

2026 Pacific ASA Meeting

## **The Problem of Inadvertent Creation and the Communal Production of Art**

Nov 15, 2025

### **1. The Phenomenon of Inadvertent Creation**

The phenomenon of inadvertent creation has received considerable philosophical attention. The literature started off with various scenarios in which fictional entities are seemingly generated inadvertently, i.e., without the author's intent to create fictional objects: a nominalist J. K. Rowling who disbelieves in fictional objects and hence has no intention to create a character would nevertheless have created Harry Potter by writing the Harry Potter series (Brock, 2010; See also Lee, 2022, pp. 396-397); if Tolstoy, in writing *War and Peace*, mistakenly believed Prince Bolkonsky was a real figure, then he would have unwittingly created a fictional character named 'Bolkonsky,' for he would have intended to refer to a historical person rather than to create a fictional one (Zvolenszky, 2016, p. 319). Later the same reasoning has been applied to other types of artifacts and art objects as well. A mereological nihilist such as van Inwagen can seemingly create a table without having any intent to create one (Evnine, 2016; Friedell, 2016). Cray (2017) also claims that one can accidentally make a salad, plate, or novella without intending to do so if one tried to make something else yet get terribly distracted in the process. Zvolensky (2016) also claims one might unwittingly create a work of poetry or music by terribly misremembering an existing one (p. 326). Presumably, such scenarios can be cooked up for virtually all kinds of artifacts and works of art with a little imagination.

Several philosophers have noted that this phenomenon of inadvertent creation threatens the dominant metaphysics of artifacts (Cray, 2017; Friedell, 2017; Goodman, 2021). According to this view,<sup>1</sup> (1) the maker's creative intention is a necessary condition for the existence of any genuine artifacts as opposed to mere byproducts of human activities such as scrap metal and pollution, for artifacts proper are, fundamentally, *intended* products of human activities (Hilpinen, 1992; Thomasson, 2004, p. 58). Moreover, the dominant view claims that (2) the intention of the maker also determines the *kind* the produced artifact: "Necessarily, for all x and all artifactual x is a K only if x the product of successful intention that (Ks)" (Thomasson, 2003b, p. 600).

Now, how the phenomenon of inadvertent creation threatens the dominant view is clear. The types of artifacts featuring in these examples are all paradigmatically artifactual; what could be called 'genuine artifacts' if fictional characters, tables, plates, salads, poems, musical works cannot be? However, these are exactly the kinds of artifacts seemingly produced unintentionally in the scenarios. In some cases, there seems to be no creative intent involved whatsoever; van Inwagen and the person badly misremembering a work of poetry or music doesn't seem to have any creative intention, thus conflicting (1). Even in other cases where there is some creative intention present, there is a mismatch between the intended kind and the kind of the object produced: in Cray's example, one intends to make a bowl but instead ends up creating a plate, thus falsifying (2).

This paper is motivated by this tension between the dominant metaphysics of artifacts and the apparent phenomenon of inadvertent creation. However, here I will limit myself to the

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<sup>1</sup> Its defenders include Baker (2004), Thomasson (2003b, 2005, 2010), Bloom (1996), Cray (2017), Evnine (2016), Friedell (2010, 2017), Hilpinen (1992), and Irmak (2021),

inadvertent creation of *artworks*. There are two reasons for this. Firstly, the problem of inadvertent creation seems aggravated in the realm of art, given the greater metaphysical authority endowed on the artist over her work. This diagnosis relies on Irvin (2005) and Thomasson's (2005, 2010) insight that it is the artist's sanction or intention that metaphysically fixes a wide range of ontological features of the work, i.e., its existence, kind, individual essences, physical boundaries, persistence conditions, etc. Secondly and relatedly, since artworks are paradigmatic examples of genuine artifacts, it is reasonable to expect that if one could develop an answer that works for artworks, then it could be adapted as a full solution to the problem.

Thus, my goal in this paper is to develop a solution to the problem of inadvertent creation of art. I explain in section 2 why I think the problem deepens with artworks as opposed to ordinary artifacts. Then in section 3, I lay out three criteria of adequacy for any solution to the problem. My positive proposal will be offered in section 4: artworks are social objects generated through collectively accepted constitutive rules, and while the typically operative, default rules require the presence of an artist with creative intention, there are also "back-up" rules that allow the art community at large to take over and create works without any particular artist intending to make art.

## **2. The Inadvertent Creation of Art and the Artist's Intention**

According to Irvin (2005), the artist's sanction is the publicly accessible intention of the artist regarding her work and what features belong to it (p. 321), and it plays the crucial ontological role of fixing various features of the work, including its physical boundaries,

methods of preservation, appropriate manner of appreciation, and the like. Thomasson, while extending the dominant view of artifacts to artworks by saying that “something is a work of music only if it is the product of an intention to make a work of music” (2005, p. 224), concurs with Irvin in taking the artist’s intention as determining the ontological status of the work, i.e., its kind, identity conditions, persistence conditions, and essential properties, etc. (Thomasson, 2005, 2010).

The artist’s metaphysical authority, according to both Irvin and Thomasson, is manifest in innovative art where the artist explicitly submits her statement on the detailed information about her works. That said, even in traditional art, the artist’s intention plays the same ontological role by drawing on existing practice to attribute to the work the features characteristic of the relevant art-kind (e.g., an oil-painted canvas counts a painting with the front side as the appropriate target of appreciation). Either way, it is the artist’s expressed intention that determines the ontological status of the work.

Irvin and Thomasson’s art ontologies capture the centrality of the artist’s intention in contemporary visual art. Besides, in my view, they are correct in attributing a *greater metaphysical authority* to the artist over her creation compared to what ordinary makers have regarding their non-artistic works. The artist’s power is greater than the ordinary artifact maker’s in at least two ways. First, the artist’s intention can *defeat* the properties conventionally associated with a given art-kind. For instance, imagine some carpenter claiming that her table cannot survive replacement of legs. Our intuitive reaction would be sheer dismissal; tables are the kind of objects that persist through gradual mereological change. Contrast this with an artist who insists that the peeling of the paint is a necessary feature of her painting, not damage. However unconventional it is to treat paintings this way, this decision would be accepted as

authoritative, thus determining the actual persistence conditions of the painting. Second, the artist is authoritative over a *wider range* of features of the work. For the artist's intention determines not only (1) the existence and (2) kind as in cases with artifacts in general, but also (3) the individual features of the work (e.g., what a painting represents, what style it is painted in, how should the work be appreciated).

Given this bigger significance of creative intention regarding the ontology of art, I conclude that the problem of inadvertent creation deepens in the realm of art: provided that in certain situations artworks come into existence with sufficiently determinate properties even in the absence of the artist's creative intention, how are we to explain the ontological status of the resulting works?

Some existing examples of inadvertent creation already involve art objects: fictional characters, surely novellas, poems, and pieces of music. However, since Irvin and Thomasson's theories focus on visual art, I offer a scenario in which a painting is arguably created unintentionally and authorlessly:

You were an assistant for Jackson Pollock. After his death, while cleaning up his studio, you find a beautiful canvas with colorful drips and splashes that match Pollock's style. In excitement, you contact one of his most enthusiastic collectors and she gladly buys the piece. A year after, the hidden Pollock painting is unveiled to the public. Art critics and art lovers discuss the significance of the work and even write books and articles on it. The truth is, though, that it was just a stretched canvass lying on the floor when Pollock was working on other works. The paints marks were made entirely unintentionally yet just

happened to be aesthetically marvelous. In fact, Pollock had never paid attention to this canvas and simply shoved it between his working tables.

In this case, it is plausible to think there is a fake Pollock painting that is the focus of artistic attention. However, there is no individual who harbored any intention to create a painting—hence it challenges the dominant metaphysics of artifacts. Neither is there anyone who can plausibly be called the ‘artist’ or ‘author’ of the work—hence there is no artist to determine the ontological status of this painting in the way Irvin and Thomasson suggest.

### **3. Toward the Solution: Three Criteria of Adequacy**

There have been various attempts to address the problem of inadvertent creation, although none has paid focused attention to artworks or noted its added gravity in the realm of art. For reasons of space, I cannot canvass and evaluate these existing solutions. Instead, I will offer three criteria of adequacy here with justifications for each and then propose my novel solution and show how my proposal satisfies all three desiderata in the following section.

Desideratum (1): Preservation of the core intuition behind the dominant metaphysics of artifacts that *creative intention* metaphysically grounds the existence and nature of artifacts. To my mind, the dominant view is right in supposing that what it is to be an artifact in the proper sense is, at bottom, to be an *intended product* of human activities as opposed to natural objects and mere byproducts. Moreover, it is very plausible to think that it is the maker who has the authority to decide what kind of object her product is. If your friend bundled up potato chip bags with box tapes that can float on water and carry people across rivers with the intention to create a

boat, then, the answer to “What is this?” question is settled by your friend’s intention—it is a boat. Unless your friend’s concept of *boat* or the resultant object is totally out of line with our practice surrounding the kind *boat*, then, the maker’s intention should be taken as stipulating the kind of the created object.

Desideratum (2): Accommodating the possibility of inadvertent creation of artworks.

The appearance of inadvertent creation of artifacts, I think, should be taken as it is, unless there are convincingly overriding reasons to think it illusory. While some philosophers who attempt to reject the phenomenon either by claiming that van Inwagen in fact fails to create anything (Evnine, 2016, p. 145) or by saying that his table would not be an artifact at all (Cray, 2017, p. 290), these conclusions clash with the strong intuition that there is an artifactual object belonging to kind *table* in the scenario. Besides, even if we reject all existing examples, there is little reason to think that more compelling cases of inadvertent creation cannot be developed. Therefore, an account that allows for inadvertent creation should be preferred.

Desideratum (3): Capturing Irvin and Thomasson’s insights that the artist has the metaphysical authority to determine the ontological status of their works. Although their emphasis on the artist’s sanction and intention aggravates the problem of inadvertent creation in art as noted above, these philosophers seem right to me that the artist’s own conscious understanding of her work determines the very ontological status and particular features of her work given contemporary artistic practice. For it does sound meaningless to protest that *Untitled (Portrait of Ross in L.A.)*, i.e., Felix Gonzalez-Torres’s (1991) installation work consisting of a candy spill, cannot persist when all the original candies have been eaten up, when the artist himself explicitly stated that those candies are to be eaten by audiences and continuously refilled throughout the exhibition (See Irvin, 2008, pp. 6-7).

Now that I have laid out the three criteria of adequacy, the remaining task is to develop a solution to the problem of inadvertent creation of artworks that meets these desiderata. To this I turn in the next section.

#### **4. Artworks as Social Objects and the Communal Production of Art**

My starting point is that art is a social phenomenon, and therefore artworks are social artifacts. Therefore, I think art ontology should be approached within a wider framework of the metaphysics of *social ontology* rather than as a *sui generis* topic to be studied independently. With this direction in mind, I look to Thomasson's social ontology for theoretical resources. While it was Searle (1995, 2010) that pointed out that *collective intentionality*, i.e., the collective acceptance of certain constitutive rules, is what grounds the existence of social entities, Thomasson (2003a) expanded this idea into the generative principle governing the creation of social objects: "Necessarily, there is some x that is K, if and only if there is some set of conditions C such that it is collectively accepted that (if all conditions in C are fulfilled, there is something that is K) and all conditions in C are fulfilled" (pp. 587-588), where K is any social kind. The parenthesized conditional states the relevant constitutive rule governing the creation of Ks where C describes the conditions under which a social object of kind K is produced.

Note that the generative principle does not require any *individual creative intention*, i.e., an individual's intention to produce a K. What is required for creation of Ks, instead, is (i) the collective acceptance of the K-related constitutive rules and (ii) the satisfaction of the generative condition C described in the rules. While (i) might be plausibly read as demanding a *general* intention of the group for creation of Ks, it does not call for any individuals to have a *particular*

intention to make a K.

My proposal is this. There are multiple K-generating constitutive rules where K is an art-kind. The most prevalent rules grounding K-creation demand the presence of the artist's creative intention involving information about what kind her work will belong to and other intended features of the work. Such constitutive rules will take the form, "*if there is someone who intends to create a K with such-and-such particular features, and as a causal consequence of this intention engage in largely successful relevant activities, then a new K with the intended features is generated unless her intention or the result radically contradicts the artistic norms regarding K to the degree that makes the work unintelligible.*" The proviso at the end reflects the fact that even the artist's authority must be circumscribed by practice and hence is not infallible; one cannot submit a coffee cup and insist it is a painting. At any rate, this first type of art-generating constitutive rules that cover typical cases of art creation are precisely captured by the dominant metaphysics of artifacts as applied to art and also by Irvin and Thomasson's insights.

However, my contention is that there are also the second type of constitutive rules, i.e., the "back-up" rules for K-creation, which do *not* require the existence of any individual artist with the intention to make a K. Such rules will take the form, say, "*if some object is presented to the relevant artistic audience and has aesthetically relevant features to justify the inference that it is a likely member of K, then there is a K with such features.*" It is in virtue of these back-up constitutive rules, then, that the fake Pollock painting and other inadvertently created artworks were generated.

It bears emphasis, however, that in all cases of art creation, deliberate or unwitting, as with all social entities, it is always the relevant community itself that ultimately grounds the existence and nature of works of art. It is a peculiarity of artistic practice, in my view, that

empowers the individual artists to make the ontological decisions regarding the works and then constrains other members of art the community to deferentially accept these decisions unless they are terribly incomprehensible against existing conventions. It is precisely because the artist's ontological power is borrowed from the art community that the latter can sometimes "take over" to establish the ontological status of the work in the absence of the artist and with a particular intention to create works.

My proposal satisfies the three criteria of adequacy. Since it is the general, community-level creative intention rather than the creative intention of a particular artist that is really required in all cases of art creation, my account (C) accommodates the possibility of inadvertent creation while (A) retaining the presence of some type of creative intention as a necessary condition for artwork creation. However, by admitting the existence of art-generating constitutive rules through which the artist is given the special metaphysical authority to determine the kind and other ontological features of her work, (B) the current suggestion captures Irvin and Thomasson's insights as well.

(Word Count: 2896)

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