

FINE INDIVIDUATION

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Jerrold Levinson argues that musical works are individuated by their context of origin. But one could just as well argue that musical works are individuated by their context of reception. Moderate contextualism, according to which musical works are individuated by context of origin but not by context of reception, thus appears to be an unstable position. And, although a more thoroughgoing contextualism, according to which musical works are individuated both by context of origin and by context of reception, faces a number of problems, it is nonetheless supported (at least to some extent) by critical practice.

I. INTRODUCTION

In 'What a Musical Work Is', Jerrold Levinson argues that any adequate account of what a musical work is must satisfy three requirements.¹ The second of these is what he calls *fine individuation*: namely,

(Ind) Musical works must be such that composers composing in different musico-historical contexts who determine identical sound structures invariably compose distinct works.²

¹ Jerrold Levinson, 'What a Musical Work Is', *Journal of Philosophy*, vol. 77, no. 1 (January 1980), pp. 5–28; reprinted in Jerrold Levinson, *Music, Art, and Metaphysics: Essays in Philosophical Aesthetics* (Ithaca, NY: Cornell U.P., 1990), pp. 63–88. (In general, we cite page numbers for reprints.)

² *Ibid.*, p. 73. Levinson's first requirement is *creatability*: namely, 'Musical works must be such that they do *not* exist prior to the composer's compositional activity, but are *brought into existence by that activity*' (*ibid.*, p. 68; emphases in original). And his third requirement is *inclusion of performance means*: namely, 'Musical works must be such that specific means of performance or sound production are integral to them' (*ibid.*, p. 78). We discuss creatability elsewhere. (See Ben Caplan and Carl Matheson, 'Can a Musical Work Be Created?', *British Journal of Aesthetics*, vol. 44, no. 2 [April 2004], pp. 113–134.) On inclusion of performance means, see Peter Kivy, 'Orchestrating Platonism', in *Aesthetic Distinction: Essays Presented to Göran Hermerén on His 50th Birthday*, ed. Thomas Anderberg, Tore Nilstun, and Ingmar Persson (Lund: Lund U.P., 1988), pp. 42–55 (reprinted in Peter Kivy, *The Fine Art of Repetition: Essays in the Philosophy of Music* [Cambridge: Cambridge U.P., 1993], pp. 75–94); Jerrold Levinson, 'What a Musical Work Is, Again', in *Music, Art, and Metaphysics*, pp. 215–263, at pp. 231–247; Julian Dodd, 'Sounds, Instruments and Works of Music', presented at the Pacific Division Meeting of the American Philosophical Association in Portland, OR, March 2006; Robert Howell, 'Comments on Rohrbaugh, Dodd, and Matheson and Caplan', also presented at the Pacific

In a footnote, Levinson adds that the same composer composing at different times counts as composing in different musico-historical contexts and hence, by fine individuation, must be composing distinct musical works.³ Levinson famously uses the three requirements to argue that a musical work is, not a sound structure, but rather some sort of indicated sound structure: for example, a sound-structure-as-indicated-by-a-composer-at-a-time or a sound-structure-as-indicated-in-a-musico-historical-context.⁴ Levinson later says that, in establishing that conclusion, the ‘most central’ of his requirements is fine individuation.⁵

Levinson argues for fine individuation as follows:

Since the musico-historical contexts of composing individuals are invariably different, then even if their works are identical in sound structure, they will differ widely in aesthetic and artistic attributes. But then, by Leibniz’s law, the musical works themselves must be nonidentical.⁶

This is not the only argument that Levinson offers for fine individuation. (We briefly discuss two other arguments at the end of this section.) But it is

Division Meeting of the American Philosophical Association in Portland, OR, March 2006. Fine individuation is a species of contextualism about musical works. On contextualism, see, for example, Kendall Walton, ‘The Presentation and Portrayal of Sound Patterns’, in *Human Agency: Language, Duty and Value; Philosophical Essays in Honor of J.O. Urmson*, ed. Jonathan Dancy, J.M.E. Moravcsik, and C.C.W. Taylor [Stanford, CA: Stanford U.P., 1988], pp. 237–257; Gregory Currie, *An Ontology of Art* (New York: Macmillan, 1989); Joseph Margolis, ‘Music as Ordered Sound: Some Complications Affecting Description and Interpretation’, in *The Interpretation of Music: Philosophical Essays*, ed. Michael Krausz (Oxford: Clarendon, 1993), pp. 141–153; Stephen Davies, *Musical Works and Performances: A Philosophical Exploration* (Oxford: Clarendon, 2001) and ‘Ontologies of Musical Works’, in *Themes in the Philosophy of Music* (Oxford: Oxford U.P., 2003), pp. 30–46; Peter Lamarque, ‘Work and Object’, *Proceedings of the Aristotelian Society*, vol. 102, no. 2 (January 2002), pp. 141–162; Robert Stecker, *Interpretation and Construction: Art, Speech, and the Law*, *New Directions in Aesthetics* 1 (Malden, MA: Blackwell, 2003).

³ Levinson, ‘What a Musical Work Is’, p. 73, n. 18.

⁴ *Ibid.*, pp. 78–82. Given the inclusion of performance means requirement (see note 2), Levinson takes the structure that is indicated to be, not just a sound structure, but rather a sound structure together with a ‘performing-means structure’ (*ibid.*, pp. 78–79). We ignore this complication in the text. Elsewhere, Levinson suggests that a musical work is a structure as indicated by a composer at a time in a musico-historical context. (See Jerrold Levinson, ‘Autographic and Allographic Art Revisited’, *Philosophical Studies*, vol. 38, no. 4 [November 1980], pp. 367–383 [reprinted in Levinson, *Music, Art, and Metaphysics*, pp. 89–106], at p. 97, n. 20, and his review of Currie, *An Ontology of Art*, in *Philosophy and Phenomenological Research*, vol. 52, no. 1 [March 1992], pp. 215–222 [reprinted as ‘Art as Action’ in Jerrold Levinson, *The Pleasures of Aesthetics: Philosophical Essays* (Ithaca, NY: Cornell U.P., 1996), pp. 138–149], at p. 146.) We also ignore this complication in the text.

⁵ Levinson, ‘What a Musical Work Is, Again’, p. 248.

⁶ Levinson, ‘What a Musical Work Is’, p. 69.

the most important one. Let us call it *Levinson's argument for fine individuation*. Levinson's argument for fine individuation relies, among other things, on the claim that composers composing in different musico-historical contexts compose works that have different aesthetic and artistic properties. Levinson presents five examples to support this claim.⁷ In what follows, we focus on one. Imagine a possible world, *Q*, in which Johann Stamitz composes a symphony in the eighteenth century (as he does in the actual world) and in which John Damitz composes a sound-alike symphony in the twentieth century (as no one does in the actual world).⁸ Let us call the symphony that Stamitz composes in the eighteenth century '*S*'; and let us call the symphony that Damitz composes in the twentieth century '*D*'. *S* is supposed to be more exciting than *D*. *S*, Levinson says, should be 'heard in the context of Stamitz's earlier works, the persistence of late Baroque style, the contemporary activities of the young Mozart, and the Napoleonic wars'.⁹ As such, *S* is 'an exciting piece of music'.¹⁰ By contrast, *D* should be 'heard in the context of [Damitz's] earlier works (which are probably dodecaphonic), the existence of aleatory and electronic music, the musical enterprises of both Pierre Boulez and Elton John, and the threat of nuclear annihilation'.¹¹ As such, *D* is 'exceedingly funny'.¹²

In this paper, we address Levinson's argument for fine individuation. In Section II, we explain how we think Levinson uses Leibniz's Law to argue for the distinctness of *S* and *D*. In Section III, we unearth two principles that we think Levinson's argument for the distinctness of *S* and *D* depends on. In Section IV, we argue that—thanks, in part, to those principles—those who endorse Levinson's argument for fine individuation are led to an ontology of art that Levinson (and others who think of artworks as individuated by context of origin) would be loathe to accept.

But, before we begin, it is perhaps worth mentioning two other arguments that Levinson offers for fine individuation—arguments that, in what follows, we set aside. First, in a footnote, Levinson argues for fine individuation from the claim that composition is creation: if composition is creation, then a musical work composed at one time is created at that time; so it cannot be created at a later time; so it cannot be composed at a later time either.¹³ We set this

⁷ *Ibid.*, pp. 70–71.

⁸ Damitz was named by Peter Kivy. (See Peter Kivy, 'Platonism in Music: Another Kind of Defense', *American Philosophical Quarterly*, vol. 24, no. 3 [July 1987], pp. 245–252 [reprinted in Kivy, *The Fine Art of Repetition*, pp. 59–74], at p. 65.) We have changed his first name from 'Johann' to 'John'.

⁹ Levinson, 'What a Musical Work Is', p. 71.

¹⁰ *Ibid.*; emphasis in original.

¹¹ *Ibid.*

¹² *Ibid.*; emphasis in original.

¹³ *Ibid.*, p. 68, n. 12.

argument aside because it assumes too much and proves too little. It assumes too much: in addition to assuming that musical works can be created, it assumes that they cannot go out of existence.¹⁴ And it proves too little: it does not show that musical works are individuated as finely as time-insensitive aspects of the musico-historical contexts in which they are composed, nor does it show that musical works composed in distinct musico-historical contexts are distinct because of anything musical or historical (rather than merely temporal) about those contexts. (Levinson says that all aspects of a musico-historical context can be traced back to the time, the composer, or both.¹⁵ The argument from composition as creation in effect disregards those aspects of musico-historical context that can be traced back only to the composer and assumes that all aspects of a musico-historical context can be traced back to the time.)

Second, in another footnote, Levinson presents another ‘way of casting’ the argument from Leibniz’s Law.¹⁶ (Also in a footnote, he later describes the recasting as a ‘proof’ and reproaches Peter Kivy for not having attended to it.¹⁷) We set this recasting aside because it is not so much an argument *for* fine individuation as it is an argument *from* fine individuation to the claim that a musical work is not identical to its sound structure. The recasting quickly rehearses an argument from Leibniz’s Law for the claim that two musical works are distinct in a possible world—‘In *Q*, the works diverge aesthetically and hence are nonidentical’—and then carefully works its way to the conclusion that, in the actual world, one of the works is not identical to its sound structure.¹⁸

II. LEIBNIZ’S LAW

As a passage quoted in the previous section indicates, Levinson’s argument for fine individuation explicitly appeals to Leibniz’s Law. He glosses this principle as follows: ‘if A and B differ in any respects, then A and B are simply not identical’.¹⁹ As it stands, this formulation might be misleading, since it ignores objects’ temporal variability (for example, Winston is bald now, but he was not bald ten years ago) as well as their modal variability (for example,

¹⁴ On the destruction of musical works, see Levinson, ‘What a Musical Work Is, Again’, pp. 262–263; Saam Trivedi, ‘Against Musical Works as Eternal Types’, *British Journal of Aesthetics*, vol. 42, no. 1 (January 2002), pp. 73–82, at p. 77.

¹⁵ Levinson, ‘What a Musical Work Is’, p. 80.

¹⁶ *Ibid.*, p. 70, n. 17.

¹⁷ Levinson, ‘What a Musical Work Is, Again’, p. 222, n. 14.

¹⁸ Levinson, ‘What a Musical Work Is’, p. 70, n. 17.

¹⁹ Levinson, ‘What a Musical Work Is, Again’, p. 222.

Winston is actually bald, but he could have been hirsute). In the modal case, Winston's possible hirsuteness is commonly analysed as his possession of the property *being hirsute* in another possible world. Consider possible worlds w_1 and w_2 , objects a and b , a property F , and times t_1 and t_2 . Given temporal and modal variability, we do not want the distinctness of a and b to be immediately implied by

(1) At t_1 in w_1 , a has F .

and any of the following claims:

(2) At t_2 in w_1 , b does not have F .

(3) At t_1 in w_2 , b does not have F .

(4) At t_2 in w_2 , b does not have F .

To block these implications, we formulate Leibniz's Law as follows:

(LL) For any possible world w , any objects x , y , and z , any property F , any relation R , and any time t , if either (i), at t in w , x has F and y doesn't have F or (ii), at t in w , x bears R to z and y doesn't bear R to z , then $x \neq y$.²⁰

(LL) applies only to objects in the same world at the same time.

(LL) can be used in two kinds of argument for the distinctness of a and b . The first kind of argument doesn't rely on comparisons across times or worlds.

One-world–one-time argument

(P1) At t_1 in w_1 , a has F .

(P2) At t_1 in w_1 , b doesn't have F .

(C1) So $a \neq b$. (From (P1), (P2), and (LL))

The second kind of argument relies on comparisons across times and worlds, but only in special cases.

Cross-world–cross-time argument

(P1) At t_1 in w_1 , a has F .

(P2★) At t_2 in w_2 , b doesn't have F .

(P3) a and b are of a kind K .

²⁰ We formulate Leibniz's Law as (LL), not because we think that doing so is the only way to block the inference from (1) and any of (2)–(4) to the conclusion that $a \neq b$, but rather to make it clear that we will not be using Leibniz's Law to make such inferences.

- (P4) F is a special property for objects of kind K .
 (C1) So $a \neq b$. (From (P1), (P2 \star), (P3), (P4), and (LL))

The cross-world–cross-time argument is valid if special properties for objects of a kind are both *eternal* and *essential* properties of objects of that kind.²¹ In other words, special properties for objects of a kind allow us to apply (LL) to objects of that kind in different worlds and at different times.²²

Clearly, anyone who wants to offer a cross-world–cross-time argument bears the burden of showing that the properties in question are special: for example, that they are eternal or essential properties of the relevant kind of objects. Some, including Levinson, might be prepared to bear this burden. In a footnote, Levinson suggests that ‘structural and genetic attributes’ are essential to musical works.²³ For example, there is no world in which S —Stamitz’s symphony—has a different sound structure than it actually does or is composed in a different musico-historical context than the one it is actually composed in.²⁴ And, in ‘Artworks and the Future’, Levinson argues that most of the interesting properties of musical works, including their expressive properties, are eternal.²⁵ For example, a musical work cannot change from being happy to being sad, nor can it change from being exciting to being dull.

Such claims are very interesting, and we hope to consider them elsewhere. But, fortunately, we do not need to consider them here. Levinson explicitly states that he does not require the properties he considers to be essential. Speaking of his argument for fine individuation and of aesthetic and artistic properties (or attributes), he says in a footnote, ‘The argument has nowhere

²¹ More precisely, the cross-world–cross-time argument is valid if special properties for objects of a kind are (i) eternal properties of objects of that kind in w_1 and w_2 and (ii) essential properties of objects of that kind at t_1 and t_2 . A property F of objects of a kind K is eternal in a possible world w if and only if F is such that, for every object x of kind K , if there is a time t such that x has F at t in w , then x has F at every time at which x exists in w . A property F of objects of a kind K is essential at a time t if and only if F is such that, for every object x of kind K , if there is a possible world w such that x has F at t in w , then x has F in every possible world in which x exists at t .

²² One could also use essential properties in a cross-world–one-time argument or eternal properties in a cross-time–one-world argument. We ignore these further possibilities in the text.

²³ Levinson, ‘What a Musical Work Is’, pp. 84–85, n. 29.

²⁴ See also Jerrold Levinson, ‘Titles’, *Journal of Aesthetics and Art Criticism*, vol. 44, no. 1 (Autumn 1985), pp. 29–39 (reprinted in Levinson, *Music, Art, and Metaphysics*, pp. 159–178), at pp. 162–164; ‘Art as Action’, pp. 144–149, esp. p. 145, p. 146.

²⁵ Jerrold Levinson, ‘Artworks and the Future’, in *Aesthetic Distinction*, pp. 56–84; reprinted in Levinson, *Music, Art, and Metaphysics*, pp. 179–214.

required as a *premise* that such attributes are essential attributes'.²⁶ (Nor does Levinson appeal to the eternality of such properties in arguing for fine individuation either.) And, in keeping with that claim, it seems that Levinson's argument for fine individuation is a one-world–one-time argument.²⁷ One might think that, in arguing that *S* and *D* are distinct, Levinson is appealing to properties that they have *at different times*: *S* was exciting when it was composed in the eighteenth century; whereas *D* was not exciting later, when it was composed in the twentieth century. But that is not how Levinson understands the Stamitz–Damitz example. In responding to a remark of Kivy's (which we quote below in Section III), Levinson says

Of course Kivy here still distorts the allegro's *excitement* into something less than it really is, by equating it with its excitingness to its *original* auditors, rather with its excitingness to auditors who hear it *correctly*, in a way that reflects its provenance and musico-historical position.²⁸

Levinson's suggestion—that a work's excitement at *t* is to be analysed as its level of excitingness when listened to correctly at *t*—is consonant with the idea that *S* and *D* have different properties *at the same time*: in *Q*, *S* has a different level of excitingness than *D* when both are listened to correctly in 2006. We thus take the argument that Levinson offers for the distinctness of *S* and *D* to be as follows:

Stamitz–Damitz

- (E1) In 2006 in *Q*, *S* is exciting.²⁹
 (E2) In 2006 in *Q*, *D* is not exciting.
 (C2) So $S \neq D$. (From (E1), (E2), and (LL).)

The Stamitz–Damitz argument is a one-world–one-time argument. In the rest of the paper, since we are concerned solely with one-world–one-time arguments, we take the liberty of dropping the 'In 2006 in *Q*' prefix. The reader should assume throughout that the premises we discuss are about the same world at the same time.

²⁶ Levinson, 'What a Musical Work Is', p. 84, n. 29; emphasis in original. See also Levinson, 'What a Musical Work Is, Again', pp. 223–224.

²⁷ For contrary interpretations, see Kivy, 'Platonism in Music: Another Kind of Defense', pp. 60–66; Harry Deutsch, 'The Creation Problem', *Topoi*, vol. 10, no. 2 (September 1991), pp. 209–225, at pp. 213–216. See also David Carrier, 'Art without Its Artists?', *British Journal of Aesthetics*, vol. 22, no. 3 (Summer 1982), pp. 233–244, at pp. 233–234 and p. 243, n. 2.

²⁸ Levinson, 'What a Musical Work Is, Again', p. 226; emphases in original.

²⁹ 'E' is for 'exciting'.

Before we continue, we want to acknowledge—and address—the temptation of thinking of the Stamitz–Damitz argument as ultimately question-begging. One might reason as follows:

The Stamitz–Damitz argument relies on (E1) and (E2), which tell us that the works have different aesthetic and artistic properties. On Levinson’s view, such a difference in aesthetic and artistic properties can arise only if *S* and *D* were composed in different musico-historical contexts: for example, if *S* was composed in a 1750 musico-historical context but not a 1980 one, and if *D* was composed in a 1980 musico-historical context but not a 1750 one. But now aesthetic and artistic properties are irrelevant. If *S* was composed in a 1750 musico-historical context and *D* was not, then it immediately follows—by Leibniz’s Law—that *S* and *D* are distinct. But that’s precisely what the Stamitz–Damitz argument is supposed to show. So the argument begs the question.

One might think that Levinson could avoid begging the question here by relying on the claim that composition is creation, since one might think that this claim—together with the claim that *S* was composed in a 1750 musico-historical context and that *D* was composed in a 1980 musico-historical context—entails that *S* was composed in a 1750 musico-historical context and *D* was not. But composition as creation does not get Levinson off the hook, because (i) composition as creation entails that *D* was not composed in a 1750 musico-historical context only if musical works cannot go out of existence, and (ii) composition as creation does not entail parallel claims, which are needed, in cases where two composers are composing simultaneously. And, in any case, in a footnote Levinson says that his argument for fine individuation does not presuppose composition as creation.³⁰

But a more charitable reconstruction, one that does not rely on composition as creation, is available.³¹ On this reconstruction, (E1) and (E2) are justified by critical practice, particularly by our practice of attributing aesthetic and artistic properties to musical works. The best way to explain how (E1) and (E2) could be true is to assume that *S* and *D* were composed in different musico-historical contexts and hence—by Leibniz’s Law—that *S* and *D* are distinct. This is an inference to the best explanation: the best explanation for our critical practice, which includes (E1), (E2), and other attributions of aesthetic and artistic properties to musical works, ultimately relies on the

³⁰ Levinson, ‘What a Musical Work Is’, p. 68, n. 12.

³¹ This reconstruction seems to be in the spirit of some of the things that Howell says about his reconstruction of Levinson’s argument. (See Howell, ‘Comments on Rohrbaugh, Dodd, and Matheson and Caplan’.) But Howell’s reconstruction differs from ours in a number of important respects that we do not discuss here.

distinctness of *S* and *D*. This does not beg the question. Rather, it shows how the distinctness of *S* and *D* is grounded in critical practice.³²

III. LEVINSON'S PRINCIPLES

III.1 *Levinson's First Principle*

To be assured of the validity of the Stamitz–Damitz argument, we need to be assured that it is one and the same property that *S* is said to have and that *D* is said to lack. To see this, consider Buddy and Horst. A prima-facie case for their distinctness can be made on the basis of their heights.

Buddy–Horst

(T1) Buddy is tall.³³

(T2) Horst is not tall.

(C3) So Buddy \neq Horst. (From (T1), (T2), and (LL).)

The Buddy–Horst argument is valid if there is a property that (T1) says that Buddy has and that (T2) says that Horst lacks. This is the case if (T1) and (T2) are analysed as follows:

(T1a) Buddy has the property *being tall*.

(T2a) Horst does not have the property *being tall*.

But (T1) and (T2) need not be analysed as (T1a) and (T2a). For example, the difference in attributions of tallness might really be due to a difference in comparison class. Imagine that the speaker and hearer think—correctly, as it turns out—that ‘Buddy’ refers to someone who lives in Nova Scotia and that, as a result, in (T1) Buddy is being implicitly compared to Nova Scotian men (average height: 5' 9"). And imagine that the speaker and hearer think—also correctly, as it turns out—that ‘Horst’ refers to someone who grew up in the Netherlands and that, as a result, in (T2) Horst is being implicitly compared to Dutch men (average height: 6' 1"). In that case, perhaps (T1) and (T2) should be analysed as follows:

(T1b) Buddy bears the *being tall relative to* relation to Nova Scotian men.

(T2b) Horst does not bear the *being tall relative to* relation to Dutch men.³⁴

³² At this point, the second author would like to apologize to students in his Ontology of Art class at UCLA in Spring 2006 for having encouraged them to succumb to uncharitable temptations.

³³ ‘T’ is for ‘tall’.

³⁴ Alternatively, one could analyze (T1) and (T2) as

(T1c) Buddy has the property *being tall relative to Nova Scotian men*.

(T2c) Horst does not have the property *being tall relative to Dutch men*.

And (C₃) does not follow from (T_{1b}), (T_{2b}), and (LL). For that Buddy bears one relation to one comparison class and that Horst does not bear that relation to a different comparison class is compatible with their being one and the same man: someone who grew up in the Netherlands, now lives in Nova Scotia, and happens to be ζ'_{11} ", say.

Similarly, the Stamitz–Damitz argument is valid if there is a property that (E₁) says that *S* has and that (E₂) says that *D* lacks. This is the case if (E₁) and (E₂) are analysed as follows:

- (E_{1a}) *S* has the property *being exciting*.
 (E_{2a}) *D* doesn't have the property *being exciting*.

But (E₁) and (E₂) need not be analyzed as (E_{1a}) and (E_{2a}). A remark of Kivy's suggests another way of analyzing (E₁) and (E₂). Kivy says

Now, to be sure, the 'genuine' Stamitz symphony [i.e. *S*] does possess, in a time-less sense, a property of excitement that its clone [i.e. *D*] does not, bestowed upon it by its peculiar history: its particular place in the history of music. It was exciting *to its first auditors*, and its clone was not; and we consider that musicohistorical property a very important one.³⁵

Kivy takes the excitingness of *S* to consist in its excitingness to a certain audience. This suggests that the difference in attributions of excitingness is really due to a difference in audience. Let us call those who think that the difference in attributions of excitingness is really due to a difference in audience and who, like Kivy, think that *S* and *D* are identical to the same sound structure *Kivyans*. Kivyans could analyse (E₁) and (E₂), not as (E_{1a}) and (E_{2a}), but rather as follows:

- (E_{1b}) *S* bears the *being exciting to* relation to 1750 listeners.
 (E_{2b}) *D* does not bear the *being exciting to* relation to 1980 listeners.

(C₂) does not follow from (E_{1b}), (E_{2b}), and (LL). For that *S* bears one relation to one audience from one time and that *D* does not bear that relation to a

In the text, we focus on relations (e.g. *being tall relative to*) to further entities (e.g. comparison classes) rather than on relational properties (e.g. *being tall relative to Nova Scotian men*). But nothing hangs on this.

³⁵ Kivy, 'Platonism in Music: Another Kind of Defense', pp. 64–65; our emphases.

different audience from another time is compatible with their being the same musical work, as indeed they are according to Kivyans.³⁶

Levinson's reply is that the excitingness of a musical work should not be analysed as its ability to excite *historical listeners*, because 'original audiences are sometimes not appropriately prepared or attuned ones'.³⁷ Instead, Levinson suggests (as we mentioned in the previous section) that the excitingness of a musical work should be analysed as its ability to excite *those who listen to it correctly*. He says that this suggestion, if accepted, 'is sufficient, one would think, to settle the issue against the sound structure criterion of work identity'.³⁸ But matters are not as settled as Levinson indicates. For Kivyans can concede that the actual responses of drunks, boors, musical flat-earthers, and soccer hooligans are not relevant to a work's excitingness—only the reactions of those with properly trained ears are—and still deny that there is one property that *S* is said to have and that *D* is said to lack. Instead of analysing the excitingness of a musical work as its ability to excite historical listeners, Kivyans can analyse the excitingness of a musical work as its ability to excite *historical listeners who listen to it correctly*. (E1) and (E2) would then be analysed as follows:

(E1c) *S* bears the *being exciting to* relation to 1750 listeners who listen to it correctly.

(E2c) *D* does not bear the *being exciting to* relation to 1980 listeners who listen to it correctly.

As before, that *S* bears one relation to one audience from one time and that *D* does not bear that relation to a different audience from another time is compatible with their being the same musical work.

At this point, it is not clear that matters are settled. That is, here is where things get messy. Consider what someone of a Levinsonian bent could say:

You, Kivyans, are right in saying that (appropriately attuned) audiences of 1750 would be excited upon listening to a certain sound structure *k*, while those of 1980 would not be. But, in saying those things, you have still failed to capture what it is to say that *S* is exciting and that *D* is not. For instance, why have you attached the year 1750 to Stamitz's version of *k* and 1980 to Damitz's? I can justifiably claim

³⁶ Kivy might not be a Kivyian. Kivy seems to concede that the Stamitz–Damitz argument we present in the text is valid. For, in the passage quoted above, Kivy seems to concede that there is a property—namely, *being exciting to its first auditors*—that *S* has and that *D* lacks. We suspect that Kivy makes this concession because he takes Levinson to be offering a cross-world–cross-time argument. Kivy's reply to that argument is to deny that we have clear intuitions that aesthetic and artistic properties like *being exciting to its first auditors* are essential. (See Kivy, 'Platonism in Music: Another Kind of Defense', pp. 64–66.) But, if Levinson is offering a one-world–one-time argument, that reply is beside the point.

³⁷ Levinson, 'What a Musical Work Is, Again', p. 226.

³⁸ *Ibid.*

that ears attuned to a 1750 musico-historical context are appropriate for listening to *S* because the work was created in that context. *D* was not, so it would be inappropriate to listen to *D* with 1750 ears. Works go beyond sound structures. A correct way of listening to a work from one musico-historical context might not be a correct way of listening to a work from another, even if the two works sound exactly the same. So, your theory, according to which works just are sound structures, simply does not provide us with the conceptual wherewithal to say what we want to say about musical works and the best way to listen to them.

In response, Kivyans could claim that the properties or relations that Levinson is literally attributing to musical works can, and should, be attributed, not to the works themselves, but rather to things that are importantly related to them.³⁹ For instance, where Levinson claims that a work by Brahms is Liszt-influenced,⁴⁰ Kivyans can admit that the work in question, as an eternal and causally inert sound structure, is not, strictly speaking, Liszt-influenced. Instead, Kivyans could say that the property *being Liszt-influenced* is actually possessed by Brahms's inscription of the relevant sound structure or by the processes leading to his act of inscription. Similarly, in explaining why it is appropriate to appeal to a 1750 audience in one case but to a 1980 audience in another, Kivyans can say that the relevant properties or relations are borne, not by the sound structure, but rather by different inscriptions or performances of it. (E1) and (E2) could be analysed in something like the following way:

- (E1d) A 1750 performance of *k* bears the *being exciting to* relation to 1750 listeners who listen to it correctly.
- (E2d) A 1980 performance of *k* bears the *being exciting to* relation to 1980 listeners who listen to it correctly.

Thus construed, the debate between Levinson and Kivyans is not really about how they would, or could, handle certain problem cases, for Kivyans can respond at least somewhat plausibly to each of these.⁴⁰ Rather, the debate is really about an important methodological question in the philosophy of art: namely, the question of whether it is necessary (or important, or extremely desirable) for artworks to be the sorts of things that bear aesthetic and artistic properties.

In the rest of this paper, we assume—along with Levinson and Kivy—that philosophers of art should respect critical practice to the following extent: the theories they propose should conform to the data produced by consensual critical practice. If critics and artists agree on a certain claim, then our theories

³⁹ Dodd pursues this strategy in replying to one of Levinson's arguments for inclusion of performance means. See Dodd, 'Sounds, Instruments and Works of Music'.

⁴⁰ Levinson, 'What a Musical Work Is', pp. 70–71.

in the philosophy of art should not produce results that conflict with that claim. At the very least, we should grant that conflicts with critical practice count as substantial liabilities for a theory. Suppose that critics and artists accept the following two sentences:

- (5) *S* is exciting.
- (6) *D* is not exciting.

In that case, our job as philosophers of art is (among other things) to produce theories that yield those sentences, or, at the very least, that do not yield sentences that conflict with them.

Both Levinson and Kivyans have theories that yield (5) and (6). The difference between them is entirely at the level of theoretical analysis. According to Levinson, there is such a work as *S*, it is distinct from *D*, and the two works differ in their excitement-related properties. By contrast, Kivyans can say that (5) and (6) are to be analysed as, or paraphrased by, invoking different (appropriate) initial reactions of different audiences to different inscriptions or performances of the same work.⁴¹ Levinson seems to be pessimistic about Kivyans' prospects for securing paraphrases for sentences like (5) and (6). We think that his pessimism is premature, but our worries can be left aside for the following reason. What matters here are not Kivyans' prospects for securing

⁴¹ Instead of analyzing (E1) and (E2) as (E1*d*) and (E2*d*), Kivyans could insist that there is a way to defend (E1*c*) and (E2*c*) from the charge that, since Kivyans think that *S* = *D*, the appeal to different audiences is unjustified. After all, (T1*b*) and (T2*b*) appeal to different comparison classes, even if Buddy = Horst; so there must be some way to justify appeals to different groups (either audiences or comparison classes) even if the premises say that the same entity (either a musical work or a person) stands in the same relation to those groups. (Counterpart theory with multiple counterpart relations does much the same thing to defuse arguments for the distinctness of the statue and the clay, for example. See, for example, David Lewis, 'Counterparts of Persons and Their Bodies', *Journal of Philosophy*, vol. 68, no. 7 [April 1971], pp. 203–211 [reprinted in David Lewis, *Philosophical Papers*, vol. 1. (New York: Oxford U.P., 1983), pp. 47–54] and *On the Plurality of Worlds* [Malden, MA: Blackwell, 1986], pp. 248–263; Harold W. Noonan, 'Indeterminate Identity, Contingent Identity, and Abelardian Predicates', *Philosophical Quarterly*, vol. 41, no. 163 [April 1991], pp. 183–193.) But it might be that any view that analyses (E1) and (E2) as (E1*c*) and (E2*c*)—just like any view that analyses (E1) and (E2) as (E1*d*) and (E2*d*)—falls afoul of (L1) (see below in the text). For one might think that, according to such a view, no musical work is such that it possesses the property *being exciting*, since nothing possesses such a property; rather, musical works stand in the *being exciting* to relation to various audiences. (Compare Lewis's complaint against endurantists who turn the intrinsic property *being bent* into the *being bent* at relation that objects bear to times. See Lewis, *On the Plurality of Worlds*, pp. 202–204 and 'Tensing the Copula', *Mind*, vol. 111, no. 441 [January 2002], pp. 1–13; Ryan Wasserman, 'The Argument from Temporary Intrinsic', *Australasian Journal of Philosophy*, vol. 81, no. 3 [September 2003], pp. 413–419.)

paraphrases; rather, what matters is that the paraphrases that Kivyans resort to appeal in important ways to something distinct from a musical work itself: namely, to inscriptions or performances of it.⁴²

Levinson invokes a principle that rules out such paraphrases. In a footnote, he says that his argument for fine individuation assumes that ‘aesthetic/artistic attributes *truly belong* to works in a *reasonably determinate* fashion’.⁴³ Let’s call this *Levinson’s first principle*:

(L1) Musical works are the sorts of thing that can bear a range of aesthetic and artistic properties, including *being eerie*, *being original*, *being Liszt-influenced*, *being exciting*, and *satirizing Shostakovich’s Seventh Symphony*.⁴⁴

Levinson’s view satisfies (L1). He says that the indicated sound structure that his view identifies a musical work with is ‘a *specific enough* entity to intelligibly possess ... the aesthetic and artistic properties we ascribe’ to that work.⁴⁵ By contrast, the Kivyans’ view does not satisfy (L1). Sound structures—the Kivyans’ works—are not specific enough entities to intelligibly possess all of the aesthetic and artistic properties we ascribe to particular musical works; not all of the aesthetic or artistic properties associated with them truly belong to them in a determinate fashion. Thus, given (L1), the Kivyans’ paraphrase project is unacceptable even if it can capture all of the relevant data from critical practice.

Kivyans, and indeed anyone one else who is a paraphrast, will be eager to discover Levinson’s reasons for (L1). They can easily accept the weaker claim that, *ceteris paribus*, one should avoid paraphrase. That is, if we are considering two theories that handle the data from critical practice equally well, then we should prefer the one that eschews paraphrase. However, this weaker claim gives us no advice on what to do when, for instance, the first theory handles the data slightly better, while the second resorts to fewer paraphrases. Furthermore, this weaker claim does not rule out paraphrase altogether, so it does not support any principle, like (L1), that rules out many forms of paraphrase. If (L1) simply stands as an assumption, then Kivyans and other

⁴² We will not attempt to pin down where analysis ends and paraphrase begins. One of us is more interested in analysis; the other is more interested in paraphrase. Our interests overlap.

⁴³ Levinson, ‘What a Musical Work Is’, p. 84, n. 29; emphases in original.

⁴⁴ The list of properties comes from Levinson, ‘What a Musical Work Is’, pp. 70–71. Thanks to Howell for pointing out some shortcomings of a previous formulation of this principle. (See Howell, ‘Comments on Rohrbaugh, Dodd, and Matheson and Caplan’.)

⁴⁵ Levinson, ‘What a Musical Work Is, Again’, p. 224; emphases in original.

paraphrasists can justifiably take Levinson to have begged the question in favour of fine individuation.⁴⁶

We have touched upon two battles that might turn out to be very protracted. The first concerns whether Kivyans' paraphrase-based attempts to handle what critics and artists say about musical works can succeed. The second concerns the nature, scope, and desirability of paraphrase in general and, in particular, the acceptability of (L1), which rules out many forms of paraphrase. We do not attempt to settle these issues here. Instead, in the remainder of this paper, we assume (L1) and use it to defend a conclusion that Levinson would be unlikely to accept.

III.2 Levinson's Second Principle

To be assured of the soundness of the Stamitz–Damitz argument, we must be assured, not only that there is a single property that *S* is said to have and that *D* is said to lack, but also that *S* genuinely has that property and that *D* genuinely lacks it. The property that Levinson says that *S* has and that *D* lacks is *being exciting*. To justify the claim that *S* has that property, Levinson appeals to a general principle. Concerning the Stamitz–Damitz example and others, he says in a footnote, ‘The convincingness of these examples depends crucially on accepting something like the following principle: “Works of art *truly have* those attributes which they *appear* to have when *correctly* perceived or regarded”’.⁴⁷ Let us call this *Levinson's second principle*:

(L2) If, when one is perceiving a musical work *W* correctly, *W* appears to have a property *F*, then *W* has *F*.

⁴⁶ To rule out (E1*d*) and (E2*d*), Howell suggests replacing (L1) with a non-question-begging principle like the following:

(L1[★]) If a subject-predicate sentence like (5) is true (or false), then the musical work referred to by the subject expression has (or does not have) the property referred to by the predicate expression.

(See Howell, ‘Comments on Rohrbaugh, Dodd, and Matheson and Caplan’.) We focus on (L1) rather than (L1[★]) for two reasons. First, (L1) is a principle that Levinson actually appeals to; but (L1[★]) is not. Second, (L1) might rule out (E1*c*) and (E2*c*) (see note 41); but (L1[★]) cannot, since the same predicate expression (e.g. ‘is exciting’) might express relations to different audiences in different linguistic contexts (e.g. depending on whether it is preceded by ‘*S*’ or ‘*D*’). (If (L1) cannot rule out (E1*c*) and (E2*c*) either, then it does not matter whether we focus on (L1) or (L1[★]) in the text, since neither would be sufficient to defeat the Kivyans’ paraphrase project. Again, see note 41.)

⁴⁷ Levinson, ‘What a Musical Work Is’, p. 69, n. 15; emphases in original. In the footnote, Levinson says ‘I cannot provide a defense of this principle here’ (*ibid.*, pp. 69–70, n. 15). He says that (L2) has been ‘well argued for’ by Kendall Walton, among others. See Levinson, ‘What a Musical Work Is’, pp. 69–70, n. 15; Kendall Walton, ‘Categories of Art’, *Philosophical Review*, vol. 79, no. 3 (July 1970), pp. 334–367.

(L2) might appear to be a truism. (After all, what is it for one to perceive a work correctly if not to perceive it as having those properties that it actually has?) But (L2) ends up doing substantial work. (L2) implies that, if, when one is perceiving it correctly, *S* appears to have the property *being exciting*, then *S* does have that property. And Levinson takes it that, when one is perceiving it correctly, *S* does appear to have that property. This is what justifies (E1a). Similarly, (L2) implies that, if, when one is perceiving it correctly, *D* appears to have the property *not being exciting*, then *D* has that property and hence does not have the property *being exciting*. And Levinson takes it that, when one is perceiving it correctly, *D* appears to have the property *not being exciting*. This is what justifies (E2a).

IV. HYPER-FINE INDIVIDUATION

IV.1 *All Sorts of Excitement*

The Stamitz–Damitz argument depends on *S*'s having the property *being exciting*. But what is it for a musical work to be exciting? Consider Millie, who is thoroughly modern. She has a detailed knowledge of all musico-historical contexts from the dawn of notated music to the present day, including the musico-historical context in which Stamitz composed *S*. Will Millie actually feel excited upon listening to *S*? We think that she won't be excited at all and that, if she is, she will be equally excited upon encountering the sonically indistinguishable *D*. Millie's ears have been conditioned by the musico-historical context that she finds herself in, one that includes the 250 years of musical development between Stamitz's time and our own. Let us call the musico-historical context that Millie finds herself in *the context of reception* (for Millie). This musico-historical context, of course, is to be distinguished from the musico-historical context in which Stamitz composed *S*. Let us call that musico-historical context *the context of origin* (for *S*). (Levinson would call it the 'context of composition' or the 'context of origination'.⁴⁸) Situated as she is in her 2006 context of reception, Millie will not be astonished by orchestral effects that amazed listeners in the 1750 context of origin. Basically, if you've heard one Mannheim rocket, you've heard them all, especially if you've heard what Beethoven, Mahler, Debussy, Stravinsky, and Ligeti could make orchestras do. Millie has twenty-first-century ears; she will not, she cannot hear music from 1750 in the way that sophisticated listeners of the time did.⁴⁹ Therefore, if Millie perceives *S* as exciting, she does not do so in virtue of actually being *excited* by it.

⁴⁸ Levinson, 'What a Musical Work Is', p. 78, and 'Titles', p. 163.

⁴⁹ See James O. Young, 'The Concept of Authentic Performance', *British Journal of Aesthetics*, vol. 28, no. 3 (Summer 1988), pp. 228–238, at pp. 232–235.

Of course, there is a sense in which Millie can justifiably perceive *S* as exciting. Although she cannot listen with the ears of someone in Stamitz's musico-historical context, she can *simulate* what it would be like to listen to the work with such ears, to listen to the work as if she were a listener in its context of origin. Through her act of simulation, she can infer that such a listener *would* feel excitement upon listening to the work. However, her ability to perform this inferential activity does not require her to actually feel excitement herself.⁵⁰

Some of the time—indeed, perhaps most of the time—Millie does not listen while pretending to be someone with eighteenth-century ears, while pretending to be someone in the work's context of origin. Some of the time, she listens without pretence, as herself: as someone with twenty-first-century ears in her context of reception. And, while listening with her twenty-first-century ears, she is actually occasionally deeply and thrillingly excited. This sort of real excitement is one of the reasons that music is of central importance to Millie's life.

At this point, we neither argue for nor assert the thesis that one sort of excitement is more significant or valuable than the other. We assert only that there are two different sorts of aesthetically significant excitement. Call the excitement that Millie feels as she listens with her twenty-first-century ears, as someone in her context of reception, *reception-excitement*. And call the sort of excitement that Millie feels as a result of simulating what it would be like to listen to the work in its context of origin *origin-excitement*. Whether a listener feels excitement upon listening to a work has something to do with whether that work itself is exciting. Having distinguished two sorts of excitement that listeners can feel—namely, reception-excitement and origin-excitement—we can distinguish two sorts of excitingness that a work can possess. Call the property of inducing its listeners to feel reception-excitement *being reception-exciting*. And call the property of inducing its listeners to feel origin-excitement *being origin-exciting*. Whether, and how much, a work is origin-exciting is fixed by its context of origin. That is, all listeners, from all musico-historical contexts, will assign the same level of origin-excitingness to a work, as long as they listen to it correctly. By contrast, listeners from different musico-historical contexts may assign different levels of reception-excitingness to the same work, even if they listen to it with a full appreciation of its context of origin.

⁵⁰ We are not claiming that the feelings that one has as a result of simulation, imagination, or the like are not genuine emotions. (On the contrary, one of us has argued that such feelings are genuine emotions. See Timothy Schroeder and Carl Matheson, 'Imagination and Emotion', in *The Architecture of the Imagination: New Essays on Pretense, Possibility, and Fiction*, ed. Shaun Nichols [Oxford: Clarendon., 2006], pp. 19–39.) Rather, what we are claiming is that, in imagining that others have a genuine emotion, Millie need not have that genuine emotion herself.

Excitingness is not the only sort of aesthetic feature for which the distinction between origin and reception applies. The distinction also applies to eeriness, the central property in another of Levinson's examples, and indeed to all properties that concern affective response to artworks.⁵¹ That a work is scary, or funny, or disgusting, or overly sentimental—all of these judgements can be made by attending to context of origin or to context of reception. Furthermore, both sorts of judgement are part of critical practice. For instance, it is a truism that comedies on film from the first half of the twentieth century seem slow and deliberate, and thus not as funny, to a modern viewer as they did to a viewer at the time. To a modern viewer, watching Abbott and Costello or Hope and Crosby is like watching a soft-soled saunter through a country club. The jokes are telegraphed, they are spaced comfortably apart, and—just in case the viewer doesn't get them—the reactions of the other characters tend to be from the Lucille Ball school of double (or triple) takes. Even the Marx Brothers, regarded as anarchic entropists at the time, often seem leisurely today. To say these things is not to disparage the origin-funniness of these works. We can see why they tickled funny bones attuned to the standards of their time, and they were obviously important and influential in the history of comedy. However, that does not make them (as) funny now, even to sympathetic and knowledgeable viewers. Their level of reception-funniness is simply not as great as their level of origin-funniness. Anyone who fails to acknowledge this is simply ignoring consensual critical practice.

iv.2 *A Further Argument*

In his argument for fine individuation, Levinson appeals to origin-properties like *being origin-exciting*. (In a passage quoted above, when Levinson speaks of the excitingness of a musical work, he makes it clear that the excitingness he has in mind is gauged with reference to the work's context of origin: to its 'provenance and musico-historical position'.⁵²) He does not appeal to reception-properties like *being reception-exciting*. If he appealed to reception-properties, and not

⁵¹ See Levinson, 'What a Musical Work Is', p. 70. Not all of the properties that Levinson uses to argue for fine individuation concern affective response to artworks: for example, *being original*, *being Liszt-influenced*, and *satirizing Shostakovich's Seventh Symphony* do not. (See Levinson, 'What a Musical Work Is', pp. 70–71.) But, as long as some of the properties that he uses to argue for fine individuation do, we can use those properties to argue for hyper-fine individuation (see below in the text).

⁵² Levinson, 'What a Musical Work Is, Again', p. 226.

just origin-properties, then Levinson could argue for what we call *hyper-fine individuation*:

- (Ind+) Musical works must be such that listeners listening in different musico-historical contexts who listen to identical sound structures invariably listen to distinct works.

The argument for hyper-fine individuation parallels the argument for fine individuation. To paraphrase Levinson's argument for fine individuation:

Since the musico-historical contexts of *listeners* are invariably different, then even if *the works they are listening to* are identical in sound structure, they will differ widely in aesthetic and artistic attributes. But then, by Leibniz's law, the musical works themselves must be non-identical.

This argument for hyper-fine individuation relies on the claim that listeners listening in different musico-historical contexts will listen to works that have different aesthetic and artistic properties. To support this claim, one could say that the work that Stamitz's contemporaries listened to in 1750—call it 'S-1750'—has different aesthetic and artistic properties than the work that Millie listens to in 2006—call it 'S-2006'—does: for example, S-1750 has the property *being reception-exciting*, whereas S-2006 does not.

Recall that Levinson uses (L1) to defend the conclusion that *S* and *D* are distinct. Here is a quick way of seeing how friends of hyper-fine individuation can use (L1) to defend the conclusion that S-1750 and S-2006 are distinct. According to (L1), musical works must be capable of bearing a range of aesthetic and artistic properties. Levinson takes this to mean that musical works must be sufficiently specific. For example, to bear origin-properties like *being origin-exciting*, musical works must be individuated by context of origin. This is what fine individuation captures. A view on which *S* and *D* are distinct musical works—say, because *S* is *k-as-indicated-c1*, whereas *D* is *k-as-indicated-in-c2*, where *k* is a sound structure and *c1* and *c2* are distinct contexts of origin—would respect fine individuation. But the point about specificity can be extended to reception-properties. If the range of aesthetic and artistic properties that musical works must be capable of bearing includes, not just origin-properties, but also reception-properties, then musical works must be sufficiently specific to bear reception-properties like *being reception-exciting*. And, to do that, they must be individuated by context of reception. This is what hyper-fine individuation ensures. A view on which S-1750 and S-2006 are distinct musical works—say, because S-1750 is *S-as-listened-to-in-c3*, whereas S-2006 is *S-as-listened-to-in-c4*, where *S* is *k-as-indicated-in-c1* and *c3* and *c4* are distinct contexts of reception—would respect both fine individuation and hyper-fine individuation.

The argument for the distinctness of *S-1750* and *S-2006* runs as follows.

Stamitz-Millie

(RE1) *S-1750* is reception-exciting.⁵³

(RE2) *S-2006* is not reception-exciting.

(C4) So *S-1750* ≠ *S-2006*. (From (RE1), (RE2), and (LL).)

Let us call the view that accepts fine individuation but rejects hyper-fine individuation *moderate contextualism*. And let us call the view that accepts both fine individuation and hyper-fine individuation *thoroughgoing contextualism*. Thoroughgoing contextualists can endorse both the Stamitz–Damitz and Stamitz–Millie arguments. Moderate contextualists, by contrast, can endorse only the Stamitz–Damitz argument; they must reject the Stamitz–Millie argument.⁵⁴

Before we continue, we want to acknowledge—and address—the temptation of thinking of the Stamitz–Millie argument as ultimately question-begging. One might reason as follows:

The Stamitz–Millie argument relies on (RE1) and (RE2), which tell us that the works have different reception-properties. Such a difference in reception-properties can arise only if *S-1750* and *S-2006* were listened to in different musico-historical contexts: for example, if *S-1750* was listened to in a 1750 musico-historical context but not a 2006 musico-historical context, and if *S-2006* was listened to in a 2006 musico-historical context but not a 1750 musico-historical context. But now reception-properties are irrelevant. If *S-1750* was listened to in a 1750 musico-historical context and *S-2006* was not, then it immediately follows—by Leibniz’s Law—that *S-1750* and *S-2006* are distinct. But that is precisely what the Stamitz–Millie argument is supposed to show. So the argument begs the question.

One might think that thoroughgoing contextualists could avoid begging the question here by relying on the claim that listening is creation. (On Levinson’s view, composition is a form of indication, where—following

⁵³ ‘RE’ is for ‘reception-exciting’.

⁵⁴ There are two ways of using the Stamitz–Millie argument to put pressure on moderate contextualists. The first is to start with fine individuation and use the Stamitz–Millie argument to show that those who endorse fine individuation should endorse hyper-fine individuation as well. This is the strategy we pursue in the text. The second is to start with what Levinson calls ‘the sound structure criterion of work identity’ and show that the Stamitz–Millie argument should be just as effective in getting those who had endorsed the sound structure criterion to reject it in favour of hyper-fine individuation as the Stamitz–Damitz argument is at getting those who had endorsed the sound structure criterion to reject it in favour of fine individuation. (See Levinson, ‘What a Musical Work Is, Again’, p. 226.)

James Anderson—indication is a matter of making certain properties normative within a norm kind.⁵⁵ If composition can make certain properties normative within a norm kind, then why can't listening? And, if listening can make certain properties normative within a norm kind, then why isn't listening a form of indication? And, if listening is a form of indication, then why isn't listening creative?) For one might think that listening as creation—together with the claim that *S-1750* was listened to in a 1750 musico-historical context and that *S-2006* was listened to in a 2006 musico-historical context—entails that *S-1750* was listened to in a 1750 musico-historical context and *S-2006* was not. But listening as creation does not get thoroughgoing contextualists off the hook, because (i) listening as creation entails that *S-2006* was not composed in a 1750 musico-historical context only if musical works cannot go out of existence, and (ii) listening as creation does not entail parallel claims, which are needed, in cases where two listeners are listening simultaneously.

But, as in the case of the Stamitz–Damitz argument, a more charitable reconstruction is available. On this reconstruction, (RE1) and (RE2) are justified by critical practice, particularly by our practice of attributing reception-properties to musical works. The best way to explain how (RE1) and (RE2) could be true is to assume that *S-1750* and *S-2006* were listened to in different musico-historical contexts and hence—by Leibniz's Law—that *S-1750* and *S-2006* are distinct. This is an inference to the best explanation: the best explanation for our critical practice, which includes (RE1), (RE2), and other attributions of reception-properties to musical works, ultimately relies on the distinctness of *S-1750* and *S-2006*. This does not beg the question. Rather, it shows how the distinctness of *S-1750* and *S-2006* is grounded in critical practice.

The Stamitz–Millie argument is valid if there is a property that (RE1) says that *S-1750* has and that (RE2) says that *S-2006* lacks. This is the case if (RE1) and (RE2) are analysed as follows:

(RE1a) *S-1750* has the property *being reception-exciting*.

(RE2a) *S-2006* does not have the property *being reception-exciting*.

Moderate contextualists might object to the Stamitz–Millie argument by denying that it is one and the same property that *S-1750* is said to have and

⁵⁵ On composition as indication, see Levinson, 'What a Musical Work Is', p. 79 and 'What a Musical Work Is, Again', pp. 259–261. On indication as making normative, see James Anderson, 'Musical Kinds', *British Journal of Aesthetics*, vol. 25, no. 1 (Winter 1985), pp. 43–49, at pp. 46–49. On norm kinds, see Nicholas Wolterstorff, *Works and Worlds of Art*, Clarendon Library of Logic and Philosophy (Oxford: Clarendon Press, 1980).

that *S*-2006 is said to lack. For example, moderate contextualists might analyse (RE1) and (RE2), not as (RE1a) and (RE2a), but rather as follows:

- (RE1b) *S*-1750 bears the *being reception-exciting to* relation to those who listen to it correctly with 1750 ears.
 (RE2b) *S*-2006 bears the *being reception-exciting to* relation to those who listen to it correctly with 2006 ears.⁵⁶

Thoroughgoing contextualists might reply that, if *S*-1750 and *S*-2006 are indeed the same musical work (and moderate contextualists say that they are), then the appeal to different audiences—those who listen with 1750 ears in the case of *S*-1750; those who listen with 2006 ears in the case of *S*-2006—in (RE1b) and (RE2b) is unjustified. To avoid this problem, moderate contextualists might analyse (RE1) and (RE2) as follows:

- (RE1c) A 1750 performance of *S* bears the *being reception-exciting to* relation to those who listen to it correctly with 1750 ears.
 (RE2c) A 2006 performance of *S* bears the *being reception-exciting to* relation to those who listen to it correctly with 2006 ears.

But thoroughgoing contextualists can reply that (L1) rules out (RE1c) and (RE2c) if reception-properties, and not just origin-properties, are included in the range of aesthetic and artistic properties that musical works must be capable of bearing. For analysing (RE1) as (RE1c) turns *being reception-exciting* from a property possessed by a musical work—namely, *S*-1750—into a relation borne by something else: namely, a performance of a musical work.

Of course, moderate contextualists could simply reject (L1). But then they might be left without a reason for being fine-individuators, since (L1) is used to defend the validity of the Stamitz–Damitz argument.⁵⁷ Moderate contextualists might want to insist that the range of aesthetic and artistic properties that musical works must be capable of bearing includes origin-properties and excludes reception-properties. But, given that origin-properties

⁵⁶ We characterize the audience as those who listen to the work correctly with 1750 (or 2006) ears rather than as 1750 (or 2006) listeners who listen to it correctly. We take it that, although other listeners can pretend to listen to the work with 1750 (or 2006) ears, only 1750 (or 2006) listeners can actually listen to the work with 1750 (or 2006) ears.

⁵⁷ Howell also uses the term ‘fine-individuator’. See Howell, ‘Comments on Rohrbaugh, Dodd, and Matheson and Caplan’.

and reception-properties both play a role in critical practice, it is not clear how they could justify limiting (L1) in this way.⁵⁸

Instead, moderate contextualists might object to the Stamitz–Millie argument by denying that *S-1750* genuinely has the property *being reception-exciting* or that *S-2006* genuinely lacks that property. But here thoroughgoing contextualists can appeal to (L2) if correct perception can be tied, not only to context of origin, but also to context of reception. For thoroughgoing contextualists can say that *S-1750* appears to have the property *being reception-exciting* when one attends to its context or reception—namely, a 1750 musico-historical context—and that one is perceiving it correctly when one attends to that musico-historical context. This justifies (RE1a). Similarly, thoroughgoing contextualists can say that *S-2006* appears to have the property *not being reception-exciting* when one attends to its context of reception—namely, a 2006 musico-historical context—and that one is perceiving it correctly when one attends to that musico-historical context. This justifies (RE2a).

Of course, moderate contextualists could simply reject (L2). But then they might be left without a reason for being fine-individuators, since (L2) is used to defend the soundness of the Stamitz–Damitz argument. Moderate contextualists might want to insist that correct perception can be tied to context of origin but not to context of reception. But, given that contexts of origin and contexts of reception both play a role in critical practice, it is not clear how they could justify limiting (L2) in this way.⁵⁹

In a note added to the reprint of ‘Artworks and the Future’ in *Music, Art, and Metaphysics*, Levinson considers Michael Roemer’s *The Plot against Harry*. When the director first screened the film for his friends in 1969, they didn’t laugh. When the film was later released in 1989, the audience was ‘apparently

⁵⁸ Howell might say that origin-properties play a role in critical practice, particularly in our individuating practices, that reception-properties do not. (See Howell, ‘Comments on Rohrbaugh, Dodd, and Matheson and Caplan’.) Citing Guy Rohrbaugh, Howell suggests that this role for origin-properties is grounded in the necessity of authorship (including the necessity of composership), which does not ground a similar role for reception-properties. But Rohrbaugh’s argument for the necessity of authorship in effect presupposes fine individuation. (See Guy Rohrbaugh, ‘I Could Have Done That’, *British Journal of Aesthetics*, vol. 45, no. 3 [July 2005], pp. 209–228, at pp. 221–223, esp. p. 223.) Given hyper-fine individuation instead of fine individuation, one could turn Rohrbaugh’s argument for the necessity of authorship into an argument for the necessity of audienceship (including the necessity of listenership), in which case—if Howell’s suggestion is right—one could just as well ground a similar role for reception-properties.

⁵⁹ Stecker might say that contexts of origin play a role in critical practice, particularly in interpretation, that contexts of reception do not: only interpretations that aim to take into account contexts of origin are truth-apt. (See Stecker, *Interpretation and Construction*.) But it seems open for thoroughgoing contextualists to insist that, if interpretations that aim to take into account contexts of origin are truth-apt, then so are interpretations that aim to take into account contexts of reception.

rolling in the aisles' with laughter.⁶⁰ Levinson concludes that there are two distinct films—one, *The Plot against Harry*-1969, that is not funny and another, *The Plot against Harry*-1989, that is—because, in effect, the contexts of origin are different. (Levinson speaks of the latter film as having a 'two-stage historical context of creation' and the former as having a 'simpler such context'.⁶¹) Thoroughgoing contextualists would agree with Levinson that there are two films and that they differ in their aesthetic and artistic properties; but thoroughgoing contextualists would say that Levinson has erred in tracing this difference back to a difference in context of *origin* when, in fact, it is due to a difference in context of *reception*.

V. CONCLUSION

We do not wish to argue for or endorse hyper-fine individuation. Hyper-fine individuation faces some problems. For instance, according to hyper-fine individuation, people in different musico-historical contexts who listen to musical works with the same sound structure as *S* are actually listening to different works. Worse, if contexts of reception are individuated narrowly and strictly, then someone who 'listens to *S* for the second time' is, strictly speaking, listening to a different work than the one that they listened to the first time. Thoroughgoing contextualists could attempt to paraphrase these problems away by saying, for example, that, although strictly speaking people in different musico-historical contexts hear different works, they nonetheless hear the same sound-structure-as-indicated-in-a-context-of-origin. But, given hyper-fine individuation, such indicated structures are not musical works (since they are not individuated by context of reception). Given (L1), this imposes a limit on what thoroughgoing contextualists can paraphrase away.

We do, however, wish to make two final points. First, given Levinson's argument for fine individuation, moderate contextualism is an unstable position. For, once one accepts Levinson's argument for fine individuation, one should also accept the argument for hyper-fine individuation. Perhaps there are ways to resist the argument for hyper-fine individuation that we have not canvassed here; but, in that case, moderate contextualists—Levinson comes to mind here—would need to say why there are not equally good ways of resisting the argument for fine individuation, too. Instead, moderate contextualists could (i) accept that, if Levinson's argument for fine individuation succeeds, then so does the further argument for hyper-fine individuation; (ii) find reasons for rejecting Levinson's argument for fine individuation; and

⁶⁰ Levinson, 'Artworks and the Future', p. 214, n. 3.

⁶¹ *Ibid.*

(iii) develop a different argument for fine individuation, one that does not compel fine-individuators to accept a further argument for hyper-fine individuation. This alternative approach would have the welcome result for moderate contextualists of securing fine individuation while avoiding hyper-fine individuation. However, it commits moderate contextualists to the non-trivial task of finding a new basis for fine individuation.

Second, although there is no doubt that hyper-fine individuation faces internal problems and—at least to some extent—conflicts with critical practice, particularly concerning the individuation of artworks, hyper-fine individuation is nonetheless supported—at least to some extent—by critical practice, particularly concerning the attribution of aesthetic and artistic properties to artworks. Since it is supported—at least to some extent—by critical practice, hyper-fine individuation should not be dismissed out of hand, even by those who are convinced at the end of the day that it is false. Perhaps what the case of hyper-fine individuation suggests is that critical practice, taken as a whole, does not generate a consistent and unified ontology of art. This would be a problem for any practice-based ontology of art. If so, we would need to get clearer both on how one should go about coming up with a practice-based ontology of art and on what such an ontology should look like.⁶²

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⁶² For discussion and comments, thanks from both authors to Bill Barthelemy, Robert Howell, Joyce Jenkins, Peter Lamarque, Marie Pannier, Guy Rohrbaugh, Tim Schroeder, and Robert Stecker; to students in the first author's Ontology of Art seminar at the University of Manitoba in Fall 2004; to students in the second author's Ontology of Art class at UCLA in Spring 2006; and to participants at talks at the University of Winnipeg in March 2006, at the Pacific Division Meeting of the American Philosophical Association in Portland, OR, also in March 2006, and at the annual conference of the Western Canadian Philosophical Association in Vancouver, BC, in October 2006. For funding in the form of a Standard Research Grant (410-2004-0702), thanks from the second author to the Social Sciences and Humanities Research Council of Canada (SSHRC). In addition, the second author is immensely grateful to the person who gave him a copy of Levinson's *Music, Art, and Metaphysics* in December 2005.