ABSTRACT

Title of dissertation: ARE VIDEOGAMES ART?

Brock Rough, Doctor of Philosophy, 2016

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This dissertation defends a positive answer to the question: "Can a videogame be a work of art?" To achieve this goal I develop definitions of several concepts, primarily 'art', 'games', and 'videogames', and analyze arguments about the compatibility between these notions.

In Part One, I defend a definition of art from amongst several contemporary and historical accounts. This definition, the Intentional-Historical account, requires, among other things, that an artwork have the right kind of creative intentions behind it, in short that the work be intended to be regarded in a particular manner. This is a leading account that has faced several recent objections that I address while arguing that it is superior to other theories in its ability to answer the question of videogames' art status.

Part Two examines whether games can exhibit that kind of creative intention. Recent literature has suggested that they can. I propose and defend an account of games according to which games cannot be intended to be works of art because games are goal-directed activities that require a voluntary selection of inefficient

means that is incompatible with the proper manner of regarding that is necessary for artworks.

While the conclusions of Part One and Part Two appear to suggest that videogames cannot be works of art, Part Three proposes and defends a new account of videogames that, contrary to first appearances, implies that not all videogames are games. This Intentional-Historical Formalist account allows for non-game videogames to be created with an art-making intention, though not every non-game videogame will have an art-making intention behind it. I also discuss examples of videogames that are good candidates for being works of art. I conclude that a videogame can be a work of art, but that not all videogames are works of art.

The thesis is of significance in several respects. It is a continuation of academic work that has focused on the ontology of videogames and the art status of videogames. It clarifies the current debate and provides a positive account of the central issues that has so far been lacking. It also defines videogames in a way that corresponds better with the actual practice of videogame making and playing than other definitions in the literature. It offers further evidence in defense of certain theories of art over others, providing a close examination of videogames as a new case study for potential art objects and for aesthetic and artistic theory in general.

This project also provides the groundwork for new evaluative, critical, and appreciative tools for engagement with videogames as they develop as a medium. As videogames mature, more people, both inside and outside academia, have increasing

interest in what they are and how to understand them. One place many have looked is to the practice of art appreciation. My project helps make sense of which appreciative and art-critical tools and methods are applicable to videogames.

ARE VIDEOGAMES ART?

by

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Dedication

Dedicated to my grandfather, Donald Rough, who worked with his hands so that I could work with my mind.

Acknowledgments

I want to thank everyone who has been involved with this project and who have made my graduate experience as truly edifying as it has been.

My parents played no small role in the development of my interest in videogames. I was born into a household that already had an Atari 2600, and it was not many years later that one Christmas morning saw the addition of a Nintendo Entertainment System. Nor did they play a small role in my development as a budding philosopher. Many arguments were fought, and fought again, because I had learned from them to question assumptions and, much to their chagrin, authority. For my philosophical spirit I owe them almost entirely. And to my sister, Cindy, who resisted so many of my attempts to get her to play a game she was not interested in. She made my childhood a years long mission of advocacy for the value of games. For that I will always be grateful.

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The other side of my time at NIU includes my incredible colleagues. To all of them I owe a debt of gratitude in providing the hungry and inquisitive environment in which I cut my teeth. Most especially to David Jacobs, who taught me that even analytic philosophers can think deeply and sensitively about the biggest things out there, and to Andrew Chapman, who will forever be a model to me of how philosophy, and life, should be done.

As with NIU, my thanks must go out to the institution, the faculty, and my fellow students at the University of Maryland. I have been the recipient of several awards and fellowships, including the Ann G. Wylie Dissertation Fellowship, which have aided significantly in the completion of this dissertation.

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As for my fellow students, and now friends, I must thank them for the excellent conversations and the challenging arguments. Max Bialek, Chris Vogel, and Brendan Ritchie in particular have been my constant interlocutors and confidants. In many ways this dissertation, and so much of the work leading up to it, has been a collaborative effort of casual and intense discussions, beating many a head against many a wall, with spades of mutual respect and confidence.

And to the many of whom I've met along the way, at conferences, dinner parties, on airplanes, and golf courses, some that I'm sure I've forgotten despite the help you've been and the encouragement you've given, thank you.

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Chapter 1:   Art

1.1   The Art Question for Videogames

To begin to answer the question of whether videogames are art one should first check to see if the question has already been answered. Some answers have indeed been offered, often of the general sort, either explicitly or not, whereby either all videogames are art or none are. The question of the art status of videogames can begin by addressing these claims, as well as taking into consideration the reasons and methodologies used by those offering such answers. The question should be approached carefully by first dissecting the question itself and attending to each part. This approach avoids careless haste in categorization, and provides a framework in which disagreement can occur without demanding that one start from scratch. Furthermore, checking to see if there are already satisfying answers to the art question for videogames allows the borrowing of what good work has been done while hopefully allowing for the quick discharging of the large amount of questionable opinion-mongering that has also taken place. From the philosophical camp, such an approach can also act as a response to what has perhaps been a hasty over-inclusion

of videogames by extant art theories.[1]

The first place to start is with the question itself: "Are Videogames Art?" This is not the most perspicuous formulation of the question as it entails an all or nothing approach that we should be wary of. It may be the case that some videogames are artworks while others are not. This does not make videogames unique, but rather is true of other so-called artforms as well. It is not the case that all books are art, nor all music and movies, not even all paintings and sculptures. Biographies may fail to be artworks while novels succeed as such. Advertising jingles can succeed in being music while failing to be art. Summer blockbusters are not only movies but may even be a central paradigm case of the form while also failing to be art. And finally, if a painting is simply paint on a flat surface and sculpture some non-utilitarian created object in three-dimensions, then clearly there are paintings and sculptures that are not artworks.

The idea that there could be both art and non-art works that are made from the same materials meets an objection in medium materialism. This is the idea that media are to be identified primarily by the physical *stuff* that they are made of. This is a reasonable *prima facie* position, as it seems evident that paintings are indeed made of paint on canvas or board or other flat support, sculptures made of marble or metal, and music made of tones. This view arises from the belief that an artform can be identified with its medium in the pursuit of making art that exploits that medium for its artistic ends in a way that other media cannot. Clement Greenberg

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[1] See [1] for an absolute positive, if not fully fleshed out, answer to the question of whether videogames can be artworks.

believed that an art like painting should aim to develop the limits of the medium, and thus painting should be kept pure with no admixture from the other arts. For him, "discussion as to purity in art and, bound up with it, the attempts to establish the differences between the various arts are not idle."[2] For Greenberg, an art goes wrong when it becomes confused about its medium and tries to do what other arts do.

The question, then, is whether medium specificity entails medium materialism. Noël Carroll notes that the thesis of medium specificity seems to lead to the conclusion that "one need only examine the physical structure of the medium, and the sort of effects the art form based in that medium should traffic in more or less jumps out at one."[3] He immediately considers the problems with this view, as it is not obvious for each art what the physical medium is, or for some arts whether they even have a physical medium. For instance, is print, rather than language, the medium of the novel?

Dominic Lopes continues in this skeptical vein, noting that the rise of digital works created and instanced on computers demonstrates a further problem. For these arts, and others, there is significant overlap, if not outright identity, among the physical media of these arts.[4] If medium materialism is correct, then these would all be works within the same art, which is absurd. The solution is to expand the notion of medium to include technical resources, which, "may be symbolic (e.g. a language), and events like the sounding of a c-sharp and an actor's movement."[5] Im-

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[2] [2]
[3] [3, p. 7]
[4] [4, p. 138]
[5] [4, p. 138-139]

portantly, we can also include techniques, separating out different ways of engaging with a physical medium and employing technical resources. This expanded notion of medium looks to the particulars of the individual arts to discover what goes into making an object an object in that category. This can even include resources like requirements or expectations of particular kinds of responses to the work.

Extending the idea of medium to include particular response, however, raises the possibility of an odd kind of medium specificity, one too divorced from the physical medium. This is the idea that an art's medium is just that, an art-medium. Thus the medium of painting, with all its physical components and technical resources, is not painting, but art-painting. This threatens to make medium specificity trivial, in that it is no longer exploring the affordances and limitations of a physical medium, or even that of technical resources, but says only that the appreciative practices of a category of art are indeed the appreciative practices of that category of art. This leaves whatever other objects are created in that physical medium, even those using similar technical resources and techniques, as simply failing to be members of that art-medium. More will be said on this below, but for now the objection is sufficient that an overly inclusive conception of a medium that builds in art status would have awkward consequences, not being able to make sense of (non-art-)paintings and art-paintings as being members of the same medium. My brief argument here thus suggests that while we must acknowledge technical resources in our notion of medium, such acknowledgment should not extend to art status as well.

If we leave out the art status of the members of a medium from consideration of membership in that medium, then we are left with the possibility that some

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objects made in a particular medium are artworks and others are not. The art-status-independence of media justifies a reformulation of the original question, "Are videogames art?' as "Can videogames be art?" or perhaps even more perspicuously as "Can videogames be artworks?"[6] Because the art status of an object is independent of its being in a medium, it can turn out that when considering all the objects in the medium "videogames", some of them may turn out to be artworks while others may not. This, I believe, is a preferable position to one according to which within the seemingly unified medium of videogames there are actually at least two media, videogames and art-videogames. More will be said on this later in defense of a specific definition of art.

1.2   Definitions of Art

The task now, after reformulating the art question for videogames, is to make clear what it would mean for any particular videogame to be an artwork. Then we can check to see, not if *all* videogames as a medium meet those criteria, whatever they may be, but if there are *any* videogames that do. Before there is a need to delve into whatever particulars there may be about what videogames are, and whether those particulars add up to making them artworks, we should consider whether there is an adequate definition of art that has an answer to this question at the ready. Several accounts and definitions have been given, of all manner of importance in the literature, many of which may prove satisfactory to the art question of videogames.

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[6]The second reformulation is meant to capture potentially different aims of investigation, where the aim of analyzing the practice of art may be one thing and the aim of providing an extension, or subset thereof, of artworks is a different one.

If there are satisfactory definitions of art that do not also require a definition of videogames, but only certain features that videogames have, then all the better.

If one is going to tackle this issue of whether videogames are art or not, or if they sometimes can be, a natural place to start seems to be with first answering the question of what art is. This is not an easy task, nor do I claim to accomplish it here. But I will motivate a particular account, the Intentional-Historical account, in contrast to its alternatives, in particular two prominent competitors, the Institutional Theory and the Cluster Account. I take this approach for several reasons.

First I find the Intentional-Historical account the most promising as a general account of art, and of making sense of the art status of emerging forms of art, and thus likely to be the best account under which to examine videogames' art potential, and, in Part 3, under which to provide a definition of videogames. Second, I consider the Institutional Theory for two reasons. First, it is a popular theory that has received a lot of attention and been given several important and subtle treatments. It is also of a broad class of accounts of art that the Intentional-Historical account is at least related to. Second, it gives a trivial answer about the art status of videogames, revealing its weakness as a general theory and highlighting the usefulness of videogames as a test case for art theory.

Third, one of the most sustained analytic philosophical treatments of videogames is given by Grant Tavinor, where he employs the Cluster Account in giving a positive answer to the art question of videogames. This demands a response if I am to defend a different theory in its place and so I consider the Cluster Account. I disagree with the Cluster Account on independent grounds, but in particular because

it fails to tell a convincing story, one way or the other, about videogames. Like the institutional theory, the cluster account does not give us a satisfying answer to the art question of videogames. But unlike the institutional theory, which fails by giving too trivial an answer, the cluster account fails because it cannot give an answer at all.

1.3   A Consideration of Historically Important Accounts

A benefit of starting with the *art* element of the question is that if there fails to be an adequate definition of art at hand, then it will allow videogames, and the question of their art status, to serve as a test case for the extant theories in question. With that said, the natural place to begin is with older accounts and definitions of art that have rightly been set aside, but may still be enlightening to consider. Despite their obvious problems and shortcomings, there is insight to be had in just which ways they fail to provide a satisfactory answer to the question of videogames' art status. In particular this is useful because, while philosophical aesthetics has effectively refuted many a traditional art theory, the lay debate on the art status of videogames continues to appeal to several of these theories or implicit accounts of art status that are relevantly similar to them.

1.3.1   Kant's Analytic of the Beautiful

Kant's theories on beauty and art are difficult, bordering on arcane. Despite this, several of Kant's ideas, not all of them unique to him, have permeated much

common thought about art and beauty. Chief among them, and one often encountered in discussions about the art status of videogames, is the connection between art and beauty, or at least the aesthetic. It is a familiar argument that if an object is beautiful, then it is art. First we'll consider Kant's actual theory, and then look at more general formulations of it.

Kant's analytic of the beautiful, found in the third critique, his *Critique of Judgment*, is part of his overall project tying together his theories on metaphysics, epistemology, ethics, and human cognition. Kant's first concern here is to make sense of our judgments of beauty. In particular, Kant argued that our judgments of beauty are disinterested and that they find objects to appear to be purposive without purpose.

Our judgments of beauty are disinterested. By this Kant means that it is distinct from the pleasure we get from something because it is agreeable. We do get pleasure from the contemplation of something beautiful, but the order of the relationship between the contemplation and the pleasure matters. We take pleasure in finding something beautiful, rather than judging something to be beautiful because we find it pleasurable. Much has been made about this disinterestedness criterion, but a conservative interpretation says that it is only that we should find things beautiful because they are so and not for some other reason. So while judgments of beauty are based on pleasure, it is a distinct kind of pleasure, notably one disconnected from our desire for the object. I ought not judge my couch to be beautiful because it is pleasing to sit on, nor my friend's drawings beautiful because they were done my friend, or a garden beautiful because I was paid to judge it so.

At the very least the disinterestedness criterion is a prohibition against a kind of cognitive corruption of untoward influence. Beauty judgments are to be made freely from, or indifferent to, other concerns.[7]

Our beauty judgments also find objects to appear to be made with a purpose without having an actual purpose. We know what it means to recognize the purpose of an object and to see how it was shaped or designed to accomplish that purpose. Many objects that we judge to be beautiful, however, were not manufactured, like sunsets and flowers.[8] In judging something to be beautiful, we recognize that it appears *as if* it had been created for some purpose without actually having any such purpose.

Kant also gives an account of the pleasure that beauty generates. It is the "free play" of the faculties of imagination and understanding. In ordinary cognition imagination is constrained by the understanding, but this is not the case in the contemplation of beauty. In these cases the imagination behaves as though it follows or is constrained by a rule, but in fact it is free. This activity is pleasurable in a way distinctive of beauty.

Kant's account of beauty is necessary to his claims about art and art's relation to beauty. While Kant thinks that art is judged similarly to natural beauty, his concern is over how art is created in a way that is consistent with his account of beauty. He does this by highlighting the role of genius in relation to the artist. While beauty must seem like it has a purpose without having one and the pleasure

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[7]For more on the order of pleasure and sensation, see [5]. For a discussion on whether beauty of this sort is best understood as disinterested, see [6].

[8]Unless we take a strong theistic understanding of Kant's account. Even then, we can make a distinction between the recognition of man-made purpose and God-created purpose.

we take in it must be rule-like without actually being constrained by rules, so too the creation of beautiful art must seem to follow rules without being constrained by them. Here the notion of genius is invoked to set artistic activity apart from the rule-governed tasks of the sciences, which can be learned. For Kant, genius cannot be learned, but is innate. Thus while it behaves like it is rule-governed in having standards, these rules cannot be learned and applied, as they can in other activities.

Genius is what allows the artist to create works that represent aesthetic ideas. An aesthetic idea is related to the free play of the faculties, in that it is an idea that generates a lot of thought, but for which no determinate thought is adequate. This can occur when rational thought that cannot have sensible form is nonetheless expressed. Kant's examples are works that express the notions of death, envy, love, and fame.[9]

So much for a very brief and rough overview of Kant's account of beauty and art. While few explicitly invoke Kant's theory, and I imagine fewer still fully understand it, something like the ideas he espoused are used to make claims about the aesthetic quality of some things and the subsequent claim that they are thus artworks. The first of Kant's ideas that gets appealed to is that there is something special about beauty, or at least high aesthetic value. It is difficult to say what exactly this thing is, and rarely do people make claims about the free play of the imagination and understanding, but the kernel of the idea is this: there is something about aesthetic experience that makes it special, and experiencing it gives a kind of pleasure distinct from other pleasures. This kind of experience has something that

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[9]See also [7], [8], [9].

sets it apart from the pleasures of potato chips, or sex, or even a walk in the park. All of these things have aesthetic qualities, to be sure,[10] but there is something distinct from the aesthetic in these other pleasures. Kant gets this separation right.

This is rather unexceptional as an understanding of the beautiful. Of course there is something special about it. Where it becomes controversial, and where it has become pernicious in the common understanding, is the tying of the aesthetic to the artistic. In this understanding, for something to be art it must be beautiful, or, extending the notion further, be an aesthetic object, meaning something with sufficiently high aesthetic value. The aesthetic and the artistic can even be conflated, which is to say that something being art just *is* it being notably aesthetic.

These kinds of thoughts on the nature of aesthetic and art lead to obvious problems, only some of which can be attributed to Kant's art theory. The conflation of aesthetic and art is not a Kantian notion, though it is closely related. Kant bases his aesthetic theory on natural, non-artifactual beauty, and his account makes a distinction between beautiful artworks and beautiful non-artworks. To answer the art question, however, we must indeed answer the *art* question, and not merely the aesthetic question, unless the two are identical. It is false that something's having positive (or negative) aesthetic properties is identical to it being art, nor is the (mere) possession of positive aesthetic value sufficient to make something art. But there has been a long-standing connection, indeed a close one, between something's

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[10]There has been a recent surge of interest in everyday aesthetics. See [10], [11], and [12]. A great deal of interesting work has been done, and some of it deals with distinctly Kantian ideas about the relation between form and function, especially when looking at the aesthetics of functional objects like coffee pots. See [13]. Also work on touch ([14]), disgust ([15]), and bodily itches ([16]).

either having aesthetic properties, or having high aesthetic quality, and it being art.

This is where Kant's theory provides the basis for a misunderstanding about the relation between beauty and art. While it may not be that *anything* that possesses aesthetic qualities is art—consider sunsets, flowers, birds—when someone *makes* something that exhibits such properties it must be a work of art. The possession of beauty is understood to be not only sufficient for art status, but also necessary; thus if something is not aesthetically pleasing, it cannot be art. And the argument works in both directions. If videogames are aesthetically pleasing, then they are art. If videogames are not aesthetically pleasing, then they cannot be art. Milder versions of this thesis may posit being aesthetically pleasing as a merely necessary condition of arthood, but then, of course, it must be said what else is required.

Thus formulated, we can now check if any videogames meet these conditions. At first blush, it is uncontroversial that videogames can be beautiful. The vistas provided by recent videogames like *Skyrim* and *Journey* are breathtaking, majestic, captivating. *Crysis* and *The Vanishing of Ethan Carter* have pushed the limits of the visual fidelity that videogames can accomplish. Even older videogames that do not benefit from recent advances in graphics technology, like *Shadow of the Colossus* and *Ōkami* can be appreciated for their haunting beauty, scale, and otherwise high aesthetic value. Similarly, such videogames, like *Journey*, are often appreciated for the beauty of their score, or in other cases, like *Amnesia: Dark Descent*, for the frenzied anxiety expressed, and caused, by their score.

Both the visual and musical elements of these videogames obviously have aes-

thetic properties and arguably high aesthetic value. Furthermore, they seem to have what Kant would call beauty. These features can provide a disinterested pleasure in beholding the object, and perhaps seem purposive without having purpose. There is no need, nor the space, to further hash out the particulars about Kant's theory, for there is a more pressing problem. Whatever formulation of Kant is arrived at, it is clear that the visual or audio aspects of any given videogame are at least candidates for being beautiful. We could also add Kant's notion of the sublime and see that videogames could also provide this kind of experience. In fact, it may be that videogames, at least ones of a certain type, more often provide sublime than beautiful experiences. But again, all of this is futile if it turns out that in fact we are appreciating the wrong thing. It may be that the visual or audio *aspect* of videogames could be beautiful or sublime or whatever aesthetic property, but this may not mean that the *videogame* possesses that aesthetic property, only some aspect of it does. Before we address that concern, we can consider Kant among a larger class of aesthetic theories.

Considering the aesthetic properties of some aspect of any work is also a fine enough project, but one insufficient to answer the art question for any kind of object. We might appreciate a violin as particularly beautiful to look at, but to base any judgment on the music being made on such a judgment would be to make an incorrect judgment. Less drastically, we might appreciate the beauty of a single still of a film, but that also would be insufficient to judge the aesthetic quality of the film as a whole. To answer the art question, we must be inquiring about videogames *qua* videogames, not videogames merely as generators of images or producers of sounds,

or whatever other aesthetic modalities they may include.[11]

We can generalize from Kant to any aesthetic theory of art. A definition of art could be given with any specific aesthetic property or set of aesthetic properties as a sufficient art condition. Or a definition could abstract over all aesthetic properties, making sufficient for art status that an object possess positive aesthetic properties. But even with such a general and abstracted theory of art as the possession of high aesthetic value or good aesthetic properties, there are reasons to reject the theory.

This line of thinking extends to other more recent and contemporary definitions of art that seek to ground the art status of artworks in the possession of an aesthetic property. Perhaps the most well-known of these theories is the aesthetic theory defended by Monroe Beardsley.[12] He gives conditions of what the aesthetic is and argues that artworks are things that exhibit this particular feature in sufficiently high degree. As with any theory based on the possession of (certain) aesthetic properties, however, it is both too narrow and broad. It is too narrow in that it excludes artworks that do not possess these aesthetic features, and it is too broad in including man-made artifacts that meet these aesthetic criteria, but are not artworks.[13]

It is clear that videogames, or at least several aspects of them, can have aesthetic properties, including positive aesthetic properties. Thus any kind of aesthetically based account of art would categorize at least some videogames as artworks.

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[11]There is an interesting haptic element to many videogames, one that also calls out for aesthetic appreciation and analysis, perhaps along the tactile lines of what [15] suggests.

[12] [17]

[13]For further criticism of an aesthetic theory of art, and others, see [18]. There are more subtle contemporary versions of aesthetic theories, like Gary Iseminger's (see [19]) which is combination of aesthetic and institutional theories. Critique of views like this will be postponed to the discussion of institutional theories below.

What is not clear is that this is the right account of art; it is false that the possession of aesthetic properties is sufficient to make something art, nor is it necessary to possess aesthetic properties for something to be art. In the former case, we do not regard sunsets as art, yet they are paradigmatic cases of beauty. In the latter case, we have works that are accepted as art by the art community, yet are ugly, perhaps paintings by Willem de Kooning or Francis Bacon. Even more radically, there are works that arguably have no aesthetic properties, like Robert Barry's conceptual piece *All the things I know but of which I am not at the moment thinking – 1:36 PM; June 15, 1969*, or works that involve objects that may be argued to possess aesthetic properties, but whose aesthetic properties are irrelevant to the art status of the object, like Marcel Duchamp's *The Fountain*. One might respond by saying that for something to be art it must not only possess positive aesthetic properties (or whatever), but must also be an artifact. But this reply also fails, as there are many artifacts that possess positive aesthetic properties, yet are not art.

Thus before the art question can be fully answered, as least with regard to some accounts of art, the need for an account of videogames begins to show itself. If we are curious about the aesthetic properties and quality of videogames, we must first get a firmer grip on what videogames are, and make sure we are evaluating them as a whole work, and not just some aesthetically salient component of them. It may be that videogames themselves can be beautiful, and it may be that whether they look or sound beautiful matters, but these are questions that must be set aside until we can provide a more complete analysis of videogames. Suffice it to say here that merely possessing aesthetic quality, whether of an aspect or the entire work, is

insufficient to turn videogames into artworks, nor is a videogame's lack of aesthetic quality sufficient to disqualify it from art status. Kant's theory, while instructive in helping to get clear on the distinction between the aesthetic and the artistic, cannot answer the art question of videogames.

1.3.2 Tolstoy's Transmission Theory

Leo Tolstoy's theory of art contrasts strongly with Kant's theory, since Tolstoy's theory is concerned with the effect of art and not its aesthetic form.

In its most basic gloss, Tolstoy's theory is an expression theory. For Tolstoy, art is about the expression and communication, or transmission, of emotions. Specifically, the more morally good and widely experienced the emotions being transmitted, and the more widespread the transmission, the better the art. Tolstoy had a specific type of emotion in mind as well, one informed by his late conversion to Christianity. This best emotion is the Christian ideal of brotherly love for all. It is sufficient to be art, however, that a work transmit any feeling its author had. In either case, videogame works can be found that arguably meet Tolstoy's conditions.[14]

Certainly it is possible for a videogame to communicate a feeling of brotherly love to a player. Many videogames allow for collaborative team effort, where it is not merely the explicit representational content of the work that exemplifies brotherly love (or whatever good emotions are to be communicated), but rather that videogames allow players to participate in such acts. So where a novel about, say, self-sacrificial love can be deeply moving, a videogame can let you actually per-

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[14]See [20].

form acts of self-sacrifice.[15] In *Brothers - A Tale of Two Sons* the player engages with a narrative of literal brotherly love, made manifest by the player having to simultaneously control two brothers on a quest to save their father.

The acts allowable by videogames should be carefully analyzed here, as we should not confuse what might be called *meta*-actions with the actions that actually take place *within* the videogame. An example of meta-action as regards videogames might be allowing someone else to take your turn. Clearly this is some kind of self-sacrifice, if only to a very small degree, but it is not an action one takes *within* the work of the videogame. An analogous action could be taken by letting someone borrow the novel you were looking forward to finishing.

In videogames like *DayZ* and *Rust*, however, one can be self-sacrificial within the work, and do this to others in a way that is not, or rather, cannot, be aimed at advancing one's selfish interests. These videogames are set in post-apocalyptic worlds dotted with threats and scarce resources. The main danger, however, is other people, who are often eager to exploit the weakness, solitude, or good-natured quality of others. There are many in-work benefits to exploiting others, and very little, if any, to be gained by helping others when you cannot secure their help in return. This seems as good a candidate as any for the demonstration of Christian brotherly love. So, according to the above gloss of Tolstoy's account of art, we have an instance of a work that meets the requirements to be not only art, but clearly

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[15]The expression of self-sacrifice can be realized at differing levels of abstraction. In one videogame you may cause a character to perform what is a representation of a self-sacrificing act, like Joel's protection of Ellie in *The Last of Us*. More interestingly, however, is in esport competitive videogames like *League of Legends* and *DotA 2* where one player can literally sacrifice their avatar and standing within the game for another player or the good of the team.

good art.

Is this then an answer to the art question? It depends in part on whether a participant performing an action within a work that demonstrates an emotion could be taken as showing that the work itself transmits this emotion. Do *DayZ* and *Rust* promote and spread brotherly love, or do they merely provide an interactive space within which such actions are possible? It is likely the latter with *DayZ*, as creator Dean Hall has stated that he would rather let emergent game play dictate the course of events than to enforce any kind of explicit structure himself. Of course, emergent systems must emerge out of something, and the bedrock from which it does can have a great effect. But the setting and mechanics of *DayZ* do not seem to either increase or lessen one's capacity for doing good: rather, they are a mirror for it. In *Rust*, however, the developers have made decisions that suggest something like brotherly love. It used to be the case that players could choose their sex and skin color, but recently the developers instituted a change that randomly and permanently assigned these to each player account. By making players more evenly spread as male and female and white and black characters, and taking control of this decision out of the hands of players, the stated idea is to take identity out of it, but enhance the role of mutual trust. This decision has caused some strong reactions, many negative, but the effect seems to be a reduced connection between the gender and racial identities of players with their avatars and an increased perception of player characters as equals, despite their appearance.

There are other, more cooperative videogames, that require consistent team-work to accomplish goals. Videogames like *Dota 2* require coordination, commu-

nication, and teamwork to succeed. They do this in a way much like many team sports, including even more specific roles where one participant can aid the team by putting its goals above his or her individual success. Perhaps this counts as brotherly love; it certainly requires a particular lack of selfishness. That said, the aims of such videogames are victory for the team, which one gets to participate in, even if one sacrifices the success of their individual avatar for the sake of the team winning. Thus such self-sacrifice may still be untowardly motivated, as one need not think of a goalie making a great effort and possibly incurring injury as being selfless when playing in the championship game, but rather, as driven by a desire to win.

Let us assume for the sake of argument that *DayZ*, *Rust*, or *Dota 2*, or some videogame like it, or some other, perhaps very different videogame, does indeed promote, communicate, or transmit the very kinds of good emotions that Tolstoy had in mind. And this would mean that those videogames were indeed art, and moreover good art, while avoiding any general conclusions about all videogames. What is important is to answer the question, "Wherein lies the characteristic sign of a work of art?"[16] For Tolstoy, it is not in virtue of being a member of some established art form, but rather in virtue of transmitting the right kind of emotion. It is at least possible that a videogame does this, and thus for any that do, by this account they would be artworks. It may be doubtful that any present videogame "transmits the highest religious feeling",[17] but there need be only one, or rather only one possible videogame, for Tolstoy's definition to provide the means by which

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[16] [21, p. 506]
[17] [21, p. 521]

a videogame can be art.

But is this a correct definition of art? Tolstoy's account categorizes many well-known works as bad art, excluding others from art status at all. To see this we must look more carefully at Tolstoy's claims. The criterion that determines something's art status is its infectiousness. "There is one indubitable sign distinguishing real art from its counterfeit—namely , the infectiousness of art."[18] He continues:

> If a man is infected by the author's condition of soul, if he feels this
> emotion and this union with others, then the object which has effected
> this is art; but if there be no such infection, if there be not this union
> with the author and with others who are moved by the same work—then
> it is not art. And not only is infection a sure sign of art, but the degree
> of infectiousness is also the sole measure of excellence in art.[19]

Thus for something to be art on Tolstoy's account it must infect the audience with the emotion felt by the creator of the work. And the more infectious it is, the better a work of art it is. Tolstoy gives three conditions for the quality of infectiousness: (1) the individuality of the feeling transmitted, (2) the clarity of the feeling transmitted, and (3) the sincerity of the artist. He also argues that all three may be reduced to sincerity; the degree of individuality and clarity of the emotion expressed result from the degree of sincerity with which the author feels the emotion.

We can abstract from Tolstoy's specific theory to a general theory about transmission. Something like a transmission theory has been used to both defend and deny the art status of videogames. Roger Ebert, albeit in a rather confused argument, used a form of expression theory when he famously claimed that not only are

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[18] [21, p. 514]
[19] [21, p. 514]

videogames not art, but in principle they could never be art. To be clear, Ebert makes a rather scattered post hoc argument in defense of an off-the-cuff remark he made that he "did indeed consider video games inherently inferior to film and literature."[20] It is not helpful to rehearse here all of his various arguments given here; what is relevant for the present argument is that in places Ebert gives a transmission argument against the possibility that videogames can be art. He writes, "I don't know what they can learn about another human being that way, no matter how much they learn about Human Nature."[21] Whatever difference there is to be had between learning about human nature and a particular human is likely to come in the form of what a particular artist can transmit to another person via their work.

Interestingly, several of those responding to him give an expression argument in *favor* of the possibility of videogames as art. A recent example is the videogame *That Dragon, Cancer*, in which the audience engages with a narrative about the author's confrontation with the cancer of his infant son and the loss that ensues. It is difficult to imagine what could be a more personal thing to learn about someone than their emotional state through such a trial, but in Ebert's defense, he has remained willfully ignorant of the medium of videogames, if willful ignorance can indeed be a defense. In his actual defense, he died before this work was released; however, for years he refused to experience *The Shadow of the Colossus* despite many of his interlocutors recommending it to him, even going so far as to provide a copy of the videogame and a console on which to play it. In this work the creators erect a

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[20] [22]. See also [23], [24], [25], [26], [27], [28] to see the hodgepodge arguments given.
[21] [28]

haunting dreamscape in which the protagonist searches for revenge and redemption, but realizes in the process that perhaps he has become the kind of monster that he has sought to vanquish. Oddly, Ebert seeks to distinguish film from videogame by saying:

> For example, I tend to think of art as usually the creation of one artist. Yet a cathedral is the work of many, and is it not art? One could think of it as countless individual works of art unified by a common purpose. Is not a tribal dance an artwork, yet the collaboration of a community? Yes, but it reflects the work of individual choreographers. Everybody didn't start dancing all at once.[22]

This is strange, because of any artwork, films, if they are indeed artworks, are often created by a large community of people. Likely Ebert is relying heavily on the auteur theory of directors, wherein the appropriate critical stance to take towards a film is that it is largely the product of the director, one will imposing its vision on this large, otherwise collaborative project. But of course, auteur theory accommodates videogames equally well. One need only consider Shigeru Miyamoto's *Super Mario Bros.*, Hideo Kojima's *Metal Gear Solid* series, or David Cage's *Heavy Rain*, or Jonathan Blow's *Braid* for works that clearly manifest throughout the director's touch in their style, production, and aesthetic.

The Ebert debate is not unique, but is a uniquely public example of the fevered tone with which the art debate over videogames takes place, and a clearer example of the need for philosophical insight in a public debate would be hard to come by.

In response to the Ebert debate, he is wrong that videogames cannot teach

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[22] [27]

us about other humans, in at least whatever ways film can, and other artworks for that matter. However, transmission theory in general is flawed. While it is true that some artworks transmit feelings of all sorts to their viewers, it is also true that non-artworks transmit feelings of all sorts to their viewers. What is lacking is an account of why some kinds of transmissions are *art* transmissions and some transmissions are not. To repeat, it seems that Tolstoy has provided an account of a good-making feature of artworks, a feature that counts towards an artwork being good, but not one that is sufficient to make something art, which is what the art question demands. It is also questionable whether the transmission of a good emotion or feeling is necessary for arthood. Much art, admittedly made after Tolstoy developed his theory,[23] is not concerned at all with the transmission of any kind of emotional experience. Much post-modern art resists being described as expressing a specific emotion, or any emotion at all. As art in the late 20th century became more self-referential and art-historically self-conscious, as well as moving further from the need to exhibit aesthetic properties, it became less plausible to describe art as invariably expressing emotions or feelings. Jeff Koons' *Celebration Series*, made of works like *Balloon Dog (Blue)*, a gigantic metallic recreation of a balloon animal dog, has aesthetic properties, but is not properly evaluated as being primarily an aesthetic object, nor because of emotions and feelings it transmits to the viewers. The work's importance, *inter alia*, is the commentary it makes about the practice of sculpture, and the values of the then contemporary art world. Yet it

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[23]Tolstoy and Ebert seem to share a certain grumpiness towards emerging artforms. Tolstoy's toward modern art that he calls "insanities" and predicts will be found out to be, "false, deformed, and insensate art." ([21]); Ebert's towards videogames.

is still art, despite not transmitting emotions and feelings. Even if the transmission of good expressions of feelings makes a videogame *good*, it is far from conclusive that its ability to do so makes it art.

This theory can be even further abstracted to general theories of emotionalism. These generally hold that art is whatever evokes (strong) emotions in us. It is a common defense of the importance and art status of *Final Fantasy VII* that Aeris' death at the mid-point of the narrative is an emotionally jarring one. I have heard several anecdotes of a teary-eyed engagement with that part of the work; that after investing dozens of hours into developing the character and familiarizing oneself with her that the loss felt was a substantially emotional one. This should not be a surprising reaction, for videogames like *Final Fantasy VII* have a strongly narrative structure, and the emotional power of narratives is not in question. What remains to be skeptical about, however, is whether the emotional power of any kind of thing is either sufficient or necessary to its being an artwork.

Little can be said in defense of the idea. Surely not every *thing* that causes us emotions can be reasonably accounted an artwork. Many things spawn emotional responses that are not artworks, like arguments, loved ones, life insurance ads, sunsets, eviction notices. Surely these must be rejected from inclusion as artworks, but how can the theory accommodate their exclusion? Perhaps one could stipulate that only things that are works can be counted as artworks, and this seems an agreeable enough condition. But then there is little left but stipulation to defend the idea that it is the emotional evocativeness of the work, rather than some other feature, that makes it an artwork. Emotionalism is suspicious even as a theory about the quality

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of works, let alone as a classificatory criterion. By emotionalism's lights, there can be no bad art that leaves us cold, but only non-art, and conversely no good art that elicits no emotional response, and so much of modern and postmodern art must then be rejected, on account of its emotional reticence.

Tolstoy leaves us with a choice. We can settle the art question for any particular videogame by asking if it meets the requirements set out by his account. If a videogame provides the right kind of transmission of an emotion, then it is art, and if it is a morally good emotion, then it is good art. But to accept Tolstoy's account is to ignore many of the ways art has evolved since the time of his writing. He was not unaware even in his own time of the counter cultural implications of his account, but by his own lights, if we are take his position we must see all non-emotionally-transmissive works as non-art objects, and, more severely, that any society that accepts these works as artworks is "perverted" in some sense.

The other option is to reject Tolstoy's account. This spares us from having to pay the high costs required by his account, but it leaves us still searching for an adequate account of art.

1.3.3 Collingwood's Expression Theory

A somewhat similar account can be found in R. G. Collingwood's expression theory. In brief, Collingwood's theory differs from Tolstoy's by not requiring the successful transmission of an emotion, only the expression of it in the work by the artist. The controversial element of Collingwood's theory is what he takes the work

to be, not the physical material wrought by the artist's hands, but the mental and imaginative expression of the artist's articulation of their emotional experience. For Collingwood this is not a particular psychological state existing only in the mind of the artist, for then it would die when she does, but an abstract thing, that particular kind of experience, that is, an articulation in a mental medium of the emotional experience of the artist.[24]

Again, we face a similar dilemma as with Tolstoy's theory. It is possible that some videogame is the physical artifact resulting from the articulatory efforts of the artist wrestling to express her inner emotional experience. *Bientôt l'été* and *Proteus* are likely candidates for this kind of work. The first is an experience of an atmospheric walk along the beach, the second is an exploration of an abstracted landscape that responds to your travels with music. Quiet, contemplative, and obvious emotional expressions that seek to communicate a very specific kind of feeling through the interactive medium of the videogame. It might also be argued that the participatory nature of videogames lends many of them their rhythmic or hypnotic quality, which can give participants very specific sensations that are difficult to articulate otherwise. If Collingwood's account is right, not only is it likely that some videogames have already met the criteria to be counted as art, but that the interactive nature of videogames may make them particularly apt candidates.

There are several good elements to Collingwood's theory. It does an excellent job capturing something that is important in many works of art, which is the work specific articulation of whatever the artist has sought to express. When pressed to

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[24]See [29].

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explain what their work means, artists will often just gesture again, more emphatically at their work; the only other way to express what the work already expresses itself is by ostension. I once asked an artist at a show what his work meant. He replied that if he could tell me in words, he wouldn't have to make art. This phenomenon is what Collingwood's theory aims to capture.

Collingwood's account, however, has strong counter-intuitive consequences. If he is right, then all the museums in the world, all the galleries, all the private collections, and all the art schools are not filled with artworks, but simply the residue of them. The residue of attempts, however successful, are expressions of the particular mental state the artist had in the creating of the object, and perhaps served as the impetus to create the object. When artists think they sell or gift or destroy their works, and respectively recipients buy or sell or appreciate them, they are all mistaken. The work cannot be bought and sold, appreciated or destroyed in that way, for it is not a physical object, not even partly. Rather it is fully the abstract object that is the kind of experience the artist sought to express in the work. This object preceded the physical object created in the project and will outlive it as well.

Collingwood's account also leaves the work out of reach for the viewer. It is likely true that in a great number of cases when an artist makes a work the artist is having a particular emotional experience, and likewise a viewer of that work also has one. But Collingwood's account provides no epistemic means for checking a viewer's experience against that of the artist, meaning that we have no way to know if anyone has ever experienced a work. People have certainly had responses to the

object that an artist creates in an attempt to express the work to the viewer, but the work is always a private, and perhaps inaccessible, thing. Because the work is created to express that which is otherwise inexpressible, we cannot ask the artist, nor can they tell us, what the experience is that we should have, or check whether the experiences we are having are the appropriate ones. Given the particularity of the expression sought to be communicated, it is more likely that we are deviating, even ever so slightly, from the correct expression, and thus we miss the work entirely.

So again, as with Tolstoy, this answer to the art question for videogames presents a dilemma. To accept it is to put an end to the inquiry, by providing an answer, but it comes with rather steep costs, ones that run counter to much of what we take the actual practice of art appreciation to involve, and removes any kind of epistemic access to knowledge about the works we are supposed to be appreciating in search of the right kind of experience. Instead we should reject this account as it stands, as with Tolstoy's, since it can provide no better account for the art status of videogames than it can for other forms of art, and the use of videogames as a test case for the theory illustrates its shortcomings.

1.3.4   Bell's Significant Form

Clive Bell's theory of art as "significant form" is probably the most venerable of the formalist definitions. Formalist definitions of art have it that something is art in virtue of its manifest formal properties, ones that can be detected in the work directly, and need no relation to outside facts about things like who the artist is,

when it was made, or why it was made, or, even more radically, the content of the work, what it represents, or its themes.

Bell's theory is about a particular kind of form he calls "significant form". Bell does not define what significant form is, which has led many to suspect that there is no stable notion behind it, but rather, that Bell was gesturing at a kind of aesthetic gestalt, some kind of salient character about the perceptible features of the work that made it art. "Lines and colours combined in a particular way, certain forms and relations of forms, stir our aesthetic emotions. These relations and combinations of lines and colours, these aesthetically moving forms, I call "Significant Form"; and "Significant Form" is the one quality common to all works of visual art."[25] Perhaps most radical about Bell's version of a formalist theory is that it is a strong formalist theory, meaning that it is *only* the form that matters for an object's art status, and the only thing of aesthetic relevance; not the subject matter, nor the things represented in the work.[26]

Historically Bell's motivations make sense. He was writing at a time when increasingly abstract post-impressionist art was emerging, and it demanded a theory to make sense of it. He developed a theory that attempted to make sense of the importance being placed on formal innovations in painting, ones that seemed to make accurate representation less important than abstract design. And it makes sense, after a fashion; if we are to judge all art by the same criteria because it all fits under the same tent, and the unifying element must be an intrinsic property

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[25] [30, p. 100]

[26] See [31] and [32].

of the work, then we need some consistent way of doing it. And if we have art that is not representational, yet we value it, we must find some way of appreciating it that does not prioritize representational works over less representational ones, particularly not the challenging new works being produced at the time. Thus an appeal to the formalist notion of "significant form" as a manifest property that all works possess and with respect to which all works all could be judged.

Bell, however, was never able to adequately explain what he meant by significant form. At best it can be categorized as a strong version of a broader set of formalist theories that can be considered together. And formalist theories are fit within an even broader set of functionalist theories that will be addressed below. And each increasingly broad set has reasons why it fails as a theory of art and thus as an answer to the art question of videogames.

Bell's specific theory fails as a theory of art for several reasons. One, it is absurd on its face. He rejects the artistic relevance of subject matter entirely. He doesn't merely subjugate representational content to form, but denies it any import whatsoever. This would mean that no artistic merit arises from the content of a work, or from the conditions of its creation, but only from the relations of perceivable forms. This is, of course, deeply at odds with actual art practice, as much art is taken to be about its representational content in a way that matters *qua* art. Furthermore, many aesthetic properties, *perceivable* aesthetic properties, depend on the subject matter. A classic example is the tension felt among the space between God's finger to Adam's in Michelangelo's *The Creation of Adam*. The energy felt in that space depends not merely on the forms, but on several representational facts, not least

that they are hands, but also whose hands they are and that they are pointing to each other. A strong formalist theory like Bell's cannot account for this.

Furthermore, as Kendall Walton has shown, the representational content of an artwork can impact its aesthetic properties.[27] If Walton is right, this spells even further trouble for a theory like Bell's. His theory is inadequate if it fails to take into account the artistic importance of content. But if aesthetic properties can depend on what is represented, then Bell's theory is not merely incomplete by not recognizing representational content, it fails to even explain the aesthetic properties that are essential to it.

What does this mean for videogames? Bell's theory cannot give an objective account of art, or, as he puts it, an aesthetic theory. As Bell says, "all aesthetic theories must be based on aesthetic judgments, and ultimately all aesthetic judgments must be matters of personal taste."[28] Bell does not say this to reject aesthetic taste, but to give an accurate account of its nature. And he is correct, but in doing so he shows his theory to be one that leans more toward taste than to art. This is so because personal taste extends to things far beyond the confines of art, to one's taste in things like feather pillows and weather, gardens and sports announcers, Scotch whisky and wind chimes. There is no doubting that personal taste is involved in our appreciation of art, but to conflate the two is the mistake.[29]

Likewise with videogames. It is obvious that personal taste matters both in

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[27] [33]

[28] [30, p. 101]

[29]Certainly models of aesthetics that depend in some sense on taste can be made to work, see [34] and [35]. It is the reduction of aesthetics to *mere* personal taste without an expanding theory of universality that threatens to make it useless.

what videogames one chooses to engage with and also of which elements and how one appreciates. And surely whatever Bell was getting at with his idea of "Significant Form" is as likely to be present in videogames as it is in other kinds of works. This is so even in the most straightforward visual modality. Videogames like *Super Hexagon* and *Dyad* create stunning visuals, hypnotic in their bold, dynamic visual structure. *Super Hexagon* creates hexagonal, as well as pentagonal, rectangular, and triangular, shapes laid against a background of outwardly pulsating stripes. All of these are in matching color schemes, and most any still screen grab is likely to capture a compelling image. And in motion they create a captivating vibe that draws one's visual attention to the center, while the player's interaction spins the elements around, adding to the center-focused visual attention.

In comparison to the stark images of *Super Hexagon*, *Dyad* trends towards maximalist scenes, chaotically stuffing the screen with sharp, bright lights and lines foregrounded against hazy neon explosions. Similarly, however, *Dyad* also features a center-focused visual, with the player's interaction controlling the spinning of the image, in *Dyad* creating a cyclonic tunnel that the camera rushes headlong through, adding an element of z-axis movement not as salient in *Super Hexagon*. I speak here of the visual element of videogames, though of course videogames are not a purely visual medium. But as Bell focused on the visual over the representational, in applying his theory to videogames it seems most apt to discuss their visual element.

I mention all of this to say that both of these videogames, and many others as well, reward the exercise of personal taste, and reward the sensitive aesthetic palate Bell talks about. But none of this suggests that videogames are *art*, but rather

that they can provide a certain kind of rewarding experience that could potentially be experienced otherwise, even from obviously non-art objects. Bell defends this aesthetic experience as a sufficient indicator of a work's art status, but we can see that this is a mistake. He gives no criteria by which to defend the theory against the possibility of non-art objects having significant form, nor against the possibility that some art objects may lack significant form. To stipulate either point without further evidence is to beg the question in his own favor. Thus Bell's formalism cannot give us a satisfying answer to the art question. It either begs the question in giving an answer, or it avoids doing so by weakening its claim to one of personal taste that would apply equally to non-art objects, which is a true but trivial, and unhelpful, conclusion.

Similar consequences hold for formalist theories that are weaker than Bell's. Any attempt to make the formal qualities necessary or sufficient for art status will face counter-examples that can only be overcome by question-begging. Relaxing the theory, however, to saying that the formal elements of a work can play a role in an object's art status is to make the claim possibly true, but at the cost of leaving the art question unanswered.

1.4   Anti-Definitional Strategies

It might be wondered at this point if pursuing a definition of art, or a theory of art, is the right approach. Perhaps art cannot be defined, and any project that aims to find the correct theory of the arts must fail. This was the position argued

for by Morris Weitz in his seminal "The Role of Theory in Aesthetics,"[30] which set the stage for the next half century of art-defining attempts in response. Weitz takes his lead from an idea put forth by Wittgenstein in his *Philosophical Investigations* just a few years earlier. Wittgenstein's idea is that some, perhaps many, or even all, concepts are not definable, and that our seeming success in picking out the extensions of concepts is due not to our recognition of an object's falling under a formal definition, but a recognition that some objects bear a family resemblance to one another.[31]

Wittgenstein's paradigm example of the undefinable concept is games. This has obvious relevance to our main project here, but it is one that can be partially bracketed until Part 2. Weitz sees an analogy between the concepts of games and art and the role family resemblance plays in our ability to correctly distinguish games and art from non-games and non-art. Weitz argues that art, like games, is an open concept, and thus cannot be defined because any "attempt to discover the necessary and sufficient properties of art is logically misbegotten for the very simple reason that such a set and, consequently, such a formula about it, is never forthcoming. Art, as the logic of the concept shows, has no set of necessary and sufficient properties, hence a theory of it is logically impossible and not merely factually difficult."[32]

Weitz argues that art must be an open concept because art is creative, and can only be creative if the application of the concept requires a decision on our part that is consistent with the concept being open. This understanding of creativity,

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[30] [36]

[31] [37, §65-77]

[32] [36, p. 28]

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however, is false, as other things that are quite definable also allow for creativity, like logical proofs. For example, though a logical proof exists within the parameters of a definition, a proof may still be the result of great creativity. So Weitz' claim about the necessity of an open concept for creativity is untenable.

Noël Carroll highlights Weitz' equivocation between *artwork* and the *practice* of art. As Carroll points out, artworks might be created in myriad ways while still possessing definable features, despite the practice of art always being open to change. He correctly asks, "Why must an allegedly closed concept of art in the first (artwork) sense be incompatible with the putatively open concept of art in the second (practice) sense?"[33]

The difference between the two notions of "art" is that between objects and practice. And this distinction shows that creativity in creating objects is not hamstrung even if the practice in which they are created cannot be defined. Nor does the practice of art being "open" mean that art cannot be defined. It very well may be that all artworks have some property or set of properties, or necessary and sufficient conditions, by which they can all be defined, while allowing that the practice of art that explores and expands the possible ways of creating such objects allows for continual change. Carroll continues, "That artworks might possess defining properties does not logically preclude the invention of new works that instantiate the relevant conditions in innovative, unexpected, and unforeseeable research."[34]

Carroll further notes that this is consistent with the theories of art that devel-

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[33] [38, p. 8]
[34] [38, p. 9]

oped after Weitz. In particular, the institutional theories of Dickie and Danto show that any *thing* can be art, or made into art, if the proper procedures are followed or are in place. And if a theory can allow for this kind of breadth over the possible objects that can become artworks, while being framed in terms of a definition of artworks, then this shows that Weitz' arguments fails. For while the practice of art can shift and change and adapt, it can do so while all the works produced within it fall within certain parameters.

This does not mean that there are absolutely no limits on what can be an artwork; moreover, there being such limits does not unduly restrict art practice. Carroll continues this idea succinctly:

> Still, it might be argued that necessary and sufficient conditions must place certain limits on what can be an artwork even if no limits are placed on the *kind* of thing that can be an artwork ... Necessary and sufficient conditions are not incompatible with an immense latitude for expansion and innovation. Moreover, though the concept of art (in the practice sense) may be open, it is not wide open — not everything can be art at any time for just any reason. After all, even if we agree that the practice of art is open to change and expansion, the relevant changes and expansions must be related to what precedes them, or they would not be changes and expansions *of the practice*. That is, the phenomena in question cannot be utter non sequiturs.[35]

This is not to say that the institutional theories of Danto and Dickie are correct, but that their efforts, explored in more detail below, show that the definitional project is not logically precluded by the openness of the practice of art.

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[35] [38, p. 10]

Carroll says even more about problems with Weitz' position, following Mandelbaum, in that what it borrows from Wittgenstein seems to imply a feature that neither of them would seem inclined to acknowledge. Wittgenstein speaks of family resemblances, such as the kind we point out as obtaining between two members of the same family. But we do not ascribe family resemblances to people who merely look alike when we know they are not related. The notion of family resemblance upon which Wittgenstein rests his anti-definitional stance requires a genetic awareness, a recognition of the non-perceptual relation that objects can have to each other. A proper application of family resemblance requires knowledge of the origins of a work. And this suggests the very line of reasoning that leads to the kind of procedural or institutional theories that Danto and Dickie themselves espouse. As Mandelbaum puts it:

> Had the existence of such a twofold criterion been made explicit by him, he would have noted that there is in fact an attribute common to all who bear a family resemblance to each other: they are related through a common ancestry.[36]

A shared ancestral heritage was not the kind of intrinsic perceptual property that Weitz had in mind when arguing against the indefinability of art. This is not prima facie unreasonable, as perceptual or aesthetic or emotional response features are as good a property to look for in artworks as anything else. Difficulties reveal themselves for all the reasons listed above. Not all works exhibit the same kind of aesthetic properties or any at all nor do all works evoke emotions in the same way or at all.

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[36] [39, p. 221]

It might be argued that this shows that Weitz is only pointing out the obvious. That the arts are disparate things and unable to be encompassed under a single rubric. But this is problematic for two reasons. First, it's *so* obvious that different arts are not going to share an intrinsic similarity like those theories that have been rejected that Weitz should have been more wary of attacking the wrong target. Weitz does briefly consider Dewitt Parker's more complex Voluntarist account, but rejects it as "rest[ing] on dubious principles."[37] He does not consider the possibility that there could be a different complex account that could satisfy the demands of providing necessary and sufficient conditions. Once he realized that these theories are too simple in relying on a single property, or on dubious complex ones, that should have prompted him to a search for more adequate, less simplistic solutions, and not a wholesale rejection of the project.

Secondly, because Weitz rejects definitions of art as too simplistic, not finding any single property that unites all artworks, it is then odd that he wants to supplant a theory like that with one equally simple. Family resemblance is not a complex relation, at least not as Weitz and Wittgenstein present it. Sometimes family members look like each other, sometimes in one way, sometimes in another. It still remains a resemblance theory. "Some games resemble others in some respects—that is all."[38] This does not mean that games, and thus art, must always *look* like each other in some respect, only that they resemble each other somehow. But resemblance itself, however disparate in its instances, might still hold promise as a unifying property

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[37] [36, p. 30]. See [40].
[38] [36, p. 31]

on which a definition could be built.

More strangely, Wittgenstein's target is games, not a class of things that moves one immediately to thoughts of resemblances, as works of art might. Games are not merely their physical paraphernalia, not the boards and cards and dice, but abstract sets of rules. Some games do not even require physical apparatus for them to be played. To say of these abstract things that a unifying property cannot be seen, but that they can share in a resemblance is to walk a tight-rope that I am not convinced Wittgenstein, and thus Weitz, successfully do. That they fail to recognize the genetic element in family resemblance demonstrates the incompleteness of the view.

A more recent entry in defense of the undefinable nature of art comes from Aaron Meskin, and I mention it not for its argumentative strength, but because it relates to a theory of art that has been popularly invoked in defense of the art status of videogames. He offers some considerations in favor of art's resistance to definition, "for example, induction on the long history of failed proposals, the implications of our best theories of concepts, scepticism about the value of a definition."[39] Thus, some may say, since art cannot be defined, there is no clear reason *not* to include videogames as art, since they obviously share similarities with artworks.

Surely any history of failing to provide an adequate definition, no matter how long, cannot settle the matter against the possibility of such a definition. Furthermore, it might be questioned how long that history has really been. Analytic philosophy of art, it is true, has been largely concerned with providing a definition of art, but it has not been a salient discipline for very long, arguably starting as

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[39] [41, p. 388]

recently as Sibley's work on aesthetics in the 1950's. If *that* is the history to which Meskin is referring, then it must be countered that a scant six decades spent searching for an as yet unsettled definition of art is enough to put the matter to rest. Surely more inquiry into the matter is reasonable.[40]

As to the other claims, perhaps Meskin is right that our best theories of concepts suggest that many things, art included, are unlikely to yield a satisfying definition. And also that even if we were to come up with a satisfactory definition, it would be without much value. But even if this is so, and I believe that it remains to be shown, then the art-defining project that has so occupied much analytic philosophy of art is in no worse state than many other disciplines. Maybe we are all wrong-headed, but it seems like excellent company to keep in the meantime, and an otherwise fruitful project, despite the success of various negative arguments concluding in the indefinability of art. That is being overly pessimistic about the future prospects of the project, while taking an unfairly dim view of the value of the collective efforts so far.

The greatest problem still faces anti-definitionalism. Namely that it is based on Wittgenstein's account of games and his claim that they cannot be defined. For if games can be successfully defined, the basis for Weitz' anti-definitionalism about art, and anti-definitionalism in general, evaporates. Bernard Suit's definition of games[41] as well as Stone's may count as offering such success.[42]

So I think the anti-definitional move can be resisted. Much progress has been

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[40]This is in part the argument made in [42].

[41]See [43].

[42]See [44] for an account similar to, though not as successful as, and apparently unaware of, Suits'.

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made over the last several decades. Insights have been gained, and bad theories put aside. At worst, this has cleared a lot of ground for even better work to be done in the future. Thus trying to find something with which to answer the art question for videogames still seems like a viable approach.

With the anti-definitional project resisted, the next theories to be considered are those that have received more sustained defense in recent years, and are in fact theories that have been used by laypersons and philosophers alike to attempt to settle the art question for videogames.

1.5   Institutional Theory

We now come to the first contemporary argument for a thoroughgoing theory of art that can make sense of videogames. Also important is that it is invoked, sometimes tacitly, by non-philosophers in defense of videogames' art status.

Many of the reasons given in favor of videogames being art are along the lines that being selected to be in art museums makes them art, and thus take some form of Institutional Theory. There are several variations of institutional theories, each with different degrees of the broadness of the artworld institution(s). Roughly, the relevant form of institutionalism in this debate says that something is an artwork if it is selected for presentation in an art institution in the right way, usually by a relevant member of the artworld.

George Dickie's formulations are the usual target, and for better or worse, it is his earlier formulation that is being invoked once again.

A work of art in the classificatory sense is (1) an artifact (2) a set of aspects of which has had conferred upon it the status of candidate for appreciation by some person or persons acting on behalf of a certain social institution (the artworld).[43]

This is not Dickie's only formulation,[44] nor his most sophisticated, but it is the one that some endorsing the Smithsonian and MoMa collections as art-making seem to be using. It is sometimes made even simpler: if something is in an art museum's collection, then it is art.

If something like this account of what makes something art is correct, then it is straightforward that videogames are now artworks, and why, as they have indeed been included in what are uncontroversially art institutions and were selected to be presented there by what seem to be relevant artworld members. But, of course, we must back up and pose more carefully the relevant questions: "What is the artworld?", "What are artworld institutions?", "Who are the relevant members of the artworld?" and "What kind of selection did they make?" before asking whether this is the right account of art. The answers to the former group of questions will show themselves to be relevant to the latter.

Donald Judd famously said, "if someone calls it art, it's art." For some, this maximally broad notion of what the artworld is, who the relevant members are, and what selection consists of is sufficient. Some people have started calling videogames an artform, or at least some videogames artworks, and this is enough for them. This maximally broad interpretation of institutionalism is a form of what

[43] [45, p.34]
[44]See [46]

Derek Matravers categorizes as *strong proceduralism.*[45] As he puts it, this version of institutionalism states that "all there is to being a work of art is to be an artifact of a kind created to be presented to an artworld public."[46] Elsewhere he states it differently, saying "Strong proceduralism claims that there is no reason, other than being appropriately presented to the artworld, such that for any work of art, that is the reason why that object is a work of art."[47]

These two formulations of a strong proceduralist version of institutionalism are not equivalent, as the first entails that it is the intentions of the creator that matter, while the second only requires that the work be presented to the artworld appropriately, presumably allowing the presentation to be done by someone who is not the creator. My argument is not over which of these formulations is correct, but which of these seems to be in use by those arguing that videogames are now art. Clearly it seems to be the latter, that mere selection for presentation in the artworld is sufficient to grant something art-status, regardless of whatever artworld presentation the creator of the videogame had in mind, or more likely, did not.

This, of course, is problematic, as art status does not reside *solely* in *someone* calling something art. If this were the case there would be no room for mistakenly calling something art or someone doing so as a hoax, as it would be a conceptual impossibility, for once one called it so, so it would be. Clearly then, taken literally it is false that just anyone can transform anything at all into art simply by calling it so.

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[45] [47]

[46] [47, p. 243]

[47] [47, p. 244]

Judd, however, is speaking with characteristic flair, highlighting the importance of an element of so-called Idea Art at the time, in response to a Formalist tradition that was concerned with craft and the way an art object looked. Thus we can take his comment in context with a grain of salt. A more reasonable interpretation of his statement understands him as defending the view that an artwork is not so because of its morphology, not because of its formal properties, but because an artist intended it to be art, directing the right kind of intention at it. What is this appropriate intention? Well, it would be something like intending the object to be considered alongside other artworks, or as other artworks have been considered, which generally includes an intention for them to be included, at least as potential members, in art institutions like museums and galleries.[48]

1.5.1   Selection Problems

In the present cases, however, it is not simply that someone has called videogames art. They have been put into the right kind of buildings, recognized by the right kind of institutions for inclusion as art objects. Or at least this is tacit in the claims of some in defense of videogames' status as art objects. But if we look more carefully at the way videogames have actually been exhibited, their inclusion is not as unequivocal as it may first appear. The Smithsonian exhibit, now touring the country, is not a permanent collection, at least not yet. Perhaps this is a small point, and we should note that the faddish attention of the artworld does not de-

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[48]Discussion on the limitations, or lack thereof, of the kinds of things that can be coherently put forward for consideration as a work of art can be found in [48] in response to [49].

termine something's art status, and this point says even less about other temporary museum exhibitions.[49] What is of more interest, however, is how the exhibition was presented.

The Smithsonian exhibition was, by many accounts, including my own personal experience, disappointingly tame and conservative. Importantly, almost none of the videogames included were playable.[50] Most of the exhibition was taken up by a dry, historical presentation of the development of videogame systems and a small, unplayable, selection of videogames from each. These were accompanied by still images and videos taken from the videogames. The reasoning behind making the exhibition like this is understandable, though it ends up being at odds with the aim of inclusion of videogames as art. The Smithsonian is an august institution, and large segments of videogame culture are not. To treat videogames like the other art objects in the museum might be seen as *too* inclusive to those who hold a dim view of videogames, as well as any reasonable method of inclusion being inappropriate given what videogames are and the way we engage with them. After all, it is relatively easy to hang a painting on a wall compared to the curatorial efforts required to maintain an operating videogame system.[51] However, some might think, to simply set up some videogame consoles and let the public have at them would be at odds with the kind of engagement that we think appropriate for artworks in art

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[49] An even smaller point, it seems, now that the Smithsonian has added two games to its permanent collection: *Flower* and *Halo 2600.*

[50] I use 'playable' to mean whatever engagement is appropriate to the work, and not to bias acceptance of videogames as artworks on the basis of them being playthings.

[51] Not that the Smithsonian has shied away from such involved curatorial tasks. One need only consider how difficult it is to keep Nam June Paik's *Information Superhighway* up and running, so to speak.

institutions. So a staid and compromised exhibition was the result, and what was offered was an institutional inclusion on the level of a presentation of an interesting cultural phenomenon. Thus while the Smithsonian exhibition is inclusion in an artworld institution, the Smithsonian created and couched the exhibition in a way that meant to sanitize that inclusion to some degree. This raises questions about whether the inclusion in the Smithsonian was of an appropriate sort, in other words inclusion as *art*, as opposed to another kind of inclusion, one that is insufficient to make something art by institutional theory standards.

The MoMa collection is different from the Smithsonian exhibition in that it is permanent. It is also different in that, when reasonably possible, the videogames are playable in their entirety. MoMa has taken seriously both the technical and experiential aspects of videogames in a way that the Smithsonian exhibition does not; when the games are not feasibly playable in the museum, due to their duration or complexity or the necessity of engaging with a massive number of other players, the MoMa curators have prepared narrated video guides to present the works.[52] All of this is less dryly historical and more clearly focused on the experiential quality of engaging with these videogames.

MoMa has not, however, added videogames to its permanent *art* collection. Rather it has added them to the *Applied Design* collection of the museum, to share space with vacuum cleaners and the cardboard coffee sleeve. It should be of no surprise that videogames can be objects of aesthetic interest and design sensibility;

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[52]The videogames that receive such treatment are *Dwarf Fortress*, which uses an incredibly unintuitive ASCII interface and GUI and *EVE Online*, a massively multiplayer online game. Neither is particularly intuitive, and both require great amounts of time. The latter also requires, if one is serious about ontology, roughly half a million other players to be properly played.

these are precisely some of the reasons why some have defended them as art candidates. It is less clear that inclusion in a collection of applied design in an institution that also houses art is sufficient to make them art. This leaves the MoMa collection facing similar complications as the Smithsonian exhibition: even if institutional inclusion is sufficient for art status, it is unclear that videogames have been included in whatever manner is appropriate to do so.

We can see that in these real world cases, even if institutional theory is correct, there is a strong case to be made that these videogames are still not art, as they have not been put forward in the right way for presentation to the artworld.

1.5.2   Selector Problems

So maybe the particular way that these particular games have been put forward is not sufficient to make them art. But let's imagine, for the sake of argument, that they were fully included in the appropriate institutions, unequivocally embraced by these lauded art institutions as art objects. Are those who included them justified in including them as art, as opposed to, say, objects of cultural significance or curiosity? Another way of asking this is, "Are the criteria for inclusion for presentation as art objects relevant to their inclusion *qua* art?"

The selection process used in the Smithsonian exhibition was caught between the categories of art and videogames, and seems not to have represented either category well. The exhibition drew on material from 85 videogames which were voted for by the public from a curated list of 240. The list was put together by

a group of videogame industry professionals led by Chris Melissinos, founder of PastPixels and former Chief Gaming Officer at Sun Microsystems, who also served as curator of the show.

This selection method should give us pause, as the worry here is about who are the relevant members of the artworld that are supposedly capable of bestowing the art status on these videogames. The videogames included were selected by a public online poll, so unless we are willing to grant the whole public the status of artworld member, and this seems like a move we should resist,[53] then they were not selected by members of the artworld. Thus their selection is not appropriate for the kind of artworld inclusion that IT prescribes.

Perhaps, however, the relevant selection happened in the selection of the initial 240 choices. This raises other questions. Are the guest curator and videogame industry professionals who were chosen to make this selection adequate artworld members? It appears that they were not chosen as selectors for their artworld expertise, but rather their videogame expertise. Melissinos' current work is on the preservation of videogame media, and this is obviously relevant to the curatorial practices of art museums. However, it is also relevant to broader preservation and curatorial practices for many media other than videogames, and thus is not a reliable marker for *art* expertise.

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[53]It could be objected that perhaps the members of the public who actually voted are indeed appropriate representatives of the artworld. That would of course be quite the happy accident, but it only further stresses the need to say what exactly the qualifications are for being a member of the artworld and furthermore what the criteria for selection for artworld members and their choices is. If, however, the response is that in virtue of voting for what objects to include in an art institution *makes* the voters members of the artworld institution then that status is both question-begging and problematically unfalsifiable.

Maybe it is the artworld member(s) at the Smithsonian who chose the selection committee that is able to confer art-status-granting powers, but this seems like an unreasonable stretch of transitive powers, by all but the most permissive forms of institutional theories. Such a stretch would threaten to give anyone who ever selected an object for inclusion in an institution art-granting powers, and further, to anyone who selected anyone for such a task. If this were the case, would then the United States government, in dispensing National Endowment for the Arts grants, or boards of trustees at private institutions, then be able to turn an object from non-art to art? Such a conclusion seems absurd.

The above considerations about selection highlight a related set of problems for an institutional theory of art, all stemming from problems of circularity defining the artworld. If art is what is selected by artworld members, and artworld members are just those who do the selecting of art, then there does not seem to be a way to enter the circle, definitionally speaking. Are the members of the artworld made so by fiat, and do their selections make objects into artworks by fiat also? If the institutional theory is saying that this is all there really is to art, that seems a very unsatisfying answer, one that misses something about the nature of art or why we care about it or what kind of properties we expect it to have. This concern about arbitrariness motivates the search for some set of reasons why an artworld member selects one work over another for artwork status.

A search for artworld selection reasons is also motivated by concerns about what kind of selection is taking place and when a selection by an art institution is an *art* selection. Art institutions make selections about informational placards,

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lightbulbs, hand rails, and advertising posters. What differentiates these selections from art selections, if the only criteria for being art is that something has been selected by an art institution. Perhaps some of these objects, like lightbulbs and hand rails, can be excluded because they are not being selected for an artworld public. But certainly informational placards and advertising posters are, and the problem persists in finding reasons to distinguish art selections. But any move to give properties or conditions for selection of artworks beyond mere fiat would undermine the point of institutional theories, which is to situate artworks and art-making practices within institutional ones, leaving aside problematic, because inadequate, accounts of some univocal property shared by all artworks. The problem, in other words, is that as stated the institutional theory is not a proper account of artworks, and moves to remedy it in the direction of requiring certain properties of artworks transforms it into a different, non-institutional, kind of theory.

There is a way to limit the relevant kind of selector. Dickie's later formulation of institutional theory could be helpful here. "A work of art is an artifact of a kind created to be presented to an artworld public"[54] If this is the preferred formulation, then we can set aside questions about the selection process and who the selectors are from the perspective of artworld institutions and instead focus on the creators of the works. Were any of these videogames created "to be presented to an artworld public"? This is not an easy question to answer, but it does suggest some possible answers. As Matravers points out, to give this formulation a "strong proceduralism" reading makes the created-for-artworld-presentation condition sufficient for art

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[54] [46, p. 80]

status, as nothing more is needed. But if the resistance we might feel towards the bare sufficiency is because we would like to believe that people have a reason for doing the things they do, then Matravers' *weak proceduralism* formulation is more appropriate. This states that artworks "attained their status for whatever reasons were operative in the artworld at the time."[55]

This move from unreasoned selection to reasoned selection puts *weak proceduralism* into a place Matravers claims of "remarkable consensus among current analytic philosophers of art that something like this must be right.'[56] This move, however, undermines the motivation of an institutional theory that claims that videogames are now art because of their inclusion in artworld institutions. To say that there must be reasons is to say that there must be *other* reasons for art status beyond mere art institution selection. This may be correct, but it prompts one to leave behind institutional theory's *strong proceduralism* and take up some other kind of account of art. Once this move is made, there is no more room to appeal to *mere* inclusion, but to inclusion of a certain kind, one that appeals to the reasons of the selectors or creators; an explanatory burden that theories other than institutional ones are capable of bearing, while institutional theories themselves cannot.

Is there an appropriate party who possesses the relevant artworld and videogame expertise to be an adequate selector or presenter of works as artworks? Perhaps it is a creator who creates with the right intentions, or maybe it is a sufficiently expert member who selects in the right way. But if defining and finding such a party is nec-

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[55] [47, p. 244]
[56] [47, p. 245]

essary it stresses the importance of what would qualify them as appropriate creators or selectors, and attempting to answer this question further shows the insufficiency of institutional theory to settle the matter of videogames as art. In fact, doing so would just enact a concrete scenario for Richard Wollheim's dilemma for Dickie's position. He puts the dilemma as such: either there are good reasons for something to be art or not, for any objects included in an art institution. If not, it puts the importance of institutional theory into question. If yes, then those reasons would seem to make the beginnings of a good definition, and obviate the need to appeal to institutional theory in the first place.[57]

1.5.3 The Also-Rans

Perhaps even more problematically, what do we make of the remaining 155 videogames that were on the ballot, but did not receive enough votes in the poll? Are they art? Not art? Stuck in an art-like limbo? None of the answers are satisfying. Does institutional theory entail that the 85 games that were selected were not art all this time, only becoming art now that they have been selected? This would certainly expose the pure fiat by which something is made art according to institutional theory. It does, however, leave those unselected games maddeningly counterfactually close to art-status, perhaps too frustratingly so even for an advocate of institutional theory to be comfortable with.

A further difficulty, even if the right kind of person included them in the right way, is whether this says anything about the rest of videogames, those not (yet)

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[57] [50, p. 160]

included in the right institutions. Institutional theory is not meant to grant art status to whole categories of things or media, but rather to selected individuals. Thus taken strictly, even if a videogame is appropriately selected by an appropriate member of an appropriate artworld institution, this does nothing to expand the banner of art to include all videogames, unless by some convoluted transmission of artworld-institution-status the Smithsonian and MoMa are somehow able to turn the videogame distribution markets XBox Live, PlayStation Network, and Steam into artworld institutions themselves. This lack of general support for the art status of videogames by institutional theory is likely to leave those who tacitly invoked it a bit cold, thus weakening any claims to intuitive support it might have hoped to gain.[58]

It does not appear that institutional theory would count the videogames in the Smithsonian and MoMa exhibits as art. Even if it did, however, it would only serve to highlight the problems of justifying institutional theory in light of whether its selections are reasoned or by fiat. None of this is to suggest that videogames are not artworks, or could not be. What this shows is that for any videogame, if it is art, it is not because of the recent selections made by the Smithsonian and MoMa, even were they were to have happened under more ideal circumstances.

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[58]One could propose a form of institutional theory whereby once a member of a medium is selected as art it turns all the members of that medium into art. This would be an institutional theory about media and not particular works. While this would give a theory the power to extend art status to non-selected works, inclusion by virtue of medium similarity, it raises all the same questions about how one medium is selected and another is not, while demanding an answer to the difficult problem of defining media. Furthermore, this leaves artworld selection as only relevant for the first selection of any member of any particular medium, that initial selection doing all the art-making work for all other members of that medium. This kind of institutional theory would be even more attenuated from actual practice, serving only a kind of initial media baptism role, and leaving the account no explanatory power over all the subsequent, and apparently irrelevant, work selections the artworld continues to make.

It appears that the public appeal to something like an Institutional Theory fails to provide a satisfying answer to the art question. This is not merely because of the contingent facts about the actual exhibits of videogames. It is because of how institutional theory fails to give a satisfying answer even about paradigm cases of art. If something is presented to or accepted by the artworld, we want to know what makes that object a candidate for such a procedure. It is no good to simply say that the procedure occurred. For even if we can find an uncontroversial case of an artworld institution accepting a videogame as art, we will want to know *why* it was accepted, what it was about the videogame that allowed its acceptance, and what separates it from the myriad videogames that are not christened as art by a representative of the artworld, not least so that we can apply or withhold that same status to other videogames not yet selected by the artworld.

Still there is a lot to be gained from careful attention to institutional theory. The most important lesson, presented so eloquently by Arthur Danto,[59] is that something's art status cannot depend on its manifest properties, but must instead depend on some kind of relational property. Institutional theory provides one way of understanding the necessary and sufficient relational property, namely presentation to and acceptance by an artworld institution. It has been carefully argued by many that this argument fails. But that does not mean that all theories of art that centrally feature relational properties must fail. There are other candidates, and we shall return to them later in this section.

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[59] [51]

1.6 Cluster Theory

The cluster account of art is the second substantial defense of videogames as art in the philosophical literature. Berys Gaut defends the account as a skeptical response to the difficulty of providing a definition, and as a reconfiguration of the definitional project given what he takes to be a wrong-headed approach to defining art. A cluster account of art has been appealed to by a handful of philosophers keen on defending the art status of videogames, including Gaut.[60] Like the other definitions considered so far, the cluster account faces strong criticisms as a general account of art; we shall see that unlike most other definitions it fails to answer the art question of videogames by being unable to supply an answer. Instead of giving a poor answer, it can give no answer at all.

In developing the theory Gaut is sympathetic to the resistance to definitions espoused by Wittgenstein and Weitz, but believes that the resemblance notion is not sufficient to establish the anti-essentialism he finds compelling. To reject the definitional project and support his anti-essentialism, Gaut develops and defends his cluster account of art.

In Gaut's words, "art is a cluster concept and for that reason cannot be defined."[61] By 'cluster concept' he means that "there are multiple criteria for the application of the concept, none of which is a necessary condition for something's being art."[62] The possession of any individual criterion *counts towards* something's

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[60] [52] and [53]
[61] [54, p. 273]
[62] [54, p. 273]

being art, but is not necessary. For Gaut, this means that if there is a list of criteria which form the cluster of a concept, then the possession of all of them is sufficient for that thing to fall under the concept. Not all the criteria, however, need be satisfied for something to fall under the concept. As he explains the notion *counting towards*:

> First, if all of the properties that are criteria are instantiated, this suffices for an object to fall under the concept; and more strongly, if fewer than all of these properties are instantiated, this also suffices for the application of the concept. So there are jointly sufficient conditions for the application of the concept. Second, there are no properties that are individually necessary conditions for the object to fall under the concept (that is, there is no property that all objects falling under the concept must possess). Third, there are disjunctively necessary conditions for application of the concept: some of the properties must be instantiated if the object is to fall under the concept. By the second point, it follows that if a concept's meaning is given by a cluster account, one cannot define that concept, in the sense of fixing *individually necessary* and jointly sufficient conditions for it.[63]

Gaut defends a particular cluster account of art, which posits ten criteria:

(i) possessing positive aesthetic qualities (I employ the notion of positive aesthetic qualities here in an narrow sense, comprising beauty and its subspecies)

(ii) being expressive of emotion

(iii) being intellectually challenging

(iv) being formally complex and coherent

(v) having a capacity to convey complex meanings

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[63] [54, p. 274] author's emphasis.

(vi) exhibiting an individual point of view

(vii) being an exercise of creative imagination

(viii) being an artefact or performance that is the product of a high degree of skill

(ix) belonging to an established art form

(x) being the product of an intention to make a work of art[64]

There are several considerations in light of this list and what Gaut takes a cluster concept to be. Importantly, he aims to defend the form of a cluster concept of art, and not the specific cluster that he puts forth. Also, this specific list provides a clear example of several features of the cluster account that we can now look at specifically. Primarily, if we assume that this is a correct list of the criteria that make up the cluster concept that is art, we now know that if any object possesses all ten of these criteria, then it is art. Also, as defined, none of the criteria listed are individually necessary; there is no one property that every work of art must have.

That Gaut proffers any specific set of criteria is interesting because he claims to be only defending the form of a cluster concept, not the specific cluster that he presents. This tempers his claim about evidence against the definitional project. What is interesting is that this list may be incomplete or problematic. If something was missing from the list, or incorrect about it, this would not count against the form of the cluster account, but only that specific set of criteria.

Gaut is right that any incorrect list would not count against the form of the cluster account, but this diminishes his claim about the problems that a definitional account faces. Thomas Adajian points out that the same strategy can be

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[64] [54, p. 274] items put into list form for clarity's sake.

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used to defend definitional approaches. As he writes of Gaut's defense of the form over the content: "This in turn entails the failure of one way of arguing that art is indefinable—by induction from premises about the defectiveness of attempted definitions."[65] Just because one, many, or all our ways of trying to define art have failed, it does not follow that the form of a definition of art must be a failure, but only the content of those particular definitions.

Gaut's response to Adajian is that he does not hold that the inference is valid against definitions but not against the cluster account, but rather that the inference is supportive of pursuing the cluster account. He uses the example of losing your keys, and looking for them in the house awhile, and then considering looking for them elsewhere. This is a fine enough analogy, but one that can offer only limited support for the truth of the cluster account. We could even push the analogy further. Perhaps it is the search for a definition of art that is like looking for your keys at all. When they cannot be found, either within the house or without, it is not that you should look elsewhere, but perhaps begin to wonder if there were ever keys to begin with.

1.6.1   Is the Cluster Account a Definition?

The cluster account, as Gaut has outlined it, is supposed to be a corrective to the traditional, and supposedly failed, attempt to provide a definition of art, replete with necessary and sufficient conditions. Stephen Davies has argued that it fails in this aim because it is itself a definition, albeit a highly disjunctive one. Though

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[65] [55, p. 381-382]

an incredible number of disjuncts may seem to lend support to anti-essentialism, the actual number of disjuncts may not actually be all that incredible. And if the disjuncts together can form a definition, then Gaut has not provided an anti-essentialist counter to the definitional project.

Davies traces Gaut's *prima facie* reasoning:

He reason[sic] as follows: the cluster theory allows for many different ways in which something might qualify as an artwork. Where the chain of alternatives is very long—indeed, where there might be nearly as many disjuncts as there are putative artworks—what is uncovered is not an underlying essence but merely an enumeration of the concept's possible extension. Because he believes the number of disjuncts is bound to be very high for the case of art, Gaut concludes that the cluster account is anti-essentialist at heart. It reveals that art cannot be defined while demonstrating how artworks come to be grouped together under the concept.[66]

Thus, if there are millions of possible disjuncts of criteria that are sufficient for making something art, this would be suggestive of there not being anything essential shared among all the art objects and that a definition of art cannot be provided. However, it does not seem as though there are so many disjuncts, and *a fortiori* there are not nearly as many disjuncts as there are works of art.

Out of the ten criteria given, Gaut endorses only one of the possible disjuncts as being certainly sufficient for art status: possessing all ten criteria (or all of whatever number of criteria the final considered list would have). He considers other possibly sufficient combinations, like criteria (1), (2), (4), (5), (8), and (9), but does not

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[66] [56, p. 299]

offer much beyond that. He also notes that the art-making disjuncts will not all be the same in number, so we cannot conclude something like, "Any group of eight criteria will be sufficient for art," or some otherwise similarly ordered claim. This in itself greatly limits the number of disjuncts that the cluster account will generate, but even without this reduction, the theory does not generate impossibly too many disjuncts, or even larger numbers that approach the number of art works.[67]

For instance, and simplified for example by not excluding certain disjuncts, Davies calculates that even if every possible combination of eight or more criteria was a sufficient disjunct, that would only add up to fifty-six ways of being art. As he concludes, "I see nothing in his account entailing that the disjuncts must be too numerous to qualify the result as a complex, disjunctive, but otherwise orthodox, definition, so long as those disjuncts are specified at an appropriate level of abstraction. In other words, there will be a list of complex alternatives, but not one that is absurdly extended."[68]

If Davies is right, then his concluding words are apt: "I conclude that the cluster account lacks what Gaut identifies as its primary virtue. It does not support anti-essentialism in aesthetics. The reverse."[69]

What to make, then, of the support the cluster theory receives from those who consider the art status of videogames? Gaut offers four methodological considerations that any account of art should meet. In his words, an adequate account of art

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[67]This is different from ([57]), in which a cluster account is defended in which the possession of a threshold of criteria is sufficient for art status. Gaut argues against this kind of formulation that in different criteria may count towards art status with different weight in different combinations.

[68] [56, p. 299]

[69] [56, p. 299]

must be *adequate to intuition*, *normatively adequate*, include a *theory of error*, and have *heuristic utility*. We can address these in order.

The constraint Gaut finds most important is the *adequacy to intuition*, that the account should agree with our intuitions about what things are art and what things are not, including both actual and counterfactual cases. This is, as far as I can see, an unobjectionable constraint, but one that shows in particular the failing of the cluster account as it applies to videogames. If, as Gaut claims, adequacy to intuition is the most important constraint of an account of art, then it does no good to appeal to the theory when trying to classify videogames as art or non-art. The whole point of bringing a theory to bear on the question is precisely because we *don't* want to lean too much on our intuitions about whether videogames are art. Furthermore, if we are actually ambivalent or agnostic about the art question of videogames, and thus unsure of what our intuitions tell us about a case, then a theory whose best credential is that it lines up with our intuitions will not help us.

Gaut could respond by saying that if the account lines up with all our *other* intuitions about art, and perhaps does so better than any other theory or account, then whatever it tells us about videogames, intuitions aside, will be informative and likely correct. This is, in fact, the tack he takes in arguing that the cluster account matches our intuitions better than functional, institutional, or historical accounts do. He dispatches functionalist and institutional theories rather quickly, and for similar reasons as I have given above. What is of interest is his response to historical definitions. He thinks that historical definitions face a problem because aliens might make art, and we might discover it, but depending on how we formulate

the definition, we will have to say that either the objects we found are not art, or that the aliens did not know they were making art.

This is not a convincing refutation of the intuitive adequacy of historical definitions. First, certainly aliens could make artifacts that were superficially or formally similar to our own artworks, but this does not show that they were indeed art. In fact, to claim that they are would be to beg the question. Second, there are plenty of instances of artworks made on earth by humans that are best explained by not ascribing a self-aware art-making intention to the creator. This meets his *error theory* constraint, and allows for the reflective equilibrium of the *normative adequacy* constraint. So by those lights, historical definitions seem to meet his constraints as well as the cluster account. Furthermore, it is not clear to me that we really do have the strong intuitions about alien art that Gaut claims we do. Finally, he argues that the cluster account avoids Kripke's argument about cluster accounts of names because "art" is not a proper name nor a natural kind. "Indeed art may be the preeminent example of something that is *not* a natural kind".[70]

I think Gaut is exactly right about this. However, what it shows is his covert affinity for the historically contingent nature of art. This affinity reveals his alien art objection to be quite toothless, as there is no natural kind out there that aliens can be making instances of, but only our own historically contingent human practice of art making. Rather there is only our actual art making practice that aliens could be participating in, not with complete epistemic awareness but only by other, more intrinsic criteria. The sufficiency of certain intrinsic, rather than explicitly art-

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[70] [58, p. 38]

historically relational properties is a subtle point of which a full defense will have to wait until the following section. But it should be sufficient for now to say that it is that very nature of art that Gaut is appealing to in defending the cluster account against Kripke's otherwise aimed criticisms.

Most devastatingly, I take it is the very flexibility of the account that Gaut repeatedly claims is its virtue. He defends the form of the cluster account over the particular criteria that he gives by noting that even if the criteria he gives are incorrect, we can just modify the list to reflect the reasons why we include some new piece of art that eluded inclusion on the going list of criteria. But surely this is telling of a deep inadequacy of the cluster account to explain why something is art, and is even less adequate at classifying new forms, media, or uncategorized objects. If the account is modifiable by *first* checking something's art status and *then* making sure the cluster includes the relevant criteria, then there is something else doing the classificatory work, not the cluster account itself. What is this unspecified, and presumably unspecifiable, intuition that guides our art classifications that we then fit with a post-hoc set of criteria? Because no set of criteria, save the totality of them, can be sufficient for something's art status, the account cannot dispel our ignorance, it can only match the judgments we have already made. This is precisely the problem the cluster account faces when it is put into service to answer the art question of videogames.

Interestingly, though the above considerations show the cluster theory of art to fail in its own aims, namely that of anti-essentialism, and thus fail to be a good art theory by which to examine videogames, it fails in another way too. The cluster

theory of art simply cannot provide an answer, positive or negative, to the art question of videogames.

1.6.2 Cluster Account Failure

How, exactly, does the cluster account of art fail to provide an answer to the art question of videogames? Videogames are, by some lights, what are often called borderline cases of art. They exist at the edges of what can be acceptably recognized as art, and it is possible that they should be included, and it is possible that they should be excluded. Our intuitions about their status are said to be on the borderline of art and non-art and thus not determinative or wholly reliable. This is not a case where a theory ought to match our intuitions, since there are none, or they are too weak, so we must turn to our theory. This is importantly different from so-called *hard cases* of art. These are cases that are, less controversially, art, yet prove difficult to account for by extant theories of art, and thus require a revision of the theories. Thus borderline cases test theories of art in a different way than hard cases do. While hard cases test theories by forcing revisions upon theories that do not include them, borderline cases instead impose precisification on theories that cannot settle borderline cases of art one way or the other.

Recall that Gaut employs the notion of *counting towards* in his cluster account. The strong consequence of this is that, as in his case of ten criteria, while possessing all the criteria is sufficient for something to be art, possessing less than ten of the criteria can also be sufficient for something to be art. What Gaut does not claim

of the cluster account is that it offers a list of criteria which are, in any number, sufficient for arthood. In other words, it is not always the case that the possession of a subset of the ten criteria is sufficient to make something art.

We can see that this is so by examining the individual criteria, assuming that the list of criteria is correct. Consider the first criteria, possessing positive aesthetic qualities. Many things that are not art possess positive aesthetic qualities, like some people, sunsets, flowers, mountains, trees, wall paper, faucets, motorcycles, and shoes. Similarly with the second criteria, being expressive of emotion. Many things that are not art are expressive of emotion, like someone crying, or yelling, or a heartfelt card, or a touching eulogy. None of these things are art, yet they satisfy a criterion that *counts towards* them being art. As we can see, the satisfaction of a single criterion that count towards being art is not sufficient for that thing to be art.

Nor is the possession of just any set of multiple criteria sufficient for art status. For there are things that possess criteria (i) and (ii) and yet are not art. These would be things like a beautiful smile, or a lonely vista, or a handsome happy dog. So the set of criteria that is sufficient for something to be art must be of some certain sort such that it picks out only art objects and not also non-art objects.

Gaut considers a condition on such sets that says that the object in question must satisfy *most*(or some specific number) of the criteria. And that "cluster accounts which hold that most of the criteria must be satisfied in order for something to be art can indeed provide a method for determining whether something is a borderline case of art: they can stipulate what proportion of criteria must be satisfied

in borderline cases, and what proportions in the cases of works that are clearly art and works that are clearly not."[71] But Gaut strongly criticizes this condition. "Such accounts are implausible: why should we suppose that our concepts are structured so that each criterion is of equal importance no matter what the other criteria are with which we consider it?"[72] For instance, he criticizes Dennis Dutton's use of a numerical threshold for a cluster account because, in Dutton's example, meeting six of his criteria is not always sufficient for something to be art. "For instance, professional football games satisfy (i)–(iv), (vi), and (vii), yet professional football games are not works of art."[73]

Clearly the same holds for Gaut's theory and any attempt to give a numerical threshold of his criteria for art sufficiency. Adajian recognizes this, and criticizes Gaut's view as being unable to provide a satisfying account of when something is a borderline case of art, or even of art and non-art. While Gaut's list of criteria certainly captures something about art, it provides no means for discerning the art status of objects whose status is in question, yet satisfy some set of the criteria. This is because there are objects that satisfy sets of the criteria and are art, and objects that satisfy sets of criteria and are not art.

What would be devastating to the theory is if there are two objects that satisfy the same set of criteria, one of which is art and one of which is not art. But even without considering this possibility, there is a further problem. For any given object whose art status is in question, is the set of criteria that it satisfies

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[71] [54, p. 279]
[72] [54, p. 279]
[73] [54, p. 280]

(assuming it satisfies any) sufficient for it to be art? The cluster theory does not seem to be in possession of the resources needed to make decisions on borderline cases. Adajian points this out, noting that, "the cluster view has no resources for saying, of any given thing with some but not all of the criterial properties, whether that thing is an artwork, not an artwork, or a borderline case. That is, the same 'explanation' of why one thing is a borderline case—it has some but not all of the criterial properties—is also the 'explanation' of why a second thing is an artwork, as well as the 'explanation' of why a third thing is not a artwork. But if the cluster view cannot say, of a given case which has fewer than all the properties, what makes it a borderline case, rather than either an artwork or a clear non-artwork, it seems to lack explanatory power."[74]

Gaut responds to this criticism by acknowledging that a numerical threshold is indeed unworkable, but that there are other ways of making the criteria work. He notes the extreme limits of the implications of cluster theory, that "objects satisfying all or none of the criteria will not be borderline cases of art; but that is all."[75] He concedes that, "it is certainly the case that merely saying that an object satisfies some but not all of the criteria does not differentiate between art, non-art, and borderline cases."[76] This is right, and thus Gaut's theory requires a further explanation of what differentiates the sets of criteria-meeting categories of art, non-art, and borderline cases. It is here that Gaut's resources run dry. He offers this suggestion: "The method is the familiar method of inspection: that is, consider the

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[74] [55, p. 382]
[75] [54, p. 280]
[76] [54, p. 280]

particular subset, and consider whether something satisfying it is a borderline case or not."[77]

This is particularly vexing when the cluster theory is used to defend the art status of videogames. What is done is to claim that videogames meet some set of the criteria in the art cluster, and that this cluster is sufficient. What is problematic, however, is that the cluster theory cannot be used this way. On one hand, if videogames meet a set of criteria that are not met by other art objects, it is unclear whether the set they do meet is a set that is sufficient for art status. The only way to check, however, requires an independent verification of the art status of videogames. Once we know that, say, videogames are art, then we know that the set of criteria they meet is a sufficiently art-making one.

The greater problem, however, is that the cluster theory presumes that different objects meeting the same set of criteria must therefore have the same art or non-art status. But this is only a presumption of the theory and, I believe, one undermined by other elements of the theory. Recall that Gaut is not defending the particular set of criteria that he proposes, only the general form of the cluster theory. To determine the proper set of criteria, we consider artworks and the criteria they possess and make a list. If, however, the list is inadequate in some way and either includes non-art objects as artworks (perhaps by them meeting all the criteria), or fails to properly include artworks, then the list must be modified. But this faces the above problem of requiring independent verification of the art status of these objects. First we must come to know by some other method what the art status of

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[77] [54, p. 280]

an object is, and only then can we either recognize the criteria or judge a proposed set as correct. But this leaves open the possibility that some set of objects meet some set of criteria, some of them being art and some of them not. Because this is always a possibility, no cluster of criteria can ever be known to be sufficient for art status for an object of unknown art status. It might always turn out that the object in question was an aberrant member of the set of objects that met those criteria, and while they appeared sufficient for status, they either are not in general or not in particular as regards this object.

This means that a cluster theory cannot be appealed to in answering the art question for videogames. Not because it fails as a general account of art, though it might do that as well. But because it cannot, in principle, be used to settle the art status of objects whose status is unknown. And given that the art status of videogames is the very thing in question, this is precisely the kind of work that a cluster theory needs to do, but cannot.

Gaut's approach is good general advice for thinking about art; when dealing with art theories we should reflect on sets of criteria and consider whether the objects that satisfy them are art objects or not. In fact, this might just be a restatement of the best methodology going. However, this betrays the reliance one can put on the cluster account of art. Gaut's response shows that the cluster account cannot settle borderline questions, or even determine whether something is a borderline case. Instead we have to look to something else to make this determination. Whatever else that thing may be (e.g. intuition, institutional stipulation, other theories) it will be more than the cluster account gives us. This conclusion may initially seem satisfying

to the proponent of the cluster account, given its anti-essentialist motivations, but it does not recognize that the dependence on some other determining factor in something's art status may be definitional. What are we to consider when thinking about sets of criteria in the cluster account if they themselves are not sufficient to settle the matter? Definitional approaches to art can offer an answer to this question, whereas cluster accounts must pass the buck onto some unspecified criterion that it must hope will not threaten the anti-definitional nature of its main account.

1.7   A Definition of Art

No definition yet examined can satisfactorily answer the art question of videogames. This is for one of two reasons: either the definition fails as a general definition of art, and thus also fails in the particular case of videogames, or, as seen with Cluster Theory, is not equipped to give an answer about videogames at all, regardless of its explanatory power about other artforms. Not every possible account of art has been examined, nor every variation and form of the kinds of definitions offered, but there are reasons to doubt that any definition of the kinds offered above can be successful. As Stephen Davies observes, definitions of art tend to come in a functional or procedural form.[78]

Functional definitions hold that for something to be art it must fulfill a certain function or functions, the usual function being an aesthetic one. But regardless of the function chosen, be it aesthetic, expressive, communicative, creative, or anything else, there will always be counterexamples that show such a definition to be too

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[78] [59]

narrow. This has become especially salient in the twentieth century, which has seen the concept of art evolve into an ever more stripped down set of criteria, shedding not only its aesthetic function, but even its objectual physicality, as evidenced in Minimal and, subsequently, Conceptual art. Given what art has become and the vast diversity of objects (and non-objects) that can be artworks, it is unlikely that any definition could be given that will adequately outline a function that all and only artworks possess.

Functional definitions are also problematic in being too broad. As with aesthetic functions, there are obviously many objects that are not artworks that also serve aesthetic functions. The same is true of any candidate function for definitions of art. No matter the function singled out for arthood, there are a plethora of other things that also serve those functions. The only way out, it seems, is to try to specify a kind of "art" function, to add a condition that specifies not only what property an object must possess, like aesthetic excellence, but also that it must be art, stipulating a distinction from non-art objects. But this approach simply recreates the problem of defining art while simultaneously showing that the function in question is insufficient to the task. If there were a way of picking out art objects and *then* recognizing their aesthetic function, it would make the latter unnecessary.

The other sort of definitions are procedural, which face a dilemma that seems to force them into relying on a function. If all that art really is is the outcome of a particular kind of procedure, as is proposed by Institutional Theory, then the value and distinctness of art seems threatened. For art to be a purely procedural matter is to make it a purely arbitrary matter. To avoid the charge of arbitrariness the

proceduralist could offer reasons for why the procedure of deeming something art is appropriate in one case but not another, but that is to make the procedure itself secondary to whatever reasons guide the implementation of the procedure. Leaning on such reasons threatens to turn the definition into a functional one, which would avoid the threat of arbitrariness but at the cost of the problems that functional definitions face.

We have dispatched many of the accounts and definitions of art that have held a place of prominence during the past few centuries. These accounts have failed either because they are incapable of satisfactorily answering the art question of videogames, or, and in some cases also, because they fail as an account of art independently of the art question of videogames. A definition of art is still needed to make good on the first part of the project, which is to provide an analysis of art that is not trivial and that allows us to make progress on answering the art question of videogames. Functional and procedural definitions both seem inadequate, so something else must be suggested. In the following section, I expound the Intentional-Historical definition of art, put forth by Jerrold Levinson, and then defend the definition against several recent objections.

1.8   Intentional-Historical Definition of Art

The practice of art is expansive and includes many seemingly disparate things. The challenge of successfully defining art is to discover the feature common to all artworks that is also unique to them. As we have seen, attempting to specify a

function that all and only artworks possess does not look promising, nor does giving a non-arbitrary proceduralist answer. Jerrold Levinson attempts to remedy this dearth by proposing an Intentional-Historical definition of art. He finds something appealing in the approach of an Institutional Theory, that there is something about the intention of the artist to put forward a work for a certain kind of reception. The disagreement comes about on the point of what kind of intention or action is the sufficient one for art-making. Institutional Theory has it that the art-making happens in the acceptance of the artworld representative or the intention of the artist that the artworld accept the work as art. Levinson's account differs in the nature of the intention required and the kind of reception, if any, that is needed for art status.

Levinson begins by pointing out that the concept of art has changed over time and that today there are vastly different kinds of objects that fall under the concept of art. What is common to Austen's *Pride and Prejudice*, Michelangelo's *David*, Manet's *Olympia*, Beethoven's 5th Symphony, Duchamp's *Fountain*, and Robert Barry's *Inert Gas Helium Mojave Desert*? While it might be the case that in the past art was concerned primarily about the mimesis of nature, or displaying aesthetic form, or expressing an emotion, or communicating the ideas of the artist, none of these are sufficient to capture all the works that have been created in the total history of art.

In short, Levinson proposes, something is an artwork iff it is or was intended or projected for overall regard as some prior art is or was correctly regarded.[79] With-

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[79]For the original formulation see [60]. Subsequent revisions can be found in [61], [62], [60],

holding an explicit account of each of the features of this definition for treatment below, the immediate take-away is that the definition is an essentially historical one, building into the definition of what makes something art now the actual contingent history of what was art in the past. This irreducible historicality is part of what must be intentioned by would-be art-makers in order for their art-making intentions to be sufficient. It will have to be explained how different ways of making this intention come about work, but first, let me highlight what makes this definition different from and superior to other definitions.

What *is* similar across all works of art is that there is an art-making intention present in all of their creations. By making the art-making intention sufficient, the Intentional-Historical definition can be distinguished from the problematic notions of art as cultural performance and requiring any specific kind of appreciation.

Divorcing art-making from a kind of cultural performance separates the intentional-historical account from proceduralist accounts like institutional definitions. Where those accounts require a kind of public or artworld ceremony to transform or baptize an object as an artwork, the intentional-historical account does not. The art-making intention is sufficient; this allows for private art that is never seen by or presented to an artworld representative, and can even, to a certain extent, be made unawares of the artworld. This distinguishes the definition from the institutional theory's conflation of art and self-conscious art, allowing art to be made in a more naive form even by those who do not wear the professional or cultural mantle of "artist".

That the intentional-historical definition puts such weight on an art-making

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intention allows it to avoid the problems that other definitions face, either in under- or over-specifying the kind of appreciation that is appropriate to art. Most definitions offer an account of appreciation that is appropriate to some, perhaps even many artworks, of a certain period. The difficulty they face is in giving an account that holds for all artworks, across all periods of art, and is plausibly extended to future art and the ways in which new artworks might be made.

The intentional-historical account is in effect a template-like definition, referring to, though not explicitly naming, all appropriate ways of regarding artworks. This includes ways of appreciating them. By referencing the actual history of art, the definition necessarily contains all the ways artworks have properly been appreciated in the past and includes them as ways art can be properly be appreciated in the future. This has an obvious advantage over definitions which attempt to pick out one particular way of appreciating artworks and applying it as a necessary and sufficient condition for all artworks. This, of course, is both too narrow and too broad, as any one way of appreciating artworks will fail to capture artworks that require different kinds of appreciation as well as potentially including non-artworks that welcome the same kind of appreciation without also being artworks.

It might be countered that an adequate functional definition could be given that simply lists all the ways art has been appreciated in the past. This might be successful for the present, but faces two difficulties. The first is that it may not be that all correct or proper art regards or regardings are appreciative in nature. There may be other proper ways of regarding or engaging with a work beyond appreciative ones. This depends heavily on how we distinguish these notions, but in

broad strokes, appreciative practices are ones focused on the experience the viewer has when engaging a work. This already does not cover creative functions, like Collingwood's, and there may be others. More difficult, however, is that even if all ways of regarding are appreciative and giving a correct list of all appreciative practices is sufficient to capture all that ways that art has been intended in the past, it might always be the case that new ways of appreciating works come to be proper, as with revolutionary art. The intentional-historical theory can handle revolutionary art, as will be shown below, while a proposed maximal list of appreciative ways cannot.

The historicity of the definition also fleshes out the kinds of appreciation appropriate to art left unsatisfyingly underspecified in the case of the institutional theory. Institutional theory must avoid the undermining effect of weak proceduralism which would introduce other sufficient reasons for something be an artwork. This seems to leave it only the option of being a strong proceduralism, which carries with it an uncomfortable arbitrariness about the art-making procedure.

The intentional-historical definition avoids all these problems, by specifying but not over-specifying the kinds of appreciation appropriate for artworks and then tying those to the necessary and sufficient art-making intention rather than a kind of cultural performance or ceremony.

This is a quick overview of how the intentional-historical definition is different from competing accounts. Now we can look carefully at exactly what the definition says and how it is supposed to cover all and only artworks.

The definition first takes as a requirement both extensional and intensional

adequacy. This means that it must both correctly categorize artworks as such, neither leaving any out nor including too much, as well as telling us something about the nature of the concept art and not leaving it as an empty title. The definition's adequacy on both counts should reveal itself as it is explicated, but I shall return to this in the conclusion.

The first charge is to find something common to all works of art. As noted above, at minimum there seems to be an art-making intention present for all works of art. It must be said what it is to have this kind of intention. The intention need not be explicitly "I intend this thing to be an artwork," though that kind of intention can at times be sufficient. The idea is that the intention governing the work is intent for regard-as-a-work-of-art. What this means is the way any work or works of art have been properly regarded in the past. This involves both the intentional and historical elements of the definition. While for something to be an artwork requires this kind of intention, thus the intentional part, that intention necessary involves the history of our art-making practice, thus the historical part.

To intend a work for regard as works of art have been properly regarded in the past is to necessarily invoke the actual history of art. This gives the theory content, whatever ways of regarding are actual in art history, but does not restrict the definition to identifying some particular way of regarding works that may not include everything. In a sense this lets the definition off the hook of having to specify what the actual ways of proper art regarding have been, and thus currently are, but it does so in a way that meets our intuitions about the importance of an understanding of art history to an understanding of art. Given how human-

dependent and culture-dependent, and indeed historical, art is, it would be strange if a definition of it could ignore the contingencies of art. The intentional-historical definition not only recognizes the importance of such contingencies, it builds them into the concept itself, making them part of the defining concept.

Levinson stresses that this is not a roundabout way of getting at what the content of our concept of art is, something that we get to through understanding the ways art has been properly regarded in the past. Rather, the collection of ways that art has been regarded in the past *just is* the content of a proper art-making intention. The notion of art, unlike for perhaps all other things, is a purely historical notion. What art is depends essentially on what it has been. This radical historicity gives us the tools to determine what art is now, assuming we have identified a past set of uncontroversial artworks.

It is assumed that we do have such a set, that art museums and galleries, and certainly textbooks on art history, are largely filled with objects over which there is no great controversy as to their art status. That we have these objects at hand then allows us to examine the ways in which it is proper to regard them *as art objects*, a notion to which I will return briefly. Once we have an understanding of the proper ways of regarding these past artworks, we can then simply hold new objects to this standard and check if they are also intended to be regarded in these ways; if they are, then they are artworks, if they are not, then they are not.

Now we must say more about the individual parts of the definition, including what kind of objects it applies to, what it is to intend something to be regarded as past works of art have properly been regarded. This intending involves two notions,

one being the ways of intending, both relationally and intrinsically, and the second being the relative repleteness of the regard that is required. To be clear on just what the definition requires, Levinson offers a more precise version:

> X is an artwork = df X is an object that a person or persons, having the appropriate proprietary right over X, nonpassingly intends for regard-as-a-work-of-art, i.e. regard in any way (or ways) in which prior artworks are or were correctly (or standardly) regarded.[80]

This definition covers all manner of things that can plausibly be artworks. To intend an object for regard is not only to have created or manufactured the object, as happens with paintings and sculptures, symphonies and novels. There are other kinds of objects that can be artworks and other ways of making those objects artworks, including selecting or picking out. This will include found art objects, like Duchamp's works *Fountain*, made from a discarded toilet and *Bottle Rack*, examples of his Readymades that he purchases, sometimes commercially and then displayed as artworks. Clearly all that seems to distinguish these works from their ordinary counterparts is some kind of art-making intention. Other kinds of artworks fail to have even a physical objectual existence, being a directing of attention towards objects or events, as we find with conceptual works and performance events. All of these fall under the broad notion of object, it not being restricted to the sort of medium-sized concreta we might normally associated with the term. Any kind of entity might serve as a candidate for art status.[81]

The proprietary right requirement signals the ownership nature of artworks,

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[80] [64, p. 8-9]

[81] Though not every intended function is one that is consistent or compatible with being art, as shall be argued with games in Part 2.

in both legal and moral senses. While most anything can be turned into art, the author must have the right kind of control over it. It is not enough that they simply walk into your living room and declare your TV a work of found art, and thus off it goes to the artworld. No, it must be something that they have proprietary rights over, either through ownership or the permission of the owner. Levinson gives the example of the Grand Canyon, pointing out that no amount of robust intending is sufficient to turn it into a work of art, barring some great shift in who actually controls what, though there might be a seemingly similar case where an artist's act of pointing out the Grand Canyon and imploring us to regard it as if it were a work of art would be an ontologically distinct object of sufficient degree so as to count as an artwork.

There are also moral limits, and that while any kind of object might conceivably be made into an artwork, there are limits on the kinds of things we can rightfully intend for regard in this way. Intending other humans for art status, even perhaps with their permission, may just be beyond the pale. Humans, as independent agents, just aren't the kinds of things over which another person, in this case the artist, can ever have sufficiently proprietary control over to prescribe how others ought to regard it.

The non-passing requirement for the intentions is to secure the status of art as a stable thing, not merely subject to passing whims. This is also useful in distinguishing the different intentions of intending that we regard something *as art* and intending that we regard something *as if it were* art. It can be rewarding to consider objects as though they were works of art, meant to communicate some

idea, or for aesthetic delectation, but this is different from the kind of wholesale non-passing treatment required to treat them as artworks, as opposed to merely as if they were.

The non-passing requirement also leads us to the repleteness or completeness of the kind of regard intended for artworks. This avoids any objection of pointing out merely one way in which an artwork is properly regarded and noting that non-art objects are sometimes properly regarded in this way too. Of course many things are attended to for their aesthetic quality or their expressiveness or their craftsmanship. But when we add in all the ways of considering the work that are relevant to its status as art and that are part of what was intended, like the creative history of the author, their oeuvre, the works in which they intend the work to be closely interacting with, these considerations become unique to art.

Finally, and most substantially, we must consider the various ways in which this intention for regard-as-a-work-of-art can come about. This intention can be understood both relationally and intrinsically, this being a key to the way the template nature of the definition succeeds where other definitions have failed.

The intention may be given relationally, intending only that the object in question be intended for regard as art. Regard in this way can be related to either a specific work of art or a particular set of artworks, or to the entire ensemble of artworks, whatever may happen to fall into that category. This kind of intention relates the regard intended for the object in question to the ways prior artworks have been intended to be regarded, whatever those ways of regarding happened to be. In this sense the relationally way of intending is like a *de dicto* intention, the

referent being whatever falls under that description "How artworks have properly been intended in the past." This can apply to a single work, the artist knowing that some object is an artwork and intending their work for similar regard, or for a class of artworks, be it a style, like impressionist paintings, or a whole artform, like all sculptures. Most broadly, the intention can simply be for regard as artworks are regarded, however that might be.

This kind of regard is non-naive and self-conscious to varying degrees. It captures what is likely the most common form of (contemporary) art making, that of someone aware of art history, to whatever degree, and intending for their work the same regard as is given those other objects.

The other way of intending an object for a proper art regard is to intend it for a specific kind of replete regard that just so happens to be a way that art is or was properly regarded in the past. In this way someone can make an artwork in a naive way, even if they are completely unaware of the artworld or any art history. In this mode of intention one merely need to have a sufficiently fleshed out notion of regard that they seriously intend their object for that is shared by other accepted artworks in the past. This allows for artworks to be created in private, even in cases where no one other than the artist ever experiences the work, and without even requiring that the creator know that it is an artwork that has been created. This is a limiting case to be sure, but it captures the intuition that art can be made far away from the artworld and in ways the institutional theory cannot make sense of.

Though this definition makes explicit the historical component of the concept of art, the way in which new works can be intended for art regards allows for revolu-

tionary art, and revolutionary art regarding, to take place. Revolutionary art is art that expands that boundaries of what kinds of things can be art as well as introducing new ways of regarding an object as an artwork. On the face of it this seems like something that an essentially historical theory cannot accommodate. This, however, is an essential element to a successful definition of art because, of course, the art-making practice develops and explores new areas, and, as we have seen particularly in the 20th century, sometimes seemingly radically different objects can be offered up as artworks and, eventually, accepted into the mainstream artworld as relatively uncontroversial artworks. Accommodating revolutionary art is also important because it is on exactly these kinds of cases that have proved problematic for functional theories and expose the unacceptable fiat nature of institutional theory.

Levinson suggests two strategies for making sense revolutionary art. The first strategy is that when creating a revolutionary artwork the artist ultimately intends their work for some kind of unprecedented regard, but it gets there by initially offering itself up for a familiar kind of regard. Once it has been accepted in the standard way, the other ways of it being intended to be regarded are then also made ways of proper art regarding, becoming a new way that future artworks can be properly regarded.

The second method of incorporating revolutionary art is to broaden the notion of what counts as regard-as-a-work-of-art to include conscious rejection of the past ways. One might intend that a work not be appreciated for its, say, particular aesthetic complexion, but because it blatantly rejects such a reading. This approach works because the new way of appreciating the work is intended in direct relation

to the way prior works have been regarded, even though the current regard is new and not an already proper way of regarding art.

I suspect that both of these strategies get at the real mechanism that makes these work, and that is, that much weight can be put on the relational notion of revolutionary art. Clearly a candidate work can only be so revolutionary before we fail to see it as art at all. The connection to past art must happen at some level and an intrinsic similarity to past regards that is too strong is likely to frustrate the artist's ambition of making revolutionary art. So the artist does something more radical, but always pushing on the relational nature of the candidate work, that despite its revolutionary nature and unprecedented way of regarding the object, it is, among other things, to be regarded as a work of art, despite the strain that this might require. This not only fits within Levinson's definition, but captures the tension that exists with revolutionary art, that we are being asked to appreciate something in ways that are perhaps not felicitous, but we attempt to do so nonetheless. Furthermore, when this kind of stretching of the repertoire of correct art regards is successful, it opens up new venues for art, sometimes in such a way that subsequent works intended for a similar, heretofore, revolutionary way of regarding seem immediately derivative. One need only think of how tired the prospect would be of *more* Readymade urinals presented as artworks.

1.9 Objections

Thus it seems that we have a definition of art that avoids the main problems that face functional and institutional definitions. Before considering how it fares in answering the art question of videogames, the definition is in need of defense from several recent objections. Otherwise, while the theory might give an interesting answer to whether videogames can be art, it would fail as a general theory of art and thus be of little use. There are four objections that I will consider here: (1) the challenge presented by the buck-passing theory, (2) the claim that the intentional-historical account doesn't accommodate the possibility of failed artworks, (3) a recent new objection that the definition cannot accommodate revolutionary art, and (4) the problem of ur-art.

1.9.1 The Buck-Passing Theory

Dom Lopes has recently proposed a buck-passing theory of art that aims to correct the misguided approach of so-called buck-stopping theories, including Levinson's intentional-historical account.[82] Lopes, with characteristic rigor, gives a nice analysis of the differences between theories of *art* and theories of *the arts*. The importance of making this distinction, as Lopes sees it, is to keep appropriately separate the question "What is art?" from the question "What is a work of art?" He sees buck-stopping theories of art as unduly conflating them, and that a buck-passing theory of the arts response gives a better answer. A theory of art, he says,

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[82] [4], also, [65], [66].

"state[s] what it is for an item to be a work of art."[83] This is often given in the form, as found in Levinson's above:

x is a work of art = x is ...

This is to be contrasted with a theory of the arts, which aim not to give an account for any stand alone object whether it is art, but rather pushes the art question back to inclusion of art forms or art kinds, and gives an analysis of what it is for a kind K to be an art kind. This is of the form:

K is an art = K is ...

It continues by giving the theories of the arts which gives an analysis of what it is to be a member of each kind K that is an art kind. This has the form:

X is a work of K, where K is an art = X is...

The theories of the arts then go on to explicate the individual arts, like, painting, sculpture, dance, music, etc., and perhaps more specific forms as well, and give membership conditions for objects to be members of those kinds. Because for each kind K that is given a theory like this is already taken to be an artform or art kind, the question of the art status of the members of the various Ks is unnecessary. To be an artwork, according to Lopes, is to be a member of an art kind; the interesting question is what makes something a member of any individual art kind. Thus we get Lopes' buck-passing theory that makes reference to art kinds and the inclusion of

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[83] [4, p. 11]

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objects within those kind as the necessary and sufficient conditions for those objects to be artworks:

> x is a work of art if and only if x is a work of K, where K is an art.

Thus the theory is a buck-passing one, rather than a buck-stopping one. Whereas a theory of art attempts to stop the buck at the question "What is art?" and give an analysis that can be applied at the object level, the buck-passing theory passes on this question, leaving it to the domain of art kinds and replacing an answer to that question with an answer about what makes different things members of the various art kinds. There is nothing else to be analyzed here, no further reduction in art status. Art membership is simply art-kind membership. The interesting work to be done in aesthetics is the difficult and contingent art practice focused work of saying what it is to be a member of each art kind. Thus we need experts in poetry analyzing poetry, experts in dance analyzing dance, and so on. We leave behind the project of identifying some set of conditions for art status that are univocal across all artworks, and look only for what is crucial to making something a work of conceptual art, or performance art, or literature.

As criteria for what makes a theory of art successful, Lopes gives two, viability (or correctness) and informativeness. He also argues that on the metric of success by these criteria, the buck-passing theory is superior to buck-stopping theories. Viability is the ability of a theory to withstand counterexamples; this tracks its correctness in being extensionally adequate. A viable theory correctly categorizes artworks as such and does not incorrectly include non-artworks.

Lopes suggests that it is often supposed that a buck-stopping theory of art is systematically informative, that knowing what makes x an artwork can also tell us what kinds are art kinds and what it is to be a member of those kinds. He readily admits that his buck-passing theory is not systematically informative in this way. This is clearly right, as the work is being passed off onto the individual theories and the theory of art presented is merely one of membership of art kinds. It appears, however, that Lopes' argument for the non-informativeness of buck-stopping is question-begging. He is right to point out that merely showing what it is for an x to be an artwork is not sufficient to show anything about the kind K that x belongs to, nor what it is about being a K that contributes to its art status. But this begs the question in favor of there being art kind Ks as he supposes there are. For this to be the case, it must be that things like painting, sculpture, and music are artforms. Said like this is sounds practically like a truism. What else could they be, and if not these, then what?

For the charge of non-systematic informativeness with which Lopes charges buck-stopping theories of art to stick, he must provide a strong notion of artforms or art kinds. It must be that simply being a member of those kinds is sufficient for being an artwork. And while that may seem obvious on the face of it, such a view does not withstand sustained examination. There are paintings that are not artworks, like billboards and advertising posters. There are sculptures that are not artworks, as rows of tchotchkes for sentimental tourists the world over clearly show, and elevators are stereotypically known for being, perhaps unfairly, for being full on non-art music. The charge of uninformativeness only sticks if it is true that a theory

of art should entail a theory of the arts, and of how being a member of those arts contributes to the art status of its members. But it's unclear that this is the case, insofar as such a requirement depends on articulating a strong notion of art kinds.

Putting this issue with informativeness aside, we can look to Lopes' other formulation of informativeness: the ability to deal with hard cases. As examples of hard cases, Lopes suggests Marcel Duchamp's *Fountain*, Andy Warhol's *Brillo Boxes*, and John Cage's *4'33"*. Of these, he says, "a theory of art is informative to the extent that it enables us to cope with the hard cases in an adequate fashion."[84]

It's unclear that the intentional-historical definition of art is less informative than Lopes' buck-passing theory, either in failing to be systematically informative or in dealing with the hard cases. It also seems to be extensionally correct. So on these cases there seems to be a draw. What we must do is take the tack that Lopes does, and see if, on other counts, his theory turns out to be superior or inferior in either viability or informativeness.

To consider the success of the buck-passing theory of art, I echo criticisms raised by Stephen Davies and Robert Stecker.[85] The first objection is one that Lopes anticipates: the Coffee Mug objection. This is the idea that if something is an artwork in virtue of being a member of an art kind, then what about objects, like coffee mugs, that seem to be members of art kinds, in this case ceramics, yet are not artworks? As hinted at above, the reliance on art kinds proves problematic for Lopes' account, and it muddies what was otherwise meant to be a clear analysis of the arts.

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[84] [4, p. 22]

[85] Respectively, [67] and [68]

Lopes' solution is to make a distinction between art and non-art versions of each kind. This gives us not the simple kind ceramics that happens to be an art kind, but rather two kinds: art-ceramics and non-art-ceramics. He avoids question-begging by not merely asserting that the ceramic mug belongs to the kind non-art-ceramics, but gives an account of what would separate these two different kinds.

The difference between art kinds and non-art kinds of ostensibly the same medium lies in their participating in different appreciative practices. Whereas art-ceramics is a practice that has certain evaluative elements of an aesthetic or artistic sort, non-art-ceramics does not. This saves the distinction, but it reintroduces the question of generality of art that the buck-passing theory was supposed to have left behind with the buck-stopping theories. We are forced to ask, what then distinguishes art-kinds from non-art kinds in otherwise similar media? The answer lies in the kind of appreciative practices each has. This sounds satisfying, but now we are in need of an account of what makes an appreciative practice an art one or a non-art one. Any answer to *this* question seems like it must reintroduce considerations of a general art kind that spans different art kinds, lest it fall into the kind of unacceptable fiat that faces strong proceduralism. As Davies puts it, if we're eventually going to divide art kinds from non-art kinds, "it looks as if we need an account of the buck stopping kind that tells us what is art before any buck passing can begin."[86]

The other main objection to Lopes' account, which he also anticipates, is the Free Agent objection. This is the problem of how to accommodate within the arts a

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[86] [67, p. 331]

work of sufficient uniqueness that it does not obviously fit into any existing art kind. Lopes offers two suggestions: either the work actually does fit into a preexisting art kind, or it generates a new art kind. The first seems implausible, since while this may be the case for some works, clearly there are works that have unmistakably introduced new art kinds. So we must go with the second suggestion, but it is problematic as well. Davies notes, "if the art status of a work from which a new art kind derives is not conferred retrospectively–that is, if it was art at the outset–then its initial status as art does not depend on its membership in the kind that, later, it is recognized as founding."[87]

Stecker adds another facet to these objections, one that shows both objections to be related: it "comes from the world of artefacts in which special instances of such things as carpets, furniture, tools or ships rise to the level of art. Lopes only discusses [a different type of case], and that automatically makes his response incomplete."[88]

While Lopes does provide a convincing analysis of appreciative practices and the way they distinguish kinds, it is not convincing that doing so makes a distinction between art kinds and non-art kinds. This suggests that the buck-passing theory is not as successful at addressing the *free agent* and *coffee mug* objections as his text claims. These problems are compounded by a point Stecker makes on the general claim of the superiority of the buck-passing theory. He notes that, while Lopes is right that for a theory of art to be as informative as possible it must make room

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[87] [67, p. 330]
[88] [68, p. 261]

for the lessons gained from close attention to actual and individual art practices, it's less clear that, as Lopes has set things up, the buck-passing theory is clearly superior. Lopes concedes that he is not presenting theories of the arts, and that those must be developed individually; he is only defending the theoretical structure that would encompass such theories. But the difficult work of whether a theory can accommodate hard cases of artworks or not cannot be accomplished solely on the general theoretical level, as Lopes argues. "By parity of reasoning, there is no way that Lopes can show that BPTs [buck-passing theories] handle hard cases better than BSTs [buck-stopping theories], because how well this is done is a property of individual theories, not types of theories."[89] Thus, Stecker argues that Lopes has failed to show that buck-stopping theories are actually at a methodological impasse that prevents them from attending to the particularities of the individual arts as well as the buck-passing theory can.

Most problematically for the guiding question of this project is what can a buck-passing theory of the arts say about videogames? It seems that it is caught between two unacceptable positions. It must say for the whole class of videogames whether it is an art kind or a non-art kind. Or, more precisely, it must characterize non-art-videogames and then decide if there is another class of art-videogames that contrasts with that. But the buck-passing theory, by its own lights, cannot perform this task. It seems as though it may have passed the buck too far, leaving it wholly unanalyzed how we are to determine if there is a kind of object that is an art kind. We do know that it would have to be a kind that has a sufficiently art-

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[89] [68, p. 261]

like appreciative practice. But in answering this question, the theory threatens to turn into a buck-stopping theory, giving a way of tying all the art kinds together via similar appreciative practice criteria. Or, it avoids this possibility but leaves the criteria of the appreciative practice of art-videogames undetermined. Thus it seems that when faced with the challenge of answering whether videogames can be artworks, the buck-passing theory either cannot answer,[90] or gives an answer consonant with the intentional-historical definition.

In sum it does not seem that the buck-passing theory proves an alluring alternative to the buck-stopping intentional-historical definition of art, nor that, if it did, it would be able to answer whether videogames can be artworks.

1.9.2 Failed Art

An interesting challenge to the intentional-historical definition of art has been put forth by Christy Mag Uidhir.[91] Mag Uidhir claims that for all things based on intentions, there is a relevant class of objects that is sometimes overlooked. It is not simply the case that there are Xs and non-Xs, but also a special subset of non-Xs which are failed-Xs. Given that there is a near consensus that artworks, whatever they are, are intention-dependent, they must also accommodate this phenomena. Thus, while there are artworks and non-artworks, there is a special subset of non-artworks which are failed-artworks.

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[90]This is problematic in the same way that the cluster account is. The theories only seem equipped to give an analysis of what makes objects artworks once it has already been established that they are artworks, or in Lopes' case, members of a kind that has already been established as an art kind.

[91] [69] and [70]

There is an important difference between non-Xs in general and the subset of them that are failed-Xs. Mag Uidhir identifies this distinguishing factors as *attempts.* As he points out, a cheese sandwich is (in ordinary cases) a non-artwork, but not, as Mag Uidhir claims, interestingly so. It is similarly (presumably equally uninterestingly) a non-car, a non-mountain, and a non-electron.[92] In no way is the cheese sandwich a *failed* artwork, any more than it is a failed car, mountain, or electron. This is because there was no attempt to make the cheese sandwich into an artwork, or anything else. To be a failed-X requires something more than being a *mere* non-X; there must have been a relevant attempt to make an X and that attempt must have failed. It is this that separates failed-Xs into their special subset of non-Xs.

He gives the following example in demonstration of the general principle:

Suppose we carve the world into lawyers and non-lawyers. For simplicity's sake, let's assume that passing the bar exam is both necessary and sufficient for being a lawyer.

Lawyer: a thing that has passed the bar exam (e.g. Hillary Clinton, Clarence Darrow, Johnnie Cochran).[93]

Non-lawyer: a thing incapable of taking the bar exam, or a thing capable of taking the bar exam that either has not taken the bar exam or has taken the bar exam but did not pass the bar exam (e.g. myself, William Shatner, Pigeon the cat, ferns, the number five).[94]

For any object falling into the class of non-lawyers, however, Mag Uidhir argues

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[92] [70, p. 9]

[93] The names have been corrected from the original: "Hilary" and "Johnny Cochrane". I have assumed in my corrections what the author meant. Max Bialek suggested to me that, given the context, we might reflect on this as a potential case of failed reference.

[94] [70, p. 13]

that it is only *informatively* non-lawyers if it is a non-lawyer in the right way, namely as a failed-lawyer. He continues:

> Being a failed-lawyer must be about attempting to be a lawyer *in the right sort of way*—call these attempts *lawyer-attempts*—but have that attempt fail . . . Since we are supposing that passing the bar exam is both a necessary and sufficient condition for being a lawyer, lawyer-attempts then must be attempts that, if successful, also satisfy that condition; namely, passing the bar. Presumably then, there is but one kind of lawyer-attempt: taking the bar exam. Failed-lawyers and lawyers share the same lawyer-attempt—taking the bar—but diverge with respect to the failure and success of that lawyer-attempt.[95]

Thus we have Mag Uidhir's central example of failed-Xs as a subset of Xs which will serve as an analog for all cases of X-attempts and cases of failed-Xs, in particular artworks and failed-artworks. Mag Uidhir's account meets a stumbling block in Levinson's theory, however, because the intentional-historical definition's success condition is an intentional one. This eliminates the possibility of a failed-attempt in the sense that Mag Uidhir presents it. For his account to work, there must be some intermediate threshold for the achievement of X.

Mag Uidhir's account breaks down when this supposedly intermediate threshold of achievement is the same as the achievement itself. We see how his account works so well with lawyers, there is a definite threshold to be crossed: passing the bar. But the intentional-historical definition identifies the sufficient condition for something to be art with what Mag Uidhir's account recognizes as only a sufficient condition for attempting. By simply having to intend an object for the right kind

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[95] [70, p. 15] emphasis his.

of regard to make it an artwork, there is no way in which failure could occur. It seems, then, that by the intentional-historical definition of art, there can be no failed-artworks, only artworks (objects which have been correctly intentioned) and non-artworks (objects which have not been correctly intentioned).

Mag Uidhir resists this conclusion however, finding fault not with a theory of failed-art but with the intentional-historical definition. He denies that intentions are the kinds of things that on their own can make something into an artwork, and thus concludes that any definition which states that they can must be mistaken. Mag Uidhir's analysis has it that artworks are the results of artwork-attempts, as all created Xs must be the result of X-attempts. Attempts, he takes it, conceptually presuppose the possibility of failure. Thus if artworks come from artwork-attempts, it must be that there can be failed-artworks. Mag Uidhir recognizes that Levinson's theory does not make room for failed-art-attempts and responds: "Given this, Levinson's theory entails either that all art-attempts are *ipso facto* successful or that the success or failure of art-attempts is irrelevant to something's being art. Both assumptions are quite clearly false if not also absurd."[96]

I must confess, I struggle to see how Levinson's view is false at all, let alone *quite clearly* so, and it is even further away from being absurd. Mag Uidhir gives us no argument for this claim, other than his conviction that successful-Xs must be the result of successful X-attempts, and that to attempt must entail the possibility of failure. For artworks to not obey this schema would make them special, distinct from other kinds of artifacts. This is in fact what Levinson claims. The closest Mag Uidhir

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[96] [70, p. 30]

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comes to giving an argument against Levinson's claim is to argue against the analog cases that Levinson presents as fellow candidates for special intentional status, that being that they are not subject to the same kind of success and failure conditions as more paradigm attempt cases, like lawyers. These are the cases of "observed thing", "beloved object", and "prize-winner." I take Mag Uidhir's argument against the analog cases to be convincing enough, but this does not show that art itself is not a special case. Of course it may highlight that art is a *particularly* special case, perhaps even unique. That artworks might be uniquely sensitive to intentions is part of Levinson's point; artworks are uniquely *purely* historical. This makes them *wholly* relational, and what relates current art creations to past ones is intentions. What art is depends on what art has been in the past in a way perhaps unlike any other artifact. If this is so, then it should not surprise us if artworks relate to constituting intentions differently than do other objects, in that they are so intimately tied to them, precisely because of their particularly historical relational nature.

Mag Uidhir considers the possibility that the propriety condition accommodates failed-art on the intentional-historical view but ultimately rejects it. "It is but merely a prerequisite for any such regard-attempt to be in principle capable of succeeding."[97] There are other ways the intentional-historical definition can handle failed attempts. There is the possibility that an intention for art regarding goes wrong in a different way. Imagine a case where someone intends something for a kind of regard that they incorrectly believe is the way some artwork or set of artworks has been correctly regarded in the past. It is not the case that their intention

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[97] [70, p. 29]

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is sufficient in the relational sense, because that is not the kind of intending they have attempted. While such an intending perhaps *would* be sufficient, they have not intended the work in this way, and the account works on actual intentions, not promising available but unactualized intentions. It seems in this case that someone has made a legitimate attempt at making something artwork by intending it for a kind of regard that they have a right to intend—this avoids the proprietary complication raised above—but the attempt fails because while they believed that kind of regarding was sufficient for art-making, it was not.

Mag Uidhir might object to this move, arguing that the definition incorporates art-regarding intentions in such a way that to fail to have one is to fail even to have an art-attempt. Even if this reply is right and the intentional-historical definition cannot conceptually accommodate failed-attempts, Sherri Irvin has offered a helpful analog that neatly parries Mag Uidhir's objection.[98] She gives the example of her son making a drawing, and then being asked who the drawing is for. Her son answers, which indeed lets us know whom it is for, but the verbal expression is not required for that to be the case. In fact, it seems, nothing is required for the drawing to be *for* someone other than her son intending it. This action of dedication seems to be without the possibility of failure, just as Levinson's definition of art; either it happens and succeeds or it does not happen, there is no room for a failed attempt.

It also happens that Mag Uidhir misrepresents Levinson's case as being about the uptake of the work, where a work is regarded as it was intended, rather than merely intended to be regarded in some correct way. While the original state-

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[98] [71]

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ment and analysis of Levinson's definition is accurate, criticism of it quickly slides into considerations of whether the attempted artwork in question is ever actually regarded in the way intended. Surely on a definition like this, where uptake is constitutive, there can be failed-attempts. I can intend for you to look at a picture in just some such way, and if you don't, then my attempts have failed. But the intentional-historical definition is explicitly not a definition like this, being careful to make its sufficient condition one of intentions about regard, not the success with which the regarding takes place. This makes room for private art, undiscovered art, and the lot, and is much of what makes the definition extensionally superior to its competitors like the institutional theory. That Mag Uidhir addresses this modified form and shows that *it* makes room for failed-art does not carry any weight against the intentional-historical definition as offered.

1.9.3   Revolutionary Art

Levinson himself sees making his definition compatible with revolutionary art as an important part of his account. Recently, Daniel Wilson has challenged the adequacy of the solutions Levinson proposes. There are two:

> One is to maintain that although consciously revolutionary artists desire that eventually their objects will be dealt with in unprecedented ways, to make them *art* they must initially direct their audiences to take them (or try taking them) in some way that art *has* been taken—otherwise, what can we make of the claim that they have given us *art*, as opposed to something else? . . .
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> A second strategy for dealing with this issue perhaps does less violence to

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the outward stance of the consciously revolutionary artist. This requires a liberalization of what regard-as-a-work-of-art amounts to: ... regard in any way (or ways) in which prior artworks are or were correctly (or standardly) regarded, or *in some other way in contrast to and against the* background of those ways."[99]

Wilson finds an inconsistency here when these strategies are attempted on the kinds of works that Levinson defines as revolutionary. He describes a revolutionary artwork as, "one for which any past ways of approaching art seems inadequate, inappropriate, pointless, or impossible; a revolutionary artwork appears to be ultimately calling for a kind of regard which totally *unprecedented.*"[100] If this is all as it seems, then it seems that Levinson's theory cannot actually accommodate revolutionary art. It requires some overlap with preexisting ways of regarding, yet it denies any of those ways to the work of revolutionary art. Surely we are at an impasse.

Wilson offers a solution that rescues Levinson's account. It requires an adjustment of what is meant by revolutionary art. Instead of seeing revolutionary art to have ways of regarding that are totally unprecedented, he argues that, contra to Levinson's definition, "a revolutionary artwork will have a regard profile that substantially consists of existing types of individual art regards $\{R_1, R_2, R_3, \ldots R_m\}$ but that also has at least one individual art regard, R_y, that is contra-standard with respect to the regards that are dominant in contemporaneous art history."[101]

I agree with Wilson that if things are as they superficially appear to be, then he is right, there is a problem for the intentional-historical definition. And further, that

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99 [64, p. 16-17] emphasis his.
100 [64, p. 15-16] emphasis his.
101 [72, p. 412]

his solution seems a promising fix. However, to get Wilson's reading, one requires an uncharitable misreading of Levinson's description, though, admittedly, Levinson's account could have made the correct reading more salient. Wilson correctly notes the two ways of proper art-regarding, relational and intrinsic. It is arguably the case, however, that when Levinson is talking about the specific ways in which art can be regarded, he is restricted to talking only about intrinsic ways of regarding. Restricting his claim in this way avoids the inconsistency that Wilson presents and obviates the need for a redefinition of revolutionary works.

The problem with Wilson's solution is that while it may make sense of some revolutionary artworks, or artworks that are revolutionary to a certain degree, it cannot make sense of artworks that are revolutionary to the degree that Levinson envisioned. But, properly restricted, this more totalizing notion of revolutionary art bears only on the intrinsic ways in which the work is meant to be regarded. To make the account work for revolutionary work of this kind requires not a liberalization of the intrinsic ways of regarding, as proposed by Levinson, but simply an emphasis on the importance of the relational way of regarding. Levinson himself remarks that by the lights of the intentional-historical definition it is, "obviously the dominant mode *today*.". Even in cases where an artist intends both relationally and intrinsically, "the relational element (the thought of prior art) itself assures the art status of what is made."[102]

Given the dominance of the relational mode, and that it can make intentions for intrinsic regarding overdetermined, it should be the case that a relational inten-

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[102] [61, p. 47] emphasis his.

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tion is sufficient for art-making. If this is the case, then it seems Levinson's account can be saved without needing to water down the degree of revolutionary art that it can accommodate. For a work such as he describes, which is in no way intended for intrinsic regard as prior artworks have been, being relationally intended for art regard will be sufficient to make it an artwork. This requires no specific intrinsic way of regarding, other than that it be considered as part of the history of art alongside other artworks. Then, by its inclusion as art by means of a relational regard, if such work is successful or receives uptake, then it introduces new ways of intrinsic regarding that are appropriate to the revolutionary work and adds them to the corpus of proper intrinsic art-regarding ways.

If this itself is too much of a similarity to prior artworks, then I know of no way to make sense of Levinson's description of revolutionary art, although I believe it is obvious that he does not think that something *that* revolutionary could ever count as art. It should also be noted that this way of bringing in and adopting elements of heretofore revolutionary art sits better with an account of ur-art than one that would require all intrinsic modes of art regarding to exist prior to the relational intending, not to mention that such a view would take quite the bark out of how the theory makes sense of how new art regards are introduced. It would allow for artworks to be *somewhat* revolutionary, but not as revolutionary as it seems we've experienced in the past.

It might also be suggested that Levinson could evade this problem given that he has only claimed that revolutionary art *appears* to require unprecedented ways of regarding when in fact such ways might require actually pre-existing ways of

regarding. In some sense this is the move that Wilson makes in resuscitating the intentional-historical definition. But this won't do, because Levinson is clear a few lines later that these works not only *seem* to require unprecedented ways of regarding, but that they, "are *intended* as revolutionary by their artists, that is to say, intended for treatment in a manner completely distinct from what has gone before."[103] I think this makes the case even clearer that a defense of Levinson's account should reject a de-revolutionizing move like the one suggested by Wilson and lean more heavily on the art-making power of the, now dominant, relational way of intending regard.

1.9.4 Ur-art

Perhaps the most popular complaint about the intentional-historical definition is that because it is a historically-dependent account it essentially references the art that came before it. This works to a point, but eventually an account most be given of the first art objects. The problem can be stated as follows: There must have been a first artwork. The intentional-historical definition defines art as, roughly, being intended for regard in a way that prior artworks have been properly regarded. But since there are no artworks prior to the first artwork, there can be no such ways. Thus, the kind of regarding required to be intended by the first object does not exist, thus the first object cannot reference it. Thus there can be no first artwork and the history of art could never have gotten started. Clearly the history of art *has* happened, thus we have a contradiction and something must go. Since we are,

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[103] [64, p. 16] emphasis his.

and should be, unwilling to jettison the entire history of art, it is the definition that we should come to see as problematic and discard.

Levinson addresses this problem with the inclusion of *ur-art*. These are the works that are either the first artworks, and do not have prior artworks to refer back to, or are not artworks, but somehow stand in the right relation to the first artworks such that they can properly become artworks.[104] There is, somewhere, a kind of bootstrapping process needed, where the backwards-looking conceptual reference gets a foot hold and can begin.

There are several ways to respond to this. One is to pursue the possibility that Levinson already has a solution, if we allow for uncontroversial artworks at *some* period. Take some period of art in which there is a set of uncontroversial artworks, say, the late 18th century. From these works, and the intentional-historical definition, we can work forward to our time, able to discriminate between art and non-art based on whether such objects were properly intended for regard as prior works had been. Similarly, we can work *backwards* from the late 18th century, being able to pick out what works supplied the prior regards that made this set of uncontroversial works art. We can continue working backwards until we reach some work or set of works that were referenced by the artworks that followed them but have no prior artworks to reference themselves. Thus we have arrived at the ur-arts.

Levinson's suggestion is that we add a recursive step at this point. The most promising option by my lights is that it allows for the first artworks, identified as such by this backward-looking method from uncontroversial artworks, to be art in

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[104]Levinson gives both versions of ur-art in, respectively, [64] and [60].

virtue of the relation that they have to artworks *after* them, rather than *prior* to them. Levinson admits that, in light of such a move, "the theory's claim to have unearthed a sense of "art" applying univocally to everything in the extension of "art" must be slightly tempered. However, since the tempering required is confined to the very earliest stages of the story of art, the universality of the analysis of arthood offered is not, I think, seriously compromised, nor are its prospects vis-à-vis future art in any way dimmed."[105] I'm inclined to agree, and for further reasons other than what Levinson offers.

It appears correct in light of the radical changes the artworld has undergone in the 20th century that something more robustly specific than the kind of historically relational account given by Levinson is unlikely to succeed. But it is equally clear that such a self-conscious relation could not have been in place at art's inception. That we must alter our account of art to make sense of its beginnings seems no great violence. It appears to me that the complaints of non-univocality press too firmly with Occam's Razor, or forget too quickly that we have a rather large set of uncontroversial artworks with which to begin. The task was never to identify art *ex nihilo* at its outset, without any prior notion of what it might be.

It might also be argued that if the problem of art's beginnings is the biggest problem that a definition faces, then that is quite an accomplishment. Most theories cannot even accommodate what we uncontroversially take as artwork, let alone get to the point of having to make sense of how art began. Unless the problem of being unable to explain early art somehow undermines the ability of the definition to make

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[105] [62, p. 169]

sense of contemporary art, this is at most a minor strike against it. In any case, as has already been conceded, a plausible adjustment to make sense of art's beginnings could be made. Furthermore, given that we already have a set of uncontroversial artworks, the boot-strapping is more or less unnecessary. Regardless of whence it came, we have an immensity of prior artworks to which candidate objects can now be related in such a way as to make them artworks as well.[106]

1.10 An Intentional-Historical Answer For Videogames

If the intentional-historical definition can be adequately defended against the objections above, then it seems like a plausible candidate for a general definition of art. There of course is not universal agreement on this definition, but it is promising as both a definition of art and as a way of answering whether videogames can be artworks. This means that unlike some definitions and accounts that might give us interesting answers about the art status of videogames but ultimately fail as definitions of art, the intentional-historical definition provides a compelling definition of art. The question then is whether it can provide an answer as to whether videogames can be artworks. Recall that other theories of art that were not obviously unsuccessful as accounts of art, like the cluster account and the buck-passing theory, were nevertheless unable to provide answers about the art status of emerging candidate artforms. Is the intentional-historical definition equally incapable?

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[106]A similar suggestion is made by Alessandro Pignocchi, who argues that the best definition of art is an intentional one that is very similar to Levinson's, but without the strict priority condition, see [73]. That we can apply the concept "art" to something depends only on our application of the same intentions we see behind other artworks to the artwork in question. This allows for backward-looking application, as moving from uncontroversial artworks to earlier ones.

Unlike functional theories, the intentional-historical theory does not give an answer based only on some intrinsic properties of videogames that would be relatively easy to check. If all that were required were that videogames be aesthetically valuable, or emotionally expressive, or demonstrated creativity, or have notable form, or whatever, then we could simply point to examples that met those criteria and be done with it. Nor can the intentional-historical definition give an answer about the whole category of videogames, as it does not justify the application of the concept of art to all objects within a medium or artform, but rather to individual objects on a case-by-case basis. For instance, the definition tells us what it is for an individual painting to be art, not what it is for the category of all paintings to be art. Now it is often the case that we are able to heuristically get at something's art status by noticing that it is a painting, as paintings overwhelmingly tend to be made with the intention that they be regarded in established and widely recognized ways of properly regarding artworks. But it is not succeeding on this heuristic approach that makes a painting an artwork, that is to say, it is not being a member of the class of paintings *per se* that makes a painting an artwork, but that it was intended for the right kind of regard. It merely happens to be the historical case that paintings have gone this way.

We now can see the ways in which the intentional-historical definition *cannot* answer whether videogames can be artworks, that is, neither because of some artistic function that they may possess nor categorically as a medium. But there seems like a clear way in which the definition *can* answer positively, though it is by no means an easy or obvious one. All that is required is for there to be an X that is intended

for regard-as-a-work-of-art, i.e. regard in any of the ways works of art existing prior to it have been correctly regarded and for that X to also be a videogame. To do this, we must get clear on what videogames are and whether they are the kinds of things that can be properly intended for art regards. If we can answer that positively then we can say that they *can* be artworks. It would then clearly be satisfying to explore promising candidate videogames to see if some actually *are* artworks. These are the questions that will be taken up in the remaining parts of this dissertation.

Chapter 2:   Games

2.1   Philosophy and Ontology of Games and Play

Part 1 began the investigation into the question of whether videogames can be artworks. As it broke down the question into smaller pieces more amenable to analysis, it first addressed providing a definition of art. I examined various definitions and accounts of art and defended a particular account, the Intentional-Historical definition, from among them. The intentional-historical definition of art was defended against several objections, and seems a promising account for understanding when and why something is an artwork. This recommends it over other definitions and accounts that face general criticisms or are ill-equipped to address the art status of videogames. The intentional-historical definition's reliance on the intentions of the artist does not immediately rule out the art status of videogames, which is another mark in its favor, allaying any concern that it may be overly conservative in what it can count as artworks. Videogames are a rich and varied medium and any account or definition of art that would rule them out categorically should give us pause as to its ultimate adequacy.

An interesting wrinkle, however, is that while the intentional-historical definition does not rule out the possibility of videogames being artworks, it also does

not obviously include them as artworks, at least not as a medium. The definition only makes provisions for individual works that have been properly intended for the right kind of art-regard. Thus to answer whether videogames can be artworks we need to consider them on a work-by-work basis, and not only through consideration of their essential features as members of that genre. This also means that to answer whether videogames can be artworks we need only consider if it is conceptually possible that a thing can be a videogame while also being intended for the right kind of art-regard. If such a possibility exists, then videogames, at least some of them, in principle, can indeed be artworks. *A fortiori* if a videogame can be discovered that has been properly intended by its creator for regard as a work of art, that will demonstrate that there is a videogame that is an artwork, and since what is actual is possible, that will settle the matter.

It may seem obvious that such a thing could be the case, that a videogame could be intended for regard as a work of art, but this may not be so obvious as it first appears. While according to the intentional-historical definition it may be that any *thing* can be an artwork, there may be certain intentional functions, or ways of being intended, that interfere with being properly intended as an artwork. Levinson gives some examples of the limits of the power of an artist's intention. It does not seem that artists can transform things into art that they do not have proprietary control over, whether this be for legal or moral reasons. This is why an artist cannot turn *your home* into an artwork, though they might be able to do so, in the mode of conceptual art, with the act of *looking* at your home, or drawing attention to it, or contemplating it. But because they don't have proprietary control over your house,

unless you give it to them or they purchase it, they cannot otherwise turn it into an artwork. Similarly because no one can morally have this kind of ontological control over another person, even perhaps if the subject were to consent to it,[1] no artist can turn a person into a work of art. It would violate the dignity and autonomy of the person in a way that is unacceptable, and indeed, it is not accepted.

While neither of these scenarios seems to be the case for videogames, as in many cases artists can have proprietary control over them and videogames are not persons, it may yet be that videogames call for a kind of regard that is incompatible with proper art regarding. Exploring this possibility requires that we be clear about what videogames are and what functions, if any, they have that may or may not be compatible with being intended as artworks.

This leads us to consider the nature of videogames, and examine them in the way we have done with art. To begin, it is *prima facie* reasonable to think that, whatever else they may be, videogames are games. And perhaps they are also video, having a visual component of a certain type that is meant to be generated in certain ways on certain kinds of displays. I will address each concern in turn, showing what I think to be the second hurdle of answering whether videogames can be artworks, the first having been the task of providing a sufficiently workable account of art. We then must face an additional, and quite large, hurdle in answering the art question of videogames. We have already settled on a definition of art, no small accomplishment, but now we must deal with an even more intractable hobgoblin: a

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[1]By some accounts of consent, one cannot give oneself away to another, as this would fail to be reasonable, and only reasonable persons can give consent. See ([74]) for several arguments in this vein.

definition of games. Games are Wittgenstein's famous example of that which cannot be defined, and this served as the basis for his position on the undefinability of words and the fuzziness of concepts. As a result, games have been the paradigm case of that which cannot be defined for over half a century.

2.2 Games

To understand whether videogames can be artworks, we must understand what videogames are. And to do that, it seems that we must, due to videogames appearing to be a subset of games, understand what games are. There are many things that we call games. Certainly some videogames are also prime examples. The *Madden* NFL series of videogames is a clear case. It is rather easy to classify as a game if only because it is modeled after something else we already understand to be a game: American football. Other examples of games that a definition or account should make sense of include much outside of videogames as well. Chess, Monopoly, poker, charades, *Dungeons & Dragons*, (actual) football, footraces, racquetball—these are all games and any adequate definition must cover them.

The most obvious and immediate hurdle to this investigation is that if Wittgenstein is right about games then it is a non-starter. He used the example of games as a paradigm case of the kind of thing that cannot be defined and used that example as a bedrock on which to build his theory of language as use. In addition to this, philosophy of art soon followed suit, borrowing his general anti-definitional strategy and arguing that artworks are as resistant to definition as are games.

To accomplish the task at hand, saying what games are in service of saying what videogames are, would be to undo not just the anti-definitional stance within philosophy of art, but to argue against Wittgenstein's general strategy—and thus Wittgenstein himself—which is no mean feat. Fortunately, there has been much excellent work on the topic in this vein, and I need merely defend what I think is a promising account and adapt it to our present purpose, not create one out of whole cloth.

2.2.1 Wittgenstein

First we look to Wittgenstein's negative account, where he argues that one cannot give a definition of games, and by analogy, of language—or as he puts it: "language-games". He famously writes:

> 66. Consider, for example, the activities that we call "games". I mean board-games, card-games, ball-games, athletic games, and so on. What is common to them all? – Don't say: "They *must* have something in common, or they would not be called 'games' " – but *look and see* whether there is anything common to all. – For if you look at them, you won't see something that is common to *all*, but similarities, affinities, and a whole series of them at that. To repeat: don't think, but look! – Look, for example, at board-games, with their various affinities. Now pass to card-games; here you find many correspondences with the first group, but many common features drop out, and others appear. When we pass next to ball-games, much that is common is retained, but much is lost. – Are they all '*entertaining*'? Compare chess with noughts and crosses. Or is there always winning and losing, or competition between players? Think of patience. In ball-games, there is winning and losing; but when

a child throws his ball at the wall and catches it again, this feature has disappeared. Look at the parts played by skill and luck, and at the difference between skill in chess and skill in tennis. Think now of singing and dancing games; here we have the element of entertainment, but how many other characteristic features have disappeared! And we can go through the many, many other groups of games in the same way, can see how similarities crop up and disappear.

And the upshot of these considerations is: we see a complicated network of similarities overlapping and cross-crossing: similarities in the large and in the small.

67. I can think of no better expression to characterize these similarities than "family resemblances"; for the various resemblances between members of a family – build, features, colour of eyes, gait, temperament, and so on and so forth – overlap and cross-cross in the same way. – And I shall say: 'games' form a family.[2]

Wittgenstein certainly makes an impassioned case for the indefinability of games. As we saw in Part 1, however, he seems preoccupied with the intrinsic essential features of things. He may claim to not have been able to think of a better expression to characterize the similarity of intrinsic features than to call them family resemblances, but Mandelbaum was.[3] Recall that Mandelbaum takes the notion of family resemblance seriously, noting that one does not draw such a connection between things merely because of intrinsic similarities, but in light of relational connections as well. In the case of artworks this was suggestive of a need for theories to consider the genetic history of a work, to incorporate its creation, and perhaps the intentions behind it, in determining its art status. It is likely that

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[2] [37] emphasis his.
[3] [39]

a similar move away from mere intrinsic features can be equally illuminating in the case of games.

Wittgenstein also gives two admonitions: to "look and see" as well as "don't think, but look!" The former is almost certainly good advice, though the latter is questionable. If anything, it seems that Wittgenstein did not heed his own advice. Thomas Hurka remarks on "the superficiality of Wittgenstein's discussion. "...Wittgenstein notes only surface differences between games—that some are amusing and some not, that some use playing cards and some not—without even wondering whether they might mask a deeper commonality."[4]

We need not take Wittgenstein, despite his eminent stature, as gospel. What we should do is take his advice to look and see what games are, but ignore his advice not to think, or, more charitably, to *only* think, and consider some of the attempts at defining games and see what is promising about them. There are far too many accounts of games to review them all, but a brief review of the historically prominent and videogame-centric attempts to define games will surely be helpful. As will become apparent, one vexing distinction that will assert itself is between games and play, and thus the relationship between them will have to be carefully elaborated. I do not address this distinction and that relationship immediately, but first focus on games, addressing play later.

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[4] [75, . xv]

2.2.2 Johann Huizinga

No examination of games and play could properly begin without at least a nod to Johann Huizinga's work on the subject. An anthropologist, his 1938 seminal work *Homo Ludens*[5] is an exploration of humans as creatures that play. He takes play to be the broader category of which games are a subset. In light of this, he thinks there is a continuity between the kind of play that happens in games and the kind that occurs during play in general. Importantly, he draws the connection between play and games as one holding between games and contests as well. As he notes, contests have long been an important activity in human life, even dominant in some cultures—e.g. the ancient Greeks—and that making the connection between contests and games, and thus also to play, shows how fundamental a notion of play is to life.

As for play itself, Huizinga provides this summary:

> Summing up the formal characteristics of play we might call it a free activity standing quite consciously outside "ordinary" life as being "not serious", but at the same time absorbing the player intensely and utterly. It is an activity connected with no material interest, and no profit can be gained by it. It proceeds within its own proper boundaries of time and space according to fixed rules and in an orderly manner. It promotes the formation of social groupings which tend to surround themselves with secrecy and to stress their difference from the common world by disguise or other means.[6]

Later, he defines it somewhat differently:

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[5] [76]

[6] [76, p. 13]

play is a voluntary activity or occupation executed within certain fixed limits of time and place, according to rules freely accepted but absolutely binding, having its aim in itself and accompanied by a feeling of tension, joy and the consciousness that it is "different" from "ordinary life". [7]

This early account captures much of what we recognize about play, and particularly games, though it seems to conflate the two in places. Of obvious trouble is that Huizinga discusses the features of play inconsistently, and often elides the difference between play and games, sometimes talking about games as a subset of play and other times ascribing features of games to play as a whole.

He captures the sense that play is often understood less on its own and more often contrasted with what it is not, namely work. What he misses is that it is unlikely that play need *always* be utterly absorbing, as we can be distracted in play as we can be in most spheres of life. It is also unlikely that play can have have *no* material interest. We should hesitate to say that poker players are not playing and that only a pure love for the game itself can result in play, every other form of engagement being something else. Or, if we are to insist that *play* can garner no profit, then we must mark a sharp distinction between profitless play and the case of games in which profit can play a role. This claim could also be understood as affirming that games do not have a productive *aim* as part of their constitutional nature, and this is certainly an interpretation that future definitions of games have taken, but it needs to be made more explicit than Huizinga makes it.

Most problematically for his account of play, I believe, is his insistence on play following not only rules, but *fixed* rules. While this is arguably a feature of

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[7] [76, p. 28]

games, sometimes play involves merely running around outside spinning in circles, rules be damned. Moreover, some forms of play involves rules, but the rules, and the following of them, is fluid, prone to capricious change.

Huizinga also delves into cultural criticism with the result that takes away from the plausibility of his account, when he opines on the social functions of play, emphasizing the pro-social aspects of play but missing the anti-social possibilities of play. While play can sometimes be a catalyst for social activity, it can also be a solitary endeavor, sometimes even a selfish, anti-social one. Perhaps this is captured by his definition, if he aims to include groups of single individuals within his social taxonomy. But this leaves a different problem untouched, that of secrecy. It simply is not the case that groups of players tend to surround themselves with secrecy; we need look no further than televised sports to see this. As his definition is of play, it is too broad for a definition of games. It may also be too narrow, in that there are almost certainly games, or instances of game playing, that do not promote social behavior or shroud themselves in secrecy.

2.2.3 Roger Caillois

Roger Caillois notices these flaws, and others, in Huizinga's account, and in his 1961 *Man, Play and Games*, directly engages with and criticizes Huizinga's account. "His work is not a study of games" and contains "strange gaps in a study which is in every other way remarkable."[8] Caillois' account is decidedly focused on giving an analysis of games. He lists the following as defining features of games:

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[8] [77, p. 4]

1. *Free:* in which playing is not obligatory, if it were, it would at once lose its attractive and joyous quality as diversion;

2. *Separate:* circumscribed within limits of space and time, defined and fixed in advance;

3. *Uncertain:* the course of which cannot be determined, nor the result attained beforehand, and some latitude for innovations being left to the player's initiative;

4. *Unproductive:* creating neither goods, nor wealth, nor new elements of any kind; and, except for the exchange of property among the players, ending in a situation identical to that prevailing at the beginning of the game;

5. *Governed by rules:* under conventions that suspend ordinary laws, and for the moment establish new legislation, which alone counts;

6. *Make-believe:* accompanied by a special awareness of a second reality or of a free unreality, as against real life.[9]

Caillois' account goes quite a bit further to making out the logical space of games to be separate from the larger category of play, though it too does not accurately capture games, in part because of its connection to play, in part because it mixes the evaluative in with the classificatory.

One way, however, in which Caillois' theory shows sensitivity to the variety of play is that he distinguishes between rule-governed play and make-believe. He gives a disjunctive account of these two criteria: "games are not ruled and make-believe. Rather, they are ruled *or* make-believe."[10] He is right that it captures a difference that is present in play, but it is less clear that it captures a difference in games as

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[9] [77, p. 9-10]
[10] [77, p. 9] emphasis his.

much as a difference among things that we happen to call games. I address this distinction further in §2.3.6

Caillois' criteria seem more or less appropriate to most games, but there are exceptions. As for *separateness*, Caillois is certainly right that some games are temporally fixed in advance; most obvious, perhaps, are sporting events with a set clock. But of course there is baseball, a game known for lasting long periods of time. And there is cricket, which is notoriously even longer, sometimes going on for days. But even more mundane examples exist. Chess, while it exists only on the board, and only for as long as it takes to reach checkmate or a draw, does not have a preordained set of time or number of moves within which to do so. Perhaps Caillois is making the claim that games are played in the space they are played in and take however long they take, but this would be tautological. It is unclear what insight such a claim would provide in distinguishing games from non-game events that are equally bound in space and time.

The *uncertain* nature of games is more evaluative than descriptive of games. Good games, of course, might have uncertain outcomes, but bad games might not. Tic-tac-toe is an example. It is a relatively easily solved game, which is why many adults stop playing it. And when such an adult plays a child, there does not seem to be an uncertain outcome, but rather a certain one, and yet they are still playing the game of tic-tac-toe. Or as Katie Salen and Eric Zimmerman point out, "If a chess master plays against a beginner, is the outcome of the game uncertain for the chess master?"[11] On either account, because of simplistic game mechanics or mismatched

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[11] [78, p. 76]

player skill, sometimes the outcome of games is not uncertain.

The second part of this criterion is helpful in shedding light on the notion of the difficulty or advanced nature of some games. He claims that "some latitude for innovations [is] left to the player's initiative." Perhaps this is key to understanding the whole claim, not that game mechanics might be too simple or player's skill mismatched to an almost deterministic degree, but that in principle there are choices for the player to make that can impact the outcome of the game. What is interesting is what this would say of games like *Candy Land* and *Chutes and Ladders*. There are no choices in these board games, merely the mechanical trappings of what seems like a board game. In *Candy Land*, for instance, a player can have no impact on what occurs, no choices are available; their only option is to go through the motions of playing the game. One turns over a card and moves one's piece to the next square with a matching color. The exclusion of choice perhaps shows things like *Candy Land* that we call games are either quasi-games (at least by Caillois' account) or something like training wheels for playing games. This would explain why these are considered children's games: it is not merely the child-like representations in the game, but the minimal game mechanic that helps young players participate in a game, or game-like, activity without being too demanding of them.

Much critical attention has been directed at Caillois' criteria of *unproductiveness*. He believes that no production of value can come from playing games, particularly no monetary value. Poker is easily enough made sense of: when one player makes money another player or players must have lost that amount, so it is always a zero sum. But this raises the problem of professionals, about whom he

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firmly claims that, "As for the professionals—the boxers, cyclists, jockeys, or actors who earn their living in the ring, track, or hippodrome or on the stage, and who must think in terms of prize, salary, or title—it is clear that they are not players but workers. When they play, it is at some other game."[12]

Caillois is getting at the notion of amateur play here, a kind of pure play untainted by any other concerns. And he might be right about their being in a state of play or not, or at least a particular kind of play. But it seems incorrect, or at least not as obvious as he wants to make it, that professional athletes are not engaged in a game of the very sort we take them to be. Furthermore, this negates the nature of the player of games who plays for any reason beyond that of the pure love of play. That includes those who want to spend time with family or friends, or play recreational sports to stay in shape, or even play a quick game of rock-paper-scissors to settle a dispute. Surely these are still games, even when the results issue in some value outside that of play, be it emotional, physical, decisive, or otherwise.

In addition to these criteria of definition Caillois seeks to provide a taxonomy of games. Here his account's overly broad nature shows itself. Caillois understands games as falling along a metric in one of four categories. These four categories are games of competition, chance, simulation, and vertigo. He gives as respective examples: "football, billiards, or chess (competition), roulette or a lottery (chance), pirate, Nero, or Hamlet (simulation), or one produces in oneself, by a rapid whirling or falling movement, a state of dizziness and disorder (vertigo)."[13]

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[12] [77, p. 6]
[13] [77, p. 12]

Within these categories games fall along a continuum between what Caillois calls *paidia* and *ludus*. As he writes:

> At one extreme an almost indivisible principle, common to diversion, turbulence, free improvisation, and carefree gaiety is dominant. It manifests a kind of uncontrolled fantasy that can be designated by the term *paidia*. At the opposite extreme, this frolicsome and impulsive exuberance is almost entirely absorbed or disciplined by a complementary, and in some respects inverse, tendency to its anarchic and capricious nature: there is a growing tendency to bind it with arbitrary, imperative, and purposely tedious conventions, to oppose it still more by ceaselessly practicing the most embarrassing chicanery upon it, in order to make it more uncertain of attaining its desired effect. This latter principle is completely impractical, even though it requires an ever greater amount of effort, patience, skill, or ingenuity. I call this second component *ludus*.

We can see that by Caillois' own lights his definition includes things that are not games, though they may be a form of play. At its most extreme, however, his definition of games includes freewheeling non-rule-governed play as well as including theatrical plays, such as those of Shakespeare. These are not games, but more free form kinds of play. We could of course call them games, but then we lose the distinction among the various forms of play.

Summing up, Caillois provides a definition that more closely captures games than Huizinga's broader notion of play. It still seems to stretch its borders too broadly and encompass as games things better understood simply as play. Furthermore his definition is caught between providing a definition of games and a definition of play, and that of games being a rigorously pure notion of game-playing, one un-

troubled by any outside concerns or bad game design. This might be an ideal goal for game design and engagement with games, but it is too stringent to capture the less ideal situations in which game-playing sometimes occurs.

2.2.4 Brian Sutton-Smith

Brian Sutton-Smith and Elliot Avedon's broad ranging study of the different kinds of things we call games provides us an adequate definition, though they voice concern over it being too narrow. It may also be too broad.

> A game is an exercise of voluntary control systems, in which there is a contest between powers, confined by rules in order to produce a disequi-librial outcome.[14]

Read one way, games must always be competitive, either against another present player or against the game system itself. This definition hews much closer to the obedience of rules than prior definitions have, and as a consequence it struggles to make sense of games of make-believe, or open-ended games without a definite end state. The example the authors give is of *Ring-Around-the-Rosie*, which they claim seems more like a coordinated dance than a game, noting "Whether we call them games within the present definition, depends it seems, on whether we decide that there is, in fact, an opposition between the power of the players and an alternative chaos."[15]

This is right as far as it goes, but again, seems to indicate how the precision of the definitional criterion fades at the edges. Perhaps that is appropriate, as our

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[14] [79, p. 405]
[15] [79, p. 405-406]

behavior of labeling and treating things as games may itself be vague. "Perhaps what we have here is a form of activity that in later childhood differentiates, on the one hand, into songs, drama, and dance, and on the other, into games—hence the difficulty of classification."[16]

If activities like these are indeed not games, and the authors' definition includes them, then it is too broad. If they are games, and the definitions does not include them, then it is too narrow. But two other problems present themselves for this definition. The first is that it would seem to exclude certain games from being classified as such based on contingent accident. The second is that it makes insufficient reference to the attitude that a player adopts when playing a game.

In the first case, games are defined as requiring an end state that is different from the beginning state. It is easy to see how this happens in a game like Chess. Pieces start on the board in one configuration and that is never the way they are arranged at games end.[17] But of course it is always possible, after a long night of poker, that by some chance all the players end up with the same amount of money that they started with. Rules are sometimes introduced to prevent exactly this kind of situation from arising, like increasing the ante, but still it remains a possibility. It would be odd if poker counted as a game except in cases like these.

The second problem is that Sutton-Smith and Avedon's definition is about understanding games as structures, with insufficient focus on the players who participate in them. There is something lost from Huizinga and Caillois here about

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[16] [79, p. 406]

[17] Barring, perhaps, an odd occurrence of an immediate draw. Granting that such an event is possible, this demonstrates further complications for Sutton-Smith's view.

the state of mind or the attitude of players that separates the activity of playing, and game-playing, from other forms of activity like work. The approach of Sutton-Smith and Avedon to games as structures is illuminating, and must be understood as situated among their analyses of games as recreation, games used by the military, business and industrial games, games in education, diagnostic games, and games in politics and economics. Like those before them, they have take an anthropological and sociological approach to the phenomena that are games, investigating even the difference between the form of play and a bum leg or wild animals hunted for sport. Their project is expansive and careful, and they come close to capturing the extension of games as play-activities.

But it must be said, games are not going to be activities distinguished from other activities merely by the formal criteria they possess. It is not just that games have rules or goals or boundaries; it is also that games are related to play in some important way, and this requires that we make sense of the attitude of the player in engaging this peculiar activity that makes it a game and not some other kind of behavior.

2.2.5   Greg Costikyan

As this project is presently concerned with understanding the relationship between videogames and games, I want to briefly look at two accounts of games from videogame designers, if only to show how much an analysis is in order.

The first comes from Greg Costikyan who defines games as follows:

A game is a form of art in which participants, termed players, make de-

cisions in order to manage resources through game tokens in the pursuit of a goal.[18]

This definition is problematic on several counts, though Costikyan is less interested in providing a correct definition than in giving game designers better ways to think about games. Perhaps most problematic is his unexamined assumption that games are art. Obviously if he is right, then our project can end here. Videogames are games, games are forms of art, thus not only *can* videogames be artworks, but all of them are artworks. But we cannot take this claim seriously, as his assertion that games are artworks is mere stipulation. He wants them compared favorably with paintings and books, but he never defends their art status as such.

Perhaps more importantly, he highlights something about videogames that has only been hinted at so far. He discusses Will Wright's *SimCity*, and notes that his own definition does not categorize it as a game. Rather, he recognizes that it is a toy. But he claims that it is such a good toy, because it provides for so many goal-oriented activities, that it should count as a game. This cannot be the case, however, as a ball is also an excellent facilitator of games, but is not itself a game. What Costikyan's proposal does, however, is demonstrate a way of expanding the notion of videogames, namely that not all videogames are games, a notion that will be taken up later in this project.

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[18] [80]

2.2.6 Chris Crawford

Chris Crawford is another venerable videogame designer, and like Costikyan he offers a definition that is focused more on producing good videogames than understanding the phenomena of games as a whole. He does not provide a single definition, but proposes four qualities that he claims are essential to games: representation, interaction, conflict, and safety.[19]

I won't provide a complete analysis of each of these features, but point out a few ways in which they are helpful and ways in which they are less so. Crawford talks about games as systems of interaction, and of ways that interacting with such systems can generate meaning. This is promising for an account of the meaningfulness of engaging with videogames and ways in which they may bear artistic meaning.

He understands games as being always a kind of simulation and it is on this model that he sees games as having safety, always being more safe than the system that they model. But this assumes that all games model something. This is clearly the case with some videogames, with them always being safe, and a videogame about war being more safe than participating in actual war. This is also true of tabletop war games, that they are also more safe than participating in the real thing. But sports do not always model anything at all, they are not simulations. In this sense they only represent themselves. Football is dangerous, people are often injured, including the long term cognitive effects from repeated concussions. One could argue

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[19] [81]

that football simulates war or battle, but that requires an account of representation with vastly more latitude than the way in which we understand tabletop war games to model and represent wars and battles. One could perhaps argue that boxing simulates fighting, in that boxers wear safety equipment like gloves. While this might be the case, not all sport fighting exhibits this level of abstraction. Consider MMA fighting which allows for much more violent interaction, and hence often ends more bloodily.

Even more violent is the 600-year-old sport of *Calcio storico*, an Italian sport that mixes something like football or rugby with relatively free-form fighting. There are rules, and goals, and not everything is permitted. The game "allows tactics such as head-butting, punching, elbowing, and choking but sucker punches and kicks to the head are banned."[20] These games are not safe, and it is unclear what they are safer versions of. Even more dangerous is bullfighting, a decidedly unsafe contest. Matadors are injured and sometimes killed in the event, yet they are restricted by the game to follow rules that prevent them from doing safer things, like wearing certain protective gear or wielding more effective weaponry.

What we have seen are several definitions of varying adequacy. Some are more focused on the nature of play as a whole, and thus miss the particular features of games. Others are focused specifically on videogames and thus miss the broader features of games. What we need is a definition that recognizes games' place in the world of play while also being suitable for analyzing videogames as possibly games. Only then can we replace Wittgenstein's skepticism with a working definition and

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[20] [82]

proceed with our analysis of whether videogames can be artworks.

2.2.7   Jesper Juul

Jesper Juul is a game studies theorist who has developed what he calls the Classic Game Model. He presents it as follows:

The Classic Game Model

1. a rule-based formal system;

2. with variable and quantifiable outcomes;

3. where different outcomes are assigned different values;

4. where the player exerts effort in order to influence the outcome;

5. the player feels emotionally attached to the outcome;

6. and the consequences of the activity are optional and negotiable.[21]

This account captures several features of game-playing that we want to make sense of, in particular our behavior concerning games. But the actual conditions of what separate games from other activities is left under-specified. "Rule-based formal system" is too broad of a category to pick out only games, and even if it did, it tells us little about the relationship between the rules and other formal elements of a game, such as the goals a game might have.

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[21] [83, p. 6-7]

Importantly, it ties game-playing to having the right kind of attitude, but again, the criteria are too sketchy to clearly demarcate games. Many things require effort to influence the outcome and assign values differently according to those outcomes, not least of which is our emotional attachment to these outcomes. Juul seems to place a lot of weight on the criterion of the consequences being optional and negotiable, but again, this kind of situation can arise in non-game activities, like bets.

What Juul has done is provide another case for the importance of tying the right kind of game-playing attitude to the right kind of formal structure of things like rules. What is needed is an account that is careful about what these features are and how they are related.

2.3   Bernard Suits

Bernard Suits gives the most philosophically robust definition of the activity of game-playing, which sets itself apart from other definitions in its rigor and analytic precision. He limits his analysis to the kind of play-activity we call games, and while he appreciates the *prima facie* understanding of game-playing as a subset of play, he is careful to keep them conceptually distinct. In many philosophical circles this may seem like a Herculean task, but Suits undertakes it nonetheless, and, *pace* Wittgenstein, succeeds quite remarkably. Suits meets Wittgenstein's challenge, taking seriously his admonition to "look and see" what makes something a game.[22] As to whether he is successful, Thomas Hurka notes, "Suits has nothing like Wittgen-

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[22] [37, Sec. 66]

stein's philosophical reputation, but on this topic he's the real philosopher."[23]

Suits defines game-playing as follows:

> To play a game is to attempt to achieve a specific state of affairs [pre-lusory goal], using only means permitted by rules [lusory means], where the rules prohibit use of more efficient in favour of less efficient means [constitutive rules], and where the rules are accepted just because they make possible such activity [lusory attitude].[24]

He also offers a briefer, more "portable" version: "playing a game is the vol-untary attempt to overcome unnecessary obstacles."

We will now elaborate on the details of Suits' definition.[25]

2.3.1   Prelusory Goal

A game must have a prelusory goal. This is the goal or end-state that a player aims at. Essentially a prelusory goal is one that is in principle achievable independently of the playing of the game. In the simple example of a footrace, the prelusory goal is the crossing of the finish line. Clearly this state of affairs, that of crossing a finish line, can be done independently of actually playing the game. In the case of a foot race, there are many ways in which one could accomplish this task, most of them not sanctioned by the rules of the game. One could start the race right at the finish line, instead of at the starting line, requiring only a simple hop instead of a mad dash. One could tie up all the other runners so they could not run, or threaten them with a gun, coercing them into staying in place. Or one could get

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[23] [75, p. xv]

[24] [43, pp. 43] square brackets his.

[25]Suits account presented here is developed from his earlier [84] and [85].

on a motorcycle, making short work of the race and beating the other runners by a large margin. All of these are ways in which one could accomplish this prelusory goal without playing *per se*. But this demonstrates how the prelusory goal can be accomplished independently of the rest of the game.

2.3.1.1 Lusory Goal, or Winning

Obviously none of the ways described above of achieving the prelusory goal are sufficient for *winning*. To do that, one must meet other conditions; in the plainest language, one must follow the rules. These examples of aberrant ways of achieving the prelusory goal are given to highlight how this goal is a separable element from the game itself. Achieving the prelusory goal without also following all the rules does not result in a win.

To win is to achieve a different goal, what could be called the *lusory* goal of achieving the prelusory while obeying all the rules. This is the only way to win the game. Obeying the rules without achieving the prelusory goal would be a case of playing the game,[26] but not a case of winning. On the other hand, achieving the prelusory goal without having obeyed the rules is not even having played at all. This is how Suits' account gives analysis of the popular adage that "cheaters never win." For on his analysis, they weren't even playing.

It is in this way that rules are not separable from the ends, where the end, given the right attitude, is playing the game and trying to win. Because the activity of playing is constituted in part by the rules, the only way to engage in the activity

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[26]With the addition of the lusory attitude, explained below.

of playing that game is to obey the rules. Thus there is no sense in which one can win, or even play, a game while also disobeying its rules. To attempt to do so would be, at best, to participate in a different activity.

2.3.1.2 Game Institutions

There is an immediate objection that presents itself, and that is that some games don't have goals that seem like they can be achieved outside of the game itself. Chess, for example, has the prelusory goal of checkmating the opponent, which requires the pieces be arranged in a certain relation on the board. This results in the king not being able to move because all of the squares he could be moved to are threatened with capture by other pieces, but he cannot remain where he is because the square he currently occupies is threatened as well. Thus the king is checkmated and the opponent wins. However, outside of the game of chess the pieces have no such power. It is not intrinsic to a knight-piece that it moves in an L-shape or that a bishop-piece moves diagonally. No, they are just pieces, and it is only *within* the game, which is to say by the rules of the game, that they are granted such powers. Thus chess appears to be a counterexample to the notion of a prelusory goal, as it does not seem that checkmate is separable from the game of chess itself.

Suits anticipates this objection and argues that it is resolved by consideration of what he calls the "institution" of a game. Sticking with our ordinary understanding of the rules of a game, there is a difference between a proper playing of a game

and an interaction with the institution of the game which requires only the observation of some of the rules. Chess again proves an apt example, as there is a long history of teaching chess by presenting learning players with chess board situations *in media res.* This is when they are presented with some particular arrangement of the board, and either given a demonstration of the ways pieces can move and interact, or challenged with a limited scenario, like being told to mate in two moves, etc. These types of situations are engagements with the institution of chess, following some of the rules, namely the rules about the way the pieces can move, so that one can learn more about the game. Importantly, in these cases, one could also achieve checkmate. One could arrange the pieces such that, given the rules about the way the pieces move, one's opponent's king cannot move, thus resulting in checkmating him. One could even simply arrange the board in appropriate configurations from the outset, demonstrating or experimenting with different scenarios in which the king is mated.

What these situations are not, however, are proper playings of chess. All of the examples given above can be realized without players starting with their pieces lined up correctly on their respective two back rows. Instead they can simply arrange the pieces as they like, ignoring rules about starting positions, so they can engage in particular elements of a game, for whatever reason. In any case like this, achieving checkmate, the prelusory goal, is insufficient for winning. It is logically possible that one could achieve the state of affairs of checkmate any number of times without it also being the case that one has ever won a game of chess. The same thing happens with practicing set plays in soccer and scoring goals, or even practicing breasting

a tape. All prelusory goals can be accomplished independently of having played a proper game.

Thus, according to Suits, we have a reasonable way to distinguish between proper playings of a game and mere involvement in the institution of a game. Proper playings require that all the elements of a game be in place, observed, and respected, while this strict requirement is relaxed to some degree when engaging only with the institution of a game. That the prelusory goal of a game is achievable even when it is only the institution of a game that is being engaged with shows that the prelusory goal is indeed separable from actual playings of the game. This preserves it as a separable achievable state of affairs, even when some of the game's rules may be required to make sense of the goal, as with chess. The difference is that it is not the case that *all* of the rules, those things that in part determine the identity of a game, be followed, yet the goal is still achievable.

2.3.2   Lusory Means and Constitutive Rules

The prelusory goal is that which is aimed at, but winning a game requires more, namely that a player achieve the prelusory goal while following the rules. The rules, as we commonly think of them, are actually two parts: the lusory means and the constitutive rules. The lusory means are the ways in which a player is allowed to go about attempting to achieve the prelusory goal, and these means are restricted by the constitutive rules.

The rules are constitutive in that they are what make the game what it is,

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what identifies a game as distinct from other games. While different games may share the same prelusory goal, for instance, foot races of varying lengths or single versus relay races, it is the constitutive rules that determine the lusory means and distinguish games from each other.

The constitutive rules determine the lusory means by restricting the use of efficient means in favor of less efficient means. This is largely what separates games from work and other technical activities. A technical activity is one for which we desire the end and the means are merely what we do to bring about the end. If it turns out that more efficient means are available, we have no reason not to use those means. When we dig a ditch, we are interested in having the ditch, not the activity of digging the ditch. This is why we use shovels or backhoes, when available, to dig ditches, not spoons or hands.

Games, on the other hand, have arbitrarily restricted ends and means, selected not for what we hope to accomplish in the end, but for the sake of the activity they make possible. In the game of basketball, it is almost certainly the case that no players care about the ball going through the hoop *per se*, otherwise they would simply get a ladder, climb up next to the hoop, and move the ball back and forth through the hoop as often as they could. No, what basketball players care about is *playing* basketball. This of course involves them aiming to make as many baskets as possible, but it only becomes the interesting activity that they care about when there are restrictions on how one can move (dribbling), when one can perform actions (only for a limited amount of time), and opposition to achieving the goal (a team of five opponents who are trying to stop you from scoring goals). None

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of these requirements are efficient in making baskets, in fact they are designed to intentionally be inefficient. What makes the game of basketball what it is, and why it has persisted, it that this arbitrarily inefficient behavior is enjoyable for its own sake.

It is only when all of these things are in place that we have the game of basketball. And it is only because the constitutive rules prohibit efficient means in favor of less efficient means that the activity can count as a game and not a technical activity.

2.3.2.1   Efficiency

One concern about this notion of inefficiency is that it does not seem in the spirit of the game to play inefficiently. It is not the case that basketball players, with a mind to increase the gameness of the basketball they are playing, start closing their eyes when making shots, or alternating hands on each dribble, or whatever. No, they aim to win and they play as hard as they can to make that happen. Some basketball players devote much of their time when they are not playing basketball to developing skills and abilities that increase their effectiveness at winning basketball games. How can these different attitudes towards efficiency be reconciled?

The answer is that the inefficiency of games only arises at the level of the rules. Once the rules are established and agreed upon players can, will, and usually should, strive to win by the most efficient means possible *within* the constraints of the rules. So while the rules restrict players to moving with the ball only while dribbling, a

player acting under *that* restriction is free to dribble as well as he or she can. This is the relationship between all game rules and efficiency. Where the rules restrict the means allowed, thus creating a kind of inefficiency as it relates to achieving the prelusory goal, within those restrictions a player can pursue a different goal, the lusory goal of winning, which means achieving the prelusory goal while following the rules, as efficiently as possible.

The requirement of inefficient means is prone to another misunderstanding. The inefficiency requirement does not make it so that choosing an inefficient or inconvenient task for its own sake is sufficient for that activity to be a game. Suits gives an example of this with the case of Smith, who chooses to take the long way home, despite it being less convenient and less scenic.[27] Smith really does choose the long way home simply because he wants to make a game out of it. It seems inefficient on the face of it, and also meets the other requirements of being a game. There is a goal, reaching home and the rules, which involve taking the long way home, seem to have selected inefficient over more efficient means. Smith adopts these rules simply because they make the activity possible, thus the activity seems to satisfy the criteria of being a game. Yet it also seems that merely taking the long way home, even when doing so without a reason, is not a game, but just a time-wasting endeavor, even if it's one that the walker does with the intention of playing a game.

Thus there seems to be a counterexample to Suits' account, an activity that meets his definition but intuitively seems incorrect. The solution resides in being

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[27] [43, ch. 5]

clear about what it means to be efficient. Efficiency is, "the least expenditure of a limited resource necessary to achieve a given goal."[28] The key is in efficiency depending on a *limited* resource. In taking the longer way home, Smith has not done something inefficient with respect to any limited resource. While we all have only a limited amount of time, perhaps, in life, the supposed long-walk game is not in any way sensitive to time nor does it limit it as a resource. Suits correctly points this out, as for this activity to be a game as he has defined it, time as a resource, or some other resource, would have to be limited with respect to the game.

The game-making alteration he proposes is that, "Smith wants to get home before dark, that the sun has begun to set, and that the distance to his house is such that taking the longer way risks, to some extent, the outcome."[29] With these added restrictions the activity of taking the longer way home does indeed become a game. In his solution however, Suits argues for too much and threatens to makes the common mistake of conflating classification with evaluation. He returns to an earlier comment made about the aim of the gamewright, which is to make a game whose rules are neither too lax nor too restrictive. As Suits puts it:

> The gamewright must avoid two extremes. If he draws his lines too loosely the game will be dull because winning will be too easy. As looseness is increased to the point of utter laxity the game simply falls apart, since there are then no rules proscribing available means. ...On the other hand, rules are lines that can be drawn too tightly, so that the game becomes too difficult. And if a line is drawn very tightly indeed the game is squeezed out of existence.[30]

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[28] [43, p. 57]
[29] [43, p. 59]
[30] [43, p. 32]

Suits is right to draw the connection between the laxity and restrictiveness of rules and a game's quality. However, he does not make explicit the psychology of the player and seems to aim instead for an Aristotelian virtue-as-a-mean-between-two-vices approach. Games are only good insofar as they appeal to the psychology of the player. This is why tic-tac-toe is a perfectly good game for a child, but it is not good for those who have solved it. Similarly, pole-vaulting is all well and good for those who can do it, but for me, I suspect, it would be a rather interminable exercise in failure. So while it is true that where the lines are drawn matter for a game's quality, it is also the case that different people find different placement of lines fun, which is why different people like different games and we have not all gravitated to some median perfect game.

One could respond that Suits' analysis is still true, and that for any particular player having neither too lax nor too tight a set of rules is what makes it good. But this is just another way of stating the proposition that people like games to be difficult enough so as to provide some challenge, yet not so difficult that success becomes too difficult or even impossible.

Where Suits' account potentially gets into trouble is in making the relation of the evaluative and constitutive consequences of the restrictiveness of the rules too close. A more perspicuous way of making his point would be to say that because his definition requires that games have rules and that players who play the game must engage with those rules because of the activity they make possible, it must be the case that there are indeed rules, which avoids the extreme case of laxity, and that the rules describe an activity that the player can in principle engage in with some

hope of success, which avoids the extreme case of restrictiveness.

All of this is to say that Suits makes his case too strongly in the Smith example. Once the resource of time is made limited by trying to get home before dark, Smith needn't even take the long way home to make it a game. It may turn out to be a *better* game, since the long way home makes it interestingly challenging for Smith, whereas the short way home might be too easy. But both cases would now equally be games. While it is good to see how the constitutive elements of a classificatory definition are involved in the evaluation of the thing defined, we must be careful not to make the relationship between the two closer than it should be.

2.3.3 Lusory Attitude

The final component of Suits' definition of a game is not a formal one, like goals, rules, and means. It is instead the *attitude* that players take while playing a game that completes the account of game-playing as an activity distinct from other activities. This attitude is that players accept the rules, means, and goals of a game because they make that activity possible. To play chess as a game is to play it, roughly, because one likes playing chess. One need no special relationship to the formations that determine checkmate; in fact, it would be odd if one did. What one wants is the kind of activity that these particular rules, restricting one's actions to these particular means, in pursuit of that particular end, make possible. In other words, one plays a game for its own sake or because one likes that activity or wants to do it, but these are rough formulations. Suits builds no explicit reasons

for why someone plays a game into the lusory attitude other than to say that it is the attitude in which player accept the rules because they make that activity possible. To do otherwise, to take a different attitude toward the activity, turns the activity into a different one.

The lusory attitude does a lot of explanatory work in distinguishing among the kinds of games that different people like. It is not usually the case that when we describe someone as a "gamer" that we mean that they love any and all games. It is instead the case that different people participate in different games for different reasons. But in the end, whatever those reasons are, players adopt the rules because they make some particular activity possible in contrast to other possible activities. This is why a player can care about playing *this* game rather than *that* game, instead of liking all games merely because they are games. Games are non-identical with each other in virtue of the activities they make possible, and player's preferences for these different activities varies as well.

2.3.4   Games as Objects

Suits' account itself does not include a definition of games. Rather, it gives a definition of game-playing, and a very promising one at that. The definition can be altered to be one of games as objects, rather than game-playing as an activity, if we are to apply it to objects rather than what we do with objects. This is easily enough done, and preserves a distinction between different ways of creating games. This is the difference between designed games and *ad hoc* games. The former are

games that have been designed to be so and the latter are games that are created on the fly without premeditation. I suspect the difference between the two is not hard and fast, but a definition of games as objects must make sense of the different kinds. On the one extreme we might imagine a game created by a gamewright, labored and thought over, playtested and refined, with much care given to the quality of the rules and the kind of activity such elements create. On the other extreme we can imagine a player or set of players following a spontaneous whim with whatever materials they have on hand, and cobbling together whatever rules seem to make sense at the time, perhaps adjusting them as they are discovered to be ill-suited to the activity or as their whims change. Both are games, but each has a distinct creative history.

The adjustment I propose is one perhaps understood as a change similar to the tense of a term than any true alteration of the criterion. Game-playing as an activity requires the lusory attitude in someone who is otherwise engaging with the rules to count as a player. To change the definition from that of an activity to that of an object requires only that the lusory attitude requirement be turned into a prescription. The game as an object contains *inter alia* a prescription to engage with it with the lusory attitude. This frees it from necessitating any actual correct response—namely game-playing—for the activity to exist. The game itself is then an abstract collection of rules, ends, means, and prescriptions. It makes a demand on us, no doubt a highly defeasible one, to play it, but exists whether or not anyone is presently engaging with it properly, or indeed, ever will engage with it properly.[31]

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[31] This raises an interesting question related to the debate on whether musical works are things

Contrary to Wittgenstein it seems we are able to define games. If this is so, this has larger implications than merely understanding the nature of videogames or the relationship between games and artworks. Weitz based his anti-definitional stance about art on Wittgenstein's indefinability thesis about games.[32] While Mandelbaum's work did much to rehabilitate the legitimacy of the project of defining art, it has not been accepted as conclusive.[33] That Suits has provided such a promising account of games is a profound challenge to Wittgenstein's claim. This threatens to undermine the soundness of Weitz' entire project, as it is built on the family resemblance notion of art, already challenged as inadequate by Mandelbaum, now can be seen as simply incorrect in light of Suits. More broadly, if Suits' account, or something near it, is defensible, then it threatens to undermine Wittgenstein's entire linguistic project of understanding language as a game-like set of indefinable rules. While it is largely the case that linguistics, both philosophical and scientific, has moved on from Wittgenstein, perhaps Suits' account can put what remains of his ghost to rest as well. That the importance of Suits' work has gone largely unrecognized for the past four decades is a shameful oversight of philosophical history. One hope for this project is to aid in the rehabilitation of Suits'.

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that are created or abstracta that exist eternally. For more on these positions see, respectively, [86] and [87]. I am sympathetic to musical creationism, and thus likely also to ludic creationism, but there is not space here to explore and defend such a position.

[32] [36]

[33]See [39] and for an example of contemporary anti-definitional sympathies, see [41] and [88].

2.3.5 Open Games

The most paradigmatic of games are those that Suits classifies as *closed games*, those with an achievable state of affairs that is also an end state, commonly called "winning." However, there are other games in which the prelusory goal is not a state of affairs that *ends* a game, but is rather a state that players aim at *achieving and maintaining*. Suits gives the example of two players who appear to be engaged in a game of ping-pong, but after quite some time of hitting the ball back and forth it becomes apparent that neither is trying to win. Rather the players are merely trying to keep the ball in play, with the aim of hitting it back and forth to each other successfully without breaking the streak of returns.

These are called open games, and they can be properly accounted games by Suits' account. When doing so, however, one must be careful to make sense of both the goal that is aimed at and the inefficiency in achieving that goal. Suit's ping-pong example seems fitting, as it still clearly meets the other criteria of games; it requires only a slight adjustment of the prelusory goal from one that terminates play to one that perpetuates it. Suits puts it thus: "I would define an open game generically as a system of reciprocally enabling moves whose purpose is the continued operation of the system."[34]

The Suitsian account of open games also seems well suited to make sense of two-player dramatic interactions. In particular, his account makes sense of the struggles that often ensue when playing a standard game of make-believe like *Cops*

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[34] [43, p. 146]

& Robbers. One child yells "Bang!" and a second child yells "You missed me!" An argument then ensues: "No I didn't, you're dead!" and "No I'm not, I had a bulletproof vest on under my shirt!" and so on. Suits' explanation is that this kind of tension arises when there is a misunderstanding over whether *Cops & Robbers* is a closed game or an open game. What is the goal that the players are trying to achieve? Is the goal of the players playing the cops to apprehend the robbers, and the robbers' goal to escape with the loot? Or is the goal that they are all trying to achieve the reciprocation of adequate dramatic moves that allow the perpetuation of the activity? Such a confusion is at play here, one that being clear about what was going on would resolve.

There are likely fuzzy borders between open games and forms of play that are not games at all, being close enough not to easily distinguish them from each other. What matters is that there seems a large swath of things we call games of make-believe that are certainly forms of play but that do not meet Suits criteria for being a game, even when open games are properly understood. This is not to disparage Suits' account; on the contrary, his definition provides the tools to distinguish between the more rigorously rule-following forms of play and those that are more free-form and thus less game-like.

2.3.6 Walton's Games of Make-believe

With this account of open games being applied to so-called games of make-believe, there is a concern that it endorses a view in another debate that we should

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want to resist. Kendall Walton has defended an analysis of representational art as being relevantly analogous to games of make-believe. According to this account "representational works of art generally are props in games of make-believe,"[35] in just the same way as are dolls, toy trucks, hobby horses, etc. They are all similar in that they prescribe imaginings in games of make-believe that generate certain fictional truths. The details of Walton's account need not concern us here, other than to say that given the identification he proposes between the kind of imaginative engagement we have with toys and the kind we have with representational artworks, we must be careful of drawing another conclusion from their similarity: that representational works of art, or proper engagement with them, are actual games.

While Suits' account of open games seems to makes sense of paradigm "games of make-believe" like *Cops & Robbers*, what it does not seem to do, however, is make sense of games of make-believe in a more general sense, in particular those of the solitary person flight-of-fancy variety. It also struggles to distinguish games from playing with toys. This difficulty arises when we reflect on Kendall Walton's account of fiction, and his argument that our interaction with representational objects, or fictions, are all forms of games of make-belief.

For the single player of *House*, to take Suits' example, it does seem that in some sense what the player is aiming for is appropriate responses. But, again, he only describes as problematic deviation from the game when another joins in and does something inappropriate, something outside of what *House* should be. Imagine,

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[35] [89, p. 51]

for example, that I am playing *House* with my nephew. He wants to cook me a meal and he tells me so. This is an appropriate "move" in the "game" of *House*. And clearly there are more and less appropriate ways for me to respond. I could tell him that his cooking smells good and that I am hungry and looking forward to the meal. I can even play appropriately by responding in a conflicting way: I could tell him that I already ate and that I don't need to be fed. I could also respond inappropriately. I could grab the toy food off the toy stove and pretend that it is a spaceship now, making spaceship sound effects. This is inappropriate for the game *House*, and if that is what my nephew wants to play, he will respond with frustration.

What is less clear, however, is how to make sense of my nephew's flight of fancy as a game, involving a scenario like this: he is playing *House* one minute, flipping burgers on the stove, and then picks up the burger and pretends it is a plane and goes cruising around the room with it. In other words, for many games of make-believe, it is less clear how a single "player" can make a wrong move. If the goal of such activity is to follow a given person's imaginative whims, then it is not rule-bound in the same way as games are. Certainly one could play a game of make-believe that was a game by Suits' account, but what Suits' account misses, and Walton's does not, is the large space of possible games of make-believe that fail to be games proper.

Walton's account makes sense of these bouts of imagination, as the act of make-believe imagination that we partake in is for whatever reasons we might have while his account of fiction is specifically aimed at illuminating the role of make-

believe props. In the case of the plastic hamburger, it makes a fairly good prop for a make-believe hamburger, a not so great, but still adequate, prop for a flying saucer UFO, and a still worse prop for an airplane, though perhaps as a hand-sized plastic object it is still better than nothing at all.

Returning to Suits', it is unclear what kind of game activity is going on here. It does not seem that on the flight-of-fancy example my nephew is concerned with providing good dramatic moves while obeying the constraints of playing *House*, and engaging with that activity *for the sake of the activity it makes possible*. Rather, he simply likes the imaginative activity of playing *House*. When other people play *House* well with him they become additional good props with which to play. But the aptness of the prop, be it an object or a person, is not for the sake of responding well, but to engage in the make-believe.

One can shoehorn Walton's account of make-believe into Suits' account of open-ended dramatic games, but it seems to provide for less central cases. While it is perfectly plausible that *some* games of make-believe are Suitsian games—and improv is a good candidate—in many cases what is aimed for is not the reciprocation of good dramatic moves, but indulgence in whatever goods imagination affords us. This is why there is even a sense in which good props, whether human or otherwise, a good because they respond well, but that it is not the activity of *responding well* that the player seeks, but the goods of imagination.

This is exemplified in one of Walton's cases of make-believe, involving Fred, a shoe salesman, who daydreams about being rich and famous.[36] This is where

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[36] [89, p. 13]

Walton distinguishes among many different kinds of make-believe, not all of them suitable for Suitsian games of make-believe. One example of such deviation is a kind of imagination that need not involve rule following at all. This is spontaneous imagining, which is different from deliberate imagining.

> We sometimes decide on what to imagine, as Fred did; we form intentions to imagine this or that and carry them out. Imagining is sometimes deliberate. But not always. Often we just find ourselves imagining certain things. Our fantasizing minds stray, seemingly at random, without conscious direction. Thoughts pop into our head unbidden. Imagining seems, in some cases, more something that happens to us than something that we do.[37]

This differs starkly from Suits' example of Porphyro Sneak. Sneak is a master impersonator, the perfect spy. He masquerades as different people to serve the espionage needs of whoever can hire his services. But Sneak does not impersonate so as to deceive, he rather finds situations in which he is called upon to deceive so that he can impersonate. As Suits puts it, he has reversed the typical ends and means of the activity of impersonation.

It may very well be the case that Sneak engages in what are called games of make-believe for the sake of the activity that such games provide. But as Suits portrays the character, he really *is* interested in the activity for its own sake, and in a radical way. He truly cares for the dramatic interaction and seeks to perpetuate it above everything else. It might be noted that Sneak sometimes does this on his own, acting out two parts so as to have a good dramatic partner. But I would

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[37] [89, p. 13-14]

hasten to add that while he sometimes plays Suitsian games of make-believe alone, he always makes room for at least two roles. This differs from the non-Suitsian-game style of make-believe that Walton often has in mind when he talks about a single person engaging in a game of make-believe. As we can see, the Suitsian paradigm of make-believe does fit into his definition of games, but it is an extreme, or at least marginal, form of make-believe.

The applicability of the notion of rule to games of make-believe can also be called into question. It's difficult to say what it means to violate a rule in the kind of open dramatic game that Suits describes. What could a rule even be? "Play along" seems like something in the neighborhood, but it is difficult to know how one could legislate such a rule; even self-legislation seems difficult. Even if I really am concerned about following the rules, knowing when I've followed and when I've broken them may be a task too difficult to accomplish. This is because the rules of make-believe are difficult to specify to any great degree, and thus results in them being difficult to understand. This may result merely in these types of games being poor for being under-described, rather than failing to be games outright, but by Suits' own lights, these constitutional and evaluative elements are related, and if the rules are sufficiently under-described then a game of make-believe ceases to be a game. That we still call it a game is no reliable indication of its being a game, especially if we can see why we would call such things games even if they are not. What we call games of make-believe certainly involve a form of play, and without a more apt description we seem to have settled on calling any form of more organized play a "game".

This is not to ignore Caillois' point about the analogy between rules and make-believe. Where some games, he argues, are played *for real*, such as chess, other games, like *House*, involve make-believe. He sees these not as totally separate forms of play, but as importantly parallel. He compares someone who breaks the rules of a rule-based game to one who breaks the illusion in a game of make-believe.

> [T]he one who breaks up a game, the one who denounces the absurdity of the rules, now becomes the one who breaks the spell, who brutally refuses to acquiesce in the proposed illusion, who reminds the boy that he is not really a detective, pirate, horse, or submarine, or reminds the little girl that she is not rocking a real baby or serving a real meal to real ladies on her miniature dishes.[38]

Caillois is right, as far as the similarity goes, but one must also recognize a difference between the precision and clarity of the rules of games he thinks we play *for real* and games of *make-believe*. In the case, say, of chess, there are myriad and specific rules about how to setup the board, turn order, how each piece kind moves, and how to win. This is to be contrasted with the make-believe decree to simply play *as if* something were the case: in *House* this would be to play whatever role you have taken on. Both can be broken or disobeyed, but the sharpness of the line that is crossed differs remarkably between the two cases. Consider Caillois' nice example of two children pretending to be adults playing chess, they are "playing at "playing chess"".[39] Consider now how different it would be to break the rules of playing at "playing chess" as opposed to breaking the rules of an actual game of chess. Whatever the similarities between rule-based games and games of make-

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[38] [77, p. 8-9]
[39] [77, p. 9]

believe, there is a marked difference in the nature of the rules of play in these two cases.

From the perspective of a robust account of games like Suits', then Walton's account of fiction at best employs a metaphoric sense of games. He is not interested in the game status of our imaginative pursuits, nor is he arguing that our engagement with works of art is importantly like a game of the standard sort. What interests Walton instead is the similarity between the kind of imagining that takes place when we play *House* and what we do when we stand in front of *A Sunday Afternoon on the Island of La Grande Jatte* and attempt to appreciate it.

What Suits has done is give an account of when games of make-believe are in fact games, but his account also provides the resources making sense of the majority of cases when games of make-believe are not games. We can see this in the case of Walton's analysis of spontaneous imaginings. The aim of the activity, the purpose, or the sake for which it is done, is not because of the activity that following the rules of the game makes possible. It is because of whatever psychological or cognitive reasons one has for ever engaging in the imaginative activity of make-believe. For instance, it feels good, or is fun, or interesting, or a form of escapism, or whatever. And we are willing to follow those kinds of imaginative adventures wherever they lead us, even into logically impossible spaces, and even into dramatically inappropriate, but otherwise imaginatively rewarding, directions.

Suits does an impressive job of fitting some games of make-believe into his account. But while he has made sense of when games of make-believe are games, he does not make the argument that all of the things that we call games of make-believe

are games. And it is on this count that Walton's account differs. His account does not necessitate that all the things he calls games of make-believe are Suitsian games, though some are, and even more strongly, most of what fits his account of fiction are not games in Suits' sense. Waltonian games of make-believe then are not games in the relevant sense, nor does it seem that Suits' account can cover most of them. What this means is that Suits' analysis, while useful, is limited. This is important if we are interested in preserving the intuition that artworks are fundamentally distinct from games.

2.3.7 Toys

Some of the reason for the difference between so-called games of make-believe and Suitsian games is that much of what gets categorized as games of make-believe are actually not games at all, but play of another sort, sometimes with toys. That we call them games may be a mere linguistic convenience of similarity, being preferable to "activity of play", though oftentimes the activity is simply referred to as "playing." In these cases, and in some of the cases Suits considers, objects, and even other players, serve as props. "Props are generators of fictional truths, things which, by virtue of their nature or existence, make propositions fictional."[40]

Walton's talk about games of make-believe begins on an even more fundamental point:

In order to understand paintings, plays, films, and novels, we must look first at dolls, hobbyhorses, toy trucks, and teddy bears. The activities

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[40] [89, p. 37]

in which representational works of art are embedded and which give them their point are best seen as continuous with children's games of make-believe.[41]

Walton begins his account not by considering games, but toys. This is important because it demonstrates not only that Walton's account is aimed at something distinct from Suitsian open dramatic games, but that there are large amounts of play that exist under the title of 'game' but do not fit within a conceptual analysis of game. Suits' account of open games may be correct, but it would be wrong to try to apply it to all the kinds of play there are, including much of what we call games of make-believe.

A great deal of our enjoyment in play comes from playing with toys, and toys are props for make-believe, they make things true in the fictional world that we are playing in. When I play with a toy horse, it matters that it has a horse's head, and it matters that the horse's head is brown rather then green. The features of the toy, the adequacy of the prop to the play, is something that, for whatever psychological reasons, we find rewarding. It is in this way that videogames often fail to be games but serve as excellent toys.

Recall Costikyan's reference to *SimCity* as an excellent toy. What makes it such an excellent toy is not merely, by Costikyan's lights, that it provides us with such excellent means with which to play different games. As mentioned above, a ball can do that, but a ball is not the most excellent prop for make-believe. No, part of what makes a videogame like *SimCity* such an excellent toy is that it is both

[41] [89, p. 11]

highly particular, meaning that it creates concrete and specific fictions with which to engage imaginatively, and that it responds well to our interactions with it, so that when we engage with it fictionally it responds in turn. Another example of this are the torches in the recent *Far Cry: Primal.* They are excellent props for make-believe. When you light them on fire the fire is animated and lights up the world around you in the night. But they are an even better prop because as they burn the flame moves down the torch, leaving behind charred wood, eventually burning the wood entirely and extinguishing. This serves as a diagetic visual indicator that the torch is being used up, but the videogame need not have included it. It is there because, again for whatever reasons we find it so, a more fictionally responsive imaginative prop is more satisfying.

What makes some videogames toys rather than games, then, is that they *only* serve as props for make-believe without also providing the explicit rule structure needed to be a game. One can certainly play games with them, as one can with a ball, but this only shows their aptness as toys that can serve as an apparatus for a game, not that they are games themselves.

2.3.8   Videogames as Games

By Suits' account it seems clear that some videogames are games, though as we have seen, some of them are toys, which are not games. So we have arrived at another partial claim. In attempting to understand how some videogames might be artworks, we need to understand what videogames are. And we have seen that

some of them are games, according to Suits' definition of games, but that some videogames are not games, being better understood as toys. Videogames can be other things too, including interactive narratives, educational tools, simulations, political commentary, and advertisements.[42]

2.4   The Incompatibility of Games and Artworks

Games and artworks are incompatible things.[43] This means that if something is a game, then it cannot also be an artwork and vice versa. Artworks and games are ontologically distinct kinds, though this should not be confused with the claim that the things that make up an artwork or a game could not be used to make up the other. What this means is that for any physical or structural object that is a constitutive part of a game or an artwork, be it physical pieces or a computer program or notes on a page or a set of rules, while they could, with the right adjustment, be part of either an artwork or a game, they do not wholly constitute the work that they are a part of. Games and artworks also both have as part of their constitutive parts prescriptions for how to appropriately engage and appreciate them. It is this fully constituted work of constitutive parts, creative intentions, prescriptions and all, that is the target of my argument, not solely the parts that make them up. The position I am defending is that the ontologically complex

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[42]For several examples of these types of uses by videogames, see [90].

[43]This conclusion is quite different from Roger Ebert's famous, or perhaps infamous, assertion that videogames are not, and never can be, art ([27]). He argues that there is something about videogames, and not games, (though he is not terribly clear on this distinction) that makes them unable to be artworks. I would add that he gets his analysis of both videogames and artworks wrong, and thus, that although the conclusions of our arguments may have some extensional overlap, the reasons for them are quite different.

things that are games and artworks cannot be identical with each other, despite the possibility that the constitutive parts that make them up could potentially be constitutive parts of either a game or an artwork.

Duchamp's *Fountain* is a clear example of how creative intentions can alter prescriptions for how we are to engage with an object to the point of changing it from one kind of object to another. Just as a urinal is not merely a physical object with a particular shape, but that physical thing along with its intended function, i.e. the prescriptions, norms, and conventions that guide our proper interactions with it, so are artworks not merely their physical substrate, but also a collection of prescriptions, norms, and conventions. Thus Duchamp's *Fountain* is no longer a urinal, but an artwork partly constituted by the physical object that used to partly constitute a urinal. The functions, conventions, prescriptions, and proscriptions governing the object when it was a urinal have been altered, otherwise the various attempts over the years to urinate into it would not be as newsworthy or interesting as they are; nor has its art status spread to other urinals through mere physical resemblance. It is important that the object used to be a urinal, but it is also important that it no longer is one.[44]

Chess is a game and, arguably, the videogame *This War of Mine* is an artwork. At the very least, it is a work of a kind that requires a kind of engagement and appreciation that requires more than merely engaging with it as a game.[45] In *This*

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[44]Joseph Margolis argues that artworks are *embodied* in the physical objects that partly constitute them as "tokens-of-a-type", but are not identical to them, see [91].

[45]The incompatibility argument presented here neither makes nor depends on the distinction between artworks and works simpliciter made in [92]. All that is required here is only that *if* something is an artwork, it cannot also be a game, and vice versa. While the argument presented here, I believe, goes through even when it incorporates Lamarque's theory, there is not the space

War of Mine, one is tasked with managing a group of survivors in an urban war zone. It presents the audience with morally difficult choices, such as whether to allow other survivors to camp in your base and risk running out of supplies or allowing a betrayer into your midst, or whether to raid the stores of nearby, equally victimized, survivors, turning your own survival actions into predation. It is a work meant to impress upon those who engage with it the desperate and vicious effect that war has on those it impacts beyond direct combat. To "play" it "to win", to accumulate the most points, or merely survive, without consideration of the morally ambiguous aspect of the work would be to largely miss the point of the work and thus to engage with it improperly. On the other hand, chess is an abstract game with a minimal veneer of make-believe about war that extends only to calling pieces by names like "knight" and "queen". To not play it like this but to instead reflect during the game on what it says about the nature of war and the state of man which wages it would be to do something wrong, or at least, something unnecessary to proper engagement with it.

It also does not follow from the incompatibility of artworks and games that one can tell just from looking at an object if it is the material basis of a game or an artwork. Extending William Kennick's warehouse test for artworks to games as well, one cannot go into a warehouse of unmarked items and correctly identify all the works of art, nor, I argue, could one properly identify all the games[46] This is perhaps even more so the case with games than art, as many games exist only as

to demonstrate that here.

[46]This is contrary to Kennick's original claim, which is that even without a definition of art, most people could properly identify most objects of art, see [93].

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abstract sets of rules and thus would be harder to find in a warehouse than many primarily concrete artworks. Barring the problem of identifying abstracta, if one were to come across a chess set, how would one know if it belonged to the game of chess rather than an artwork that had appropriated a chess set? Clearly one could not, and one must always know more about an object than just its physical parts to properly identify it as an artwork or a game. All of this is to caution against becoming distracted from the actual target of the argument, thinking that it applies to the mere constituent objects that we often take to be a game or an artwork, and that they could never be constituents of the other.

The incompatibility of games and artworks bears on the debate over the art status of videogames. Grant Tavinor defends a positive answer in his *The Art of Videogames*.[47] Dom Lopes' *A Philosophy of Computer Art* suggests that videogames can be art in largely the same way as other interactive computer works.[48] Aaron Smuts argues that by every definition of art, videogames count as art.[49] Al Baker argues for a narrower account, that all videogames are representational art.[50] These authors and many others, both inside and outside of philosophy, argue for various conclusions, some that videogames can be artworks, some that they cannot.

They do not, however, address a more basic concern, that of whether games *themselves* can be artworks. It is an open question whether all, or even any, videogames are games, but most authors take it for granted that they are. It may turn out that some, or even many, videogames are not games proper, and thus

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47 [53]
48 [94]
49 [1]
50 [95]

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avoid the problem of this incompatibility. The incompatibility between games and artworks, however, is important for the way we think about them, and about both in relation to videogames. If the incompatibility argument is successful, it means we must think differently and carefully about the way we create, appreciate, understand, and criticize both artworks and games, giving each its due and proper understanding as what it is and not as something it is not.

In this section I argue that games, at least of a Suitsian type, cannot be artworks, that something's being a game is incompatible with its being an artwork. I am silent on the issue of whether videogames are in fact games, but I will argue that insofar as someone takes something to be a game, it cannot be an artwork, be it a videogame or otherwise. The question, then, is what is it about games and artworks that makes them incompatible? I emphasize three points of incompatibility, arising from the respective criteria of games and artworks: games and art cannot share the same constitutive goals, artworks cannot have the arbitrary inefficiency that is required of games, and the required attitude that we take towards artworks undermines the required attitude that we must take towards games.

2.4.1 Games

Recall Bernard Suits' definition of game-playing:

To play a game is to attempt to achieve a specific state of affairs [prelusory goal], using only means permitted by rules [lusory means], where the rules prohibit use of more efficient in favour of less efficient means [constitutive rules], and where the rules are accepted just because they

make possible such activity [lusory attitude].[51]

Recall that Suits' definition is not a definition of *games* proper, but of the activity of *game-playing*. Yet this can be easily modified to distinguish games as objects from game-playing as an activity. This requires an amendment to the *lusory attitude* condition, including with it a prescription that players engage the set of rules with the lusory attitude.

This modified account correctly captures, I believe, the extension of games, while giving a reason for why people call similar things games in a metaphorical sense. There is not the space to defend Suits' account at length, but a brief review will be helpful.

I want to briefly highlight the elements of games that will be shown to contribute to their incompatibility with artworks.

2.4.2 Prelusory Goals

The first is the *prelusory goal*. Remember that this is the goal that a player aims to achieve is *a specific achievable state of affairs*. It is the kind of goal that can be specified apart from the game itself, independent of the rules as a whole.

2.4.3 Inefficient Means

The lusory means are determined by the constitutive rules, where the rules select inefficient over efficient means for achieving the prelusory goal. Suits makes

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[51] [43, pp. 43] square brackets his.

special note of this inefficiency condition for it is the selection of inefficient means that makes an activity a game rather than a technical activity.

> Think of any game at random. Now identify its prelusory goal: breasting a tape, felling an opponent, or whatever. I think you will agree that the simplest, easiest, and most direct approach to achieving such a goal is always ruled out in favour of a more complex, more difficult, and more indirect approach."[52]

Technical activities are those we want to complete more or less as efficiently as possible. To borrow Suits' example, much of what makes golf a game rather than a technical activity is that instead of trying to achieve the goal of putting a ball in a hole in the ground by walking up to it and placing it inside, we instead start several hundred yards away and (try to) hit it with a club.

2.4.4   Lusory Attitude

The final condition that makes something a game is the prescription that players engage it with the *lusory attitude*, which is that they accept the constitutive rules and the inefficient lusory means they specify for achieving the prelusory goal, solely because they make such an activity possible, that activity being to try to accomplish the goal through such restricted means. This distinguishes game playing from aberrant cases, like someone being coerced by gunpoint into playing what would otherwise be a game, because their motivation is not one of playing. It also shows how something that is not a game can be treated *as if* it were a game. An example of this might be the game "Traffic", where someone obeys all the rules of traffic,

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[52] [43, p. 40]

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not because they are laws aimed at balancing safety and convenience, but because they enjoy the activity of trying to reach some destination within what they treat as arbitrary restrictions. Thus one could play "Traffic", which can be treated as a game, without turning the prescriptions of traffic into a game, since there is no prescription for them to be engaged in such a manner.

2.4.5 Art

The incompatibility argument depends on what I take to be an uncontroversial and generally accepted condition for being an artwork. Whatever an artwork is, whatever its meaning, and whatever the intentions of the artist, artworks are meant to be appreciated. Proper engagement with an artwork requires recognizing the object for what it is and attending to all of its relevant features. This includes obvious things like the physical object that partly constitutes the artwork, but features of its context of creation as well, like the identity of the artist, when it was created, the history of the medium it was created in, and the intentions of the artist.[53] This is just to say that there are right and wrong ways of engaging with artworks, and the right ways include paying attention to the relevant features of the work, whatever those turn out to be. This is not a bold claim, and, unsurprisingly, it finds general agreement in the literature.

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[53]By requiring attention to intention I don't mean anything as strong as the thesis that an artist's intentions fully determine the nature of a work or its meaning, only that the nature of the work and its meaning depends, at least in some part, on the fact that artworks are intentionally created objects. These considerations are part of what make for proper evaluations of artworks. There are many accounts of art that support this general claim, though the stance defended here does not require the endorsement of any particular view. The role of intentions is, however, ineliminable as it relates to framing an object not just as a work of art, but as the kind of work of art that it is. For extended discussion on this topic, see [96], [97]2006, [98], [97].

Support for this condition of appreciation comes from otherwise quite different positions across the theoretical space of the philosophy of art. One example is the kind of regard expressed in historical accounts of art, including Jerrold Levinson's "proper ways of regarding"[54] and Robert Stecker's "the set of functions standard or correctly recognized".[55] Both highlight that established modes of appreciation matter for something to be properly intended as art. Ways of appreciation of this kind allow any kind of *object* to be art, but not that any kind of intended function can also be an appropriate art function, or way of treating an object, it the object is to be an artwork.

Peter Lamarque also gets at this notion of appropriate appreciation in his account of the difference between a work (not necessarily an artwork) and an object that is, in Danto's locution, a "mere real thing".[56] The claim is that works have essential properties that not only make it *a* work, but make it *that* work. Lamarque gives special attention to two such kinds of conditions that are essential to both ways of being a work: *Conditions of Production* and *Conditions of Reception.* In short, he argues that it is important both how a work is made and how an audience receives it.

This is in keeping as well, with David Davies' *pragmatic constraint*, that whatever our theory of art, it must respect actual practice, the way people both make and engage with art. This notion is also consonant with Sherri Irvin's account of the artist's *sanction*, which "may serve to fix the boundaries of his or her work, to

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[54] [64]

[55] [42]

[56] [92]

determine whether a particular feature is relevant to the work's interpretation, to establish in what genre the work belongs, and, in some cases, to determine whether it, *qua* artwork, has a particular feature or not."[57]

Support can similarly be found in Christy Mag Uidhir's claim that if art has a purpose it is "manner specific", when it has a purpose which is "essentially constituted both by an action (or state of affairs) and a manner, such that the purpose is to perform that action (or bring about that state of affairs) in that particular manner. Failure to do so constitutes failure to satisfy/fulfill the purpose, that is, a manner specific purpose is satisfied only if the state of affairs is brought about in the prescribed manner," and that "the prescribed manner is constitutive of the purpose." [58] A similar perspective is expressed in Malcolm Budd's claim that the proper understanding of a work is nondetachable from proper experience of a work, as he notes of reliable testimony about the gracefulness of a work, "The reliable informer, as he perceives the work, will not just perceive the work as being graceful but will perceive the gracefulness *as it is realized in the work.*"[59]

The condition of arthood that I am here defending is minimal: that an artwork is meant to be appreciated, and that appreciating an artwork includes attending to all of its relevant features.[60] I cite these otherwise quite different positions on the nature of art to demonstrate how widespread and ecumenical the notion is

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[57] [99, pp. 315-316]

[58] [100, p. 194-195]

[59] [101, p. 391] Emphasis his.

[60]The use of "relevant" here is to exclude obvious non-relevant features, like, say, the color of the backs of canvases for the evaluation of paintings or their weight or the smell of their frames. Obviously, any feature *could* be made relevant, but this is just in keeping with the theory, as things like the medium of the work and in particular the artist's intentions, among other thing, can determine which and whether features like these are relevant.

of appreciation of art for its relevant features. While much of the philosophical debate surrounding artworks centers on exactly how this notion of the centrality of appreciation is manifested in different cases, the notion itself is not usually in question.

2.4.6 An Object That Is Both an Artwork and a Game

Before we can consider if games are incompatible with artworks, we must consider what it would mean for an object to be both a game and an artwork. There are two straightforward ways that we can consider a game that is also an artwork. One is that an artist creates, transforms, or appropriates a game in a way that is sufficient to make it an artwork, and does so in a way that preserves its status as a game. The other way is that an artist creates, transforms, or appropriates an artwork in such a way as to also give it the necessary and sufficient conditions for being a game. I take it that either scenario results in the same kind of object being created.

2.4.7 Art Appreciation

Beyond these two ways of the same artifact being a game and an artwork, a confusion can arise by conflating the activity of art appreciation with the object of appreciation that is the artwork itself. This confusion can happen because the activities that are game-playing and art appreciation share many similarities, such as having prescriptions, ends, and, if the artist makes his or her artwork in a certain

way, both activities can seem to require arbitrary inefficiencies in achieving those ends.

Even if art appreciation could also be a game, this would not result in the artwork being a game. The activity of appreciating an artwork is not the same thing as the artwork itself. As the argument here is concerned with the incompatibility between games and artworks, even if it were possible for the activity of art appreciation to be a game, that would not then show that artworks were compatible with games.

It cannot be the case, however, that art appreciation could be a game, nor can it be a case of the activity of game-playing, because art appreciation is a technical activity and technical activities cannot be games. Recall that this is so because technical activities are activities that aim to accomplish their goals in an efficient manner, something that games don't do. This inefficiency is the characteristic feature that distinguishes game-playing from all other kinds of activities. Games prescribe that their goal, the prelusory goal, be gotten at by inefficient means. This means that, by Suit's definition, games are not a technical activity. Art appreciation, then, being a technical activity, cannot be a game.

2.4.8 Appropriation and Repurposing

It is perhaps unnecessary to state that the *Mona Lisa* is not a game.[61] But showing that most artworks are not games is not a very difficult, or even interesting, claim. The argument here makes the stronger claim that *no* artworks are games and vice versa.

Why couldn't someone make a work out of a game, like a Readymade made from a chess set, or, a more difficult case, why couldn't someone create a game that is also an artwork, or to put it otherwise, if someone did make an artwork out of a game, why would that entail that the object in question was no longer a game?

In the case of Readymades, there are several examples of artworks made from objects that ceased to have their non-artwork functions once they were selected or appropriated as art. Duchamp's *Fountain* is perhaps the most obvious case, already explained above. A different situation would arise if someone were to take a chess set, chess being uncontroversially a game, and put it in a gallery. Doing so changes the function of the object that is the chess set, and it is no longer meant to be engaged with as it was before as certain new actions are prescribed and prior ones prohibited.

The chess set example does not address the issue at hand, however, as a chess

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[61]Perhaps *pace* Walton's account of fiction and games of make-believe (see [89]). Space does not allow me to address this concern in full here, but in short my response is that if we read Walton's use of "game" literally, his account does not correctly capture the notion of games, and if we read it analogically or metaphorically, then no conflict arises. I would suggest that Waltonian games are of a different sort than Suitsian games, one concerned with certain practices of make-believe and the other with rules and objectives, so no conflict arises between the two, nor does something being a member of one kind of game have any bearing on its being a member of the other kind. For a fuller analysis, see §2.3.6

set itself is not a game. The game that is chess is a set of rules, means, and ends that we are to engage in certain ways, namely with the lusory attitude. The interesting case, then, is not of appropriating the paraphernalia of a game, but someone creating a set of prescriptions that seem to satisfy the conditions for being a game and an artwork. Is there an incompatibility in cases like this?[62]

2.4.9   Artworks as Games, Games as Artworks

The case we are interested in is whether a game itself can be an artwork. To judge this case we must consider carefully the conditions that make something a game and add to them the conditions that make something an artwork and see if they are compatible. This includes the different attitudes required for games and artworks. It is in consideration of these conditions, I maintain, that we can see how games are incompatible with artworks.

Assume for *reductio ad absurdum* that there is an artwork that is also a game: Artwork-Game X. By hypothesis it will have all the properties of a game and all the properties of an artwork. The arising impossibility of such an object will demonstrate the incompatibility between games and artworks.

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[62]This is also distinct from *playings* of games being parts of artworks, as can be the case in performance works. A playing of chess in a museum does not make chess art, nor did Diego Leclery's playing of *Civilization* at the 2014 Whitney Biennial turn the game you and I can play at home into an artwork.

2.4.9.1 The Prelusory Goal of Artworks

Since Artwork-Game X is a game, it must have a prelusory goal.[63] The goal that all artworks have that is as close to the lusory goal of winning a game as one might hope, is to appreciate the artwork by paying attention to its relevant features. To get the prelusory goal of any game we separate the goal from the means that are required to achieve it, isolating the final stage of appreciation of the work. Since Artwork-Game X is an artwork, its goal must be the appreciation of the artwork by attending to the features of the work. And as Artwork-Game X is also a game, this goal must be an achievable state of affairs separable from the means that dictate how to achieve it. Therefore, the prelusory goal of Artwork-Game X is appreciating it.

2.4.9.2 The Constitutive Rules and Lusory Means of Artworks

For Artwork-Game X there must be a difference between the efficient means of achieving the prelusory goal and the inefficient lusory means that the constitutive rules dictate. At first glance this seems straightforward enough; the creator of X can make whatever rules he or she desires to make the lusory means of the artwork-game X in such a way that they are inefficient for achieving the prelusory goal. For instance, the artist could obscure elucidating elements of the work, or prescribe

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[63]A concern arises here with talk about the plausibility of an artwork having a goal. It is not the most comfortable fit to say that just because something involves a *prescription* to engage with it in a certain fashion means that it has a *goal*. For the sake of argument I grant that artworks can have goals only to make the most charitable case in favor of the compatibility between artworks and games. If it turns out that artworks do not have goals, then we get the incompatibility argument for free, so to speak, and no further argument is needed.

outlandish and time-wasting tasks to be performed while also prescribing difficult-to-achieve goals.

2.4.9.3   The Lusory Attitude of Artworks

Artwork-Game X is both an artwork and a game, and thus requires for proper engagement with it both the lusory attitude and the artistic attitude.

An overly strong reading of the lusory attitude would make these attitudes immediately incompatible. Recall the particular language of the lusory attitude, which says that "anyone who plays a game accepts the rules of the game *just* because such acceptance makes possible such activity."[64] If we read the 'just' in an exclusive way, meaning that it is the *only* reason one can have for playing a game, then the addition of any other reason would mean that person was not actually playing a game.

This is *radical autotelism*, the position that games must be played always and *only* for their own sake, and that any other reason that a person might have for playing a game invalidates the person's otherwise legitimate playing of it. While this would indeed make games and artworks incompatible, this is too strong a reading of the lusory attitude and one we ought to reject for this would rule out many cases of game-playing that we would want to preserve as legitimate. For example, it would rule out that any professional athletes are actually playing games if they are also motivated by fame or fortune.

The exclusion of professional athletes as genuine players might seem acceptable

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[64] [43, p. 156] emphasis his.

if one is particularly keen on preserving the pure nature of amateur play. And there is something to be said for those who play purely for the love of the game, and this is a distinction that we ought to preserve. However, radical autotelism would also rule out more commonplace instances of game-playing that even the defender of amateur play should hesitate to discard. Suits gives the following examples of playing games for other reasons:

> to decide an issue ('Let's play a hand of poker to see who goes into town for more beer'), to achieve the greatest good for the greatest number ('You know how I hate bridge, but since you need a fourth I'll play this once'), to gain approval ('Percy joined the football team because Gwendolyn fancies football players').[65]

We should still want to say that these players are in fact playing these games, even if these purposes are "more important to them than the games themselves."[66] They can still be legitimate players of these games, even if, were their extra-lusory motivations removed, that would also remove their desire to play the game.

While the lusory attitude is not always exclusive of other reasons to play a game, it must always be a sufficient attitude to allow engagement with it to count as the playing of a game. As Suits explains,

> I am not committed to the position that playing a game for some further purpose somehow falsifies the proposition that a game is really being played. Nor, although extra-lusory purposes can be accomplished by playing games, is it necessary either to have or to accomplish such purposes in order to be playing a game; that is, such purposes are no

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[65] [43, p. 154-156]
[66] [43, p. 155]

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part of the definition of game playing.[67]

This means that while one may be motivated to play a game for other reasons, like those listed above, were they to lose those extra-lusory motivations but maintain the lusory attitude, that attitude would be enough, along with the other conditions for gamehood, for their activity to be one of game-playing. Thus there is a way for the lusory attitude to be compatible with other reasons for playing a game. It does exclude, however, anyone who is either not motivated by the lusory attitude, or who has an attitude that prevents one from taking the lusory attitude.

2.4.10   The Incompatibility of Artworks and Games

Artwork-Game X is what is supposed to be the case when we have something that is both an artwork and a game, with all the required features. We have supposed up to this point that this is a coherent possibility. If we look carefully at these conditions, however, we will see that some of them are in fact incompatible, and that no one object can be both a game and an artwork.[68]

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[67] [43, p. 156]

[68]I take a similar approach in my argument from Christy Mag Uidhir (see [100]) and Jerrold Levinson's (see [102]) arguments for the incompatibility of pornography and art in that I think there are incompatible features between games and art, in particular in how we are to appreciate them. Where others have argued those particular arguments fail, however, my argument differs in selecting different features on which to peg the incompatibility. In their arguments, each calls for a certain kind of regard, either too permissive or not permissive enough to accommodate the other. A somewhat similar incompatibility happens between games and artworks, though not one that obviously transfers to an incompatibility between artworks and things other than games.

2.4.11 No Separable Goal for Artworks

The first incompatibility is between artworks and prelusory goals. It is a hallmark feature of games that the rules arbitrarily require inefficient means for achieving the prelusory goal. Their inefficiency is relative to the prelusory goal, a goal that without the imposition of the constitutive rules could be accomplished by any number of other means, either more or less efficiently. The lusory means of supposed Artwork-Game X cannot exhibit these features. The goal of an artwork is to understand it, and doing this requires that we take into account all the relevant features of the work. The relevant features of the work include any feature of the work that bears on the correct appreciation of it. As the lusory means that the artist selects can have a bearing on the correct appreciation of a work, they count as relevant features. This means that to reach the goal of understanding a work, an audience member must take into consideration the lusory means that the artist chooses. But this means that the prelusory goal is not separable from the lusory means in the way that is required of games.

The lusory means used to achieve the supposed prelusory goal are in fact part of the prelusory goal. The prelusory goal of Artwork-Game X, namely trying to understand the work for what it is, requires consideration of the lusory means in that understanding. The prelusory goal, the state of affairs that is meant to be separable from the lusory means, must include them. This creates a dilemma. The first horn is accepting that the lusory means are part of the prelusory goal, and thus the prelusory goal cannot be separated from them, preserving Artwork-Game

X's art status but undermining its game status. The second horn is to deny that the lusory means are part of the prelusory goal, allowing them to be separable, thus preserving the game status of Artwork-Game X, but undermining its artwork status.

2.4.12 No Inefficient Means for Artworks

Related to the nature of supposed prelusory goals of artworks, whatever means are proposed as lusory means for an artwork must fail to be inefficient. Because the goal of an artwork is to understand it, and that understanding must take into account the lusory means used to reach that goal as part of the work, such means cannot be an inefficient way of reaching it. In fact, they are the only means for reaching that understanding, making them not only exclusive of other possible means, but also the maximally efficient means available.[69] While the prelusory goal of a game could be gotten at in any number of ways, the particular nature of each artwork means there is only one way of reaching the goal of understanding it, and that is through appreciating *that* artwork and not something else. It is true that there may be many ways of appreciating the artwork, but the important thing is that all of them are ways of appreciating *that* artwork and they demand that all relevant features be considered. No matter how seemingly obstructionist the rules the artist creates, obeying them is still the only way of achieving the proper appreciation of the work.

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[69]This connection between form and content is argued for in [103] and [104]. See also [105], [106], and [107].

2.4.13 The Incompatibility of Lusory and Artistic Attitudes

Finally, a third consideration shows the incompatibility between games and art: a conflict between the lusory and artistic attitudes. Recall that the lusory attitude is essential to game-playing while the artistic attitude is essential to the proper engagement with an artwork. It may seem at first glance that the attitudes are compatible, that one could engage with the object as a game while holding the further aim of appreciating it as art.

There are problems with this approach, however. Bear in mind that Artwork-Game X is both a game and an artwork all the time, it does not change status from one to the other at different times. Thus, while it may be possible to use a game, and even playings of it *as a* game, as component parts of an artwork, the claim being considered here is of an identity between an artwork and a game. This means that the proposed object must always be appreciated as a game and always appreciated as an artwork. So while there may be artworks that use games as part of them, and thus allow for different attitudes at different times, the proposed Artwork-Game X cannot take this approach; it must require both attitudes simultaneously. Simultaneity is required because for something to be either an artwork or a game is for it to be appropriate to treat it as such whenever one engages with it. Thus more has been shown than just the psychological impossibility of treating something as both an artwork and a game (if there is indeed such an impossibility); the incompatibility is, rather, a metaphysical one. The prescriptions that make up games and artworks prevent the same thing from being both a game and an artwork, even if, were the

prescriptions different, the same constitutive parts could make up either a game or an artwork.

The constant of attitudinal engagement means that while playing a game may serve *further* purposes, like fitness, fortune, or fame, the reasons for playing the game must always be reasons for playing it *as a game.* The distinguishing feature of game-playing, as of play in general, is that while it need not *always* be done for its own sake, it *can* always be done solely for its own sake. This fact makes games a paradigm case of autotelic activity.

With Artwork-Game X, however, the lusory attitude is no longer a sufficient attitude for the proper engagement with it *qua* Artwork-Game X. Since it is also an artwork, it requires the artistic attitude. It would be inappropriate to engage with Artwork-Game X simply because one wanted to engage in the striving that the lusory means made possible, irrespective of the goal being aimed at; rather one must also engage with it because one cares about achieving the goal, which is understanding the work. These attitudes do not overlap, thus it cannot be that one is sufficient when both are necessary.[70]

Thus there are at least three ways that games are incompatible with artworks. There can be no separable prelusory goal for artworks, the supposed lusory means of an artwork cannot exhibit the necessary inefficiency, and the artistic and lusory attitudes are incompatible.

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[70]Though artworks have associated prescriptions, they hold limited power over us. While there is the prescription that we are to appreciate the artwork for the work that it is, this prescription only holds sway over our appreciative practices, not our lives in general. This makes it a conditional, and not categorical, prescription. *If* we are going to properly engage with this artwork, *then* we must appreciate it for the work that it is. But it is not the case that at any time there is a prescription to properly engage with all artworks.

2.4.14   Game-works

One should be careful about what the incompatibility argument does *not* show. It does not show that videogames cannot be artworks, or that other things that seem like games cannot be artworks, or that things that seem at first glance to be artworks can't be games. It only shows that whenever a thing is a *game* it cannot also be an *artwork* and vice versa. It does not mean that the things that make up a game and make up an artwork could not, with the right adjustments, be made into the other. In particular, there is little reason, other than perhaps the history and label that includes 'game', to assume that all videogames are games.

Videogames can be many things, including educational tools, simulations, toys, and interactive narrative experiences, none of which require that it also be a game. Thus, insofar as any videogame fails to be a game in the Suitsian sense outlined above, it is immune to the incompatibility argument and is at least a potential candidate for art status. Strictly speaking, the incompatibility argument allows for all videogames to be artworks, so long as none of them are games. This also holds for any other non-videogame things that might be called games, but are in fact properly intentioned to be artworks. This includes the things we call "board games", "role-playing games", "card games", and so on.

So we see that the incompatibility does not rule out the possibility of what can be called *game-works*. A game-work is simply a work that has features that we might consider rules, means, and goals similar to a game's but is meant for appreciation beyond or differently from what the lusory attitude prescribes. The notion of a

game-work can include videogames, boardgames, party games, role-playing games, or anything that resembles a game in having the apparent rules, means, and goals structure of a Suitsian game. The difference between a Suitsian game and a game-work is that game-works do not prescribe the lusory attitude, indeed cannot lest they be games, as the proper appreciation of a game-work extends beyond merely undertaking them for the striving activity they provide.

Game-works, then, are not incompatible with being artworks, even though they share many qualities with games. This is because they are not games, despite evident similarities. An apparent tension can arise when a game-work asks of its audience that they adopt, as part of the work, something like the lusory attitude, that the audience, at least temporarily, treat or consider the object *as if* it were a game before requiring it to undertake some further appreciative task. Taking such a stance is insufficient, however, for making the object a game. A game requires that we *actually* take the lusory attitude towards it, not that we act only *as if* we had that attitude. This is similar to how assumed attitudes can fail in the other direction to make things artworks, as it is insufficient to make something an artwork merely that one considers the object *as if* it were an artwork.

I suspect many videogames will turn out under investigation to be game-works rather than games, meant to be appreciated for more than just the striving activity they provide, even when such striving is part of the proper consideration of the work. This is at least the kind of videogame that is often referenced in discussions about the art status of videogames, that some particular work has a compelling narrative, or the gameplay in some other one makes a moral point, or some further one is an

aesthetic triumph. All of these are characteristics that a work can be appreciated for, but they are not features that make a Suitsian game what it is.

2.4.15   Conclusion

The possibility of an object being both a game and an artwork has been considered and rejected. The categories are incompatible for at least three reasons, artworks being unable to have separable prelusory goals and inefficient lusory means, and the lusory attitude's sufficiency being undermined by the necessity of the artistic attitude. This incompatibility does not mean that a game, like most anything, could not be a constitutive *element* of an artwork, but a game cannot be *identical* with an artwork. This is important in how we critically analyze both games and artworks, especially for works that have been proposed as both games and artworks. If my argument that they are incompatible things is correct, then these theories must be altered to accommodate this incompatibility and the appreciative methods these theories endorse changed in kind. Definitions and accounts of videogames must also take this fact into consideration, and analyses must be modified accordingly. Also important is that this frees appreciation of games from the burden of having to satisfy criteria of art as well. Games are excellent things, as Suits is perhaps overly enthusiastic in defending,[71] and as such they should be created, engaged with, and judged on their own merits, for what they are, and not as something they are not.

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[71]Suits believes that games are the highest value and the best way to spend one's time, see [?]. I am inclined to agree with him that they are more valuable than they are often given credit for, but I also agree with Thomas Hurka's criticism that there are other important values as well, e.g. beauty, morality, relationships, that do not reduce to games in the way Suits might think they do.

2.5 Play

2.5.1 A Definition of Play

Defining play is, in part, a defense of a Suitsian account of games. Most radically, Suits argues that play and game-playing are logically independent. This means that one can play without thereby playing a game, and perhaps more shocking, one can play a game without thereby playing. The former is less controversial, and we can start there. Suits gives the example of young Johnny playing with his food. We may be very well inclined to understand his behavior as playing, but, as Suits points out, "it surely would be straining usage to conclude that Johnny is engaged in playing a *game* with his mashed potatoes."[72]

Suits makes a less persuasive argument in the other direction, in defense of the idea that just because one is playing a game this does not mean that they are thereby playing. Consider the case of professional athletes. "When professional athletes are performing in assigned games for wages, although they are certainly playing games, we are not at all inclined to conclude from that fact that they are without qualification playing. For we think of professional athletes as working when they play their games and as playing when they go home from work to romp with their children."[73]

This may seem more or less correct, and it follows claims made by Caillois about professionals not being engaged in play. I myself am inclined to agree with

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[72] [43, p. 221]
[73] [43, p. 221]

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the idea that in many cases professional athletes are not playing when they are fulfilling their professional duties. But Suits, by his own lights, gets the analysis of professional game-playing wrong. Seeing how that goes wrong can help us see how it is helpful to understand games as objects rather than as activities.

Recall that Suits' definition is one of the activity of game-playing, not of games as objects. If this is so, then as he has defined it, whenever an athlete is playing a game, they are indeed playing, for to be engaged in the activity of game-playing is to be engage with the formal system of the game with lusory attitude. Thus if a professional athlete is indeed *playing a game*, then they are in a state of play. Perhaps he is speaking loosely, however, and means only that sometimes professional athletes engage with the formal elements of a game, but do not have the lusory attitude, yet we still call their behavior playing the game. This certainly seems to happen, but then we must distinguish between game-playing as an activity, with the requisite lusory attitude, and game-playing as being engaged, even to some degree improperly, with the game as an object.

It is not obvious to me what is the best terminological choice to distinguish between these senses. Use of the term "institution" seems most natural, but that term is already used to describe the system of rules that one can engage with without needing to be involved in a full playing of the game. The example given of this kind of behavior is the person who is practicing chess by setting up the board in certain ways so as to improve his or her ability. Perhaps, then, we can use the term "institution" to also mean when someone engages with a game without also taking

on the lusory attitude.[74]

In this stipulated sense, a person can play a game in the sense of engaging with the *institution* of the game without it being the case that they are engaging in a case of *playing* the game. Of course, we then have the awkwardness of different senses of play, with $play_1$ being a kind of institutional engagement, and $play_2$ being the fully proper engagement with a game.

Despite these linguistic hurdles, it seems that we can understand professional athletes as not playing the game they seem to be playing. The point is that the example is more complicated than Suits presents it, and does not make as strong as case as he thinks there is that we can separate play from game-playing. It seems there is no case in which someone is genuinely involved in game-playing when they are not also playing, though there are cases when one is participating in a game institution, something that we call playing, without actually playing.

Though Suit's example is not as successful as he intends, it is also not as crucial to his argument as he may have assumed. The relevant aspect of his argument is the distinction between autotelic activities as a whole and the particular autotelic activity of play.

Autotelic behaviors, like play, are simply the kinds of things that we understand to be good in and of themselves. They are worth doing without the need for further justification. This distinguishes them from *instrumental* behaviors which have some further purpose. Classic examples of autotelic behavior include aesthetic

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[74]If anything, this kind of usage is hinted at, if not explicitly sanctioned, by Suits' account of cheats, triflers, and spoilsports. See [43, ch. 4]

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and religious contemplation, as well as games. But Suits resists the conflation of all autotelic activities with play, arguing that there is something more to play than just autotelicity.

Play is not something that can be understood through its own intrinsic nature, argues Suits, but only through its relation to what one should otherwise be doing. Play is understood as the expending of resources, be it time, energy, or whatever, that roughly speaking ought to be spent elsewhere on something instrumentally valuable.

> x is playing if and only if x has made a temporary reallocation to autotelic activities of resources primarily committed to instrumental purposes.[75]

Perhaps the most common resource spent playing is time. Time is a resource that is limited for us all and, as historical contingency would have it, we primarily spend that time in instrumental pursuits, the sustaining of our bodies and minds, and the betterment of our situation. To play is to, so to speak, waste that time doing something good for its own sake but not good for any instrumental purpose.

At first pass this might seem to accommodate aesthetic appreciation as play. Suits, however, aims to show that this is not the case, and that what are commonly taken to be autotelic activities are indeed done for some instrumental purpose, including the paradigm cases of aesthetic and religious contemplation. These things of course *could* be play, as could any activity made suitably autotelic, but his argument is that once these activities are made so, we would reject them as not what we ordinarily consider them to consist of.

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[75] [43, p. 225]

I believe it *is* possible to think away the usefulness of aesthetic and religious pursuits if we really put our minds to it. And, I suggest, that if we are successful in that attempt, we will be much less inclined—and perhaps not inclined at all—to deny that such pursuits ought *ever* to be called play.[76]

The case of religious contemplation, something seemingly good for its own sake, translates easily to the case of aesthetic contemplation. The key point, in either case, is whether one expects to accomplish anything from their activity. In the case of play, it is supposed to go, play is not the kind of thing that accomplishes anything. It really is just a waste of time that is enjoyable on its own. For it to accomplish anything, or rather, be done with the aim of accomplishing anything, would be for it to be instrumental, hence failing to be autotelic, and thus not play.

But what might something like religious contemplation of God accomplish? Suits offers several possibilities. It may be that one contemplates God to seek his assistance on some matter. Or perhaps to save oneself and get to Heaven. One could contemplate God to increase one's standing in God's eyes, or to seem good to those who observe one in contemplation. The possibilities grow ever more subtle. Perhaps one contemplates God to become a better person. Finally, perhaps through one's contemplation of God they expect to become better at contemplating God. All of these are activities instrumental enough to disqualify the contemplation as play. Only if they truly did have no further purpose would they count as play.

We can see the parallel with aesthetic contemplation. If one is seeking to impress those around them, or understand a work of art, then one has an instrumental

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[76] [43, p. 232]

aim. Even if one is only seeking to improve one's aesthetic sensibilities through practice, this will not count. It is a fine line to walk, but one may argue that if one engages in aesthetic appreciation for some reward, then one's behavior is instrumental as well. It is difficult to tease out the exact difference, if there is one, between the reasons one plays and the reasons one engages in aesthetic contemplation. But it does seem that a difference exists, in that play can seem in its nature a kind of useless act, whereas that same description of wasting time seems less apt with aesthetic contemplation; it seems less plausible to think that one contemplates the aesthetic for no reason at all in the way one plays for no reason at all. If such a difference is there, if aesthetic enjoyment can be undertaken for no reason, no self-betterment, no improvement of aptitude, then it is play, but it seems a rather rare kind.

2.5.2 Is Art a Form of Play?

This gets at what appears to be a problem for the incompatibility argument: that several accounts of aesthetic appreciation make this out to be a form of play. Suits' account of play, however, deflates much of what might otherwise be a potentially devastating counterexample in the various accounts of art that represent art making or art experiencing as a form of play. We find accounts of this sort in Kant, Schiller, and Gadamer. They assert that artistic or aesthetic contemplation is free in a way that makes it a kind of play. If they are right, and if we also cannot separate games from play, then the argument for their incompatibility is wrong, and not only can games be art, but perhaps all games are art, and perhaps all art is a

game.

I think, however, that this objection can be laid to rest in at least two ways. First, even if art is play, if we are careful about the definitions then they are not games. I take this point as self-evident from the above discussion on definitions of games and artworks. Secondly, if we follow Suit's account of play, it appears that accounts that have understand art as play have done so in an inaccurate or metaphorical way. I will briefly review how this is the case in light of Suits' account of play. A brief look at three dominant historical accounts of art as play should suffice to make this point clear. Bear in mind when considering these that if we accept something like Suits' account of play then for an account that links a notion of play to art to challenge the incompatibility argument it must be that the notion avoids being merely figurative and it must also not be the case that the notion of play turns out to be instrumental rather than autotelic.

2.5.2.1 Kant

Kant's *Analytic of the Beautiful* famously invokes the "free play of the imagination". It is this notion's connection to beauty, and thus to judgments of the aesthetic, and thus to art, that suggests a challenge to the incompatibility of art and games. We can see immediately a possible way out, in that, according to our contemporary understanding of art it is independent of beauty in starker fashion than in Kant's day. That said, Kant himself did not see art and beauty as necessarily connected, pointing out the obvious cases of beautiful non-art objects like

flowers. That he conceived of the independence working in the other direction, that there could be artworks that are not beautiful, is less clear. That we understand this now, however, is at least one way in which his challenge can be avoided.

Kant gets closest to autotelicity in his account of aesthetic judgment, which includes the notion of purposiveness without purpose.[77] As Paul Guyer understands it this "means that a beautiful object satisfies our subjective purpose in cognition without serving any other, more concrete purpose." This certainly appears to be a case of autotelicity, but though related to his notion of play, it is not quite the same. The notion of free play of the imagination is meant to capture the unrestrained activity of understanding and imagination, free of the constraints of concepts.

It is of note that Kant connects "free" to "play", suggesting a figurative use, that the cognition operates, not in play, but *as if* it were at play, meaning acting freely of other concerns. Kant's notion of play in making aesthetic judgments is play, at least in the sense of being different from the normal purposes of the imagination and understanding. This is made clear by Gadamer scholar Joel C. Weinsheimer (Gadamer will be discussed in §2.5.2.3)

> The taste for beauty registers the pleasure involved when the cognitive faculties themselves play. If knowing is the work of the imagination and understanding, then aesthetic judgment (in which nothing is known of the object) is their play. The cognitive faculties dally and linger with the object without coming to the point of making a determination about it.[78]

This appears to meet Suits' criterion of the reallocation of a resource from

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[77] [35, p. 105]
[78] [108, p. 81]

its primary instrumental use to an autotelic one. What does restrict Kant's notion of play from being a counterexample is that it may not be, in fact, as autotelic as it appears. The role of the free play is not for its own sake, at least not always, but to serve in making aesthetic judgment. Aesthetic judgment, made in the way Kant describes, is meant to be of universal validity; since our cognitive faculties work similarly to others we can expect similar aesthetic judgments by others. Here is what Kant says about whtat the "free play of the cognitive faculties" effectively aims at:

> the general aim of the understanding [is] to find unity in all of our experience, [and] we respond to this fulfillment of the underlying aim of cognition with pleasure, and a pleasure that is noticeable and enduring because the satisfaction of our general cognitive aim in these circumstances seems contingent and not taken for granted by us.[79]

One reading of this is thus that Kantian aesthetic judgments are always at least partially instrumental, which is to say not autotelic, and thus again not play. The goal of having aesthetic judgments, and thus the goal of playing, is to satisfy the general cognitive aim of universal validity. Differing from judgment of painfulness and agreeableness, when I make an aesthetic judgment I expect others to make it as well. If this is part of the reason for engaging in this sort of behavior, then it has a purpose beyond itself, and thus fails to be autotelic. Kant's connecting the aesthetic to other purposes, namely cognitive ones, is perhaps not surprising, since Kant famously relates morality to rationality. The important point is that there are reasons for this kind of play, undermining their status as true play.

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[79] [109, p. xxvi]

Thus we see that Kant's notion of play is arguably instrumental and figurative. For Kant, play seems more about a lack of restriction, which is a way of allocating resources, but he sees this more as the culmination of cognition, not an autotelic form of play. His notion of play is not the one under which our definition of games arguably falls, and thus is not a challenge to its inconsistency with art.

2.5.2.2   Schiller

Schiller's *On the Aesthetic Education of Man* follows Kant in seeing the aesthetic as intimately connected to a sense of play.[80] Also similar to Kant, Schiller seems to understand play as a kind of freedom, often referring to it as an unrestricted movement of thought.

Interestingly, it is not that Schiller conceives of play in its original sense in a way very different from Suits. He writes of play in animals in Nature as playing when they expend energy they have above and beyond their material needs. Similarly to Suits' notion of play as only being relative to a resource primarily put to instrumental ends, Schiller writes, "Undeniably there is freedom in these movements, but not freedom from need in general, simply from a definite external need."[81]

When he speaks of aesthetic play, however, he envisions a more instrumental role than for play in general. This is largely because Schiller believes that moral and political idealism is the highest state for man, but that man cannot reach this state without either first passing through, or learning from, the aesthetic state.

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[80] [110]

[81] [110, p. 133]

It is through this state that man learns more about his own Nature and the way to perfection. When applying the notion of play to the aesthetic, instead of it being actually about the temporal reallocation of resources usually reserved for instrumental ends, it is about the fully absorbing and freely associative exercise of aesthetic sensibility.

Sometimes he describes play as a leap from the *free sequence of images*, meaning unrestricted contemplation of material, meaning non-ideal, shape, to that of *free form*, meaning unrestricted contemplation of ideal shape, calling this *aesthetic* play.[82] Again this kind of play is only figuratively like the freedom of play in its ordinary sense, instead of being completely autotelic it is restricted within the domain of the consideration of pursuit of Beauty, but unrestricted by any further considerations.

Further distancing his notion of play from a literal one, Schiller sees his notion of aesthetic play not as an independent notion, but as the equilibrium between *life* and *shape*, an attempt to balance the material and the ideal. Here he seems to understand play only as a cognitive freedom analogous to the way play is a freedom from mundane activities.

In the end, Schiller's notion of play, like Kant's notion, which it echoes, is both figurative and instrumental, two ways in which it is not the kind of play we are concerned with, and thus not a counterexample to the incompatibility argument.

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[82] [110, p. 134]

2.5.2.3 Gadamer

Gadamer doesn't follow Kant the way that Schiller does, partly refuting him in places in the act of interpreting him. And while Gadamer's use of 'play' is as irrelevant to our concerns as Kant's and Schiller's, his introduction of the idea of games in relation to art is not. In fact, by focusing on the relation between *games* and art rather than *play* and art, Gadamer provides a much greater challenge to the incompatibility argument than Kant or Schiller do.

Gadamer uses play and games as a way to understand artworks, in a way that may be close enough that an identity can be posited. To begin, he thinks that play is the way of being of the work of art. Here an identity is already being suggested, if not outright claimed. To complete this claim he must say what play is. He rejects the Kantian/Schiller notion of play as "free play" as a mere lack of restriction. Analogous between play and art, and similar to the Kant/Schiller view, is the total absorption of play.

As he continues, however, he further distinguishes his view from the Kant/Schiller notion of play. He understands play not as "free play" as happens in games, with restrictions taken on because they make that activity possible. In the same way that games are limited, yet allow for play within those limits, and in fact are what they are because of those limits, so, for Gadamer, are artworks limiting in the proper ways of understanding them, while allowing space for active and multiple understanding to take place.

Ultimately though, Gadamer steers away from the compatibility of games and

art, using games only as a way of understanding some aspects of art. He also uses play, and the playing of games, centrally as a way of understanding *plays*. And *that* is how he understands artworks, not as games that are played,[83] but as *plays*, or stageable dramas. Artworks are like play and games in the ways listed above, but they differ in that they are repeatable in ways that play and games are not, but plays are. One cannot, for example, repeat the 2012 Olympic Games. If one were to attempt to do so, they would cease being games, with all their unpredictability and particular rule-following and attendant attitudes, and would become some other kind of thing, like scripted events, in which things that once happened are now repeatable and in which parts can be played by other people. It is this distinction that Gadamer sees as the greatest difference, that games and play are one-off events, while artworks, like plays, are repeatable ones. As Weinsheimer comments, "No one doubts that when a football game, Olympic Game, or card game is turned into a play, a work of art, the game is transformed utterly. In becoming repeatable and permanent, it is simply not a game anymore."[84]

So it is that in the end Gadamer uses the notions of play and game not to make an identity claim, but as a fruitful metaphor through which to understand the nature of several aspects of artworks. I have not examined whether Gadamer's comparison of plays and artworks is one of metaphor or identity, as it is not germane to the present discussion. In either case, the apparent challenge to the incompatibility of games and artworks has dissolved.

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[83]Crucially he doesn't believe that games are ever played, but "all playing is a being-played."([111, p. 95])

[84] [108, p. 108]

As we can see, each of these claims about art being play or games is plausibly understood as having a merely figurative sense of play or turning out to be instrumental and thus not autotelic. Games and play are used as metaphors for understanding art and its features, but which are distinct from each other. However, even if this were not the case and the notions of play in these different accounts of art were genuine and robust, the connection between play and games would pose no threat to the incompatibility between games and artworks.

2.6   Conclusion

Part 2 opened with an attempt to understand videogames. The examination began at an obvious starting place, the assumption that videogames are games. This then demanded an account of what games are. This led to an examination of several definitions and accounts of games, ultimately leading to the definition given by Suits. And on Suits' definition it is the case that at least some videogames are games. This gave us a partial analysis of videogames. We now know what games are and that some videogames are games.

Given a set of videogames for which we could provide a proper analysis, videogames that are games, we could then ask whether they could be artworks. As it turns out, there is an incompatibility between artworks and games, arising from the constitutive intentional features of each, preventing one from coherently intending an object to be both a videogame and a game. This conclusion showed some possibility of being incorrect in light of challenging views from Kant, Schiller,

and Gadamer, but as we saw their theories use the notion of play and games in either a figurative sense through which to understand the nature of beauty and artworks, or as a different notion altogether, and end up not being applicable to the notion of game in use in the incompatibility argument.

If it turns out that is a proper subset—that while some videogames are games there turn out to be videogames that are not games, or at least that there could be videogames that are not games—then the incompatibility argument does not provide a universal negative answer the art question for videogames. We would then have to show that some videogames are not games, something already hinted at above, and show how they are still videogames. This will require us to once again try to understand videogames, and indeed define them, but in a way that does not have their status as games as a necessary feature. Whatever these other ways of being a videogame turn out to be, we can consider whether these other types of videogames can be artworks. This will be the aim of Part 3.

Chapter 3:   Videogames

In Part 2 we saw that with working definitions of art and games all that can be shown is that some videogames are games, and that those that are cannot be artworks. This yields a universally negative answer to the prospect of videogames being artworks if videogames must of necessity be games. So whereas Part One ends on a positive note with a defensible definition of art, Part Two ends on a more pessimistic note, that despite that progress made on defining art and games in the past half century, it appears at first glance that they are incompatible. Such a conclusion suggests a negative answer to the art question of videogames, and a universal one at that.

There are, however, reasons to reject the assumption that all videogames are games. This part of the project aims to convince the reader of this, leaving open the possibility that some videogames are not games, yet are still videogames, and thus, potential candidates for art status. This part goes even further, and defends particular cases of videogames as art works, a status that they are at least eligible for in virtue of their not being games.

If it can be shown that some videogames that are not games are also art-works, or at least might be artworks, then we can give a qualified answer to whether

videogames can be artworks. It depends, perhaps not surprisingly, on features of the particular videogame in question.

3.1 Videogames Are Not (Always) Games

There are reasons, both philosophical and critical, to reject the notion that all videogames are games. This is a happy finding for a descriptivist project, as the current project takes itself to be. In fact, we find that a good amount of contemporary reporting and criticism of videogames is concerned with videogames that appear not be games, yet seem to be within the category of 'videogame': What are they and how should we talk about them? The industry has even taken to calling them non-games, which in combination with the nearly ubiquitous practice of colloquially shortening 'videogames' to 'games', leads to odd claims about "non-game games". The early remarks I will make about preferring 'videogame' to 'video game' go some way to resolving this linguistic conundrum. The case being made that not all videogames are games will settle it entirely.

What is needed is a definition that correctly limns the boundaries of the category of things that are videogames. To do this it must accurately capture what we take to be uncontroversial cases of videogames, without including things that are clearly not videogames, and give a compelling analysis of borderlines cases, those things whose inclusion as videogames is unclear. A successful account must carefully observe the actual practice of engaging with and appreciating videogames in order to make sense of both the intuitive scope of what videogames are as well as what

account of them survives critical analysis. Perhaps surprisingly, given the comments above about videogames not being necessarily games, the account I propose defines a videogame as either a game played on a computer, or an object intended to be a videogame, which historically means being concerned with the scheme of being a game played on a computer while sometimes going beyond it. This proposal works in a similar way to the intentional-historical definition that says artworks are such by being related to prior artworks by being intended to relate to prior artworks either intrinsically or relationally. I will show that this definition correctly categorizes straightforward cases of videogames as well as making sense of the kinds of things that have evolved in that tradition, including non-ludic videogames—that is, those which are not games—some of which are videogames that are also artworks.

3.2   Ludology vs. Narratology

A brief word is needed about the debate on whether videogames are properly categorized, and thus appreciated, as *games* or as *narratives*. Games studies scholars have split on this debate, and there are several methodological considerations at play. My hope is to dispense with this dichotomy entirely. This clearly hinges on how we define videogames, and thus further motivates the need for an account of them.

Ludology is the study of games, sometimes characterized more specifically as the study of game mechanics, which are roughly the structure of the rules of games and how players are intended to interact with them. Narratology, on the other hand, is the practice of interpreting games as narratives or texts, using interpretive tools

from literary and film criticism. Both approaches have met with the criticism that each ignores something important that the other captures.

Gonzalo Frasca has helpfully clarified, and possible deflated, this debate, arguing that while radical positions on either side are obviously at odds with each other, there is no need to ignore the tools from either approach. I agree with this consideration, but I would hasten to add that the debate itself is murky. Frasca is careful to say that he defines ludology as the "study of games, particularly computer games," but not as "the study of game structure (or gameplay) as opposed to the study of games as narratives or games as a visual medium."[1] This stance has already assumed that videogames are games of the sort that are properly investigated as part of a study of games in general, whether emphasis is placed on mechanics or narrative. Surely a clearer definition would be helpful here.[2]

3.3 'Videogame'

I employ the locution 'videogame' over 'video game'. This is because the latter option would seem to make it analytic that videogames are both games and video, two notions that we should be suspicious of. In the first case, there are reasons to reject the idea that all videogames are games, as videogames can be toys, storytelling devices, educational tools, art, or other things that are not obviously or easily categorized as games.[3]

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[1] [112, p. 93]

[2] I also adopt the commonly used Latinate *ludic*, from the term for sport and play, to categorize *ludic* videogames as those that meet the formal conditions of being a game and *non-ludic* videogames for those that are not strictly games.

[3] This is also why I avoid the colloquial shorthand 'game' to describe videogame and 'gamer' to describe an appreciator of videogames. Use of the ubiquitous 'game' and 'player' may be

The term 'video' is also a misnomer, for two reasons. First, not all videogames use what is technically *video* technology, some employing vector or other kinds of visual technology.[4] More importantly, however, it is not the case that all videogames have visual components, e.g. videogames for the visually impaired. One might insist on a terminological distinction here, reserving the term 'videogame' for those with a visual component and using 'computer game' as a broader catch-all. Interesting debates can be had on the different names we have for videogames and closely related media, but if we are interested in the dominant cultural phenomenon videogames have become, we should try to capture the broadest practice. In this spirit I mean to include under the title 'videogame' everything usually included under 'computer games', 'electronic games', and related terms, noting that some of these terms have been used with more vagueness and ambiguity than others.[5]

unavoidable, especially when speaking with the vulgar, and I have no desire to be a terminological referee, so long as what is really meant by these terms is kept clear. What this means is that there is not a univocal meaning behind terms like 'game' and 'play', but rather various meanings, necessitating clarifications like $game_1$ and $game_2$, and $play_1$ and $play_2$. Even if the term 'video game' does not necessitate anything analytically untoward, calling videogames "games" has proven a temptation to some to assume without question that they *are* games, and to pursue a misguided defense of videogames as universally games, despite the theoretical contortions efforts like these have faced. The terminological choices are valuable if only to offer some small resistance to the practice of referring to videogames with the abbreviated 'games', which can lead to odd locutions about whether games are really games.

[4]Video is an analog raster scan technology, distinct from vector displays and contemporary digital displays. For more on this from one of the early videogame developers and the inventor of the *Magnavox Odyssey*, one of the first home consoles, see [113].

[5]As will hopefully become clear from my definition, I actually find the categories 'videogame' and 'computer game' to be identical, differing from those who use the term 'computer game' to mean 'PC game'. The category 'electronic game' presents harder borderline cases. It is not obvious how to differentiate the electronic version of *Battleship* from, say, hand-held Tiger Electronic games. Intuitions vary, though I would argue that consideration of computerized interactivity can help decide even some of these difficult cases.

3.4 Videogames

A concern with extensional adequacy requires at least a sketch of the extension to be captured. Consider these cases of videogames, both popular and obscure.

3.4.1 *OXO*

One of the first videogames was 1952's *OXO* (or *Naughts and Crosses*), developed for the EDSAC mainframe by Alexander Douglas at Cambridge. It uses a dot-matrix cathode-display to visually render a game of tic-tac-toe. *OXO* took a previously existing game and utilized the computing power available to make a playable version against the primitive artificial intelligence.[6] Players made their moves by rotary-dialing in the number corresponding to the square they wanted and then the computer would respond.

OXO has all the hallmarks of a videogame: it is straightforwardly a game, being simply a computerized version of an originally non-computerized game, it uses a digital visual display,[7] and it is run on a computer.

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[6] Primitive only in the sense of its inability to perfectly mimic human error, a way in which, to some degree I suppose all artificial intelligences remain primitive to some degree. Douglas' *OXO* was programmed to play the game perfectly, thus always resulting in either a draw or a loss for the player, depending on their skill. This makes it not a very good game, but that is partly the result of tic-tac-toe itself being not a very good game, in the sense that it is reasonably easily solved.

[7] Technically the display used is not a video display, being dot matrix display and not raster. This is more evidence that we should not be so strictly beholden to the 'video' nature of videogames.

3.4.2 *Super Mario Bros.*

Released in 1985, a creation of the now legendary Shigeru Miyamoto for the *Nintendo Entertainment System*, *Super Mario Bros.* gave us Mario, who has become the *de facto* mascot of the videogame world. It is a 2-D platformer, requiring players to navigate the avatar of Mario to the right, jumping onto and over obstacles, destroying blocks and enemies, aquiring powerups and extra lives, while making their way to the castle destinations at the end of each level, all as subquests on the way to finding and defeating Bowser, the boss. The controls are simple but responsive, using the *NES* controllers directional pad to move, A-button to jump, and B-button to run and shoot fireballs when suitably powered up.

Super Mario Bros. is perhaps the paradigm case of a videogame, capturing for many a nostalgia associated with the fun of playing videogames and the powerful branding of Nintendo. It was the centerpiece of Nintendo's conscious effort to resuscitate the videogame industry after the Atari-fueled crash of 1983. It went on to become a colossal success and the Mario franchise continues today.

3.4.3 *That Dragon, Cancer*

That Dragon, Cancer is a videogame released in early 2016. It is an interactive narrative that follows a family's ordeal with their young son's terminal brain cancer. It is told through a series of connected vignettes that are point-and-click style. The user navigates the space by selecting nodes and is given a small set of options of things to observe or interact with, mostly consisting of ways of listening to audio

recordings, voice mails, and voice overs.

While it is an interactive narrative, it is not so in the sense that one can impact the narrative events, but rather one can, to some degree, control the way and the pace in which one passes through the narrative. Some elements can be lingered over, or returned to, or skipped, but there is no sense in which one controls the outcome. There are a handful of "mini-game" like portions, but they are not meant to be won, but "played" through with an understanding of videogame vernacular. In this way, *That Dragon, Cancer* uses the videogame medium to tell a story in an interactive way that leverages common videogame tropes by presenting the work as a videogame and, in some ways, subverts them.

3.4.4   *Mountain*

David OReilly's work *Mountain* is a videogame with a highly restricted element of interaction. It largely consists of looking at a stylized representation of a mountain while little happens. Very occasionally, quotidian objects of enormous scale, including barrels, biplanes, and bowling pins, will appear in the atmosphere and collide with the mountain, over time creating a motley agglomeration.

OReilly describes Mountain as a "Mountain Simulator, Relax em' up, Art Horror etc,"[8] terms clearly satirical of videogame categorizations.[9] His work serves as a commentary on the nature of videogames, seeming to promise the experience of a videogame, but then minimizing many of its key characteristics. First there is the

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[8] [114]

[9] To be particularly on the nose, these would be the common categories of simulations, shoot 'em ups, and horror games.

conceit of "playing" as a mountain. Not an anthropomorphized mountain that can run and jump, but a stand-alone mountain floating in space, immobile and solitary. While *Mountain* does have some interactive elements, the interactions that it does have flout the kind and degree of interactive response we expect in a videogame. In its brief opening stage you are asked to illustrate various concepts, like "happiness" and "security". There is no evident connection between what you draw and any later effect. After the initial stage you are introduced to the main portion of the work, where you view the mountain. You can use the mouse to rotate the view and zoom in and out. Pressing the 'Z' - ',' and 'A' - 'L' keys plays various musical notes, an effect also disconnected from the mountain you are viewing. The lack of interactivity is illustrated when accessing the menu screen, where instructions are laid out starkly:

<u>CONTROLS</u>

MOUSE - NOTHING

KEYBOARD - NOTHING

Mountain is an example of how videogames can stretch their traditional boundaries and expectations, and how they are categorized as videogames in part by their creator's intent. Whatever our account of videogames, it should make sense of works like these and capture the kind of phenomena that an account of videogames should make sense of, giving a clear explanation of why different candidates are and are not members. This does not mean that there may not be borderline cases, but even in those cases, an account of videogames should make sense of why there is not a

clear-cut answer. The extension of videogames ranges back farther in time than many realize, to the middle of the twentieth century, and includes works created for many difference platforms, including desktop PCs, home consoles, arcade consoles, mobile phones, and hand-held consoles. Any acceptable definition of videogames must at least cover this uncontroversial extension.

3.5   Intentional-Historical Formalism

What is needed is a definition that can make sense of the extension of videogames, the landscape of which is roughly represented by the examples above. This would be a straightforward task if there were some *intrinsic* property that essentially characterized them, something possessed by every videogame and by nothing else. Such an explicitly intrinsic feature is not forthcoming. Things appear more promising if we extend the criteria to include *relational* features. While there is not a necessary intrinsic feature that all videogames share, there are sufficient intrinsic features that some videogames have, and if we provide the right account of relational properties additionally required we can construct a definition that captures all and only videogames.

Before offering a strict definition, I offer the following looser characterization of videogames:

> To be a videogame is to be an object intended by its creator or discoverer for membership in the videogame tradition or, in other words, in the category 'videogames'.[10]

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[10]I take it as uncontroversial that creators of works have such categorial, though importantly

To flesh out this definition it needs to be said what it means to be intended for membership in a given tradition. The full account adapts Levinson's intentional-historical definition of art.[11] Levinson's account, as we saw in Part 1, is as follows:

> My idea is roughly this: a work of art is a thing intended for regard-as-a-work-of-art, regard in any of the ways works of art existing prior to it have been correctly regarded. [12]

Levinson's proposal is that what is art now is determined in part by what has been art in the past, and that new art has the status it does by either sharing in the specific kinds of regard that are appropriate for earlier artworks or by being consciously intended to relate in the right way to the prior body of works that make up the history of art. Thus something can be art by being intended for regard in the specific way that some artworks have been properly regarded in the past, such as "with close attention to form", "with emotional openness", or "with awareness of symbolism".[13] Something can also be a work of art through a relational intention, "intending for regard in whatever ways any past artworks have been correctly regarded, having no particular ones in mind."[14] This second method allows for something to be an artwork simply by intending it to be regarded as other artworks have been regarded, even if one cannot say, or even does not know, what those specific ways of regarding are, as well as, importantly, making sense of how

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not semantic, determination over their work. Support for the view that a creator's categorial intentions are of aesthetic and artistic importance can be found in [115], [99], [116, p. 190], [64], [61], and [117, p. 396-397]. This rough account is inspired by Anna Ribeiro's account of poetry: "To be a poem is to be a verbal object intended by its writer or discoverer for membership in the poetic tradition or, in other words, in the category 'poetry'."([118, p. 190])

[11]Ribeiro defends this view in [118] and Levinson in his [64], [61], [62], and [60]

[12] [64, p. 6]

[13] [61, p. 39]

[14] [64, p. 11]

revolutionary art expands the ways in which we can regard artworks. One need only intend that a new work be included in the practice of artwork-regarding for their intention to be sufficient to make it an artwork. In other words, there are three ways for something to be an artwork: being intended in whatever way that *specific artworks* have been properly regarded, or artworks as a whole, or by being intended in the *way* that artworks have been properly regarded.

The definition I offer of videogames adds a formalist condition to the intentional-historical definition that describes the characteristic nature of videogames. This follows Ribeiro's definition of poetry, which augments the strictly intentional and historical nature of Levinson's definition with a specific proposal about what the essential intrinsic property of poetry is. Poems, she proposes, all share a similar aim, which is a concern with repetition. To make a poem, then, is not necessarily to instantiate repetition, but rather, for a creator "to intend that it be made with a concern for those [repetition]."[15] This takes Levinson's template and adds something derived from looking hard at a particular practice. The poetry-making intrinsic property that she proposes, more specifically, is "the use of repetition devices".[16] For something to be a poem, however, it need not slavishly obey the tradition of repetition devices, though it depends on this property in both self-conscious and naïve cases. Rather, Ribeiro notes, there are three ways that a creator (or discoverer) can engage with the tradition of repetition devices:

> Concern with repetition can be shown by *following* the tradition (say, composing in traditional forms), *transforming* the tradition (using repe-

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[15] [118]
[16] [118, p. 190]

tition but altering forms or creating new ones, and so forth), or *rejecting* that tradition (avoiding traditional forms, avoiding certain types of repetition techniques—say, metrical patterns of any sort—or, most radically, avoiding repetition altogether). Alternatively, in cases of verbal art created outside and without awareness of any poetic tradition ("naïve" poetry), a poem will be a verbal object made with the use of repetition schemes; in such cases only intrinsic intentions involving recurrence are needed for a poem to obtain.[17]

This allows an object to be a member of the category 'poetry' even when its hallmark intrinsic feature, repetition, is absent. This leads to her proposed definition:

A poem is either (1) a verbal object relationally or intrinsically intended to belong in the poetic tradition, by following, transforming, or rejecting the repetition techniques that have characterized that tradition (nonnaïve poetry-making), or (2) a verbal art object intrinsically intended to involve use of repetition schemes (naïve poetry-making).[18]

This fits the intentional-historical template and provides a criterion that all works of that sort must meet, a concern for a certain scheme, which works demonstrate by either following, transforming, or rejecting.[19]

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[17] [118, p. 193]

[18] [118, p. 193]

[19]There is an important distinction between rejection and mere absence. Rejection is self-conscious and demonstrates a concern for what is rejected whereas the mere absence of something does not indicate such a concern.

3.6 Defining Videogames

We can thus borrow from Ribeiro, following Levinson, in proposing an intentional-historical formalist definition of videogames.[20] Such a definition provides for the naïve form of videogame making, if an appropriate intrinsic property can be given. It also allows for self-conscious videogame creation that *follows*, *transforms*, or self-consciously *rejects* the traditional schema central to the practice of videogames. I propose that the notion to which appropriate concern is central is that of being a *game played on a computer*. Thus we get the following definition:

> VIDEOGAME df: A videogame is either (1) an artifact relationally or intrinsically intended to belong in the videogame tradition, by following, transforming, or rejecting the criteria of being a game that is played on a computer that have characterized that tradition (nonnaïve videogame-making), or (2) an object that is intrinsically a game intended to be played on a computer (naïve videogame-making).

This definition takes into account the history of videogames, the intentions of the creator(s), and the characteristic feature of videogames, namely being a game that is played on a computer. This definition also captures the different ways that concern can be shown for the relevant scheme, from naïvely intrinsic to self-conscious rejection. To fully flesh out this definition there needs to be an analysis of the terms *playing*, *computer*, and what it means to be played *on a* computer.[21]

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[20] [119] also follows Ribeiro's template in providing an intentional-historical formalist definition of screenplays.

[21] We can also bracket a concern with the ontology of videogames as relevant to defining them as these are distinct issues. See [120] in response to [121].

3.6.1 Playing

This definition takes *playing* to be part of the intrinsic nature of videogames. This claim must be made carefully, as many different meanings attach to the word 'play'. The notion I am after is game-playing, what might be a subset of the general notion of play. I follow Bernard Suits' definition of game-playing, which he gives as: "playing a game is the voluntary attempt to overcome unnecessary obstacles."[22] He also gives a longer, more explicit definition:

> To play a game is to attempt to achieve a specific state of affairs [prelusory goals], using only means permitted by rules [lusory means], where the rules prohibit use of more efficient in favour of less efficient means [constitutive rules], and where the rules are accepted just because thy make possible such activity [lusory attitude].[23]

There are four elements to Suit's definition, though the lusory attitude particularly demands an extended look. The first three parts capture an intuitive notion of what a game is. The prelusory goal is simply the end state aimed at, usually what it means to win a game, e.g. crossing a finish line first, amassing the most points, etc. The lusory means are the actions that are permitted in the game, which follow from the constitutive rules, which include proscriptions against more efficient ways of achieving the winning end state, e.g. you can't start right at the finish line, you can't steal money from the bank in Monopoly, etc.

The lusory attitude is that attitude a player takes toward the goals and rules of a game that make it playing rather than some other means-ends activity, like work

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[22] [43, p. 43]
[23] [43, p. 43], square brackets his.

or technical production. The (game-)playing attitude is when we follow the rules not because they are in our best interest, e.g. most efficient, not illegal nor immoral, etc., but rather because they make the activity of playing that game possible, because we want to engage in the activity of striving for *that* goal with *these* restrictions. In other words it is the attitude of playing a game for the sake of the activity the game makes possible.[24]

Given this account of play, and a definition of games like Suits', we have the beginnings of a sufficient, though not necessary, condition for something to be a videogame, namely the criterion that it is a game that is meant to be played with, playing here meaning the autotelic lusory attitude Suits describes.

3.6.2 Computers

The definition characterizes videogames as not merely meant to be played, but played specifically on computers. By a computer I mean an artifact designed to perform the function of computation, the automatic manipulation of strings of digits that follows an algorithm or program, which is a list of formal instructions. This rough account is broad enough to include what we normally recognize as the machines we call computers that were developed largely in the 20th century and are nearly ubiquitous today. This includes computers of different types, both special-purpose and universal, meaning those that can only perform one or a set of algorithms, and those that can, at least in principle, perform any algorithm.

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[24]This is distinct from certain accounts of intrinsically valuable ("for its own sake") aesthetic appreciation, for example [122]. On Suits' account it is not the appreciation of the game for its own sake that makes playing what it is, but the voluntary engagement with the rules for their own sake, simply "because they make the activity possible".

What this definition excludes are potential non-machine computers, namely human brains. I do not argue here that humans or human brains are not computers or cannot function as computers. Clearly humans compute.[25] However, humans are not the sort of computers that we normally think of when we think about running programs, especially not videogames.

This account of computers differs from other accounts that have been offered in debates concerned with the art status of computer works. Dominic Lopes defines computers as follows: "a computer is any item that's designed to run a computational process," and "a computational process is any pattern of actions that instantiates formal rules and controls a transition from input conditions to output conditions."[26] Lopes' definition is broader than mine, and thus includes more within its extension, notably brains. Lopes offers his definition in service of his account of computer art, and aims to make sense of a broad swath of possible computer artworks. This includes having brains falling within the extension of computers.

I resist a similarly broad inclusion, for several reasons. First, it is not uncontroversial that brains are computers. While people can perform computations, under a more rigorously precise definition of computer it is less clear that humans are doing what computers do.[27]

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[25]Not least of which is because early 'computers' were mathematicians whose job was to calculate the trajectory of missiles.

[26] [94, p. 44]

[27]See ([123]) for an extended discussion on the difference between computers, calculators, and computing aids. According to Piccinini, there are at least six empirical questions that any computationalist theory must address, only two of which can currently be answered. In light of this he argues that if the claim that brains are computers, or computationalism, "is to remain a substantive, empirical hypothesis about the brain, these questions need to find convincing answers. If they don't, it may be time to abandon computationalism in favor of other mechanistic explanations of cognitive processes." [123, p. 59-60]. See also, among others, [124], [125], [126], [127], [128], [129]. For discussion on the limits of computers approximating human cognition and behavior, there are

One might also argue that people are not designed to compute. While humans *can* compute (some) things, they are acting *as* a computer, which is distinct from *being* a computer. Similarly, a sufficiently heavy dictionary can act *as* a paperweight, without *being* a paperweight. The difference here lies somewhere in the creative intent behind the object. And we might reject that there is a creative intent behind humans, or that if there is one, it is not that they compute.[28] It may be that there is satisfactory way of including biological functions as a class of design, but it is not obvious that this is adequately similar to the kind of design that creates computing machines.

Some of this objection is met by Lopes' broad notion of computation. Clearly humans count as computers if a computer is *anything* designed to follow a pattern of rules between inputs and outputs and it is the case that humans are designed and designed with the function of computing. Perhaps Lopes' account can satisfy the concerns above. A further concern, however, is that this additional set of non-machine computing things might be unacceptably broad. If it really is the case that *anything* that computes is a computer, and any work that depends on a computer is a computer work, then it seems like it will turn out that many more things will turn out to be computers than we originally thought and likewise for computer works.

Some of this is by design, as Lopes wants to include non-electronic and non-digital computers as computers, human brains being one kind of these. He does this to include in his account of computer art certain works that follows rules that

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many works, including the seminal [130].

[28]Much of this hinges on whether brains turn out to be computers and whether there is a plausibly mechanistic theistic interpretation available.

mediate between inputs and outputs, but are not run on normal electronic computers. His example of this is a thought experiment that modifies an existing computer artwork. The original work is *Wooden Mirror*, a work that, using a computer, tilts several hundred tiles to match the image of what is in front of it. Lopes imagines another work, titled *Wooden Mirror Unplugged* that performs the same task, but does so by a human following instructions to turn knobs that control apertures and the tiles, thus resulting in the same image, albeit at a much slower pace. Lopes wants to include *Wooden Mirror Unplugged* as a work of computer art, and does so by making his definition sufficiently broad. I suspect, however, that his definition actually includes far more than what Lopes intended.

It would, of course, be a trivial account if the laws of physics are an algorithm and physical states serve as inputs and outputs. Thus canvas and paint become computers and paintings computer works. This move might be resisted by insisting that rules be prescriptive entities and not descriptive ones, requiring intentional design, but it is difficult to see how to make this move without making a similar one against an account of brains as computers.

A less radical way in which the account is too broad is that it would include only those kinds of rule-following patterns that we normally recognize.[29] But if this is all that is required for a computer work, then many other things that our intuitions would likely reject as computer works would also count. Things like Sol LeWitt wall drawings, Yoko Ono instruction pieces, board games, and IKEA

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[29]Lopes wants to extend the notion of algorithm to include all, or nearly all, instruction following, but computer science is not settled on this matter. See ([131]) for an interesting discussion on the difficulties of giving a technical definition of algorithm.

furniture assembling. All of these are works of some form or another, or at least artifacts, and all require the computation of rules that mediate between inputs and outputs. This seems like it meets his conditions for being a computer work that is run by a human, but none of these seem like they should count as computer works. Or, if they do, it is unclear that computer works pick out anything interesting about the world beyond things that have rules and things that do not.

Again, some of this is avoided by his circumscribing the target of his investigation to those works that are interactive.[30] His account of computer art, by requiring interactivity, excludes works that run on a computer but are static. This is on purpose, as he does not merely want everything that runs on a computer, even essentially, to count as a work of computer art. He has in mind here things like digital photographs. They cannot exist without computers, but they are outside of the appreciative kind that he is trying to give an account of. But many things run on computers, in fact depend on computers to run, but do so in a non-interactive way. This leads me to suspect that what Lopes has actually described in his analysis is not computer art, but rather something else, like interactive algorithmic art.

Finally, even if Lopes' account is immune to all of these objections, it simply does not seem to be the case, at least with videogames, if not computer art, that videogames are, or can be, run on people or their brains. The actual contingent historical practice of videogames has its genesis in games run on computing machines. To give a definition of videogames that aims to capture videogames as an appreciative kind should follow this practice, however contingent it may be. To use

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[30]I will address his account of interactivity in greater detail in §3.6.3.

a different definition of computers that would include human brains does not seem like it captures the descriptivist extension of our appreciative practice of exploiting certain technologies as we do with videogames.[31]

The definition of computers I employ does not exclude non-electronic or non-digital (and non-Turing) computers, though it happens to be the case that videogames are primarily run on electronic digital computers. Without such a restriction it remains possible for videogames to be run on non-electronic and/or non-digital (and non-Turing) computers and also for the possibility of the inclusion of some particularly clever electro-mechanical games from the early twentieth century. This extends the class of computers on which videogames can be run beyond PCs (and to a lesser extent, Macs) and consoles, and even handheld devices, but not beyond automatic computing devices.

With computers functionally defined, it is clearer what it means for something be *played* on a *computer*. Thus we can understand the paradigm case of a videogame, which is a set of rules, means, and goals, with which we are intended to be engaged, with a certain playful attitude, and which is done on a computer, a device intended for running the computational process of instantiating the rules and which mediates the inputs and outputs in a fixed manner.

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[31]At the very least my aim is to bracket discussion of the possibility of videogames being run on human brains for reasons that are something more convincing than being merely *ad hoc)*. In the end it may turn out that brains are computers and any definition that relies on a definition of computers, as my definition of videogames does, must accommodate them. But if they must be included, they will at least be a radically aberrant form of videogame that need not be taken as a central case of my analysis.

3.6.3   Interactivity

The proposed definition of videogames must also make clear what it means to play *on* a computer. Playing on a computer is a specific kind of engagement, one that is interactive and interactive in a particular way. It is not enough to say that a videogame is played on a computer, or that it is interactive, we must also say that it is interactive *because* it is run on a computer. This requires an account of what interactivity is, a particularly vexed project. Interactivity is often defined so broadly as to encompass all forms of engagement, perception, or even mere consideration. Such a broad account will not do to distinguish the seemingly obvious interactive nature of things like videogames from the equally obviously non-interactivity of paintings, novels, sculptures, etc. Lopes provdes an account of computer interactivity that is applicable for these cases.

Lopes' account of interaction defines a work's being interactive as related to, though different from, interactivity in other spheres, like conversations. Interactivity, in Lopes' sense, has two main components, the first being the notion of the *display* of a work, and the second being a *prescription* to partake in the generation of said display.

A display is "a pattern or structure that results from the artist's creativity and that we attend to as we appreciate it."[32] In some cases, as with paintings and sculpture, the display is the physical component that is sometimes thought of *as* the work, while in the case of multiple artworks like symphonies, it is the

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[32] [94, p. 37]

sonic properties generated by a performance of the work, and the idea can be still further abstracted in works like novels where it is the linguistic structure that we attend to. It should be noted that while the display of a work is a focus of its aesthetic and artistic appreciation, it does not exhaust all that we appreciate of a work, even aesthetically.[33] It is important not to confuse the display with the work itself.[34] This distinction is clear in the case of multiple artworks. The display of a symphony is the sonic qualities as they are presented to the audience, as these are things that are properly subjects of aesthetic and artistic appreciation arising from the artist's creativity, roughly prescriptions to play certain instruments in certain ways following the score composed by the artist. However, the sonic qualities of any single performance do not make up the work, nor is the work the complete class of all the performances of it.[35]

What makes a work interactive is not simply that the display can be altered or that we can exert control over it. Sculptures can be modified by people other than the artist with chisels, hammers, or just a good shove. Not all modifications of works even have to be intentional. Recently a 350-year old painting by Paolo Porpora was accidentally punctured by a museum-goer. None of these cases, however, are sufficient to make the modified work an interactive one. This is because of something that many accounts of interactivity miss; it is not simply that a work *can* be modified that makes it interactive, nor is it some particular way of modifying

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[33]Such a claim would amount to aesthetic empiricism. For a recent critique of this position, see [132, Ch. 2]

[34]It is also important to note a distinction between displays and *display-types*, a distinction not addressed in Lopes' account but made clear in [133].

[35]See [132, p. 221] for a notion of the 'focus of appreciation'.

works that exploits computers but excludes other media, but it is that it is *supposed* to be altered, that the work *prescribes* that the display be in at least some degree determined by the audience. An interactive work is one whose display is meant to be generated in part by input from the audience. This is in contrast to what are non-pejoratively called passive works, which are those whose displays are not prescribed to be generated in any part by its audience members. This prescriptive element resolves concerns about the malleability of works, as many works are malleable in some way, and replaces it with a distinction between those works for which such changes are prescribed and those for which they are not.

This distinguishes videogames, and other forms of interactive works, from non-interactive, or passive, works. It's not that a painting is non-interactive in virtue of its physical manifestation; after all, you could slice it corner to corner, or paint over it, or burn it to ash. In the case of the painting, however, you are not supposed to alter the display, while with videogames you are supposed to alter the display in prescribed ways.[36]

The preceding criteria of naïve videogames demonstrate how such works are made without any explicit intention of including them in the tradition of videogames. The works that are most likely to fall into this category are the ludic videogames that are translations of games from other media. Videogame versions of *Monopoly* and *Chess* can be made so that the game can be played on computers, but without any recognition of the tradition of videogames or any self-conscious intention that

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[36]The prescriptive requirement also shows how one could make an interactive painting: the artist need only prescribe that the audience member modify the painting in some way. This does not call for a radical reconceptualizing of painting, it simply divides the class of paintings into the interactive and the passive.

they be included in such a tradition.

Equipped with accounts of game playing, computers, and interactivity, we can now see the notion that something must be concerned with to be a videogame: being a game that is meant to be played on a computer. Meeting this condition intrinsically is sufficient for a work to be a videogame, but there are relational ways of being a videogame too.

3.7   Following, Transforming, and Rejecting

The preceding account of the historically contingent intrinsic (naïve) nature of videogames sets the groundwork for the relational ways of intending something to be a videogame. The intentional relationship with the intrinsic property, *playing a game on a computer*, can be realized by the creator demonstrating concern for it by either following that tradition, transforming it, or rejecting it. This provides for the inclusion of many videogames that are not naïvely intended to be played with on a computer, indeed might not even intrinsically be a game intended to be played on a computer, but are intended to be considered as part of that tradition in an appropriate manner.

3.7.1   Following

Many videogames are games. They are rarely, however, accidentally games made without any recognition of the history of videogames and with the intention to be a part of that tradition. This is different from a naïvely created game that just

happens to be played on a computer, thus unintentionally being a videogame. The set of videogames that knowingly follows the tradition includes most large studio releases, along with many others, that are self-consciously made to be played on computers in the way videogames have been in the now half-century old tradition.

That they are knowingly related to the videogame tradition does not mean that they must be particularly self-conscious, at least as that relates to any notion about critiquing the medium or exploring the essential nature of the medium in anything like the way Clement Greenberg had in mind.[37] Examples are likely to include videogames like the *Assassin's Creed* series, the *Call of Duty* games, or at least many iterations of them, and many of the recent EA Sports franchises, as they are self-consciously participating in the videogame tradition. This set also includes videogames like *Candy Crush Saga*, and *The Chessmaster 2000* and countless other straightforwardly ludic videogames. Not only do they intentionally follow the tradition of being concerned with being played on a computer, as they are they are intentionally made in the tradition of making videogames, intended to be received, engaged with, and appreciated in relation to other members of the class of videogames.

3.7.2 Transforming

There is a large class of videogames that fail to meet the criteria of being games, but are self-consciously created as members of the videogame tradition while also being self-conscious transformations of the concern of being played on a computer.

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[37]See, [2].

A clear example of this transformation of playing on computers are videogame *toys*. Will Wright, esteemed creator of the *Sim* series of videogames, including *SimCity* and *The Sims*, is widely credited with denying that his creations are games, but rather "software toys." Wright is underlining the fact that his works lack the feature of objective-based gameplay and are instead experiences of exploration and self-guided play; in other words, they are toys. His videogames often do not meet the formal criteria of being a game in a Suitsian sense, instead they are an intentional transformation of the property of playing on computers. Will Wright in fact conscientiously transformed the medium from an action game he worked on titled *Raid on Bungeling Bay*. He found himself more interested in building and exploring the map and began to seek ways to make something that could provide players the same level of fun, which resulted in his first *SimCity* title.[38]

Videogames that are transformative recognize what it is to play a game, or what it has meant to be a videogame up until this point, but have altered the goals and rules and other properties so that engaging with them is different than engaging with a game. An even more extreme example of this are videogames that serve as toyboxes, objects that games can be created with and played with but are not games themselves. Examples of these include *Garry's Mod* and *Tabletop Simulator*. They are not games themselves, but they are self-consciously made in the videogame tradition while still prescribing that they are played with in some form, even though it is not strictly a game kind of playing.

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[38] [134, p. 211]

3.7.3   Rejection

Still more radical departures from the concern with straightforward game-playing happen when creators reject the notion of playing a game on a computer. The rejection of this condition should not be confused with absence of a concern with it. Works that reject the formalist feature of a medium can be the result of their creators being particularly sensitive to the restrictions and reactions that the formal features of the medium seem to demand.

David OReilly's *Mountain* is a clear example of this. *Mountain* is explicitly and self-consciously about limiting interactivity, which is a rejection of the concern of playing with computers, while still being intended to be regarded as a videogame. As noted in the above description, it is clearly and self-consciously categorized as a videogame, yet it also severely limits the kind and amount of interaction it affords the player.

We can imagine an even more radical case, a videogame in which no interaction is afforded the user at all, which is to say that nothing they do can alter or generate the display in a prescribed manner, but is intended to be regarded in a way that videogames have been properly been regarded in the past.[39] The definition I have offered entails that such an object would indeed be a videogame, that there could be a videogame that is not interactive. This may seem absurd on its face, but the Intentional-Historical Formalist definition makes sense of this claim. Because

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[39]This is different than there being simple stop/start conditions on the videogame. Those might suffice as rules of a game (see [43, Ch. 6]), but they won't satisfy the criteria of interactivity, which is designed to excluded analogous stop/start conditions in cases like DVD players by distinguishing between access conditions and generation conditions.

the purported videogame is properly engaged in the intentional-historical manner required, which includes an appropriate concern for the formalist condition of a videogame, even an object with no interactivity at all might properly count as a videogame.

3.7.4 Purely Relational Videogames

Intending a work to be in the tradition of videogames and thus indirectly demonstrating a concern with being played on a computer can also happen where a videogame creator creates a videogame that they intend to be part of the videogame tradition without also self-consciously following, transforming, or rejecting the feature of playing with computers. This can manifest itself in several different ways, perhaps more common than might be expected. One is with narratively or aesthetically dominant videogames that focus on storytelling or experiences over game objectives, but are nonetheless intended to be regarded as videogames. This includes videogames like those from Telltale Games, where the videogames are not objective-based but narratively focused, where the videogame functions as a way to tell a story, in conjunction with the user, or videogames like *Proteus*, which is about having an exploratory and sonic experience, though the creator insists it is a game.[40]

In these cases, it is not an explicit concern with being a game played on a computer that is being followed, transformed, or rejected, but there is the intention

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[40]See [135] for discussion of the complications this work poses. In the end it seems that the creators intentions that the work is a game be somewhat determinative. I return to this case below.

that the works be regarded as part of the tradition of videogames, *whatever that might be.* They are meant to be compared and contrasted with other videogames, they reference and allude to other videogames, and they are part of an intentional vein of progress, both technological and stylistic, that is the history of videogames. This purely relational way of making a videogame is what can account for entries ranging from straightforward games that we would easily recognize as videogames to works that are radically different or revolutionary with respect to the medium. The intent to be regarded as a videogame, even without the specific formalist condition in mind, but just however videogames happen to be properly regarded, is sufficient for making something a videogame.

The definition I've proposed is successful in at least three ways. First, it captures the contingent practice of making and appreciating videogames, making sense of the extension of mainstream videogames that are commercially successful and are the paradigm cases of videogames. It also makes sense of how other videogame works relate to this practice and extend it in self-conscious intention to make works as part of that tradition. This makes sense of the relatively recent renaissance of so-called "indie" videogames, often made by small teams, that push the boundaries of what it means to be a videogame without abandoning that tradition. Finally, the definition also makes sense of how it could be that some videogames fail to be games, and thus could succeed in being potential candidates for art status.

In several of these ways in which a thing can be a videogame, it is not necessary that it also be a game. This is the key element in this definition, that an intentional-historical formalist definition, while making sense of the sufficient videogame-making

condition that is playing a game on a computer, it also makes sense of how non-ludic activities that are appropriately related to this concern are also videogames. In short, videogames do not have to be games. This then leaves open the possibility that there can be (non-game) videogames that are artworks. Before I consider this possibility in detail, I will briefly consider other recent philosophical definitions of videogames and show why they are inadequate to answer whether videogames can be art.

3.8   Other Definitions

This is not the first time a definition of videogames has been offered. The proposal offered here has several advantages over those prior offerings. In this section I consider two definitions that have been offered in the literature and contrast them with the proposal offered above.[41]

3.8.1   Lopes

Dominic Lopes has recently proposed a definition of videogames. It should be obvious by now that I am enthusiastic about several aspects of his account of computer art and its element. He offers a definition of videogames in service of the consideration of whether videogames are instances of computer art, a new artform that he explicates and defends.[42] The definition suffers by being considered only in

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[41]I do not here address the relatively large literature from Media Studies. Much of it is tangential to our concerns here, and what bits are definitional are not adequately rigorous. Examples can be found in [136], [137], [138], [139], [140], [141], [78], [142], amongst many others.

[42] [94]

relation to other computer art via its status as a game. For Lopes,

> an item is a video game just in case (1) it's a game, (2) it's interactive, (3) it's run on a computer, and (4) it's interactive because it's run on a computer.[43]

This captures several important elements of videogames. It is often true of central cases that they are games. Furthermore, conditions (2) - (4) are conditions that are excellent *prima facie* conditions for a definition of videogames, especially given the accounts of computers, interactivity, and displays that he gives. His definition seems to at least serve as a sufficient condition for something to be a videogame.

While this definition can be criticized, in Lopes' defense he is not primarily concerned with defining videogames, but rather constructing a plausible case for videogames being art. That said, the main flaw in Lopes' definition is that it makes it a necessary condition of videogames that they be *games*.

There are several reasons, as listed above, to reject gamehood as a necessary condition for videogames. Primarily it is that it is not obvious that by any going definition of games, all instances of what we commonly take to be videogames would count as games. Many cases are more properly categorized as toys or simulations:[44] *SimCity*, *Minecraft*, *Farming Simulator 2013*, *Silent Service*, and countless others. Still more are better categorized as interactive narratives, and not games: *Dear Esther*, *Hard Rain*, *Digital - A Love Story*.

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[43] [94, p. 107]

[44]Importantly, the referent here are videogame simulations, not actual simulations which have a different aim, usually training.

Another reason for being skeptical of gamehood as a necessary condition is that there seems to be, as argued in Part 2, a conceptual incompatibility between something's being a game and its being art. It may be the case that something cannot be both a game and a work of art. This is not a possibility that Lopes considers. If games and artworks are incompatible, and there is interest in defending the art status of some videogames, then it cannot be the case that videogames must be games.

These concerns may not be decisive on their own, but if videogames can be defined while avoiding these possible objections, that would serve an interest in defending them as art, and would also provide an inclusive definition that does not exclude videogames that are not easily categorized as games.[45]

3.8.2 Tavinor

Another definition from the philosophical literature is put forward by Grant Tavinor:

> X is a videogame if it is an artifact in a visual digital medium, is intended as an object of entertainment, and is intended to provide such entertainment through the employment of one or both of the following modes of engagement: rule and objective gameplay or interactive fiction.[46]

Tavinor's definition has advantages over Lopes', notably in that it extends to artifacts that are not games. However, there are other points which my proposal

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[45]A definition that does not require that videogames are games would also put to rest the ongoing hand-wringing in the popular media that certain videogames may in fact be non-games in disguise, e.g. the discussion over *Proteus'* game status.

[46] [53, p. 26]

handles better. First, his definition necessitates that a videogame be *visual*. This does not capture the actual practice of a growing community of visually impaired videogamers and their videogames, as well as those interested in exploring other sense modalities.[47] Recall that this is one of the reasons listed above for why we should avoid making it analytic that videogames have a *video*, or in a broader sense *visual*, component.

Tavinor recognizes this deficit of his definition and clarifies that his is only a definition of what he calls the "nominal category" of *videogames*, and not the broader category of *computer games*.[48] This, however, is to miss out on much of the point of offering a definition, that of matching our actual practice of engagement with the kinds of things we call videogames and making that practice as consistent as we can; this is the descriptivist methodology of ontology. Of course we could stipulate a definition that covers only artifacts with visual components, but this would ignore the community of videogame users that engage with works without visuals, making the definition under discussion less generally applicable. Tavinor's definition either incorrectly defines videogames, or, more charitably, needlessly limits the phenomena under consideration to something that does not match well with actual practice.

Defining videogames as entertainment is a problematic requirement if one thinks videogames as a medium could ever, or already have, expanded beyond the realm of entertainment. This definition assumes a compatibility between art and en-

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[47]See, for instance, http://www.audiogames.net/ They have also replaced 'video' with 'audio', highlighting the differences. They intend these works to be in the appreciative realm of videogames by playing on computers as is done with videogames that present the historically prevalent use of visuals as the main sense modality. This kind of historical intention is addressed in Section 3.5.

[48] [53, p. 28]

tertainment, or else once a videogame became art it would cease to be entertainment and, *ex hypothesi* cease to be a videogame. This would be unacceptable by Tavinor's own aims in proposing the definition. Thus entertainment must be broad enough to be compatible with categories like art, but then it is unclear what phenomenon 'entertainment' picks out, threatening to become trivially inclusive and insufficiently discriminating, allowing a host of uncontroversially *non*-videogame artifacts to be included under this definition.

Presented with this objection, Tavinor could intend his use of 'digital visual medium' to discriminate between various objects of entertainment, successfully selecting only the things that would, in addition to the other conditions, only pick out videogames. Problematically, however, there is a great deal of ambiguity associated with Tavinor's use of 'digital visual medium'; in our vernacular it usually means something having to do with computers, but we should be more specific. Videogames do depend on having some kind of relationship with computers, and a good definition of them should make that relationship clear as well as making what is meant by 'digital' explicit.

Tavinor does not give an explicit account of what he means by 'digital'. In explanation of it he references the "invention of the computer, including its crucial visual display elements."[49] Confusingly, however, he then appeals to an example of an analog computer that used an analog display. He dismisses these concerns as being outside the realm of the digital, but reassures us that "the basic prototype -

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[49] [53, p. 26]

entertainments in a visual digital setting - can already be seen."[50] It is difficult to know what to make of this account, but it seems that his notion of 'digital visual medium' means something like a visual display generated by a computer. Unfortunately this is neither definitionally precise nor apt to capture only videogames, as examples of non-videogame interactive art show.[51]

There is also concern about Tavinor's endorsement of a cluster account reading of what seems otherwise a straightforwardly disjunctive definition. This is not the place to offer a complete criticism of cluster accounts,[52] but such accounts raise questions about in which cases only one of the disjuncts is necessary and in which cases both are necessary.[53]

Tavinor's disjunctive definition, if it is one, does capture much of what makes something a videogame, though it is still too narrow, there being videogames that are not captured by Tavinor's account, and there being a logical space of potential videogames left outside his account as well. In some cases this results from Tavinor's account of fiction, and the limiting of his definition to only games or interactive fictions.

Tavinor gives an account of fiction that claims to follows Walton's, but deviates from it in some ways.[54] Tavinor's account, however, is not precisely Walton's and

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[50] [53, p. 26]

[51]See [94, Ch. 2] for several examples. Tavinor could respond to Lopes' examples saying that they are not entertainment, but this leaves his definition wanting an account of entertainment that is not present in his explanation. Or, less plausibly, Tavinor could argue for the categorization as videogames of all interactive art that uses a digital display.

[52]For an extended discussion on cluster accounts, see Part 1.

[53]Tavinor notes that there are "at least two necessary conditions", instead of saying that there are simply two, one being disjunctive. This leaves open the possibility of there being three necessary conditions, making his offering not a disjunctive definition, but a cluster account. For arguments against cluster accounts, see [56] and [41].

[54]See [89].

it reconstructs it with varying adherence. At times it countenances videogames as fictions because "they seek to depict situations with an imaginary existence only."([53, p. 60]). This differs from the earlier claim that he intends "a robust meaning for the term, where fiction is something more than this symbolic activity; it is where representations are used as props for envisaging a world with an imagined existence only."([53, p. 24]). Perhaps Tavinor intends a weak notion of "world" that would include any imaginative practice. This is undermined however, by his claim that the representational symbols of *Tetris* do not count as fictions. This is an odd claim, as Tetris blocks are shaped so as to give the impression of them having dimension, being physical blocks in space, when this is, strictly speaking, false; they are only shapes of light being displayed on a screen. We are being asked to *make-believe* that they are physical blocks that extend into space. That account Tavinor gives is not Walton's account of fiction, wherein anything that serves as a prop for make-believe counts as a fiction.

While Tavinor gives a more restricted account of fiction than Walton does, even under the broadest interpretation of Walton's account, there are videogames that fall outside of it. Consider *Super Hexagon*, a borderline case of make-believe in a Waltonian sense. *Super Hexagon* is a fast-paced rhythm action game where the user navigates a small triangle out of pulsating, constricting sets of concentric shapes. It's possible that no imagination is prescribed at all when engaging *Super Hexagon*. We perhaps imagine the player-controlled triangle to be in the foreground, floating above the background, make-believing a depth of space that is not really

there. If this is a fiction, it is a fiction of the sparest sort.[55] However, it is very easy to imagine a videogame that does not have even this thin element of fiction to it, one where the user is engaging only with, for example, shapes displayed on a screen, neither suggesting nor prescribing any imaginative act of make-believe. Given Tavinor's definition, such a videogame could also fail to be game, thus not satisfying either of Tavinor's disjuncts.[56] Such a case may be rare—in fact it *is* rare, if it even exists—but such definitional exceptions have never been a barrier to artists in the past; indeed, they have been incitement, and a definition of videogames ought to capture such cases, both actual and possible.

3.9 Entailments and Deviations

The intentional-historical formalist definition that I have defended includes what are considered mainstream videogames. It can also include works that deviate significantly from paradigm cases, as long as they do so with the certain intentions. This happens in some ways that are less severe and more predictable, like the development of different interfaces, such as virtual reality headsets and *Rock Band* videogame instruments. But it also includes cases that deviate more radically from what we normally expect from a videogame. One of these is Michael Newman's *Video Game Sans Video* project, in which a physical rocket is moved along an x

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[55]cf. [89, p. 54 ff] on the fictional element present even in abstract art.

[56]What would such a videogame look like? Imagine an abstract shape and sound videogame, one that lets you play with different shapes and sounds with an objective to accomplish. Non-objective videogames aimed primarily at generating a visual and sonic experience like Tale of Tales' *Luxuria Superbia* or *Lumines* get close to this, one would only need to remove the minimal Waltonian fictive elements and make them about shapes on the screen, without any fiction about their spatial arrangement.

and y axis over a hand-drawn paper background of obstacles that scrolls by. The interactivity is still handled by a computer, but we have a physical display instead of an electronic 'video' one. Another example is Jason Rohrer's *Minecraft* as religion project. He created a single instance world of Minecraft that existed solely on a single USB drive. The work prescribes that any player in possession of it may play until his or her avatar dies, then the player must pass it on to another player, never to interact with the work again. Of course these prescriptions can be disobeyed, but to disobey them is to not engage with the work properly. As the work is prescribed, however, it deviates strongly from the oft-repeatable nature of videogames, while being obviously intended as a member of that tradition.

3.9.1   The Value of This Definition

The value of videogames as an appreciative kind overlapping with computer art but not as a subset of it allows us to borrow resources from that appreciative practice without being held to all the same standards for evaluation. The broadly historical account I have offered also makes sense of the varied ends to which videogames are put, while also subjecting them to a related set of evaluative criteria. This aims, and I believe succeeds, in giving a clear account of the actual borders of the appreciative practice that has developed as part of the tradition of videogames.

Furthermore, if the definition I have presented is successful it suggests, along with the success of similar Intentional-Historical Formalist definitions of poems and screenplays,[57] that an Intentional-Historical Formalist definition might be successful

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[57]See, respectively, [118] and [119]

for all artforms, and possibly all kinds of works. I am optimistic that this is the case, though I do not defend it here. But given the historically informed template style of the intentional and historical components along with the contingent functional or morphological aspect of the formalist condition, it seems likely that a wide-ranging application of this model might be in store.

If this is so, then the interesting work is not just in the defending of the Intentional-Historical Formalist account for artworks, works, or artifacts generally, but the giving of the formalist aspect of the definition. Giving this roughly necessary condition, one intended for the proper regarding along with demonstrating concern with whatever the proper aims are, either naïvely or by following, transforming, or rejecting it, may be sufficient to provide a definition for any particular artifact kind.[58]

Past definitions of videogames have failed at capturing the proper class of artifacts and their nature. I have proposed and defended an Intentional-Historical Formalist definition of videogames, as has successfully been done in the past for certain artforms and in a general sense for art. A virtue of this definition is that it captures the class of what are uncontroversially videogames while also making sense of seemingly borderline cases and even *avant-garde* or revolutionary candidates. It does so while recognizing a contingent intrinsic property, what I have called *playing with computers*. It allows for this concern to be a sufficient condition while

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[58]This is distinct from Paul Bloom's argument that Levinson's Intentional-Historical account can be directly applied to all artifacts ([143]). Levinson rightly rejects this possibility, citing the idiosyncratic nature of art as a purely intentional-historical concept. This does not settle, however, whether non-art works and perhaps artifacts in general could be accommodated with the addition of a formalist component as given above.

allowing proper concern with regards to that property to qualify something as a videogame rather than requiring unequivocal exemplification of that property. This flexibility allows the definition to more adequately categorize videogames than other definitions, while also being prepared to handle radical and future cases.

3.10   Videogame Art

We come now to the main question: Can videogames be art? With a definition of videogames in hand, along with the findings of Part One and Two, we have the resources to finally address the art question for videogames. As is probably evident by now, on my view it turns out that videogames can be art, though in many, or even most, cases they are not, and when they are not it is often because they are games, which I have argued cannot be art.

The Intentional-Historical Formalist definition entails several things about videogames. One is that it is relatively easy to create a videogame, even if it is not easy to create a good videogame. This is as we should expect it to be, finding analogs in other art forms, e.g. it is easy to make a painting, while making a good one is a more difficult endeavor. This is also the proper outcome of being careful to keep separate the classificatory and evaluative notions of a definition. Many traditional theories of art fall into this trap, confusing what makes an artwork good for what makes it an artwork.

No such confusion has happened here, though I may hazard a proposition that what makes something an artwork and what makes something a good artwork are

not wholly unrelated. It is at least *prima facie* plausible that demonstration of concern with the sufficient intrinsic property of videogames, namely *being played on a computer*, is a central element in what makes a videogame valuable, much as modernist painting's concern with being flat objects that represent space was part of what made those paintings good. Not that a videogame must have that feature, as we have seen that it can be self-consciously rejected, but the way in which it concerns itself with that notion, whether it be in an aesthetically interesting way, or by being just good fun, can bear on its quality.

But aside from what makes a videogame a videogame, can a videogame also be art? The definition here avoids the seemingly universal negative conclusion of Part Two, where it is shown that games and art are not compatible, and which threatened to show that no videogame could ever be an artwork. We see now that a videogame need not be a game, that the category of videogames as works is broader than that of games.

That videogames need not be games is no answer in itself to the art question of videogames. Most things that are not games are also not art, but of course some things that are not games *are* art. Even if we can eliminate from art-status consideration all videogames that are games, we must still have a way of distinguishing among the remaining possible art candidate videogames.

In consideration of which non-ludic videogames might be art we turn back to consider the findings of Part One, where an Intentional-Historical definition of art was defended. Recall the definition given there, roughly that something is a work of art if it is intended for regard in the way that past artworks have been properly

regarded. The question before us now is whether videogames, or at least non-ludic videogames, can be so regarded.

We know that ludic videogames cannot be given the kind of regard that is proper for artworks. This is simply a result from the incompatibility argument in Part Two. But the incompatibility argument is only about videogames that are games. Videogames that are not games are still candidates for art status under the Intentional-Historical definition of art. What we need is, rather than an incompatibility argument, a *compatibility* argument, one showing that something can be both a videogame *and* an artwork.

3.10.1   A Compatibility Argument

It might be argued offhand that in absence of an incompatibility argument for *all* videogames, as opposed to games, any non-ludic videogame should be considered a potential candidate for art status until an incompatibility argument presents itself. This is a tack I am tempted to take, and show how specific cases can be artworks, letting that be a sufficient counterexample to any possible incompatibility arguments about videogames.

The first concern is the possibility of some other incompatibility argument about videogames. Is there some necessary condition of videogames or art that is incompatible with a necessary condition of the other? For other definitions of videogames, and art for that matter, there may be, for instance the requirement of Tavinor's definition that videogames be objects of entertainment. The notion of so-

called mass art, and skepticism about its art-status, is something that has occupied writers about popular media for some time.[59]

An Intentional-Historical Formalist definition of videogames avoids the problems of *prima facie* incompatibilty by making clear that while there is an intrinsic concern that videogames have, one that can sometimes function as a sufficient intrinsic condition, objects can also be videogames because of a historical relation between what a thing is now and what things were videogames in the past. This means that objects of a relatively varied sort can end up being videogames under this definition than might be under other definitions.

It also means that videogames do not rely solely on the possession of a particular intrinsic property to be videogames. The incompatibility argument shows that if something is a game then it cannot be art, but it does not show an incompatibility with the intentional-historical connections to such a property. Thus when something is a videogame in virtue of an historical relation to its defining scheme, that of self-consciously following, transforming, or rejecting the concern with being played on a computer, or simply intending it to be a member of the tradition of videogames, it avoids the consequence of the incompatibility argument.

Avoiding the consequence of the incompatibility argument means that there are then videogames that, if they also have the features required to make them artworks, can be artworks. This would require that a videogame be seriously, or non-passingly, intended for regard as artworks in the past have been properly regarded. Non-ludic videogames that are so in virtue of the appropriate relational

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[59]See [144] for a sustained consideration, and rejection, of this possible incompatibility.

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intention seem to be candidates for such regard. Nothing stands in the way of these videogames being regarded, for example, "with close attention to form, with openness to emotional suggestion, with awareness of symbolism".[60] Nor is there anything that is incompatible with these works being intended to be regarded as particular individual or groups of artworks in the past have been properly regarded, whatever those ways were. Nor, finally, is there anything incompatible about someone creating a non-ludic videogame and also intending that it simply be regarded as an artwork.

3.11 Art Videogames

It is perhaps enough to settle the debate about videogames and art to have provided an answer to the art question of videogames that provides for the conceptual possibility of art videogames. What would be even more interesting is if an example could be found of an *actual* videogame that was also art. Below is a small selection of possible candidates, their proposed art status, and explanatory considerations. Importantly, the art status of a videogame cannot be discerned from its intrinsic properties alone. It requires the right kind of art-regarding intentions. We can speculate, however, as we do with all artworks, about the presence or absence of such intentions in light of their more apparent properties.

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[60] [61, p. 39]

3.11.1 Artwork Videogame Candidates

3.11.1.1 *Mountain*

David OReilly's 2014 *Mountain* is an obvious case for an artwork videogame. The creator makes it clear that it is a videogame in both its explicit description and in its apparent properties. Furthermore, OReilly is an artist who decided to work in the videogame medium for this piece. His usual works are video pieces, and he was contracted to make a prop work that appeared as a videogame in the movie *Her*. With these considerations in mind, it is a relatively straightforward case to make that *Mountain* has been intended to be a videogame, doing so by appropriately concerning itself with the tradition of videogames through self-consciously rejecting the interactive element of videogames. It is also fairly clear that the work is intended to be regarded as an artwork, at least in the relational sense, in that, among other evidence, OReilly presents the work alongside his other less controversially art pieces.

3.11.1.2 *Amnesia: Dark Descent*

Amnesia is a videogame whose creators understand that making a videogame brings with it tacit prescriptions for how it should be engaged with. They seek to alter these prescriptions, but are aware of the limitations of doing so merely by implicit means within the work itself. In light of this, they offer an explicit announcement of the different prescription for how to engage with their work. The following announcement appears when first engaging with the work:

Amnesia should not be played to win.

Instead, focus on immersing yourself in the game's world and story.

Two things are clear from this. One, the creators understand what games are, how people engage with them, and that they do not want people to engage with *Amnesia* in this way. Secondly, they replace that mode of engagement with a different one, one intended to focus on elements that are distinct from the objects of focus were *Amnesia* a game.

It is a further question whether a "focus on immersing yourself in the game's world and story" is sufficient to qualify the work as an artwork. But *Amnesia* serves as an excellent work to consider for two reasons. One, it makes explicit the creator's intentions and the bearing that they have on the way one's interactions with the work count as proper or not. And two, it demonstrates the pervasive use of the term 'game' in the videogame world, ubiquitous enough that we now have videogame designers asking their audience not to treat their 'games' like games.

3.11.1.3   *Journey*

Thatgamecompany's *Journey* is the most straightforwardly a videogame of the candidates I will consider. It was developed by Jenova Chen who has developed several videogames, including *Flow* and *Flower*. *Journey* is, at one level of abstraction, a 3-D platformer, but with a muted cooperative multiplayer element. As players attempt to traverse the landscape they will sometimes encounter other players that look similar to them. The work does not make it explicit that these are controlled by other players, also taking part in the same journey; this is only revealed at the

end, and on a first play through may be a surprise. The journey turns out to be a metaphor for life and its rhythmic cycle, the player encountering several narrative elements describing the birth, life, death, and rebirth of the journeyers.

The work is beautiful, breathtaking in parts, and accompanied by a wistful musical score that accentuates the feeling of reflection on a life passed. In particular it works in conjunction with the incidental interactions with other players to suggest the sometimes transient, sometimes profound, ways in which our interactions with others can affect the path taken in life. Sometimes a fellow traveler is found early on and you stick together until the end; other times various travelers come in and out of your journey, staying with you for only a brief time.

What is challenging about this case is that it has many elements suggestive of a game, in that there is a goal you are trying to reach and there are obstacles to reaching that goal. The work certainly provides a virtual apparatus on which a game *can* be played. The question is whether the work contains within it a prescription that a game *should* be played on it. It seems as though this is not the case, and for the reasons given in the Incompatibility Argument.

In support of the idea that Chen has artistic goals in mind, it should be noted that he is a graduate of the University of Southern California's School of Cinematic Arts' Interactive Media Program. His earlier work, *Flower*, examines the tension, contrast, and conflict of nature and the urban setting. While Chen has clearly situated *Journey* as a videogame, he seems to have something other than making a game as an objective. The work prescribes a kind of total aesthetic appreciation, and leverages the interactive nature of the medium to this end. It seeks to get the

player to reflect on the beauty, though passing, of life and how our interactions with others impact this quality. These are ways of appreciating the aesthetics and contents of a work in a totalizing way. It seems to me that concerns like these are thoroughgoing enough and of the right sort to count as art-regarding intentions, that these are ways that artworks have been properly intended for regard in the past. If this is the case, then *Journey* is a work that is both a videogame and an artwork.

Analyses such as this are likely to hold for host of videogames, ones that employ common videogame tropes and mechanics, but put them to non-ludic use, like narrative or emotional exploration. While the final categorization depends in part on the intentions of the creator, convincing cases can be made that these works are intended for kinds of regard that are ways artworks have been properly regarded in the past. Videogames like the previously mentioned *That Dragon, Cancer* and *Dear Esther*, but also classic "videogamey" works that have epic narratives, like the *Final Fantasy* and *Metal Gear Solid* series, are plausible candidates for this kind of intentional regarding. These latter works are situated on the boundary between game and non-game, and careful examination would be needed into what exactly the prescriptions of each work are. But we now have the tools to engage in examinations like these in a principled manner without getting confused by competing intuitions and criteria.

3.11.1.4 *Proteus*

Ed Kay and David Kanaga's *Proteus* is a more challenging candidate. As with any videogame, the distinction between whether it is a game or an artwork, or something else, rests in part on the intentions of the creator. To be a game there must be the prescription that the work be engaged in with the lusory attitude. To be an artwork the creator must intend that the work be regarded as an artwork. However, it is only in the art case that the intention is sufficient. Artworks are *radically* historical in ways that games are not; they require an intention, but they must meet the other criteria as well. *Proteus*, at least at first glance, seems to meet the criteria of a game, even if there are what appear to be game-status overriding art-making aesthetic and expressivist goals. This has led several critics to categorize *Proteus* as an anti-game, and there has been much hand-wringing over whether it even *is* a game, sometimes expressing concern over whether it is actually an artwork disguised as a game or videogame.[61]

The creator, however, insists that it is a game. Whether or not he is sincere, or has a proper understanding of what a game is, is a matter of debate, but this is a case where the author's actual intentions seem to matter. *Proteus can* be understood as a game. There is a goal, and there are inefficiencies in place to prevent one from achieving the goal directly—that is, obstacles, however slight, to be overcome. The issue is whether the work involves a prescription to treat it as a game or regard it as a work of art. Our best evidence suggests that it is intended to be played as a

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[61]See [135] and [145].

game, even if the elements of the work strain against such a description.

3.11.1.5 *Clouds*

Finally, I present a candidate that is clearly an artwork made from videogames, but is not itself a videogame. Cory Arcangel's *Clouds* plays on a television and is an 8-bit representation of clouds floating by in the sky. They appear to be like the clouds that are in the sky in *Super Mario Bros.* They do not merely appear to be so, but are in fact clouds from *Super Mario Bros..* They are not even *copies* of clouds from that work, but are clouds generated by the videogame, but with everything else stripped away. Arcangel modified an actual *Super Mario Bros.* cartridge so that it would only display the clouds and it runs on an original Nintendo Entertainment System.

The work is not interactive, nor is it intended to be interacted with. It is part of the collection of the Whitney Museum of American Art. Important to the work is that it is made out of a videogame, but this does not make it itself a videogame. Similar things have been done with machinima, where people use videogames as a kind of puppet and set to create their own dramatic productions. This exploits videogame technology, but in a way that makes works outside of the tradition of videogames, though referencing it. Thus Arcangel's work is essentially related to videogames, but is not itself a videogame.

3.12 Conclusion

These examples serve to show two things. The first is the use to which a thoroughgoing definition of videogames and art can be put in helping to clarify whether and which videogames can be art. The second is to show that indeed there can be videogames that can be art. However, the definition of videogames is such that something need not be a game to be a videogame and this preserves it as at least a candidate for art status. Of those candidates, some of them also meet the conditions for art status, namely that they are intended by their creators for regard as a work of art. And, it turns out, there are actual videogames that appear to meet these criteria. Thus, in conclusion, not only *can* videogames be artworks, some actually *are.*

Bibliography

[1] Aaron Smuts. Are Video Games Art? *Contemporary Aesthetics*, 2, 2005.

[2] Clement Greenberg. Towards a newer laocoon. In Charles Harrison and Paul Wood, editors, *Art in Theory - 1900 - 2000 - An Anthology of Changing Ideas*, pages 562–568. Blackwell, 2003. (1940).

[3] Noël Carroll. The Specificity of Media in the Arts. *Journal of Aesthetic Education*, 19(4):5–20, 1985.

[4] Dominic McIver Lopes. *Beyond Art*. Oup Oxford, 2014.

[5] Daniel Wilson. The Key to the Critique of Taste: Interpreting Section 9 of Kant Critique of Judgment. *Parrhesia*, (18):125–138, 2013.

[6] Nick Riggle. On the Interest in Beauty and Disinterest. *Philosophers' Imprint*, 16(9):1–14, 2016.

[7] Paul Guyer. Disinterestedness and desire in kant's aesthetics. *Journal of Aesthetics and Art Criticism*, 36(4):449–460, 1978.

[8] Paul Guyer. Kant's distinction between the sublime and the beautiful. *Review of Metaphysics*, 35(4):753–783, 1982.

[9] Paul Guyer. Free and adherent beauty: A modest proposal. *British Journal of Aesthetics*, 42(4):357–366, 2002.

[10] Yuriko Saito. *Everyday Aesthetics*. Oxford University Press Uk, 2007.

[11] Sherri Irvin. The Pervasiveness of the Aesthetic in Ordinary Experience. *British Journal of Aesthetics*, 48(1):29–44, 2008.

[12] Thomas Leddy. *The Extraordinary in the Ordinary: The Aesthetics of Everyday Life*. Broadview Press, 2012.

[13] Jane Forsey. *The Aesthetics of Design*. Oxford University Press, 2013.

[14] Carolyn Korsmeyer. Delightful, Delicious, Disgusting. *Journal of Aesthetics and Art Criticism*, 60(3):217–225, 2002.

[15] C. Korsmeyer. Touch and the experience of the genuine. *British Journal of Aesthetics*, 52(4):365–377, 2012.

[16] Sherri Irvin. Scratching an Itch. *Journal of Aesthetics and Art Criticism*, 66(1):25–35, 2008.

[17] Monroe C Beardsley. *Aesthetics: Problems in the Philosophy of Criticism*. Hackett Publishing, 1981. (1958).

[18] Noël Carroll. Historical Narratives and the Philosophy of Art. *Journal of Aesthetics and Art Criticism*, 51(3):313–326, 1993.

[19] Gary Iseminger. *The Aesthetic Function of Art*, volume 1999. Cornell University Press, 2004.

[20] Gary R. Jahn. The aesthetic theory of leo tolstoy's what is art? *Journal of Aesthetics and Art Criticism*, 34(1):59–65, 1975.

[21] Leo Tolstoy. What Is Art? In Alex Neill and Aaron Ridley, editors, *The Philosophy of Art: Readings Ancient and Modern*, pages 506–522. McGraw-Hill, 1995. (1898).

[22] Roger Ebert. Why Did The Chicken Cross the Genders?, November 2005. Accessed on 4/1/2016.

[23] Roger Ebert. The Art of the Game 2, December 2005. Accessed on 4/1/2016.

[24] Roger Ebert. The Game of Art 3, December 2005. Accessed on 4/1/2016.

[25] Roger Ebert. Gamers Fire Flaming Post, E-mails, December 2005. Accessed on 4/1/2016.

[26] Roger Ebert. Games vs. Art: Ebert Vs. Barker, July 2007. Accessed on 4/1/2016.

[27] Roger Ebert. Video Games Can Never Be Art, April 2010. Accessed on 4/23/2013.

[28] Roger Ebert. Okay, Kids, Play On My Lawn, July 2010. Accessed on 4/1/2016.

[29] David Davies. Collingwood's 'Performance' Theory of Art. *British Journal of Aesthetics*, 48(2):162–174, 2008.

[30] Clive Bell. "The Aesthetic Hypothesis". In Alex Neill and Aaron Ridley, editors, *The Philosophy of Art: Readings Ancient and Modern*, pages 488–505. McGraw-Hill, Boston, 1995. (1914).

[31] Eva Schaper. Significant form. *British Journal of Aesthetics*, 1(2):33–43, 1961.

[32] Thomas M. McLaughlin. Clive bell's aesthetic: Tradition and significant form. *Journal of Aesthetics and Art Criticism*, 35(4):433–443, 1977.

[33] Kendall L. Walton. Categories of Art. *Philosophical Review*, 79(3):334–367, 1970.

[34] David Hume. Of the standard of taste. In Alex Neill and Aaron Ridley, editors, *The Philosophy of Art: Readings Ancient and Modern*, chapter 20, pages 255–268. McGraw-Hill, 1995. (1757).

[35] Immanuel Kant. *Critique of the Power of Judgment.* Cambridge University Press, 2000. (1790).

[36] Morris Weitz. The role of theory in aesthetics. *Journal of Aesthetics and Art Criticism*, 15(1):27–35, 1956.

[37] Ludwig Wittgenstein. *Philosophical Investigations.* Wiley-Blackwell, 4 edition, 10 2009. (1953).

[38] Noël Carroll. *Theories of art today.* Univ of Wisconsin Press, 2000.

[39] Maurice Mandelbaum. Family resemblances and generalization concerning the arts. *American Philosophical Quarterly*, 2(3):219–228, 1965.

[40] Dewitt H. Parker. The nature of art. *Revue Internationale de Philosophie*, 1(4):684–702, 1939.

[41] Aaron Meskin. The cluster account of art reconsidered. *British Journal of Aesthetics*, 47(4):388–400, 2007.

[42] Robert Stecker. The Boundaries of Art. *British Journal of Aesthetics*, 30(3):266–272, 1990.

[43] Bernard Suits. *The Grasshopper: Games, Life and Utopia.* Broadview Press, 3 edition, 11 2014. (1978).

[44] Jim Stone. Games and family resemblances. *Philosophical Investigations*, 17(No. 2):435–443, 1994.

[45] George Dickie. *Art and the Aesthetic: An Institutional Analysis.* Cornell University Press, 1974.

[46] George Dickie. *The Art Circle: A theory of art.* Haven, New York, 1984.

[47] D. Matravers. The institutional theory: A protean creature. *British Journal of Aesthetics*, 40(2):242–250, 2000.

[48] Peggy Zeglin Brand. Lord, Lewis, and the Institutional Theory of Art. *Journal of Aesthetics and Art Criticism*, 40(3):309–314, 1982.

[49] Catherine Lord. Convention and Dickie's Institutional Theory of Art. *British Journal of Aesthetics*, 20(4):322–328, 1980.

[50] Richard Wollheim. *Art and its Objects*. Cambridge University Press, 2 edition, 1980. (1968).

[51] Arthur C. Danto. The transfiguration of the commonplace. *Journal of Aesthetics and Art Criticism*, 33(2):139–148, 1974.

[52] Berys Gaut. *A Philosophy of Cinematic Art*. Cambridge, 2010.

[53] Grant Tavinor. *The Art of Videogames*. Wiley-Blackwell, 2009.

[54] Berys Gaut. The Cluster Account of Art Defended. *British Journal of Aesthetics*, 45(3):273–288, 2005.

[55] Thomas Adajian. On the Cluster Account of Art. *British Journal of Aesthetics*, 43(4):379–385, 2003.

[56] Stephen Davies. The cluster theory of art. *British Journal of Aesthetics*, 44(3):297–300, 2004.

[57] Denis Dutton. *The Art Instinct: Beauty, Pleasure, & Human Evolution*. Bloomsbury Press, 2009.

[58] Berys Gaut. "art" as a cluster concept. In Noël Carroll, editor, *Theories of Art Today*. University of Wisconsin Press, 2000.

[59] Stephen Davies. *Definitions of Art*. Cornell University Press, 1991.

[60] Jerrold Levinson. The Irreducible Historicality of the Concept of Art. In *Contemplating Art*, pages 13–26. Oxford University Press, 2006. (2002).

[61] Jerrold Levinson. Refining Art Historically. In *Music, Art,& Metaphysics*, pages 37–59. Oxford University Press, 2011. (1989).

[62] Jerrold Levinson. Extending Art Historically. In *The Pleasures of Aesthetics*, pages 150–171. Cornell University Press, 1996. (1993).

[63] Jerrold Levinson. Artworks as Artifacts. In *Contemplating Art*, pages 27–37. Oxford University Press, 2006.

[64] Jerrold Levinson. Defining Art Historically. In *Music, Art,& Metaphysics*, pages 3–25. Oxford University Press, 2011. (1979).

[65] Dominic McIver Lopes. Art without 'art'. *British Journal of Aesthetics*, 47(1):1–15, 2007.

[66] Dominic McIver Lopes. Nobody Needs a Theory of Art. *Journal of Philosophy*, 105(3):109–127, 2008.

[67] Stephen Davies. Lopes, Dominic Mciver. Beyond Art. Oxford University Press, 2014, Iii + 249 Pp., $35.00 Cloth. *Journal of Aesthetics and Art Criticism*, 72(3):329–332, 2014.

[68] Robert Stecker. Beyond Art. *British Journal of Aesthetics*, 55(2):258–261, 2015.

[69] Christy Mag Uidhir. Failed-art and failed art-theory. *Australasian Journal of Philosophy*, 88(3):381–400, 2010.

[70] Christy Mag Uidhir. *Art and Art-Attempts*. Oxford University Press, USA, 8 2013.

[71] Sherri Irvin. Art and art-attempts, February 2014. Accessed on 5/12/2016.

[72] Daniel Wilson. Can Levinson's IntentionalHistorical Definition of Art Accommodate Revolutionary Art? *Journal of Aesthetics and Art Criticism*, 73(4):407–416, 2015.

[73] Alessandro Pignocchi. The intuitive concept of art. *Philosophical Psychology*, pages 1–20, 2012.

[74] Franklin G. Miller and Alan Wertheimer. *The Ethics of Consent: Theory and Practice*. Oxford University Press, 2010.

[75] Thomas Hurka. Introduction. In *The Grasshopper: Games, Life and Utopia*. Broadview Press, 2005. (1978).

[76] Johan Huizinga. *Homo ludens: A study of the play element in culture*. Beacon Press, Boston, 1950. (1938).

[77] Roger Caillois. *Man, play, and games*. University of Illinois Press, 2001. (1961).

[78] Katie Salen and Eric Zimmerman. *Rules of Play: Game Design Fundamentals*. The MIT Press, 9 2003.

[79] Elliott M Avedon and Brian Sutton-Smith. *The Study of Games*. J. Wiley, 1971.

[80] Greg Costikyan. I Have No Words & I Must Design: Toward a Critical Vocabulary for Games, 2002. Accessed on May 3, 2016.

[81] Chris Crawford. *The Art Of Computer Game Design: Reflections Of A Master Game Designer*. Osborne/McGraw-Hill, 1984.

[82] Wikipedia. Calcio fiorentino — wikipedia, the free encyclopedia, 2016. [Online; accessed 3-May-2016].

[83] Jesper Juul. *Half-Real: Video Games between Real Rules and Fictional Worlds.* The MIT Press, 8 2005.

[84] Bernard Suits. What is a Game? *Philosophy of Science*, 34(2):148–156, 1967.

[85] Bernard Suits. Games and paradox. *Philosophy of Science*, 36(3):316–321, 1969.

[86] Jerrold Levinson. What a Musical Work Is. In *Music, Art, & Metaphysics*, pages 63–88. Oxford University Press, 2011. (1980).

[87] Julian Dodd. Defending Musical Platonism. *British Journal of Aesthetics*, 42(4):380–402, 2002.

[88] A. Neill and A. Ridley. Relational theories of art: The history of an error. *British Journal of Aesthetics*, 52(2):141–151, 2012.

[89] Kendall L. Walton. *Mimesis as Make-Believe.* Harvard University Press, Cambridge, 1990.

[90] Ian Bogost. *How To Do Things With Videogames.* University of Minnesota Press, 2011.

[91] Joseph Margolis. The ontological peculiarity of works of art. *Journal of Aesthetics and Art Criticism*, 36(1):45–50, 1977.

[92] Peter Lamarque. *Work and Object.* Oxford University Press, Oxford, 2010.

[93] William E. Kennick. Does traditional aesthetics rest on a mistake? *Mind*, 67(267):317–334, 1958.

[94] Dominic McIver Lopes. *A Philosophy of Computer Art.* Routledge, 2010.

[95] Al Baker. Videogames as Representational Art. *Postgraduate Journal of Aesthetics*, 9(2):28–39, June 2012.

[96] Amie L. Thomasson. Ontological Innovation in Art. *The Journal of Aesthetics and Art Criticism*, 68(2):119–130, Spring 2010.

[97] Amie L. Thomasson. *Fiction and Metaphysics.* Cambridge University Press, Cambridge, 1999.

[98] Amie L. Thomasson. The Ontology of Art and Knowledge in Aesthetics. *The Journal of Aesthetics and Art Criticism*, 63(3):221–229, Summer 2005.

[99] Sherri Irvin. The Artist's Sanction in Contemporary Art. *Journal of Aesthetics and Art Criticism*, 63(4):315–326, 2005.

[100] Christy Mag Uidhir. Why Pornography Can't Be Art. *Philosophy and Literature*, 33(1):193–203, 2009.

[101] Malcolm Budd. The Acquaintance Principle. *British Journal of Aesthetics*, 43(4):386–392, 2003.

[102] Jerrold Levinson. Erotic Art and Pornographic Pictures. In *Contemplating Art*, pages 259–271. Oxford University Press, 2006. (2005).

[103] Katherine Thomson-Jones. Inseparable insight: Reconciling cognitivism and formalism in aesthetics. *Journal of Aesthetics and Art Criticism*, 63(4):375–384, 2005.

[104] Selma Kraft. Content, form, and originality. *Journal of Aesthetics and Art Criticism*, 44(4):406–409, 1986.

[105] Jenefer Robinson. The Eliminability of Artistic Acts. *Journal of Aesthetics and Art Criticism*, 36(1):81–89, 1977.

[106] Joseph Margolis. Works of Art as Physically Embodied and Culturally Emergent Entities. *British Journal of Aesthetics*, 14(3):187–196, 1974.

[107] Susan Feagin. Reading with Feeling: The Aesthetics of Appreciation. *Journal of Aesthetics and Art Criticism*, 57(1):67–71, 1999.

[108] Joel C. Weinsheimer. *Gadamer's Hermeneutics: A Reading of* Truth and Method. Yale University Press, 1985.

[109] Paul Guyer. Introduction. In *Critique of the Power of Judgment*. Cambridge University Press, 2000.

[110] Friedrich Schiller. *On the Aesthetic Education of Man in a Series of Letters*. Dover, 2004. (1795).

[111] Hans Georg Gadamer. *Truth and Method*. Continuum, 1975. (1960).

[112] Gonzalo Frasca. Ludologists love stories, too: notes from a debate that never took place. In *Proceedings of International DiGRA Conference*, pages 92–99, 2003.

[113] Ralph Baer. Foreword. In Mark J. P. Wolf, editor, *The Medium of the Video Game*, pages ix – xvi. University of Texas Press, Austin, 2001.

[114] David OReilly. Mountain Game, July 2014. Accessed url on December 2, 2015.

[115] Timothy Binkley. Piece: Contra Aesthetics. In Joseph Margolis, editor, *Philosophy Looks at the Arts*, pages 25–44. Temple University Press, Philadelphia, 1978.

[116] Jerrold Levinson. Intention and Interpretation in Literature. In *The Pleasures of Aesthetics*, pages 175–213. Cornell University Press, 1996. (1992).

[117] Richard Wollheim. Minimal Art. In Gregory Battcock, editor, *Minimal Art: A Critical Anthology*, pages 387 – 399. University of California Press, 1995. (1965).

[118] Anna Christina Ribeiro. Intending to repeat: A definition of poetry. *Journal of Aesthetics and Art Criticism*, 65(2):189–201, 2007.

[119] Ted Nannicelli. *A Philosophy of the Screenplay*. Routledge, 2013.

[120] Lynne Rudder Baker. Why Constitution is Not Identity. *Journal of Philosophy*, 94(12):599–621, 1997.

[121] Michael C. Rea. The Problem of Material Constitution. *Philosophical Review*, 104(4):525–552, 1995.

[122] Gary Iseminger. Aesthetic Appreciation. *Journal of Aesthetics and Art Criticism*, 39(4):389–397, 1981.

[123] Gualtiero Piccinini. Computers. *Pacific Philosophical Quarterly*, 89(1):32–73, 2008.

[124] Carol E. Cleland. On effective procedures. *Minds and Machines*, 12(2):159–179, 2002.

[125] Luciano Floridi. *The Blackwell Guide to the Philosophy of Computing and Information*. John Wiley & Sons, 2008.

[126] Gualtiero Piccinini. The physical church–turing thesis: Modest or bold? *British Journal for the Philosophy of Science*, 62(4):733–769, 2011.

[127] Gualtiero Piccinini and Sonya Bahar. Neural computation and the computational theory of cognition. *Cognitive Science*, 37(3):453–488, 2013.

[128] David J. Chalmers. On Implementing a Computation. *Minds and Machines*, 4(4):391–402, 1994.

[129] Patricia S. Churchland, Terrence J. Sejnowksi, and Brian P. McLaughlin. The computational brain. *Philosophy of Science*, 63(1):137, 1996.

[130] Hubert L. Dreyfus. *What Computers Can't Do*. Harper Colophon, 1979. (1972).

[131] Robin K. Hill. What an Algorithm Is. *Philosophy and Technology*, pages 1–25, 2014.

[132] David Davies. *Art as Performance*. Wiley-Blackwell, Malden, 2004.

[133] Dominic Preston. Some ontology of interactive art. *Philosophy and Technology*, 27(2):267–278, 2014.

[134] Bill Loguidice and Matt Barton. *Vintage Games: An Insider Look at the History of Grand Theft Auto, Super Mario, and the Most Influential Games of All Time.* Focal Press, 2009.

[135] Owen Good. *Proteus*' Creator Defends His Game—as a Game, February 2013. URL accessed on Sept 23, 2015.

[136] James Newman. *Videogames.* Routledge, New York, 2013.

[137] Mark J. P. Wolf. *The Medium of the Video Game.* University of Texas Press, 1 edition, 2 2002.

[138] Henry Jenkins. Games, the new lively art. In Joost Raessens and Jeffrey Goldstein, editors, *Handbook of Computer Games*, chapter 11, pages 175–189. MIT Press, 2005.

[139] Markku Eskelinen. Towards Computer Game Studies. In Noah Wardrip-Fruin and Pat Harrigan, editors, *First Person*, pages 36–44. MIT Press, 2004.

[140] Will Hindmarch. Storytelling Games as a Creative Medium. In Pat Harrigan and Noah Wardrip-Fruin, editors, *Second Person*, pages 47–55. MIT Press, 2010.

[141] Jane McGonigal. The Puppet Master Problem: Design for Real-World, Mission-Based Gaming. In Pat Harrigan and Noah Wardrip-Fruin, editors, *Second Person*, pages 251–263. MIT Press, 2010.

[142] Katie Salen and Eric Zimmerman. Game design and meaningful play. In Joost Raessens and Jeffrey Goldstein, editors, *Handbook of Computer Games*, chapter 4, pages 59–79. MIT Press, 2005.

[143] Paul Bloom. Intention, History, and Artifact Concepts. *Cognition*, 60(1):1–29, 1996.

[144] Noël Carroll. *A Philosophy of Mass Art.* Oxford University Press, Oxford, 1998.

[145] Patricia Hernandez. They Patrol Our Streets In Search For The Notorious Nont-A-Game: It's Your Friendly Neighborhood Game Police, January 2013. Accessed on 5/20/2016.