

The usual suspect: individuation, interpretation, and art

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Some objects and some things that happen are difficult to understand because they escape what one is used to find. When something cannot be explained by custom or the habitual rules of a society, a charitable reaction assumes things nevertheless make sense, but they demand that one finds explanations that may apply to them and therefore explain of the objects under observation. Changes in contexts and places where things are found modify how phenomena are expected to happen; associations, metaphors, and interpretation are some mechanisms of change that displace habits in place. Art ultimately is the suspect when phenomena in our everyday life manifest these changes.

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Desperate times call for desperate measures, it is often said, loosely quoting Hippocrates. During a global pandemic, for instance, authorities are empowered to declare a state of emergency, with the legal enforcement of special sanitary rules. With or without pandemics, however, there are circumstances when one feels that normal rules do not apply, or at least they are not useful enough to explain what appears to be exceptional or nonsensical. Every person is somehow familiar with the situation narrated by the following Kierkegaardian sketch: «A fire broke out backstage in a theatre. The clown came out to warn the public; they thought it was a joke and applauded. He repeated it; the acclaim was even greater. I think that is just how the world will come to an end: to general jubilation from *Witz* who believe it is a joke»². This scenario is perhaps funny, but not exotic: in certain places, like the stalls in a theatre, one is like a foreign visitor to a new, unfamiliar community: our native etiquette suddenly is obsolete software. What happens onstage can be – and often is – much different from what happens offstage in “real” life, even if the latter may be performed in the former, and that is no great motive for surprise. Actions inside a theatre do not follow actions outside a theatre or vice versa. The kind of individuation they require in order to be understandable somehow differs from what one is used to. Explanations for this kind of non sequitur result from a state of exception where two sorts of principles are suspended.

First, one assumes that truth is the standard that makes communication possible. When a passer-by warns me of a dangerous dog in the street, normally I thank her and

¹ University of Lisbon, Centre of Philosophy. This paper is a preliminary and abridged part of my forthcoming PhD dissertation.

² S. Kierkegaard, *Diapsalmata*, in *Either/Or: A Fragment of Life*, Edited by Victor Eremita, Abridged, Translated and with an Introduction and Notes by Alastair Hannay, Penguin, London 1992 [1843], p. 49 (SKS 2, 39; SV I, 15); translation with changes.

pay increased attention to any imminent menace. If one doubts every statement, such as “beware of the dog” or “mind the gap”, not only her or his actions are easily labelled as socially awkward, but also faces perilous – and unnecessary – threats. Whenever the norm is to say the truth, communication is only possible provided the majority of sentences is believed to be true; the same applies to norms of speaking Ukrainian or always telling false things. In any case, the possibility of communication depends upon a customary connection between what is said and the communal belief in that utterance; when the usual connection between two realms – what we know about things and the very things expected to be known – is interrupted, ground rules stop applying in correspondence theories. Second, one not only presupposes the declarations of our interlocutor to be true, but takes for granted they make sense, which leads to considering them in the most rational way and according to the strongest possible interpretation. Even when something sounds incomprehensible, practicing a principle of charity is a cautious strategy to avoid an idle dismissal of any attempt of communication, considering the hypotheses of our own ignorance or misunderstandings before discharging ourselves from making sense of others. Assuming there was an interference, maybe the passer-by that I failed to understand spoke in Farsi or had a mouth abscess disturbing her diction; perhaps I should pay more attention, learn a new language, or ask someone to repeat once again.

The problem with the example of Kierkegaard is exactly why it is so intelligible but escapes the most basic and customary rules. Both the audience and the clown understood the same language: the clown spoke (perhaps) Danish with enough correctness and the audience heard it with sufficient clearness (hence the laughter) – but along the way something failed. The two above-mentioned principles were not in effect: by no means the audience conceived the possibility of the clown were telling the truth and made no effort in making sense of it; on the contrary, the resemblance of the lines of the clown with true sentences were taken as romantic *Witz* or hilarity. This suggests there are other rules applicable to the vignette, not the ones expected in the normal, offstage world, but the local customs of a parallel world, which explain and make sense of what happened³. With the two major symptoms identified, a diagnosis of this

³ This point is the very illustration of applying the charitable interpretation to the limit, precisely in a case where it was not conceded, and one still tries to explain why it is so. Whether does it make sense at all or

phenomenon needs to be essayed, a key to decipher what remains unexplained until now, namely an operative description of its causes.

“Round up the usual suspects,” says the captain in charge. “The usual suspects” are summoned, and the questioning begins. The room where things happen has an unparalleled importance. It is decisive whether a set of questions and answers takes place in a café or in a court of law: in one case, there is maybe curiosity or friendly chat; in the other, there is an institutional system in place, where the role of objects and actions is submitted to codified procedures and evaluated according to established rules. There are more or less special buildings with their respective more or less special rooms, with the power of changing the appreciation of what happens inside them. A tree trunk in a forest is – pardon the truism – a tree trunk in a forest. A tree trunk in a pavilion has not such an unequivocal definition. It is probable that this tree trunk is materially equal or very similar to the tree trunk in a forest; however, at the same time it is a tree trunk *and* something else. A tree trunk “in a pavilion” interrupts the customary connection of “tree trunk” with “in a forest”; the new connection inserts some strangeness in a previous description of “tree trunk”, destabilizing its familiar location. The natural or at least most immediate connections of “tree trunk” are with “forest”, as they could be with “nature”, “Amazonia”, or “canopy”. Locatives such as “in a pavilion” have a lack of simplicity in the conjunction of associations they establish, and their sophistication raises suspicion: they are not mere locatives. They do another thing, they individuate differently.

Every time quotation marks are placed around a word or a sequence of words, a variation is inserted in the system of writing (or, in the system of speech, when waving in a particular way). The words are still the same ones one is familiarized with, although there are two graphical signs informing that something has changed. At least dating back to Ancient Greece, some punctuation marks indicate lines or words considered noteworthy, where the reader should spend some extra attention; reasons to do so may be as diverse as (biblical) quotations, emphases, or suspicions of spuriousness. Whenever quotation marks are found, a bit more of attention is required, one must individuate with special care. In the beginning of the previous paragraph, I did – and I still do – want to round up the usual suspects of a troubling disturbance; at the same

is a nonsensical trap, the self-consciousness of this principle and the unavoidable going “meta” of its application seem to be unavoidable consequences (*quod erat demonstrandum*).

time, those words were displaced from current discourse and it was indicated they belonged elsewhere (in that case, to the 1942 film *Casablanca*, quoting Captain Renault). In the next phrase, “the usual suspects” were really intended to be summoned, with no need of quotation marks, but their placing around those three words simultaneously directs them to another level of reference (the title of a 1995 film, which itself is a quote taken from *Casablanca*). Some lines below, discussing some imaginary tree trunk, I needed to highlight the action of mentioning of its location, hence the insertion of marks that distinguish the use of words from their mention; in this employment of signs that allow the coexistence of use and mention in the writing of contents there is a variable degree of self-consciousness, since it is a calling attention to the need to pay attention. Something similar happens with the usual suspect in the suspension of customary expectations. There is one enticing word that causes plenty of reactions, invokes special meanings (even in banal things), and gives prominence to complex apparatuses; it is also a frequent contender when things of difficult explanation happen, like in the following situation.

In a remote desert in Utah, a metal monolith “planted firmly in the ground with no clear sign of where it came from or why it was there” was found when a team surveyed bighorn sheep. The story attracted journalistic interest and the helicopter pilot who spotted this odd object said “it was probably an art installation”. While admitting the strangeness of such a discovery in his professional career («I have to admit, that’s been about the strangest thing that I’ve come across out there in all the years of flying»), the pilot also did attempt an explanation with loose technical vocabulary and a reference to the history of film: «I’m assuming it is, you know, some new wave artist or something, or somebody that was just a big *2001: A Space Odyssey* fan». A spokesman for the officials in charge agreed and «said the authorities were confident that “it’s somebody’s art installation, or an attempt at that”»; promptly specialized news outlets joined the discussion and later media frenzy raised public enthusiasm⁴.

The immediate suspect is *art*, and the presumption of innocence is a right constantly withheld to it. Without even defining what – or when – is art, describing anything

⁴ «The Art Newspaper observed that the object resembled the “free-standing plank sculptures” of the Minimalist artist John McCracken, who lived in New Mexico before his death in 2011 and whose work is represented by the David Zwirner Gallery». All quotes are taken from Alan Yuhas, *A Monolith Is Found in the Utah Desert. Who Put It There? And How?*, in “The New York Times”, November 24, 2020, New York edition, A18. The story had bewildering developments.

deemed to be artistic or affiliated to the art world triggers reactions that suggest importance or exceptionality and refer to special rules to be taken into consideration. The following remarks will cross-examine the suspect, expanding the previous examples that were problematized with one question in mind: does it make any difference if we call them instances of art?

Placing quotation marks around words and labelling things or actions as “art” have in common the alert to adopt a preventive approach to these occurrences; there is something in there that requires warning, and that extra attention is the consequence of an interruption of normality. Traffic signs could be a useful metaphor for quotation marks and art labels when they warn the driver of changes in her usual path: instead of driving in the normal direction, one must turn right or left due to extraordinary circumstances, e.g., because of the particular topography of a mountain where the road is. Like turn right or left ahead signs, quote marks and art labels insert variations in an ordered system that keeps having reference points, which however are oriented otherwise. Words, objects, and actions that are subject to highlights are still identifiable as such, but it is warned that their sense may have suffered a variation. Whereas the challenge of nonsense is its apparent disconnection from any reference point or framework, marks of alert and labels signal a change in a customary connection that becomes unusual.

In the experience of the world that surrounds us, starting in a stage when there is little alert to phenomena and no philosophical preoccupations, some things often appear next to others, and with almost no need of thought one knows that some co-occurrences are very frequent. Christmas comes with cold weather and comfy food, fireplaces combinate with snowstorms outside, or crime is linked with punishment; on the contrary, Christmas and warm days of beach may cause strangeness to the Northern Hemisphere population. As regards the command of a language, the level of proficiency is sometimes found in the relationships and juxtapositions between elements made by one speaker. When a speaker starts typing “high” in her mental dictionary, words like “speed,” “temperature,” “level,” “point,” or “record” pop up in the mind; for example, “high speed” is such a habitual – and natural – co-occurrence of individual words that these lexical elements form a strong syntactic relationship, a case of what linguists call

*collocation*⁵. By contrast, “tall speed” (sic) and “tall temperature” (sic) are so rare and do not sound right to the native speaker, wherefore this infrequency and strangeness indicates a misplaced collocation, a non-customary connection. When some things happen so many times in the same way, one regards them as usual and familiar, and their repetition forms expectations, a standard course of action; patterns and customs strengthen connections up to a point they collocate elements.

Hume observed that the idea of a connection between things is an effect of “the constant conjunction of objects” or actions in the mind⁶. It is the iteration of their joint appearance in perception that unites them in a “customary transition”, a connection whose frequentness gives the impression of a relation so powerful that it is judged necessary:

[...] how often must we repeat to ourselves, *that* the simple view of any two objects or actions, however related, can never give us any idea of power, or of a connexion betwixt them : *that* this idea arises from the repetition of their union : *that* the repetition neither discovers nor causes any thing in the objects, but has an influence only on the mind, by that customary transition it produces : *that* this customary transition is, therefore, the same with the power and necessity [...]⁷

Repetition is the driving force of custom and habit. The collocation of particular elements is the outcome of a very frequent connection; however, in the same way an event is highly probable according to a statistical projection, but no one can guarantee the outcome of a draw, the contiguity of elements is not physically funded per se, but in the renewed update of our expectations⁸. It is true that the sun has risen every day until today – the sceptic reminds us that only tomorrow, after sunrise, one will be sure it is the case again – and this repetition guides what one anticipates it will happen in the

⁵ «The habitual juxtaposition of two or more particular words (such that these words are then said to be collocated); an instance of such a juxtaposition [...] Collocation is a type of syntagmatic relationship typically between individual elements (words, phrases) that consistently occur together [...]» B. Aarts et al. (ed.), *The Oxford Dictionary of English Grammar*, Oxford University Press, Oxford 2014², p. 74, s.v. “collocation”.

⁶ D. Hume, *A Treatise of Human Nature*, ed. L. A. Selby-Bigge, Clarendon Press, Oxford 1888, 1.3.14, p. 171.

⁷ *Ivi*, 1.3.14, p. 166; emphasis in original.

⁸ Cfr. D. Hume, *An Enquiry concerning Human Understanding*, 5.1.36, in D. Hume, *Enquiries concerning Human Understanding and concerning the Principles of Morals*, ed. L. A. Selby-Bigge, Clarendon Press, Oxford 1902², pp. 43-45.

future. Customary transitions and connections, founded on past experience, are lived in real time and may prove themselves helpful to foretell what will come.

In the perception of the present, there is an acute awareness when collocations shift, which alerts to something suddenly not having the usual accompaniment, according to custom: how, in what manner? Only in a blatant pernicious way can “art” be an element in a customary conjunction when facing nonsensical relations. Quite the opposite, like the placing of quotation marks in words, labelling a challenging connection as “art” signals an interruption or a major change in collocation; expectations change direction, they. A seemingly technical term, mainly in literary studies, is this turn, the *trope*. The *OED* defines it as “a figurative or metaphorical use of a word or expression”, the decisive word in its definition being “use”, since it underlines words may occur in different places (in the case of words, these places are usually called contexts), thus establishing various relations and connections, hence they may be collocated in diverse ways. A variation in the use of words may put them far removed from their frequent occurrences and uses, in the same manner of a movement of displacement (once again, a tree trunk in a pavilion). This turning movement that changes the direction of customary use is the “figurative or metaphorical” in the definition quoted above.

The metaphor (in Ancient Greek *μεταφορά*, translated into Latin as *translatio*) is the trope where this change of direction is most visible, which can explain why it has such significant historical importance. It is a mechanism of transference, a vehicle of transport and change that creates new juxtapositions. Dr Johnson is credited to say «as to metaphorical expression, that is a great excellence in style, when it is used with propriety, for it gives you two ideas for one», underscoring the outcome of a transfer of two elements, newly related and connected⁹. Once two uses are displaced, they change and alongside a new idea arises from that novel relation, «a borrowing between and intercourse of *thoughts*, a transaction between contexts»¹⁰. Some metaphors are so successful that they enter common language, forging a new collocation: love is not a medical problem and does not causes a blindness condition, but the short-sightedness

⁹ J. Boswell, *The Life of Samuel Johnson, LL.D. ...*, Volume the Second, Printed by Henry Baldwin, London 1791, p. 157; [year] 1777, Æt. 68. For a comprehensive historical overview of the subject, a good starting point is W. Martin, *Metaphor*, in R. Greene & S. Cushman (ed.), *The Princeton Handbook of Poetic Terms*, Princeton University Press, Princeton 2016³, pp. 191-200.

¹⁰ I.A. Richards, *Metaphor*, in *The Philosophy of Rhetoric*, Oxford University Press, New York 1965, p. 94; emphasis in original.

and lack of social awareness of some lovers is somehow familiar to not being able to see, hence the incorporation of the metaphor “love is blind” in speech habits¹¹. What initially was a variation in use, changing natural associations into unusual connections, became a crystallized duplet, «two thoughts of different things active together», an interaction that suspended the subsequent attentive examination of the use of the two terms whenever they are employed in this particular collocation¹².

What happens in the functioning of metaphors is useful to describe what happens in the use of quotation marks and art labels. I am not taking a stance on whether art is or it not metaphoric or a metaphor (not even suggesting it), but I will argue that using the art label does what a metaphor – and other tropes – do. Placing quotation marks around things transfers their meaning to somewhere else, translates them into another language. A remark of Aristotle helps forming a deeper understanding of this interaction. His starting point to discuss the metaphor is the – now recognizable – literal translation of the word: «a metaphor is the application of a word that belongs to another thing»¹³. Then, when discussing the excellence of diction (or style), which is to be clear and to avoid banality and the commonplace, Aristotle states that the clearer the diction is, the more banal it is, since it uses standard terms; by contrast, he comments that impressive diction which avoids the ordinary uses exotic, foreign language: among the unfamiliar elements that diverge from the standard, Aristotle mentions the metaphor¹⁴. Some lines later, exemplifying achievements in diction, the key remark surfaces en passant: «... the greatest asset is a capacity for metaphor. This alone cannot be acquired from another, and is a sign of natural gifts: because to use metaphor well is to discern similarities»¹⁵.

¹¹ The metaphor has a Shakespearean origin: «But love is blind, and lovers cannot see / The pretty follies that themselves commit». W. Shakespeare, *The Merchant of Venice*, 2.6.37-38.

¹² Cfr. I.A. Richards, *op. cit.*, p. 93: «In the simplest formulation, when we use a metaphor we have two thoughts of different things active together and supported by a single word, or phrase, whose meaning is a resultant of their interaction».

¹³ Arist. *Po.* 21.1457b6-7 Tarán; I follow the translation of Halliwell in AAVV. Aristotle, *Poetics*, S. Halliwell (ed. and trans.), Loeb Classical Library 199, Harvard University Press, Cambridge 1995. It is fundamental to note that «[a]s definition and exx. reveal, “metaphor” includes things which might now be classed as synecdoche or metonymy. Cfr. *Rh.* 1405a3 ff». *Ivi*, p. 105, n. 222.

¹⁴ Arist. *Po.* 22.1458a18-23.

¹⁵ Arist. *Po.* 22.1459a5-8. Significantly, Janko translates the last syntagm as «to observe what is like [something else]» (Aristotle, *Poetics I with The Tractatus Coislinianus: A Hypothetical Reconstruction of Poetics II: The Fragments of the On Poets*, trans. R. Janko, Hackett Publishing Company, Indianapolis 1987; brackets in original). Cf. «What this deceptively simple formulation contains is an acknowledgement that metaphor is simultaneously a stylistic and a cognitive feature of language, capable of communicating thoughts which may not be readily translatable into ‘standard’ language». S. Halliwell, *The Poetics of Aristotle: translation and commentary*, Duckworth, London 1987, p. 162.

The idea is not so simple and clear as it may appear. In a handbook like the *Poetics*, devoted to explaining the technical aspects and causes of (tragic) literature, the chief trope, which defines the excellency of diction, escapes artistic apprenticeship and mastering, and it is a matter of natural ability, a gift or facility for doing something; one can train to shoot but there are natural shooters with faultless aim. This capacity is the “metaphorical” (τὸ μεταφορικόν), which cannot be learned from others, and its successful actualization is to metaphorize well. This could be read literally, as the power to transport something from one place to another, the capacity to make transports – metaphors – or to use them; almost everybody can carry heavy groceries but some of us won the genetic lottery when they were born. To metaphorize, however, is not a natural ability involving physical efforts, but instead an intellectual operation. In the quote, “to discern” attempts to translate τὸ θεωρεῖν, which comes from the verb θεωρέω: its most direct equivalent is to theorize, but it has a broad semantic field, comprehending to observe, to see and to contemplate, and also to be a spectator and to judge. This lengthy listing intends to emphasize the different possible degrees of attentiveness in this verb, with all acceptations having in common the idea of concluding through observation, arriving at a judgment not only by reasoning but also by experience: to metaphorize is not an abstract theorization, it is a cognitive operation based on experience, discerning similarities. The core of this activity directed towards similarities is the correct grasping of something, which is an experience that, although it is never said to constitute a formal definition, comprises efforts also required when giving a definition: the perception of what something is *like*. Facility for the metaphorical is then a capacity to recognize likenesses, an ability to behold and translate things in the light of others, a theoretical and empirical faculty of seeing simultaneously different things and similar things. This Aristotelian intuition is perfectly summarized in one phrase (even though it had not this particular context in mind): «Metaphor is a device for seeing something *in terms of* something else. It brings out the thisness of a that, or the thatness of a this»¹⁶.

Stating ‘this’ is similar to ‘that’ takes for granted their difference of identity. In their numerical distinction, the elements of a metaphor are collocated, placed in a setting that entices the search of something they have in common; essentialists, for instance, would quest for intrinsic qualities and their sharing in a metaphysical entity. In this operation,

¹⁶ K. Burke, *Four Master Tropes*, in *A Grammar of Motives*, University of California Press, Berkeley 1962 [1945], p. 503; emphasis in original.

establishing a ground commonality – ‘this’ being like ‘that’ – is only partially an exercise of comparison, inasmuch the juxtaposition of differences is the source of the metaphorizing, where a major change is productive. The variety of elements with separate identities becomes connected when there are “two ideas for one” or “two thoughts of different things active together”; for that moment on, they have in common at least their connectedness, regardless of the qualities that may be listed in their definition as elements. ‘This’ in terms of ‘that’ directs the attention to their respective ‘thisness’ and ‘thatness’: considering one thing in relation with another, it is important both the individual identity and the relational condition, the collocated identity of each thing. It would be an error to take into account only the relational condition, making of the metaphorization a creation of common connection between elements, misreading “discern similarities” as creating those similarities. Theorization has the power to create new relations, linking one thing to another thing, but it is grounded in experience; accordingly, perceiving is like reading in one language, and metaphorization is the translation into another language, a transport of one item to a new location. Similar to the many uses of words, objects have a double life when they are moved: the metaphor, in this description, is a vehicle that changes the position of its contents, or a traffic sign to redirect the path of the driver.

The effectiveness of a disruptor – viz. of metaphors and things bearing (quotation) marks – depends on the establishment of rules. And to ascertain the power of rules the criterion is quantitative: the more often they are repeated, the more grounded rules seem to be. A trope, as well as punctuation marks or other kinds of labels, is conditional on a system that has a common law, having a constitutive bond with a set of uses, rules, and practices that can be followed or eventually escaped; the variation in use that creates metaphors needs a structure of expectations in place in order to be a proper deviation. Stobaeus and Sextus Empiricus supply historical reports of anomie (*anomia*, that is to say, of a state of total lawlessness) in ancient Persia, where it was customary to suspend customs in place for a period of five days following the death of the king, when legal bonds (the *vinculum juris*) were lifted and the Hobbesian natural state of war of all against all replaced civil society¹⁷. The idea of agreeing to temporarily interrupt the rule of law is an interesting mourning practice insofar as the grieving for the sovereign

¹⁷ Stob. 4.2.26 (162 Hense); S.E. *M.* 2.33. Even the rule of law may originate unintended cases of *non liquet*, situations where exist lacunae or no applicable laws.

underlines the role of an entity who is the guarantee of certain things, a guardian of expectations who allows what may happen and enforces the banishment of a previously known list of practices. Like customs, legal norms cannot be applied in a “state” of chaos, since they depend on a state of normality:

Every general norm demands a normal, everyday frame of life to which it can be factually applied and which is subjected to its regulations. The norm requires a homogeneous medium. ... There exists no norm that is applicable to chaos. For a legal order to make sense, a normal situation must exist, and he is sovereign who definitely decides whether this normal situation actually exists. All law is “situational law”¹⁸.

This description reinforces the bond between normality and continuity: the framework of norms is their undisturbed application in a predictable routine. A situation of abnormality, when it is not clear what and how it is going to happen, interrupts familiar expectations, and what is likely or should happen ceases to be the case. The other (disturbing) outcome of this quote is the role of the sovereign in the suspension of normality. In extreme cases, when the rule of law fails to govern, the rule of the sovereign ceases to be linked with the application of normal practices, and sovereignty is emptied as the apex of law. In fact, Schmitt takes this suspension of normality to another level, arguing that it is not the end of the power of the sovereign; on the contrary, declaring a state of exception is a prerogative of sovereignty, the monopoly to decide – extra-legally – when and what rules are in place, solely based on the power to do so.

Some preventive stances, more recurrent in political thinking but equally relevant to this discussion, stress the role of habit in the preservation of circumstances: «What is esteemed is the present; and it is esteemed not on account of its connections with a remote antiquity, nor because it is recognized to be more admirable than any possible alternative, but on account of its familiarity [...]»¹⁹. This disposition to a familiar present is not idle but rather laborious: its ultimate goal is to increase the likelihood of repetitions, conserving the accuracy of forecasts. The lengthier a routine is, the more useful it is in renewing the trust one has in the perpetuation of habits. Routines are

¹⁸ C. Schmitt, *Definition of Sovereignty* [1922], in *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab, The University of Chicago Press, Chicago 2005, p. 13.

¹⁹ M. Oakeshott, *On being Conservative* [1956], in *Rationalism in Politics and Other Essays*, Liberty Press, Indianapolis 1991, p. 168.

useful like shortcuts are too, they save the time and resources of considering every single time a brand new and unexpected situation; if not having “a conservative disposition in respect of a routine is obvious folly”, it is not for the love of quotidian boredom they are praised, but to prevent specific, serious mischiefs²⁰. One thing people are normally familiarized with is the rule of law and – in a lesser degree – judicial procedures. What happens in a court of law is fixed by an established way of doing things, which defines what is relevant or not (an account of what happened is more pertinent than recalling a baking recipe), guaranteeing the satisfaction of expectations. In this sense, justice is a mechanism to repair a breach of trust, a reaction to things not happening in the customary familiar way; conservatism regarding a state of things is cautious in preferring the familiar to the unknown, and eyes every new addition evaluating it as a potent disruptor of a known habit. Since what is already in place is the most familiar, the matter of speculation is what reiterates habit, by contrast with theoretical approaches that depart from abstract principles forcefully applied to reality.

After noticing two challenging symptoms in the sketch of Kierkegaard that were patent in the suspension of habitual expectations – the existence of a standard that makes communication possible, usually consisting in telling the truth, and the charitable principle that things do make sense in the simpler way –, the diagnosis identified and examined some causes of these perturbations. In different things such as quotation marks, labelling things as “art”, and metaphors, a parallel *modus operandi* was drawn, involving an interruption of customary practices whenever they are used or pointed out; following this, the interruption of established habits and the corresponding idea of a state of exception was characterized in everyday life and in its political organization. The last part of this line of argumentation will consider the nature of this process of *transference* that changes the customary connections that things have, with two (frequently coupled) kinds of relationships in mind, one of historical nature and the other institutional. In the end the suspect will be cleared and the real responsible named.

The link between some things is so customary that it seems indissociable. A notion of *goût de terroir* seems to be founded on the belief that a particular wine is necessarily connected to the environmental conditions where it was produced from day one, stressing the continuity of wine and physical qualities caused by things such as climate

²⁰ Ivi, p. 181; «[...] ‘rules’ about which we are not disposed to be conservative are not rules but incitements to disorder [...]». Ivi, p. 194.

or soil; changing even one of these elements would result in a different product. One of the natural endowments of art is its particular *genius loci*, the presiding atmosphere it inspires: wherever it is an artistic institution, such as a museum or an art gallery, or whenever someone states it is an artistic happening, the phenomena perceived in the world are seen *sub specie artis*, under the aspect or the perspective of art. This is not exclusive to art, but a case of the power of suggestion: every hypochondriac knows that there are no healthy people, just people that are not properly diagnosed yet. In the non-labelled-as-art world, one trusts things make sense and people say the truth. The natural company of the artistic gaze is the suspension of habitual senses and the suspension of disbelief. Actions happening inside a theatre and objects found in a pavilion are exempted from the expectations of what usually happens or is found inside other buildings or pavilions if they are under the umbrella of art. This movement of translation – that changes the connections applicable to the individuation and understanding of objects – is best observed in some places and associated to some institutions, and it takes place over extended periods of time. With a dose of physical optimism, the properties of a *terroir* may prove to be decisive in changing the nature of grapes and the resulting wine, and subject to record in laboratorial analysis. Explaining why the usual senses of words are changed or why implausible narratives are not disbelieved finds an unlike answer: it depends on several non-scientific indicators.

Time seems to be the decisive factor in habits; there is a history of what we are used to that can be told, a narrative of time past that may be established providing there is memory. When one recalls what happened throughout her lifetime, the substantial changes a body suffered, and the variety of psychological states experienced, usually the concept of (personal) identity arises. The immediate challenge is to define an entity that encompasses simultaneously continuity and change. On the one hand, there is a succession of such different temporal parts and special extensions that the idea of sameness seems excessively strong; on the other hand, the collection of these varying states appears to be reunited under a persistent sort of ship of Theseus, a sense of selfhood (or ipseity) that leads to the suggestion of a personal identity²¹. When

²¹ See P. Ricœur, *L'identité narrative*, "Esprit" 7/8 [140/141], 1988, pp. 295-304 (in dialogue with part three of D. Parfit, *Reasons and Persons*, Oxford University Press, Oxford 1984), and A. McIntyre, *The Virtues, the Unity of a Human Life and the Concept of a Tradition*, in *After Virtue: A Study in Moral Theory*, 3rd ed., University of Notre Dame Press, Notre Dame 2007, pp. 204-225.

Montaigne writes that the great and glorious masterpiece of man is to live for a purpose (or properly, *vivre à propos*), there is a fundamental ambivalence in the clustering of changes under one continuous entity, the paradox being this continuity in motion, since a masterpiece is a complete, finished work, while to live is an ongoing activity until death²².

Historical narrative is a box where a variety of things may be fitted in, creating a cumulative body, thus understanding both terms in their minimal senses, as records, typically chronological, of events connected to persons or things. In many legal systems, judicial decisions form an important precedent that complements the constitutional corpus, sometimes called common or case law, with full normative legitimacy. The continued sum of particular objects or practices is able to escape the theoretical consideration of abstract essences or universals at the same time it inscribes them into collections of things. The only thing that exists is particulars, with their own singular properties. This does not compromise the common and practical organization of experience that is the reunion of likenesses in collections, and it does not imply any interferences in the perception of discrete units whose features are posteriorly judged as similar to other particulars and collected according to varying criteria²³.

When different laws and judicial decisions are united in one corpus, which comprises all valid interpretations and applications of the law according to the legal theory in effect (the most common interpretations being those that follow either the letter or the spirit of the law), and whose incoherence is cleared by a superior instance that guarantees the consistency of the whole (e.g., a constitutional court), the intrinsic properties of these parts and their setting in a corpus are indissociable, because they are interrelated and their continuity makes them elements of a larger entity. However, a description in terms of a temporal succession – or rather, the situation of something in a given temporal point – does not have necessarily an essence that connects things, but an accidental contiguity where one thing is placed after another, and there is no need for a third entity that transcends two singular points and binds them. A cumulative body places many things together; whether there are qualities caused by this placing that supervene upon the entities it comprises, changing them, is disputable (and one suspects of the powers of suggestion). This kind of historical narrative is a version of the

²² M. Montaigne, *Essais*, III, 13.

²³ Cfr. D. Hume, *Treatise*, 3.2.3, p. 509, n. 2.

nominalist approach to collections and corpora focused on the passage of time, understood as a reference point to situate many different things. What is called “art” (or defined as “art”) over time is a habit of speech, a plural set of decisions, practices, and customs that can be observed by both archaeologists or laymen; *prima facie* it does not require special beliefs or theories about it.

Habits and customs are situated phenomena. People behave in a specific manner in their local communities, each tribe having its rites, and legal systems differing across states. In a particular society, some things are more usual than others and some practices more familiar to its members; some things need virtually no explanation and others require lengthy deciphering, depending on the number of times they play a role in communitarian everyday life. In my town there is a long-established annual procession: each time this public celebration takes place, it enlarges tradition, meeting and renewing expectations; every year it becomes more familiar to the members of the community. But it is in retrospect that one speaks – in the present – of customs: these practices have been taking place since some point in time. One outcome of the importance of things within communities are institutions: in addition to those institutions stemmed from laws and political organization, associations, religious organizations, foundations, theatres or museums are important examples of the organized promotion and preservation of practices and things considered valuable priorities. Institutions require concerted efforts and consensus: the more people are involved, the broader compromise they usually require; institutions, then, are ephemeral or long-lasting depending on the maintenance of the priorities and customs in their origin, they have a history. An institution is a system where some things have a meaningful function over time.

A common bureaucratic nightmare is the experience of navigating several departments that discard their competence until managing on having our problem solved. The division of labour spans all domains of activity divided into compartments of specialized capabilities (for instance, a call centre operator transfers me to the most capable colleague). Whether something is called a police case or an art case, it is being labelled as pertaining to one specific domain and therefore transferred to somewhere else in order to have a particular approach. This transference is the opposite of a state of exception, it is a call for adopting a different etiquette: since the rules in one system are not applicable (*non liquet*), another system is required to judge what is going on. In light

of this, approaching the labelling of things as “art” with the *modus operandi* of quotation marks and metaphors has some more consequences.

When invited to submit a portrait of an art gallery owner, a now famous artist replied with a telegram where the recipient could read the following typewritten words: «THIS IS A PORTRAIT OF IRIS CLERT IF I SAY SO / ROBERT RAUSCHENBERG»²⁴. With this gesture, two conceptual domains became interconnected. A telegram, usually in the sphere of postal services and letter writing, is transferred to the aegis of portraiture; at the same time, portraits are an established genre (mainly) in painting, whose form is subject to familiar recognition. The author of this reply merged one field with habitual expectations from the other field. It functions also as a quotation, inscribing a particular within a tradition; and traditions, of course, entice expectations of things habitually associated with them (the lure of labelling as a “portrait” being the putative likeness to the portrayed). Rauschenberg puts a telegram *sub specie artis*: under the umbrella of art, the customary institutions associated to it change and it is transferred to the narrative of things historically labelled as art over time. Quotation marks and metaphors interrupt habits within a system: punctuation signs and the senses of words are grounded in institutions (the grammar, the dictionary) that set practices and rules. Labelling as “art” often interrupts customs, but the change is a departure for other identity, with its own institutions and historical narrative²⁵. Regardless of the particular qualities of an object, its art status changes under different contexts: the creation and presentation of objects are associated with the specific art historical and institutional habits of these practices. Creating and presenting a candy in a candy store is associated with the habit of consuming candies, while creating and presenting canvases in auction houses is associated with the habit of selling and preserving them; the latter pertains to the artworld, the former to everyday life. The material support of the telegram probably did not change (except for its framing), but one suspects its commercial value suffered a striking transformation after the customary expectations associated with telegrams changed too.

²⁴ R. Rauschenberg, *This Is a Portrait of Iris Clert If I Say So*, 1961. Telegram with envelope, 44.8 × 22.5 cm. Collection Ahrenberg, Vevey, Switzerland.

²⁵ I am aware this approach is more evident in the case of indiscernible objects than when it is used to describe objects intentionally made with the purpose of being art, but nevertheless it is fully operative. Davies gives an elegant account of what he calls the “historical reflexive definitions” of art, whose major proponents are Noël Carroll and Jerrold Levinson. See S. Davies, *Definitions of art*, in B. Gaut & D. McIver Lopes (eds.), *The Routledge Companion to Aesthetics*, Routledge, London 2001, p. 173.

A suspicion of a state of exception in the art system remains. The conundrum is the overlap of the familiar with the unfamiliar, the simultaneous extension with everyday customs. Travelling to a distant country, the visitor is immersed in a foreign language, curious habits, or unknown procedures. A theatre amounts to a foreign embassy where one goes to in his motherland: the walls of the building signify a change in jurisdiction, but at the same time one is somehow still in his native country. And still more challenging is finding France in Portugal, or bits of Frenchness, without previous warnings. Nevertheless, art is part of habits outside the artworld. Some people are used to go to the theatre, or museums, or concerts, and this is a familiar practice, part of routines and education, and may be an unquestionable custom; this can happen often, and, in some civil societies, financial efforts are made to subsidize the institutions that provide these parts of everyday life, which reflects the importance and the priority given to these activities. But there is a quick mental switch whenever one is in a stalls seat and finds a person crying for help – the same person yesterday she glanced in the underground – and remains still. This “willing suspension of disbelief for the moment”, as Coleridge called it, is habitual and seems to work (the sketch of Kierkegaard being the exception that proves the rule); the usual belief in truth is transferred, but strictly speaking it does not inaugurate a state of exception, because there is something else already in place²⁶.

Without defining it nor knowing what rules are in place, one knows to be in the realm of other institution with other rules. It is primarily by habit that one labels as “art” the phenomena in museums, theatres, pavilions, or art galleries, but from this familiar transference to another institutional domain does not follow the necessary knowledge of its rules or the mastering of its apparatuses. People are used to it, but do not know how to explain exactly how it started nor the metaphysics of it, which does not mean it is nonsensical or unregulated; it is strikingly similar to any other habits and customs that one does almost instinctively. In retrospective, a story of has been called “art” can be told, and the actions and objects comprised by the label fluctuate. Words such as “genre” and “form” suggest continuous criteria or possibly common features, a tradition: nonetheless, a narrative identity that anticipates and accommodates to alien candidates, allowing constant revisionism and redescription; whatever are the rules in

²⁶ S.T. Coleridge, *Biographia Literaria*, 1817, XIV.

place with art, they seem to be a kind of rules more flexible and more encompassing than legal codes or millennial customs. Something similar happens with metaphors, when they use familiar words in the making of unfamiliar associations: to understand what was made, there is no special need to define the original senses of the words; quite the opposite, another operation is required, and that operation aims at the unexpected connections made.

Finally, to wrap up the argument, let us consider the following description of the Kierkegaardian sketch: «[...] the audience does not naively overlook rhetorical layers but rather uses them as a reason not to reckon with or respond to the communication. In this case, the situation includes an expectation of aesthetic distance that prevents the direct communication from being understood»²⁷. People in a theatre chose not to react to the warning of the clown; instead, they found it funny. Describing these persons as “the audience”, their physical location is connected to an institutional setting, and words like “rhetorical” and “aesthetic” denote special things that take place in that location; moreover, these adjectives are placed next to “layers” and “distance”, which indicates a coexistence, the overlap of familiar rules with rules from another domain. That is why there is no naïveté in the audience, but an informed posture that willingly suspends the expectations of communication. This “aesthetic distance” is a preventive stance that transfers things to a different sphere. Placing quotation marks around words puts the sense of words on hold, separates them from their customary use, interrupting their use to point up their mention. Likewise, words spoken on stage are the same that are used in habitual senses, but they are, as in constant mention, distanced from their communicational efficacy; they require paying attention to them in a degree that usually is not needed in other places. I ask you to bring me a coffee, and that is all; if I text a friend ““Please bring me a coffee”” (quotation marks included), she will question why quotation marks were used and communication will be already disturbed. On stage, words are prevented from doing their job, all is under a permanent umbrella like quotation marks. Understanding what the clown meant requires extra efforts inside a theatre; someone warning about a fire outside a theatre is significantly more effective in causing alert.

²⁷ E. D. Helms, *Can Kierkegaard Be Serious? A Phenomenological Point of View for Kierkegaard's Authorship*, in R. L. Perkins (ed.), *International Kierkegaard Commentary. Volume 22: The Point of View*, Mercer University Press, Macon 2010, p. 241 (see also p. 241, n. 7).

Whether it is in a theatre, a museum, a pavilion, or any other institutional domain of the artworld, objects and actions *sub specie artis* resemble normal objects and actions but “do” different things; maybe in a more accurate phrasing, objects and actions labelled as art do not “do” one important thing. Art does not communicate, it does not say anything. This turns out to be a problem of perception and translation, an operation of transferring what takes place under an institutional framework (that encapsulates a specific historical narrative and rules) to the intelligibility of our customary expectations, trying to find relationships and adequate connections to understand one thing in terms of another thing. And, of course, as many as the perceivers and the speakers are, the more translations are possible to be attempted. This is the habit more strongly associated with art in those who adopt the charitable principle regarding it: “it does somehow make sense,” they could say, “one shall try explaining what is going on”.

The usual suspect when the standard of communication is interrupted is art, followed by efforts to restore an allegedly lost normality, in the form of the above-mentioned kinds of translation. The actual culpable (and somehow its own court) is *interpretation*. In a plain sense, interpretation is a practice adopted when customs are interrupted or when senses are not evident; it is the trade-off between the artworld and the non-artworld. Not everything that requires interpretation is artistic, but all art needs interpretation in order to have that recognized label. This does not mean art per se necessarily involves interpretation. What is at stake here is the maintenance of the habit of identifying things as art. A noble savage, unused to other realities and only acquainted with his own familiar world, is not accustomed to considering things outside one single framework, and he is not capable to transfer one challenging instance from the domain of familiarity to the outreach of another institutional sphere; that being so, the noble savage not used to interpret is condemned to a dualist classification of things as either nonsensical or making sense, missing the antinomic double life of objects and actions inside and outside the artworld. Interpretation suspends customs and transfers them to another place: because they were recognized as interpretable, the words said by the clown were not doing what they habitually would do (to warn people) and their role was considered to be other (to cause hilarity, thought the audience). That is when the conversation about art really begins.