

We Did It: From Mere Contributors to Coauthors

The diversity and increasing number of recent artistic collaborations raise new and substantive philosophical questions about the nature of authorship. In the past, the problems surrounding the authorship of collaboratively produced art were tackled primarily by film theorists, who defended the conservative view that films were on a par with other artworks, having a single author. Fortunately, this is starting to change. Recently, a number of theorists, including Berys Gaut, Paisley Livingston, and C. Paul Sellors, have argued, contra *auteur* theory, that films (and many other artworks) are the product of multiple authors.¹ Livingston and Sellors draw on recent theories of collective intentionality, specifically theories of shared intention, in order to develop their theories of coauthorship. Although we agree entirely with this anti-individualistic movement, we think there are problems with the accounts of coauthorship on offer. Some of the accounts are too weak, failing to distinguish between mere contributors and genuine coauthors, while others rely on a theory of shared intention that does not adequately account for the range and complexity of artistic collaborations present in contemporary art.

Fortunately, there is an alternative theory of collective intentionality that has yet to be considered as a point of departure in developing an account of coauthorship: Margaret Gilbert's plural subject theory. We argue that her theory provides for an account of coauthorship that successfully distinguishes between mere contributors and coauthors. It also makes sense of a number of actual cases of collaboratively produced art in which intuitively the *group*, rather than any set of individuals, is the author.

In Section I, we rehearse Gaut's arguments against *auteur* theory and explain why Gaut's ac-

count of multiple authorship is problematically overpermissive. In Section II, we consider Livingston and Sellors's attempts to develop an account of coauthorship that relies on the theories of shared intentions by Michael Bratman and John Searle, respectively. Both accounts are ultimately problematic in different ways. In Section III, we turn to Margaret Gilbert's plural subject theory. At the heart of Gilbert's theory is the notion of a joint commitment. We develop a theory of coauthorship that appeals to the notion of a joint commitment, and then we show how it helps us to distinguish between mere contributors and genuine coauthors. We also present a number of actual cases of collaboratively produced art and show how Gilbert's plural subject theory can accommodate these cases in a way that other accounts of coauthorship cannot.

I. BEYOND *AUTEUR* THEORY: GAUT'S ACCOUNT OF MULTIPLE AUTHORSHIP

Theories of coauthorship were originally developed within the context of philosophy of film and film theory in order to determine a film's author.² *Auteur* theory sought, in various guises, to justify why a *single* individual (producer, director, and so on) should be regarded as *the* author of the film. They do so, according to Gaut, by implementing a number of different strategies: the restriction strategy, the sufficient control strategy, and the construction strategy.

The restriction strategy attempts to restrict the single author of a film to the person who contributes to the film's artistic properties. On this view, only a single individual (usually the director or producer) is taken to contribute directly to the film's artistic properties, and so this

person is the film's author. Other people, for example, actors, camerapersons, editors, and so on, contribute to the film *production*, but they do not contribute to its artistic properties and so fail to count as authors. Gaut argues convincingly that the restriction strategy fails to identify a single author. While some contributions may not be artistically significant (the sprocket holes in the film, for example), many others are (an actor's contribution, for instance). Further, even if one could agree on the film's artistic properties, these properties could not *all* be attributed to the director or producer alone, as they were produced by the actions of other individuals. Attempts to identify a single author by appeal to artistically significant and artistically irrelevant properties, therefore, seem problematic.

The sufficient control strategy seeks to identify a single author by identifying the person who has sufficient control over the artwork as a whole. In many cases, a single individual may exert sufficient control over some aspect of the film, but Gaut suggests that neither the director nor the producer has sufficient control over the *whole* film. The actor, in particular, will always bring something of his or her own personality and training to the lines and thus will produce artistically relevant properties over which the director lacks control. True, the director sanctions these idiosyncratic expressions, by choosing the actor or, in the end, by allowing a certain line to remain in the film. Still, the director does not have sufficient control over the film *as a whole*.³ Other contributors (for example, writers, producers, and so on) also may have a sufficient degree of control over many aspects of the film. Sufficient control, therefore, does not clearly identify any one single author.

The restriction strategy and the sufficient control strategy both attempt to identify an *actual* individual as the sole author. The construction strategy, however, *constructs* a single author. Often the constructed author is not the same as the *actual* person who created the work. The move to postulate an author is motivated in part by anti-intentionalism. The work produced by an *actual* person may have artistic properties which differ from those intended by the creator: "One can acknowledge that the author's *persona* as it appears in her work may be radically different from her actual character, and can maintain that a work is the product of authorial acts, without being thereby committed to believing that the writer's actual in-

tentions determine the correct interpretation of her work."⁴

As Gaut points out, constructivism is not, strictly speaking, incompatible with acknowledging the collaborative nature of film (and other forms of art). Those who wish to identify a single author of a film can do so by acknowledging that it was produced by many actual people but postulate an author whose *persona* is exhibited in the work. But Gaut argues that this strategy cannot be employed to identify a *single* author. Films often exhibit multiple *personae*:

Clearly there is a Hitchcock *persona* which emerges in his films. But equally [Jimmy] Stewart and [Cary] Grant have *personae*—as indeed do Bernard Herrman and other contributors to Hitchcock's films who are not actors—and these *personae* are prominent in the films. So, by the criterion of artistic personality to which the constructivist appeals, we should acknowledge such films to involve multiple artists.⁵

Gaut considers whether a single author could be postulated which would be an amalgam of all these personality traits. This would involve treating every aspect of the film *as if* it were created by a single being. But a supra-individual capable of doing all of these things and involving multiple character traits (some quite possibly inconsistent or incompatible) would be difficult to understand and so would make interpretation of the work extremely difficult:

Who knows what such a being would be like? For the constructivist, interpretation involves seeing what qualities are manifested by a film's implied author: but what might be gained by speculating on the psychology of a kind of super-intelligent octopus, whose tentacles control the myriad machine of cinema and reach into the very souls of actors? Given its unknowable psychology, the signs we take to be those of sympathy towards a character might instead be marks of wry amusement, haughty disdain, vehement fury, or emotions utterly unimaginable to us.⁶

Gaut concludes, then, that the restrictive control, sufficient control, and constructivist strategies fail to identify a *single* author. Many individuals contribute to the making of a film and exhibit control over its artistic properties, and many *personae* are likely to exhibit themselves in a film. Thus, film is *multiply* authored.

But how does one distinguish genuine authors from mere contributors? Does the caterer at a film shoot count as one of the authors?⁷ Does the financial backer of a film or a book count as an author? Despite the fact that Gaut rejects the restrictive control, sufficient control, and constructivist strategies as ways of identifying a *single* author, he appears to embrace some form of these strategies for distinguishing genuine *authors* (even multiple ones) from mere contributors (of nonartistic properties or of accidentally produced artistic properties): "It is sufficient to be an artist that one produce a work of art, though not accidentally . . . so those films that are works of art and are non-accidental products of their makers must be products of artists."⁸ Gaut also writes:

Mainstream films have multiple authors. We have seen the importance of actors to a film, and considerations for the importance of scriptwriters and for those producers who concern themselves with the actual making of the film could easily be advanced as well. So there is no reason to deny the potential artistic contribution, and therefore coauthorship, of any of those mentioned.⁹

According to Gaut's account of authorship, authors contribute artistically significant properties, not just *any* properties, and these contributions need to be done nonaccidentally. As a result, anyone who contributes artistically relevant features in a nonaccidental fashion counts as an author. On this view, the makeup artist, casting agent, or set designer could be one of multiple authors, since all of these people contribute artistically relevant features in a nonaccidental manner. But intuitively, we do not give the title "author" to everyone who contributes aesthetically relevant properties, even if they are intended. Gaut seems to be moving too quickly from the fact that multiple people contribute to making a work to the conclusion that there are multiple people authoring that work. There is a difference between *contributing* to (the making of) a work of art and *authoring* it. Further, even if one grants that multiple contributors should get the credit often attributed only to authors, there seems to be something missing from Gaut's account of multiple authorship. In many cases multiple authors are working *together* to produce a work of art. In such cases, they are also *coauthors*. There seems to be not only a difference between contributors and authors but also a difference between multiple authors and coauthors.

For example, Wikipedia is certainly authored by multiple people, but it does not qualify as coauthored, because the authors are all working (for the most part) individually rather than working together.¹⁰

To further elucidate these differences, consider the case of the art *saboteur*. Imagine a film produced over a number of months involving the many nonaccidental contributions of cast members, the director, the producer, and so on. Each of these people, insofar as he or she contributes aesthetically relevant properties in a nonaccidental way, will count as one of multiple authors, according to Gaut. Now imagine that unbeknownst to the film crew, a filmmaker wholly unconnected to the film's creation breaks into the studio and replaces certain key pieces of the set with slightly anachronistic and incorrect substitutes, alters slightly the lighting, and makes a few changes to the placement of microphones, thereby changing significantly its aesthetic features (and if the intent is malicious we might imagine that the changes are for the worse). But this person is not part of the filmmaking group. Indeed, we might imagine that the *saboteur* is an enemy of the producer and is altering the film in order to ruin the producer's career. However, because of budgetary and time constraints, the film crew does not have the time or the money to rectify these aesthetic blemishes to the film. The *saboteur* contributes significant aesthetic properties in a nonaccidental way, but surely he is not a coauthor. Certainly those who are members of the cast and crew and the producer and director would deny that he was a coauthor. But why? What do coauthors have that mere contributors do not?

II. BEYOND MERE CONTRIBUTOR: APPEALING TO SHARED INTENTIONS

The case of the *saboteur* suggests that coauthors share something or have something in common. Recent work in action theory regarding the phenomenon of joint action suggests that what is needed in order to distinguish acting together from acting individually in order to produce a common outcome is an appeal to shared goals or intentions.¹¹ Consider an example. A traffic jam may be produced by a group of drivers in the weak sense that each individual driver contributes to the collective outcome, but the traffic jam is not something the drivers *do together* in any robust sense.

If, on the other hand, the drivers share the intention to produce a traffic jam (perhaps the drivers are on strike and creating the traffic jam is their way of protesting), we may be inclined to say that drivers are engaged in doing something together. The difference, according to many theorists, between these two cases is that in the former there is no shared goal or intention, while in the latter there is.

Livingston seizes on the notion of shared intention in order to develop a theory of coauthorship. In particular, he appeals to Michael Bratman's work on shared intention. Joint authors (or coauthors) have a shared intention to contribute to making a single utterance or work for which they will take credit (and blame). On Bratman's account, a shared intention is not something in the mind of an individual. Rather, shared intentions are states of affairs that consist in individual intentions of the form "I intend that we *j*" and their interrelation.¹² This shared intention informs decision making concerning the shape of the final product, and each individual will go about realizing his or her shared goal by acting in accordance with, and because of, what Bratman has called 'meshing subplans.'¹³ Collaborating artists may go about their own contributions to the shared goal in a variety of ways, but they must somehow coordinate their contributions in such a way that they do not undermine the contributions and plans of other participants. They must acknowledge and be mutually responsive to the subplans of other participants.

Livingston provides the following analysis:

Joint authorship requires that two or more contributors $A_1 \dots A_n$ intentionally make an utterance or work for which they take shared responsibility or credit, and they do so by acting on the following intentions:¹⁴

- (1) A_1 intends to contribute to the making of utterance U as an expression of A_1 's attitudes.
- (2) A_1 intends to realize (1) by acting on, and in accordance with subplans that mesh with those of the other contributors, including sub-plans relative to the manner in which the utterance is to be produced and to the utterance's expressive contents.
- (3) A_2 intends to contribute to the making of utterance U as an expression of A_2 's attitudes.
- (4) A_2 intends to realize (3) by acting on, and in accordance with sub-plans that mesh with those of the

other contributors, including sub-plans relative to the manner in which the utterance is to be produced and to the utterance's expressive contents (and so on for other contributors).

- (5) $A_1 \dots A_n$ mutually believe that they have the attitudes 1-4.¹⁵

Livingston's theory is an elegant one but is best suited for collaborations involving two people who are working together closely and interacting on a regular basis about the aesthetic properties of the work and for those collaborations that do not involve authority and institutional structures. Indeed, the cases of genuine coauthorship he identifies are just those cases. One such case is inspired by the collaboration of John Lennon and Paul McCartney:

Paul and John write a song together, starting with a simple melodic line which popped into John's head one morning. Each contributes ideas for the lyrics and music, which get selected as they check on each other's assessments and arrive at mutual consent. Each of them more or less vetoes some of the other's proposals while applauding and urging the adoption of others.¹⁶

Given that Paul and John are in close proximity and are continuously contributing to the song either by offering ideas or feedback regarding the ideas of the other, Livingston's analysis seems to capture the phenomenon of coauthorship in this case.¹⁷ This is not surprising since Bratman specifically restricts his account of shared intention to handle two-person, face-to-face interactions and those that are essentially egalitarian involving no authority relations and institutional structures.¹⁸ However, anything falling outside of these parameters, involving multiple agents, in less than close interaction and less than egalitarian relations, appears to be difficult to accommodate within his theory.

Consider Livingston's assessment of so-called traffic jam movies, Hollywood movies such as *Waterworld* (Kevin Reynolds, 2005). Because of the lack of close interaction and meshing subplans, Livingston is led to the conclusion that *Waterworld* (or something like it) is authorless. Livingston writes:

Consider, for example, an extreme case in which a film gets made by a number of professional film makers who

are hired and fired in succession by warring producers who themselves have no overarching scheme for the organization of these individuals' disparate contributions . . . the creative activities themselves were not guided by even the most schematic shared plans. The upshot, I contend, is an author-less product, a result of social forces and activities, no doubt, but not of collaborative or joint action.¹⁹

But is it really the case that *Waterworld* is unauthored? It is not as if the film came about by accident. Unlike a real traffic jam, where drivers do not intend (jointly or individually) to make a traffic jam, in traffic jam movies, the series of directors and producers certainly do have an intention to make or contribute to the making of a film. Of course, *Waterworld* may well be a poorly authored film (authored either by a single individual or multiple individuals), but that does not thereby make it an *authorless* one. Given that many works of art are both collaboratively made and not of very good quality, Livingston's theory would have us relegate a great many works to the authorless bin, a counterintuitive conclusion.²⁰

Furthermore, Livingston's account is psychologically implausible. Even if we assume, as we think is necessary, that the extremely complex psychological structure Livingston identifies is somehow tacitly present in the minds of collaborators, it is difficult to see how anything like this structure could be psychologically realized in collaborations involving multiple people, such as in a Hollywood movie. Livingston will likely point to the fact that it could not be psychologically realized by all the participants in a Hollywood film as an indication that a film's coauthors are to be restricted to only a few, but this move begs the question. One cannot develop a theory that, by default (or definition), rules out as authored all artworks created by a large number of individuals.

Likewise, even if Livingston's account could be psychologically realized, it is hard to see how something like Livingston's structure could be in place in certain art forms involving improvisation, like jazz, battle rap, or comedy skits. Improvisation by its very nature includes very few prior intentions, either of the individual or shared sort. Livingston's theory seems to work best, if at all, in cases where there is a great deal of prior planning.

In "Collective Authorship in Film," Sellors has argued for a theory of multiple authorship based on John Searle's theory of we-intentions.²¹ Like

Livingston, Sellors is keen to use shared intentions to distinguish between genuine coauthors and mere contributors. Although multiple people may contribute to the making of the film, only those who share we-intentions to produce an utterance will count as part of the film's 'authorial team': "Although it is certainly true that a caterer is involved in a cooperative activity, he or she is not involved in the cooperative activity of producing an utterance."²²

We-intentions, according to Searle, are a unique type of individual mental state having the form "We intend to *j*." Searle's theory of shared intentions differs from Bratman's analysis in two ways. First, Bratman argues that shared intentions are states of affairs that consist in individual intentions of the form "I intend that we *j*" and their interaction. Shared intentions, for Bratman, are not had by individuals. Searle's we-intentions, however, are realized by individual minds. Second, unlike Bratman's account, Searle's we-intentions need not be interrelated with others having we-intentions. There is no requirement that participants in a joint action be aware of, or respond to, the we-intentions of others. Indeed, he allows for the presence of we-intentions in the absence of any other individual group member.

Given that Searlean we-intentions do not require meshing of subplans and a complex interaction among the individual intentional states of collaborators, Sellors's theory of coauthorship is considerably weaker and so one might think it is a substantial improvement over Livingston's theory. Searle's we-intentions are also intentions-in-action, rather than prior intentions, and so would seem to be able to better handle cases of improvisation. But, unfortunately, reliance on Searle's form of shared intentions has the unhappy result of, contrary to what Sellors suggests, not being able to distinguish between mere contributors and genuine coauthors.

Consider Sellors's case of the caterer on the set of a film. Sellors seems to think that he can rule her out as part of the authorial team because she does not participate in a cooperative activity of producing an utterance where cooperative activity involves Searle-like we-intentions. Members of the authorial team will have we-intentions to produce an utterance. But the caterer on the set of a movie may be delusional and mistakenly see herself as part of the "authorial team"—if so, she could have the following Searlean we-intention:

"We intend to make utterance *X*." Suppose further the content of her we-intention is identical to the content of the we-intention had by the director and producer (she overhears a discussion they have regarding the utterance the film will convey). Intuitively, the mere presence of this *private* we-intention in the mind of the caterer does not thereby make her a coauthor of the film. Similarly, recall the case of the film *saboteur*. He might very well have had the we-intention (perhaps he is delusional and believes himself to be part of the group making the film), "We intend to make utterance *X*." But the existence of this private we-intention does not thereby make him a coauthor. As Anthonie Meijers notes, there is nothing shared about Searle's theory of shared intention.²³ His solipsistic we-intentions, therefore, do not help to distinguish between coauthor and mere contributor. We-intentions of this sort can be had independent of others, and there is no requirement that we-intentions be formed in response to or in accordance with the we-intentions of others.

Let us take stock. Identifying a single author in the case of film and other art forms is unlikely given the collaborative nature of art. Coauthorship is a very common phenomenon. But Gaut's theory of multiple authorship does not distinguish between mere contributors and genuine coauthors. The case of the film *saboteur* suggests that something else is needed besides an intention to contribute aesthetically relevant properties in a nonaccidental manner. Livingston and Sellors both propose appealing to the notion of a shared intention to make sense of genuine coauthors—certainly a step in the right direction. But neither account succeeds. In Livingston's case, the Bratman-like analysis of coauthorship is too strong, making unrealistic and overly stringent psychological demands on the coauthors. In Sellors's case, the existence of private Searlean we-intentions is not sufficient. Can we find a theory of collective intentionality that provides us with what we need?

Returning to the case of the film *saboteur* is instructive. What would the actors, producer, and director say of the *saboteur*? A likely response to any attempt to identify the *saboteur* as a coauthor would be, "But he isn't one of us!" This suggests that coauthorship is tied to group membership. Membership in an artistic group determines whether or not one is a coauthor. Margaret Gilbert's plural subject theory provides an inter-

esting and fruitful account of group membership that allows for a more nuanced account of coauthorship.

III. BEYOND SHARED INTENTIONS: ARTISTIC GROUPS AS PLURAL SUBJECTS

Margaret Gilbert's work in the area of collective intentionality spans over three decades, and her theory has been developed and refined since her first book, *On Social Facts*.²⁴ Here we focus on Gilbert's most recent articulation of her theory, found in *A Theory of Political Obligation*.²⁵ Social groups, according to Gilbert, are plural subjects. Some plural subjects are transient, as when two people move a table together or engage in a brief conversation only to disperse and never see each other again. Other plural subjects are more long-lasting, such as committees, political organizations, and societies. A necessary and sufficient condition for being a plural subject is the existence of a joint commitment: "A and B (and . . .) constitute a plural subject if and only if they are jointly committed to doing something as a body . . . in a broad sense of 'do.'"²⁶

The general form of joint commitment is this: individuals jointly commit to *X* as a body. *X* can be substituted for a number of different things, including accepting a goal; intending to do such and such; accepting, as a body, that such and such is the case; valuing such and such, and so on. This is what Gilbert means when she refers to "a broad sense of 'do.'"

By commitment Gilbert means a sort of decision of the will. When an individual makes a personal commitment to do *X*, the individual has a sufficient reason for doing *X*. This does not mean that failure to do *X* would be immoral. Rather, barring other commitments that conflict with the commitment to *X*, it would be irrational not to do *X*. A joint commitment gives each individual party to it sufficient reason to act in a certain way. In particular, each individual has a sufficient reason for coordinating his behavior with others who are party to the joint commitment. A joint commitment also brings into existence certain obligations and entitlements. When an individual fails to do her part to bring about that to which the group is committed, the other participants have a right to rebuke her.

What is it to jointly commit to doing something as a body? To jointly commit as a body to believing

something, for instance, is to avoid saying things contrary to the group belief and to act in accordance with the belief. In effect, to act or believe or espouse a goal as a body is to act as if one were part of a single body, to work in unity with others in order to construct, as far as possible, a unified subject. Believing as a body, or espousing a goal as a body, or intending as a body, does not mean that the parties to the joint commitment themselves have that goal, intention, or belief. In many cases they will not. A group, for instance, may often accept a goal for the group that cannot possibly be had by an individual (such as the goal of winning a football game). But each of the individuals is committed through the joint commitment to act in a certain way.

Unlike individual or personal commitments, joint commitments are "had" by groups. The subject of the joint commitment is responsible for both the forming of it and the rescinding of it. That is, one person alone cannot make a joint commitment and joint commitments cannot unilaterally be rescinded. An individual may "walk away" from a group and have good reasons for doing so, but this does not eliminate her obligation to others to behave in a way that achieves that to which the group is committed. Groups are formed with an understanding of what constitutes the dissolution of joint commitments. Resignations, for instance, need to be tendered and accepted. In other cases, there will be less formal means of dissolving a joint commitment. In some groups there may be an understanding that each is free to walk away whenever he wants, and that such behavior will initiate the dissolution of the joint commitment.

According to Gilbert, joint commitments are formed when all parties express their readiness to be jointly committed and do so under conditions of common knowledge. Gilbert defines common knowledge in the following way: "if some fact is common knowledge between A and B (or among members of a population P, described by reference to some common attribute), that fact is entirely out in the open between (or among) them, and, at some level, all are aware that this is so."²⁷ Expressions of readiness to be jointly committed with others need not be overt verbal expressions. Gilbert notes that such expressions may take many forms. In some cases there will be an explicit agreement, while in other cases people may just "fall into line" and doing so expresses their willingness to be jointly committed with others to doing

something as a body. In all cases, however, there is some awareness that the joint commitment is in place and some understanding of the obligations and entitlements that ensue because of it.

Although Gilbert's theory is developed from reflection on cases of small groups, she explicitly extends her account to larger ones. Indeed, in her most recent work, she extends the plural subject theory to societies. The basic mechanism for doing so is to think of larger social groups as having joint commitments regarding the mechanism by which other joint actions and decisions will take place. So, for instance, the members of a society might jointly agree to allow others (either individuals or smaller plural subjects) to make decisions regarding the placement of troops during a war. Plural subjects will be embedded within larger plural subjects.

Although there is a great deal more to be said about Gilbert's theory, we think this cursory discussion provides the framework for a discussion of coauthorship. If we conceive of artistic groups as plural subjects, then at the heart of coauthorship are joint commitments, and these joint commitments are going to be of many different kinds depending on the type of group. But the most basic joint commitment will be a joint commitment to create a work of art as a body. To be a coauthor, then, one must be part of a plural subject of authorship. A and B (and C, D, and so on) constitute a plural subject of authorship if and only if they are party to a joint commitment to create a work of art as a body. This joint commitment will entail a variety of other individual commitments to act in a way that does not undermine the joint commitment and will involve coordinating individual actions. The joint commitment will determine what each individual needs to do in order to make it the case, as far as possible, that they create the work as if they were a single author.

Like plural subjects in general, artistic groups may be of the transient type and involve very minimal joint commitments. A number of jazz musicians, for instance, might sit down together at a jazz club one night, with no previous plans or agreements, and jointly commit to "jamming" for an hour. Each musician expresses his or her readiness to be jointly committed with the other musicians, and this readiness might be expressed by a mere nod of the head or by certain behavioral cues such as picking up an instrument and looking at the others expectantly. This joint commitment to "jam"

as a body guides their individual actions in a way that allows them to coordinate their playing. But it need not, as Livingston's theory seems to require, commit them to the expression of a particular utterance. The content of the artistic utterance will be a function of the interplay between the musicians.

At the other end of the spectrum are highly structured and long-lasting artistic groups. They may involve a number of joint commitments, including joint commitments to espouse certain aesthetic goals, or accept certain aesthetic values or political beliefs, as a body. The joint commitments of such groups may be very specific, such as specifying the aesthetic properties of a work of art prior to its production or creation, or they may be very vague, allowing for aesthetic properties to arise out of the interaction between members who are jointly committed. Artistic groups that work together over time will, no doubt, form a number of joint commitments to "do" things as a body in a broad sense, and it is plausible to think that these joint commitments strengthen the bonds within these groups.

How does reliance on Gilbert's plural subject theory help us to distinguish between genuine coauthors and mere contributors? The caterer on a film set may well be jointly committed with other members of the catering company to providing quality food for those making the film, but it is unlikely that she is party to a joint commitment to make a film, *as a body* with the other members of the cast and crew. Indeed, it is implausible to think she is party to a joint commitment regarding the creation of the film *per se*. Likewise, the paint mixer may be committed to providing quality paint for the artists who come into his store or perhaps he is party to a joint commitment with other members of his company, but again, he is not party to a joint commitment to create a painting together, or, *as a body*, with the painter.

The plural subject account of group authorship can also make sense of why the film *saboteur* is not a coauthor. It is precisely because the *saboteur* has not expressed his willingness to be party to a joint commitment with the others and hence not part of the artistic group making the film that we would not attribute coauthorship to him. Like the caterer or paint mixer, he or she may be delusional and have a private *we-intention* to contribute aesthetically relevant features to the film. But this private intention is not enough. Others must acknowledge

one as part of the group, as having obligations and entitlements, and as being jointly committed to doing something *together*, or in Gilbert's terms, *as a body*.

Because a joint commitment is properly understood as "our" commitment, as being had by a group, rather than an individual, Gilbert's theory better captures our practice of attributing praise and blame to artistic groups. It also handles, in a way we think Livingston's view does not, large artistic collaborations. The reason is that Gilbert's theory of plural subjects allows for the fact that in many social groups there will be a distribution of labor and that decision making may be relegated to certain members of the group. A cast and crew may jointly commit to making a film together but also jointly commit to a specified mechanism for determining the shape of the film, namely the director's say-so.

Joint commitment regarding the distribution of labor in creating the work also explains why in some cases we attribute authorship to multiple people even though their contribution to the work may be minimal or nonexistent. Recall Livingston's case of Paul and John, loosely based on the actual songwriting collaboration of John Lennon and Paul McCartney. According to Livingston, if we found out that Paul did not have shared intentions regarding the expressive content of a certain song, we should not acknowledge Paul as a coauthor of that song:

And if there were cases where both Paul and John were officially credited as co-composers whereas in fact only one of them did all of the work on the song in question, this is a misleading attribution, as the fact of their longstanding collaboration does not in itself suffice to generate a particular instance of collaboration in the absence of actual joint activity.²⁸

But, we *do* attribute authorship to both John Lennon and Paul McCartney even on songs only written by John—both legally and intuitively.²⁹ This is because they had an agreement in place, made explicit in legal documents, that anything one of them wrote would be owned and attributed to both. We think that conceiving of John Lennon and Paul McCartney as forming a joint commitment to create songs together, as a body, explains our practice (both legal and nonlegal) of attributing coauthorship to both. Livingston's theory would have us revise this practice.

Because Gilbert's theory of plural subjects allows for the fact that social groups form as a result of a number of different sorts of joint commitments—joint commitments to espouse a goal as a body, to believe a proposition as a body, to promote some value as a body—her theory allows us to understand the rich complexity and wide variety of artistic groups. To be an author is to be a certain sort of agent, and agency is not a unidimensional phenomenon involving simply an intention to communicate. Agency involves beliefs, goals, desires, values, and so on. Understanding the agency of artistic groups will involve reference to the group's beliefs, goals, desires, and values. This is particularly useful in understanding contemporary artistic collaborations whose aims often involve challenging or undermining traditional artistic modes of creation and whose values greatly influence the aesthetic properties of the work. The Guerilla Girls, an anonymous group of women who engage in activist art and whose members have changed over time, is one such example. They refuse to identify themselves on the grounds that it detracts from the statements made by the art itself. This is an example of an indeterminate structured but long-lasting group in which the joint commitment to espouse certain political and social ideals, goals, and values as a body is paramount. Artistic groups like the Guerilla Girls presumably have worked together for so long that they have undoubtedly formed a number of joint commitments to "do" things as a body in a broad sense, and it is most plausible to think that these joint commitments strengthen the bonds within these groups.

Or consider The Association of Collaboration, a group of artists who operate and create art exclusively by consensus. In fact, *all* activities relating to the group and its ordinary activities (not just its artistic practices) are governed by consensus. This means that at least sometimes, members might agree to engage in certain art-making practices or to create an artwork with certain artistic properties *qua* members of the group, even if they personally do not agree that this is the right thing to do. In both of these cases, appeal to joint commitments will be crucial to understanding the work created by these groups.

A theory of coauthorship based on Gilbert's theory of plural subjects also makes sense of the normative phenomenon present in many artistic groups. Because a joint commitment to create a

work of art as a body involves the creation of obligations and entitlements, when members of a plural subject fail to meet these obligations there is often a sanctioning from group members. In Gilbert's terms, there is a "rebuke," and the justification for such a rebuke can be found in the nature of the joint commitment itself rather than an additional moral principle. Contrast two music groups, one having an amicable "split" and the other a hostile one. One way to understand the contrast is to appeal to the existence of a joint commitment. In the amicable split, the joint commitment is rescinded by all members as is required by the nature of joint commitments. In the hostile split case, one person or group of people walk away from the joint commitment without the consent or agreement of the others and, in doing so, fail to meet their obligations. The rebukes these members receive from their coauthors seem justified in light of the existence of a joint commitment.

Viewing artistic groups as plural subjects has many advantages over current theories of coauthorship on offer. For one, viewing artistic groups as plural subjects helps distinguish mere contributors from coauthors, because individuals must be jointly committed to creating a work of art as a body in order to count as part of the plural subject or social group. Because our theory does not require a meshing of subplans regarding the specific expressive content of a work of art, it is not as restrictive as Livingston's theory and so does not rule out cases as authorless or unnecessarily restrict coauthors to those who contribute only to the expressive content of a work of art. It also seems to handle cases of collaboration that require improvisation, as in the case of jazz, rap battles, or comedy skits. Finally, because Gilbert's theory of plural subjects applies to a wide range of social groups, from the transient to the long-lasting, from dyads to highly structured groups involving many members, we think a theory of coauthorship based on her theory is better able to understand the dynamics in many actual cases of joint authorship.³⁰

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1. Berys Gaut, "Film Authorship and Collaboration," in *Film Theory and Philosophy*, ed. Richard Allen and Murray Smith (Oxford University Press, 1997), pp. 149–172; Paisley Livingston, "Cinematic Authorship," in *Film Theory and Philosophy*, ed. Richard Allen and Murray Smith, pp. 132–148; Paisley Livingston, *Art and Intention* (Oxford University Press, 2005); Paul Sellors, "Collective Authorship in Film," *The Journal of Aesthetics and Art Criticism* 65 (2007): 263–271.

2. For an excellent overview of issues of authorship in film, see Aaron Meskin's "Authorship," in *Routledge Companion to Film and Philosophy*, ed. Paisley Livingston and Carl Plantinga (London: Routledge, 2008), pp. 12–28.

3. What does constitute having sufficient control over the whole? Gaut does not say. Clearly both the notion of control and the idea of sufficient control over the whole are in need of further philosophical scrutiny. But since we agree with Gaut that *auteur* theory is inadequate, we do not wish to undertake this project here.

4. Gaut, "Film Authorship and Collaboration," pp. 158–159.

5. Gaut, "Film Authorship and Collaboration," p. 160.

6. Gaut, "Film Authorship and Collaboration," p. 161.

7. One might object to calling the caterer a contributor to the making of the work. We think that, at least on one understanding of what it means to contribute to a film, the caterer counts as a contributor. The case is not ours but Sellors's (Sellors, "Collective Authorship in Film," p. 269). The following examples make the same point: the set designer, the makeup artist, and the sound engineer.

8. Gaut, "Film Authorship and Collaboration," p. 153.

9. Gaut, "Film Authorship and Collaboration," p. 167.

10. Interestingly, Livingston denies that Wikipedia is authored at all. On his view, it is produced by many people but is authorless. See his *Art and Intention*, p. 79.

11. Michael Bratman, "Shared Intention," *Ethics* 104 (1993): 97–113; Margaret Gilbert, *On Social Facts* (London: Routledge, 1989); John Searle, "Collective Intentions and Actions," in *Intentions in Communication*, ed. Philip R. Cohen, Jerry Morgan, and Martha E. Pollack (MIT Press, 1990), pp. 401–415; John Searle, *The Construction of Social Reality* (New York: Penguin Books, 1995); R. Tuomela and K. Miller, "We-Intentions," *Philosophical Studies* 53 (1988): 367–389; R. Tuomela, "What Is Cooperation?" *Erkenntnis* 38 (1993): 87–101; R. Tuomela, *The Importance of Us: A Philosophical Study of Basic Social Notions* (Stanford University Press, 1995).

12. Bratman, "Shared Intention," pp. 97–113. Bratman adds: "My conjecture is that we should understand shared intentions, in the basic case, as a state of affairs consisting primarily of appropriate attitude of each individual participant and their interrelations" (p. 99).

13. Bratman, "Shared Intentions," pp. 97–113. See also Michael Bratman, "Shared Cooperative Activity," in *Faces of Intention* (Cambridge University Press, 1999), chap. 5. The chapter originally appeared in *The Philosophical Review* 101 (1992): 327–341.

14. Livingston follows Grice here in defining an utterance as an intentional meaningful expression. See Paul Grice, "Utterer's Meaning and Intentions," *Philosophical Review* 78 (1969): 147–177.

15. Livingston, *Art and Intention*, pp. 83–84.

16. Livingston, *Art and Intention*, p. 86.

17. Although we suggest below that an account of coauthorship based on Gilbert's plural subject theory handles the actual case better than Livingston's.

18. "These will be my main concern here: I will focus on cases of shared intention that involve *only* a pair of agents and do not depend on such institutional structures and authority relations" (Bratman, *Faces of Intention*, p. 110).

19. Livingston, *Art and Intention*, p. 80.

20. Sellors makes a similar point. He writes, "The main difficulty is that Livingston does not seem to adopt the notion of control to explain authorship as much as defend his intuition that some films are not authored while others are. In fact, in his hypothetical examples of unauthored films, he seems to use the term 'control' to segregate films that lack value, rather than utterances, despite denying that authorship should be defined in terms of artistic merit or some other form of valuation" ("Collective Authorship in Film," p. 266).

21. Sellors, "Collective Authorship in Film," pp. 263–271. See also John Searle, "Collective Intentions and Actions," in *Intentions in Communication*, ed. Philip R. Cohen, Jerry Morgan, and Martha E. Pollack (MIT Press, 1990), pp. 401–415 and also John Searle, *The Construction of Social Reality* (New York: Free Press, 1995).

22. Sellors, "Collective Authorship in Film," p. 269.

23. Anthonie Meijers, "Can Collective Intentionality Be Individualized?" *American Journal of Economics and Sociology* 62 (2003): 167–193.

24. Margaret Gilbert, *On Social Facts* (London: Routledge, 1989; repr. Princeton University Press, 1992).

25. Margaret Gilbert, *A Theory of Political Obligation* (Oxford University Press, 2006).

26. Gilbert, *A Theory of Political Obligation*, p. 145.

27. Gilbert, *A Theory of Political Obligation*, p. 139.

28. Livingston, *Art and Intention*, p. 86.

29. There is, of course, a distinction to be made between legal authorship and "real" authorship. Our focus in this article is on the latter. But still, we think the legal practice of attributing authorship can sometimes (but not always) indicate the joint commitments that are at the heart of coauthorship. The legal agreement in this case was a way of making public the joint commitment. We think, contra Livingston, that the longstanding collaboration between McCartney and Lennon *does* contribute to "real" authorship, and the legal practice reflects this.

30. There is much work still to be done. Specialized forms of joint authorship, for instance, cases of translations, adaptations, and derivative works, might plausibly be understood as involving joint commitments, but this remains to be explored.

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The Meaninglessness of Gardens

1

When gardening is art, what are its elements? With what elements do gardeners work when they are working as artists? And when I say "elements," I do not mean "materials." The materials of the painter's art, for example, are such things as his brushes and paints, his palette knives, the canvas; the elements of the painter's art are the lines, shapes, tones, and colors that those instruments enable him to place on that canvas.¹ It is from the elements that he makes his painting, not from his materials. (The materials are what he uses to make the painting, not what he makes it from.) And it is because things of that sort are his elements that what he makes is indeed a painting. Or take the art of choreography. Its materials are the dancers' costumed bodies, the dance floor, perhaps some props. In this case, unlike painting, the materials also include the finished product of a distinct art: music. The elements of choreography are, first and foremost, the dancers' rhythmic movements, but also their interaction with any props that there may be. The elements of an art are what get composed into an artistic whole.

What of gardening, then? What are its materials, what are its elements? About its materials there should not be much disagreement. Plants and trees, rocks and soil, walls and fences, fountains, ponds, and streams, paths and patios together with the tools to place, construct, and control them. As with choreography, the products of other arts may be incorporated: statuary, ceramics, bridges, and gazebos. (None of these, however, is as essential to gardening as music is to dance.) People disagree on the question of garden materials chiefly when wondering how few items from a conventional list they can use and still call the

result a garden. Do rocks, white sand, and temple walls suffice? (I am thinking of the Japanese "dry garden.") Can a place be a garden if it has no plants?

Let us set these questions aside for now and think instead about the elements of gardening, where the disagreement is sharper and more fundamental. What is it that the gardener composes into the whole that is his artwork, the garden? Some answer: foliage and flower forms, their colors, their contrasts and intervals. The gardener paints his landscape with plants. (Gertrude Jekyll is probably the most famous of garden artists associated with this view.)² Others warn us not to focus on the plants but to focus instead on shaping a space. Objects in the garden, living or not, are there, they say, to articulate a spatial envelope. Those articulations are the elements that the gardener composes into a whole.³ And although they are spatial, it is not the eye alone that discerns them. The sound of falling water heard from behind the trees, the scent of orange blossom wafting from one side: these too can delineate a space. The spatially oriented garden designer—this, rather than 'gardener,' becomes the natural term in this context—tends to think of his plants as plantings, clumping them together in thought, if not in the ground. A tumble of nasturtiums on the wall, a spread of lambs' ears by the side of the path, a sea of thyme around the stepping stones, a slope of pfitzers, a line of palms on the horizon—these are among his elements. He speaks of the plants as "clothing the ground," and the clothes he means are formfitting; it is the body they reveal that counts. Or he thinks of them as specimens, which mark their spot—the solitary pine on its little island, the group of cycads on a mound, the weeping willow rising from a sweep of grass.