a, 4). Arthood is a matter of being related in the right way to human activity and thought and this relation is construed in terms of the intention of an independent individual (or individuals) where the intention makes reference to the history of art (Levinson 1990a, 4). This is not an aesthetic definition of art, where arthood depends on properties of the object nor an institutional one, where arthood depends on an act of conferring art status by an institutional context. Still, his theory is clearly inspired by institutionalism. As institutional definers, he is looking for a relational, situational, or contextual defining feature of art, rather than a formal, intrinsic, or perceivable one (Levinson 2006, 28). Whether or not something is art can only be confirmed through knowledge of the historical and cultural context. Aesthetic theories failed, according to these relational theorists, as avant-garde artworks have no obvious aesthetic appeal, but are in fact undeniable successful artworks (Levinson 2006, 28). Levinson argues that theories that define art on the ground of 'their intrinsic exhibited qualities' are incorrect because they blur the distinction between natural objects and artworks and between art per se and good art, they leave unspecified the sort of perceiver to whom, or the conditions under which, the object's effect-producing qualities will be manifest and they cannot account for 'readymades.' (Levinson 1990b, 232-233). Still, in contrast to the Institutional Theory, Levinson opposes to a contemporary-art-centered art theorizing (Levinson 1989, 32n15). For him, avant-garde art is not the focal point of his theory. Levinson criticizes the institutional theory as it conflates art and *self-conscious* art, art and *socially situated* art, art and *declared* art. The artist seems to have to work in relation to a certain social institution, namely the artworld. Levinson claims that there *can* be private, isolated art that is constituted as art in the mind of the artist – and on no one's behalf but his or her own and that of *potential* experiences of it (Levinson 1990a, 5).

Levinson's historical approach offers new possibilities for a transhistorical and transcultural theory of art. He avoids the exclusionary traits of formalism and institutionalism, as he does not base his theory on arbitrary criteria like form or artworld. On the other hand, he does not reduce the meaning and value of all art, including non-western art, to a western social construct, as poststructural and postcolonial approaches do (Crowther 2004, 365). Still, his theory does not deliver what it promises. The problem of 'first art' stays unresolved and this – contrary to what Levinson himself argues – has major consequences for the validity of his theory (Levinson 1993, 422). Every recursive account needs a point of departure, but Levinson is unable to clarify his chosen starting point. I will now discuss this problem of 'first art' in Levinson's theory and criticize the answers he has formulated.

Levinson and first art

The problem of so-called 'first art' in Levinson's historical theory is much debated and of primary concern. Levinson's main idea is that something is a work of art because of the relation it bears to earlier artworks whose art status is unproblematic, which are in turn art because of the relation they bear to still earlier works, and so on. As one moves back along the relational chain, one will come across artworks for which there are none earlier. One cannot endlessly go back to preceding artworks. These earliest artworks have come to be seen as cases of 'first art'. If his definition wants to overcome this problem, Levinson needs to formulate a separate account of what makes first artworks art. This first artwork must be art at the time or period of its creation and, at the same time or period, no prior artworks can exist (Davies 2007, 69). 'First art' must be art from its outset, otherwise, it could not enter into the art-defining relationship that allows for the creation of second wave art. If 'first art' is not art from its outset, then the art that is intentionally related to 'first art' cannot refer to a body of

past art that is unquestioned. The definitional chain would collapse because the relationship between its first and second members is not firmly established (Levinson 1993, 421). The reason why this first artwork is art, cannot be the reason why all art is art, otherwise the need for a historical and, more general, for a contextual approach would be obviated (Stecker 2003, 150). Levinson's solution mainly comes down to referring not to a collection of preceding, but of succeeding uncontested or paradigmatic artworks (Levinson 1989, 25; 1993, 422; 2006, 18). The answers Levinson has formulated seem unrewarding, even to himself. But, Levinson claims that this problem does not seriously compromise the universality of his theory (Levinson 1993, 422).

Time and time again, Levinson has tried to formulate solutions to the problem of 'first art'. In his first article on the definition of art, Levinson already addresses the problem. He describes his historical chain as follows:

New art is art because of this relation to past art, art of the recent past is art because of this relation to art of the not-so-recent past, art of the not-so-recent past is art because of this relation to art of the distant past [...] until one arrives presumably at the ur-arts of our tradition – those to which the mantle of *art* can be initially attached, but which are art *not* in virtue of any relation to preceding objects (Levinson 1990a, 6-7).

This means that ur-arts are artworks that do *not* conform to Levinson's basic definition of the meaning of 'artwork', for there are no artworks nor correct regards prior to the ur-arts (Levinson 1990a, n21). At this point, the term 'first art' is not used and it is unclear whether ur-arts refer to 'first art' or came before it. To the question how to find out what ur-arts are, Levinson replies:

Basically, one just has to ask, of object at points successively further into the past, and until the questioning process terminates, "What makes this count as art?" [...] if one did carry out this procedure for a wide, well-chosen variety of current paradigm artworks, one would have pretty good reason to be confident that all of the ur-arts had been ferreted out from their historical hiding places (Levinson 1990a, 20).

In conclusion, Levinson argues that the basic definition only tells one what it means for any thing *apart from an ur-art object* to be an artwork. Objects of the ur-arts are, by contrast, simply stipulated to be artworks (Levinson 1990a, n21). By whom and when could these artefacts be stipulated as art, Stephen Davies rightly raises. It is unreasonable to suggest that the original makers were in a position to do so, given that this would require of them a conscious awareness of their activity as one of art-making (Davies 2007, 71). The reason why the first artworks qualify as such should not be a matter of whim, otherwise the recursive approach to art's definition will imply that the subsequent development of the concept amounts to the elaboration of an ungrounded fantasy (Davies 2007, 71).

In a later essay on the definition of art, Levinson admits that the idea that objects of the ur-arts can be simply stipulated to be artworks, is 'not quite right', as the idea seems to imply that we stipulate objects to be ur-arts arbitrarily (Levinson 1993, 421). There are well-grounded reasons for defining artefacts as examples of 'first art'. Levinson argues that, when dealing

with these ancient or culturally remote candidates for art, we do not declare them to be art because of the observable similarities between them and paradigms of modern art from the Medieval era on, but only because such similarities testify to a projection, or an intentional fashioning, which implicates earlier, established work in a tradition, or an ensemble of regards aimed at, which we can historically identify as artistic, or art-making ones (Levinson 1993, 421).

When we include these ancient or culturally remote objects in art's ambit, we have a double historical justification for doing so; as both the immediate model for later activity whose art status is not in question, and as apparently aimed, judged on fineness of execution or expression achieved, at some of the same kinds of reception or experiencing normative for later art (Levinson 1993, 421).

In short, 'first art' is art because unquestioned art sprung from it and it aimed at the same things and was judged in the same ways as this unquestioned art. The arthood of an artefact is confirmed, to Levinson, when it refers to a body of past art that is unquestioned. But, as the arthood of 'first art' cannot be established in this way, the arthood of artefacts that came after 'first art' can also not be confirmed in this way. Levinson resorts to a deeply circular argument: unquestioned past art confirms arthood of 'questionable' later art and unquestionable later art confirms the arthood of questionable 'first art'.

Levinson acknowledges that his basic definition cannot accommodate for ur-arts, nor for 'first art' that comes after ur-arts, as these first artworks are not intentionally related to art prior to them, but to the ur-arts. Levinson formulates two solutions:

The first would be to finally grant objects of the ur-arts the status of art, but admit that they are so in a different sense [...]: they are art not because modelled on *earlier* art, but rather because *later*, unquestioned, art has sprung from them. The second would be to keep objects of the ur-arts as non-art, but then to acknowledge that products of the *first* arts, those following the ur-arts, are art in a sense close to but not identical to that applying to all else subsequently accountable as art, in that their arthood consists in being projected for regard that some preceding ur-art object (rather than some preceding *art* object) was correctly accorded (Levinson 1993, 422).

At this point, Levinson does not decide between the two options. While the first option remains deeply circular, the second option is highly uninformative. Though it is now clear what 'first art' is, namely art that came after the ur-arts, it is by no means clear what ur-arts are and again, the argument lapses into circularity: 'first art' is art that comes after 'ur-arts', while 'ur-arts' are artefacts that come before 'first art'. In 2006, Levinson again formulates a new answer to the problem and argues that 'first art' is indeed art at the time of making, but that it is art in a somewhat different sense, or for a slightly different reason, than all subsequent art. Ur-arts, such as the earliest Paleolithic images, come before 'first arts'.

There remains an irreducible difference between ur-art and 'first art' apart from mere temporal precedence, which consists in the fact that, for both ur-art and 'first

art' objects, while there are certain regards or treatments that are appropriate to them, only the latter are projected for regard or treatment *in the way the former appropriately are regarded or treated* (Levinson 2006, 18).

It follows that something is art if either it satisfies the basic definition or it is an instance of 'first art', that is one of those things from which all other art, satisfying the basic definition, springs (Levinson 2006, 18). This solution is still unsatisfying. The question how we can decide or know what ur-arts are, is left unanswered. He tries to counter the charge of arbitrariness by relying on a collection of unquestioned or uncontested artworks. He refers to 'current paradigm artworks' (Levinson 1990a, 20), but he has no way to explain why and how these artworks have become 'current paradigm artworks' as his historical chain has no clear point of departure. The question is obvious: when does arthood become unquestionable? The standard procedure is to go back to preceding artworks, but when the arthood of preceding artworks becomes doubtful or questioned, one has to look at future artworks for legitimation of arthood. The arthood of an object is not determined by preceding artworks, but by reference to a body of later uncontested artworks. They can be revealed by referring to a body of paradigm artworks that come after them. This circularity is problematic as it not only makes his theory highly uninformative, but reduces arthood to a social convention.

In his original definition Levinson argues that 'something is art if it is or was *intended* or *projected* for overall regard as some *prior* art is or was *correctly regarded*' (Levinson 2006, 13). 'First art' does not allow for three of the central tenets of Levinson's definition: first, the maker did not *intend* at prior art regards; second, there is no prior art to refer to; third, one cannot point at correct regards for art prior to 'first art', thus we have no idea what these 'correct regards' might be. I will now expound these three interrelated problems in relation to art-unconscious art.

Art-unconscious art, unconscious intentions and historical art regards

One of Levinson's main objections against institutional theories is that they cannot account for 'art-unconscious' and isolated art. Whether these kinds of artworks and artists can exist, is a much debated issue. Philosophers who claim that those types of artefacts can be art, have used these as a counterexamples to George Dickie's institutional theory. His theory cannot account for art-unconscious art, because it is made outside of an institutional context. Dickie does not claim that art cannot be created unwittingly or apart from some artistic context, but claims that it has yet to be shown that it is possible to do so (Dickie 2004, 290). Dickie rightly argues that procedural theories of art cannot accommodate for art-unconscious art by referring to typical aesthetic properties like expressiveness or significant form nor to art-specific functions like inviting aesthetic rewards as these properties or functions are not part of the procedural definition that is held (Dickie 2004, 389-390). As clarified above, procedural theories state that pointing at functions or properties distinctive to art cannot define art as these essences will always be contradicted by the history of art, more specifically, by the developments of the avant-garde. Levinson agrees with Dickie: as referring to intrinsic aesthetic properties does not make something art, this reference cannot be made in order to identify art-unconscious art.

Still, Levinson is convinced that someone who does not know the concept of an artwork, can make an artwork (Carroll 1999, 141). In other words, art-unconscious art exists. He argues that his intentional theory can account for art-unconscious art as it obviates the need for reference to the 'artworld', but also obviates the need to refer to intrinsic (aesthetic) properties

of the object in question. The intention needed is one that makes reference to the history of art (Levinson 1990a, 4).

As Levinson excludes everything from arthood that is not intentionally related to the history of preceding works of art, he seems to exclude all art-unconscious art. At first sight, no art-unconscious art is intentionally related to the history of preceding art, as these art-unconscious art makers did not know the concept of art and, as a consequence, are not aware of a history of preceding artworks. But, in order to be able to account for art-unconscious art, he specifies two ways of reading the artmaking intention that is needed in his definition for something to be an artwork:

On the one reading, someone can be making art in virtue of directly intending his object for a complex of regards (approaches, attitudes) such as: {*with close attention to form, with openness to emotional suggestion, with awareness of symbolism...* } without having in mind or invoking intentionally any particular past artworks, genres, moments, or traditions. On the other reading, someone can be making art precisely in virtue of directly intending his object for regard as *some particular* past artwork or artworks are or were correctly regarded, without having in mind or invoking intentionally any specific regards or sets of regards intrinsically characterized. In the first instance, we might say, certain intended regards make something art because they *happen to be* regards past artworks were properly accorded. In the second instance, by contrast, the intended regards make something art because they are *explicitly* of the form: regards such –and–such past artworks were properly accorded – whatever those might turn out to be, characterized in themselves (Levinson 1989, 21).

The former intention is intrinsic, while the latter is relational. The intrinsic reading should account for art-unconscious art in his definition. He already discussed this reading in his first article on defining art and refers to it there as the ‘art-unconscious intention’ which entails ‘intending for regard in some specific way ? characterized in terms of intrinsic features, where ? is in fact a way in which some past artworks have been correctly regarded, though this fact is not known to the intender. An example of this might be intending for listening to with attention to timbre’ (Levinson 1990a, 11).

Levinson clarifies that such persons can be seen to make art if they intend their objects for regard in ways that *happen to be*, unbeknown to them, in the repertory of aesthetic regards established at that time. The needed link to the prior history of art is present, though the art-unconscious art makers are unaware of the fact that they have forged this link (Levinson 1990a, 11).

In Levinson’s theory, not every artefact made ‘with close attention to form’ or ‘with openness to emotional suggestion’ is art, for then he would be proposing a functional and aesthetic theory. Such artefacts are only art, in case these mentioned regards are historically ‘correct regards’. Levinson takes it as a part of the historical record that at some point, during a given earlier period, certain things are artworks – taken, accepted, certified and known to be artworks – and certain ways of dealing with them are acknowledged as correct ones, correct for them as art (Levinson 1989, 26). Levinson states: ‘All I require is that there is a fact to the effect that such and such are (were) the correct ways of regard for those works at that period, just as there is a fact that so-and-so objects are (were) the artworks of a given past period’

(Levinson 1989, 26). But this 'fact' is uncertain. These 'correct art regards' were unknown to the maker, as he or she did not know the concept of art, how can these art-regards be known to us? It is unclear how there can be correct art regards, when the artefacts that are made are isolated and art-unconscious. In short, to Levinson, art-unconscious art makers make art because their artefacts are intended at preceding correct intrinsic art regards, though these 'correct regards' are unknown to the maker. As in the case of first art, the only way he can determine these art regards that were unknown to the maker, is by starting from later 'uncontested' or 'paradigmatic' art regards.

Though the intentional input is central to his definition, as it obviates the need for intrinsic aesthetic properties and functions and for an institutional framework, he stretches this notion to an unacceptable extent as he states that the intention need not be conscious. Levinson claims he is not committed to the idea that intentions need to be formulated, transparent nor even be conscious to the maker (Levinson 1989, 30). But, if the art makers are (1) art-unconscious as they do not know the concept of art, (2) unaware of what art regards are accepted and (3) unconscious about their intentions, how can Levinson's definition identify these artefacts as art? Though the art makers may be unconscious about their intentions, unaware of the historical correct art regards and unknown with the concept of art, Levinson still emphasises that it is not our recognition that makes their artefact art but that they were art all along (Levinson 1990a, 11). Though it is broadly accepted that persons that do not know the concept of art, can also make art, Levinson has not formulated a convincing alternative neither to aesthetic nor to institutional accounts. Aesthetic approaches claim that art-unconscious art makers made art, because the objects perform functions that artworks perform – it is only that the term was unknown to the makers, but through the performed function, we can identify these artefacts as art (Bell 2003, 108). The institutional theory claims such artworks can be identified through looking at the institutional context, but they stretch the notion 'art institution' in order to account for non-western art (Stecker 2000, 50) and deny lots of isolated artefacts the status of art (Dickie 2004). Levinson's intentionalism would be less problematic if he would give a general account on correct art regards. But he refuses to do this (Levinson 1989, 25). It is clear why Levinson does not want to give an intrinsic account on art regards. Levinson worries about 'ahistorical' art regards.

I believe the key to an adequate and revealing definition of art is to specify what the art object must be intended for, what sort of regard the spectator must be asked to extend to the object [...] The trick, of course, is to do so without describing an intended way of regard given by fixed characteristics. It has been sufficiently shown that that sort of definition is doomed to failure, given the impossibility of locating a singly unitary aesthetic attitude or regard common to all the ways we approach and have approached works of art, and given the ways unthought of in which we will undoubtedly be approaching some works in the future (Levinson 1990a, 6).

As institutional definers, Levinson claims we cannot identify art through the functions an object performs. Levinson explains: 'For a thing to be art it must be linked by its creator to the repository of art existing at the time, as opposed to being aligned by him with some abstracted template of required characteristics. What I am saying is that currently the concept of art has no content beyond what art *has been*' (Levinson 1990a, 7). But, when it comes to art-unconscious art he has to stretch the three main components of his definition, namely intentionalism, historicism and the reference to correct regards, to such an extent, that it

renders his definition virtually meaningless.

Levinson's marginalisation of non-western art-unconscious art

Though Levinson's main objection against the institutional definition of art is the fact that they cannot account for art-unconscious art, he is also aware that his definition starts from the western history of art-conscious art making. This is legitimate as, according to Levinson, the case of art-aware art makers is central. In the case of art-aware art makers making an artwork is a conscious act involving a conception of art (Levinson 1990a, 7). From a global *and* a historical perspective this centrality of art-aware art makers is a highly questionable point of view as it is safe to say that the majority of all artworks we now call art are art-unconscious art.

Not only is art-aware art making central, also Western art is central to his definition. Though Levinson stresses his theory is applicable to art beyond the Western tradition, he also needs to admit that his theory of art is inspired by the concrete historical unfolding of the tradition of high art in the West and that 'our' culture is ineliminably implicated in the concept of art (Levinson 1993, 422-423). Though he aims at universality, he treats non-western art as the exception to the rule and formulates strategies to 'assimilate' them to his conception of art. First, he marginalizes these artefacts in his definition as he treats them separately and allows that his definition does not fully accommodate them. Secondly, as in the case of 'first art' his answers are dissatisfying and it turns out that art-unconscious art that cannot be related to the Western tradition is not art in the full sense.

Culturally and historically remote candidates for art, or more specifically candidates for non-western art, are mostly candidates for art-unconscious art since the concept of art originated in the recent West. In this sense, they are in a similar position as candidates for 'first arts', because it is unclear how they can be seen as intentionally related to prior 'uncontested' art. What makes these cases even more problematic is that they cannot even refer to later uncontested art. So, even if we accept Levinson's circularity as unproblematic, it cannot be applied to the case of culturally remote art-unconscious art, or in short, most non-western art. However, Levinson offers two solutions to this problem. One strategy for assimilating to the intentional-historical conception of art phenomena outside the purview of Western fine art, Levinson argues, is to take the concrete totality of art regards that have accumulated in three thousand years or so of our common culture, all those relatively replete regards intending an object for which – or against which, in the case of revolutionary art – qualifies it as art, and seek to locate them in operation in those other domains, e.g., that of handmade furniture, or sculpted masks, or commercial design, or ritual music, or baton-twirling (Levinson 1993, 422). Levinson's first strategy fails for the same reasons that his account on 'first art' fails: this art-unconscious art, is art not because it was intended for regards as preceding art, but on the account of its relationship to the regards an uncontested body of future artworks. These were regards that were unknown to the maker. It contradicts his historicism, as, on his account, only intended regards of preceding artists, can explain the arthood of artefacts. Again, his solution is circular, because no separate account is given for artefacts that are not intentionally related to preceding unquestionable artworks. Moreover, these artworks cannot be seen as the origins of later art, because in many cases, there is no 'future art'.

The other, weaker, strategy is to attempt to identify in other domains simply the same *structure* of connectedness, of intentional invocation, whether immediate or mediate, of predecessor objects of the treatments they were accorded. If found,

this would be some reason for thinking of those other domains as art-like, or as containing analogs of art, while perhaps not being strictly art in the particular, historicized sense it has acquired in our culture, and in which our culture is, in all its concreteness, and for better or worse, ineliminably implicated (Levinson 1993, 422-423).

Though in his first article on the definition of art, Levinson starts from the idea that art-unconscious art is art, he tends to weaken his claims and now claims it to be 'artful' or 'art-like' (Levinson 1993, 422-423). Objects that are 'artful' or 'art-like' have a clearly inferior status to 'art'. Levinson would claim that art is a neutral status, so no value judgement can be deduced from it. Still, he also rightly claims that in order for something to be judged, we have to know what we are dealing with (Levinson 1996, 189). The artistic value of art is then clearly separated from and superior to the artistic value of something that is 'art-like'. Again, the 'uncontested' becomes referential: they are given a special status that puts them higher in the hierarchy. Art-unconscious art seems art-like when it is not connected to the traditional Western history of art. When it is, as for example in the case of Gregorian chants, it is art plain (Detels 1999, 52-53). Gregorian chants can be related to later uncontested art, whereas a lot of non-western art cannot. The fact that the West is ineliminably implicated in his theory, makes application beyond this tradition very difficult: 'art-unconscious art' within the Western tradition can refer to later uncontested artworks. 'Art-unconscious art' in other traditions, on the other hand, cannot and this leads to these objects being 'art-like' instead of art plain.

For both strategies, isolated art still remains a problem. Even circularity does not work: this art cannot refer to art that came afterwards as no art came afterwards. For this reason, there can also be no structural connectedness similar to unquestionable cases of art in any meaningful way. In short, arthood cannot be identified in this way either. Levinson's definition cannot even account for the example of art-unconscious art he has given himself. The example goes as follows: 'Consider a solitary Indian along the Amazon who steals off from his nonartistic tribe to arrange colored stones in a clearing, not outwardly investing them with special position in the world. Might not this also be art (and, note, before any future curator decides that it is)?' (Levinson 1990a, 5) It seems that we recognize these stones as art because of exhibited features of the artefact. Levinson would claim that we do not recognize their arthood due to observable similarities per se, but due to an intentional projection, which implicates earlier, established work in a tradition (Levinson 1993, 421). This seems not quite right in this case, as there is no earlier tradition. As we are talking about a nonartistic culture, no art came before or after it, the artmaker did not make an intentional reference to prior art, nor did artmakers afterwards refer to his artefact. Thus, his second strategy cannot account for this case either: there is no similar 'structure of connectedness', since we are talking about an isolated artefact.

The original definition was: 'something is art if it is or was intended or projected for overall regard as some prior art is or was correctly regarded' (Levinson 2006, 13). This definition is radically altered by Levinson himself in order to account for 'first art', 'art-unconscious art' and non-western art. First, he allows for a historical relation, not with prior art, but, with later art. 'First art' and some 'art-unconscious art' is historically related to later 'uncontested' art. But, most non-western art and, especially, cases of isolated art, are historically unrelated to earlier and later 'uncontested' artworks in the Western tradition. Secondly, he allows for 'unconscious intentions' so his definition can allow for art-unaware artmakers. Apart from the fact that it seems impossible for anyone to discern these unconscious intentions, this notion renders his intentionalism rather vague and uninformative. More so, because he gives no adequate

account of the 'overall regard' an artist should intend for. This leads to a third component of his definition that is problematic, namely 'correct regards'. 'First art', 'art-unconscious art' and much remote non-western art does not refer to how prior art was correctly regarded. 'Correct regards' are, in these cases, not part of the historical record, as Levinson claims they are. As no intrinsic account is given what correct regards should be, they are, also, highly uninformative. As Levinson has to stretch the three main notions in his definition, namely, historicism, intentionalism and correct regards to an unacceptable degree, the universality of the analysis of arthood he offered is seriously compromised.

Conclusion

Levinson sets out to formulate a concept of art that is transculturally and transhistorically valid. This means avant-garde art and non-western art *can* exist next to each other under the category of art. Levinson denies that avant-garde art has aesthetic appeal and gives no aesthetic definition of art. Art is art because it was intentionally related to prior art. What his theory is in fact able to show is that avant-garde art is art without any need for the vague notion of 'the artworld'. Yet, it does not give an adequate answer to the challenge which non-western art poses to the universal validity of the concept of art.

I have pointed out that the problem of 'first art' is not easily fixed by claiming that 'first art' is just a special sort of art, because it is related to future art and not to preceding art. As he gives no aesthetic definition, nothing in his definition refers to intrinsic characteristics of the artwork. The decision what is and was 'first art' is no less than arbitrary. Moreover, the problem is not limited to so-called 'first artworks'. Art-unconscious art, artworks that are made by people who do not know the concept of 'art', cannot refer to preceding art either. Here too, the question why some candidates for 'art-unconscious art' are art in Levinson's view, while others are not, remains unanswered.

In order to provide solutions for these interrelated problems, Levinson relies on a collection of uncontested artworks. Candidates for 'first art' turn out to be 'first art' when it can be shown that later uncontested art sprung from it. Candidates for 'art-unconscious art' are called art, when these artefacts invite similar regards as not necessarily historically related, uncontested art. The circularity of his answers to the problem of 'first art' follows from Levinson's unwillingness to look for intrinsic characteristics of the first examples of art. It must be pointed out that, both in the case of 'first art' and 'art-unconscious art' the traditional western canon has a much more important role to play in his theory than he acknowledges, even though he himself claims the canon is a social construction (Levinson 1996, 173). For identification of arthood, Levinson resorts to the connection of uncertain cases of art to undeniable cases of art. It is not clear at what point artworks actually turn into 'uncontested' artworks. When 'art-unconscious' art can be related to the Western canon of art, it is art. In the case of non-western artefacts, this relation is non-existent, and candidates for arthood turn out to be 'art-like'. What was art in the past cannot be the sole ground for defining art status. Without a clear account of what makes first artworks art, his definition cannot explain why certain artefacts are art and others not. The damaging consequence for art-unconscious and non-western art is that they are inferior or not art at all.

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