


What does it take for an author to create a fictional object?

O que é preciso para um autor criar um objeto ficcional?

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Resumo: Neste artigo eu respondo à objeção principal de Stuart Brock (2010, 2016) ao artefactualismo. De acordo com Brock, artefactualistas como Amie Thomasson (1999) não conseguem explicar como e quando os objetos ficcionais são criados, sendo o artefactualismo, portanto, um tipo de criacionismo teológico. Contrariamente a Brock, e adaptando a teoria dos atos de fala de John Austin (1962) ao presente caso, eu argumento que objetos ficcionais são criados através de um proferimento performativo que, para ser feliz, deve (i) ser realizado pelo indivíduo adequado (um autor ou autora), (ii) com as intenções apropriadas (o ato de realização de ficção), (iii) no contexto adequado (associado às nossas práticas pré-estabelecidas de ficção) onde o autor ou autora (iv) nomeia, fornece ao menos uma descrição ou oferece uma imagem para instituir o objeto individual através dos seus atos intencionais.

Palavras-chave: Objetos Ficcionalis; Objetos Abstratos; Artefatos; Atos de Fala; Performativos.

Abstract: I answer in this paper to Stuart Brock's (2010, 2016) main objection to artifactualism. According to Brock, artifactualists like Amie Thomasson (1999) can't explain how and when fictional objects are created, thus taking artifactualism as a sort of theological creationism. Contrary to Brock, and adapting John Austin's (1962) speech act theory to this case, I argue that fictional objects are created through a performative utterance that, in order to be felicitous, has to be (i) made by an adequate individual (an author), (ii) with the proper intentions (the act of fiction-making), (iii) in an appropriate context (associated with our pre-established practices of fiction) where the author (iv) names, gives at least a description or provides an image in order to institute the individual object through his or her intentional acts.

Keywords: Fictional Objects; Abstract Objects; Artifacts; Speech Acts; Performatives.

1. INTRODUCTION¹

Following Amie Thomasson (1999, 2003), I argue that fictional objects, such as the characters, places and events that are originally found in works of literature

¹ This paper is a revised and extended version of the second chapter (sections 2.1, 2.1.1, 2.1.2, and 2.1.3) of my Ph.D thesis, which was entirely written in Brazilian Portuguese (Cf. LEMOS, 2020). I'd like to thank CAPES — Coordination for the Improvement of Higher Education Personnel — for their financial support.

or in the movies, are abstract artifacts. They are artifacts because they are intentionally created by one or more authors at some given time; and they are abstract because they are not located in space and can't establish causal interactions with other entities. Fictional objects, therefore, belong to metaphysical categories similar to those of social objects (such as marriages, contracts and laws) insofar as they concomitantly depend on physical (such as the books and film rolls that preserve works of literature and movies, respectively) and mental instances (as they depend on the intentional acts of their respective creators in order to come into existence), thus being temporal, contingent and mutable entities.

Even though Thomasson's artifactual approach has been widely accepted in the philosophical community since the publication of *Fiction and Metaphysics* (1999), and taken as a plausible and rigorous account on the metaphysics of fiction even by her objectors (Cf. SAINSBURY, 2009; BERTO, 2011; EVERETT, 2013), there are still some questions left to be answered. One of those questions was recently raised by Stuart Brock (2010, 2016) and it concerns the creation process of a fictional object. The issue goes as follows: if, according to the artifactualist, fictional objects are both created and causally inert, what brings them into existence after all? In other words, what does it take for an author to create a fictional object?

Adapting John Austin's terminology developed in his *William James Lectures* entitled *How to Do Things with Words* (1962) to the case of fiction, I will argue that fictional objects are created through a performative utterance. I will also hold that such a performative, in order to be felicitous, has to be (i) made by an adequate individual (an author), (ii) with the proper intentions (the act of fiction-making), (iii) in an appropriate context (associated with our pre-established practices of fiction) where the author (iv) names, gives at least a description or provides an image in order to institute the individual object through his intentional acts. I will then maintain that there is absolutely nothing unusual with the circumstance that fictional objects are created when an author narrates a story and that, just like social objects like marriages, contracts and laws, they're abstract objects created when the adequate individuals intentionally utter the proper words in an appropriate context.

2. AN OBJECTION TO ARTIFACTUALISM

Stuart Brock is a ruthless detractor of artifactualism. He, not without some irony, has labeled artifactualism 'creationism' because he thinks that, according to the artifactual approach, the creation process of a fictional object is similar to the

events one can find in Genesis 1:3, where one reads “And God said, Let there be light: and there was light”. On the one hand, according to the most orthodox Christian theology, we are told a story in which there was a time before the existence of time itself when a demiurge created the heavens, the Earth, the animals and the plants *by simply declaring that that was the case*. On the other hand, Brock's objection continues, it's somewhat mysterious that an author of fiction like, let's say, Franz Kafka, creates a subject called Gregor Samsa and makes this abstract artifact turn into a monstrous insect *by simply declaring that that was the case*. There seems to be, Stuart Brock concludes, an *ex nihilo* creation or some kind of *fiat lux* at stake in both cases.

But nothing could be further away from a realist metaphysics of fiction like the artifactual theory than a parallel with a theological creationism. The Bible, in the first place, is not a book of fiction. Not being fiction, the statements that are made in the scriptures are either true or false according to the state of affairs to which they refer or fail to refer. The Bible is undoubtedly an accurate account concerning the social practices and moral values of the peoples who lived in Western Africa and in the Middle East a long time ago. Conversely, in a Humean vein, if a narrator claimed in the scriptures that the Earth was created a few thousand years ago, but we have empirical evidence that our planet was actually created billions of years ago; or if it was reported that an individual performed miracles, but we are convinced that it is highly unlikely that someone could circumvent the laws of physics at will; or if it was argued that the first man was created out of clay, and the first woman was created out of that clayman's rib, then the Bible presents a series of false propositions.

If we otherwise concede that the Bible is a work of fiction, then the case will be even less favorable to the theist. If we take the Bible to be as fictional as Kafka's *The Metamorphosis*, we will be forced to conclude that the scriptures say nothing about how the world is constituted. Following Peter Kivy (1997), Noel Carroll (2002), John Gibson (2006), myself (2020) and Catharine Abell (2020), I maintain that one of the distinctive features of works of fiction is that there is no direction of fit from the fictional utterances to the empirical world. It's quite uncontroversial to say that instead of *describing* how the empirical world is, fictional utterances *create* an imaginary world. But that would imply that an entity like God, for example, being a fictional character, would not be able to establish causal interactions in the empirical world and therefore could not be said to have created the heavens, the Earth, the animals and the plants — a conclusion that no theist would

accept. With that being said, although Brock's analogy between artifactualism and creationism is humorous and witty, it is inadequate and should be discarded.

However, Stuart Brock's appeal is certainly more refined than that. I have only shown so far that it's improper to use the term 'creationism' to address the artifactual theory. Yet what makes Brock's philosophical concerns engaging and in need of an answer is that, according to him, when it comes to the creation of a fictional object, artifactualism provides an explanation that is more mysterious than the phenomenon analyzed:

Nonetheless, if fictional objects are created, they *do* have a temporal location, and, in particular, there must be a moment at which the character comes into existence for the first time. One problem for the abstract creationist, then, is specifying *when* fictional characters are brought into existence by their author. When, exactly, does life begin for a fictional character? An answer to this question, I maintain, has not been forthcoming from abstract creationists and providing a plausible answer will be difficult and perhaps impossible. (BROCK, 2010, p. 355).

I acknowledge that Brock is on to something here. We surely don't want to admit that one can create whatever one imagines whenever one imagines it. For example, suppose it wasn't raining while I was writing this paper. I couldn't have made it rain if I had imagined that it was raining. Additionally, even when it comes to abstract objects, I wouldn't be able to marry my friends Alex and Ashton if I uttered the words "I now pronounce you husband and wife" because I'm not a priest. But even a priest, who is the adequate individual for conducting a marriage ceremony, wouldn't be able to marry my friends Alex and Ashton because they are siblings. Using Wittgenstein's (1953, p. 83) catchphrase with a somewhat different purpose, one could say that reality is the bedrock that makes our spades turn. This is how things are. The world isn't slightly bent by our desires. We don't have special powers.

Of course, there have been some attempted answers to this problem. John Searle (1975) has argued, for example, that an author creates a fictional object by *pretending* to assert that a fictional object exists; Peter van Inwagen (1977, 1983) has claimed that a fictional character comes into existence because critical discourse isn't meaningless, which means that literary critics have to refer to something when they use fictional proper names; Stephen Schiffer (1996, 2003) has defended that authors make a hypostatizing use of a fictional name and that generates a fictional object; and although I think Amie Thomasson (1999) was on the right track, once she maintained that an author creates a fictional object through something that seems to be a performative utterance, she hasn't established the

circumstances under which a performative can be felicitous. If this is the state of the art, one could easily agree with Stuart Brock and recognize that the realists keep on begging the question.

So artifactualists like Amie Thomasson and myself still need to explain not only *how* fictional objects are created, but also *when* such a creation happens. The good news is that, contrary to what Brock asserted earlier, a plausible answer is possible and forthcoming. The first thesis I intend to sustain is that one or more authors create a fictional object when they perform the act of fiction-making and associate it with our pre-established practices of fiction. I will begin my reasoning by presenting John Austin's (1962) speech act theory in order to make explicit what I mean by performative utterances and how they are related to locutionary, illocutionary and perlocutionary acts. In the remaining sections, in the light of Austin's terminology, I will explain what the act of fiction-making amounts to and how authorial intentions and our practices of fiction pave the way to the existence of fictional objects.

3. WHAT IS A PERFORMATIVE UTTERANCE?

John Austin's ambition in the *William James Lectures* he delivered at Harvard in the mid-1950's (and later turned into *How to Do Things with Words*) was to show that sentences are not exclusively used to describe a state of affairs or to affirm or negate that something is the case. In this sense, sentences that have truth-values (i.e., those that can be valued as either true or false, also known as 'propositions') don't exhaust the semantic range of a given language. Austin argues that one also uses words and sentences in order to raise questions, make concessions, sing a song, and a variety of other activities. Among those heterogeneous activities, and this is what concerns us here, he found a group of expressions that indicate that uttering something is also *performing* an action or *instituting* a certain state of affairs. Austin called those expressions '*performative utterances*', or simply '*performatives*'. Let's take a look at his own set of examples below:

- (a) 'I do (sc. take this woman to be my lawful wedded wife)' — as uttered in the course of the marriage ceremony.
- (b) 'I name this ship the *Queen Elizabeth*' — as uttered when smashing the bottle against the stem.
- (c) 'I give and bequeath my watch to my brother' — as occurring in a will.
- (d) 'I bet you sixpence it will rain tomorrow.' (AUSTIN, 1962, p. 5).

The utterances of those sentences in those contexts are neither merely a description of a state of affairs nor an affirmation or a negation that something was the case — as in the sentence ‘Alex and Morgan are married’, for example. They’re acts that institute their respective state of affairs. When a person declares that he or she accepts someone as his or her lawful wedded wife or husband and is retributed, they are engaging in a ritual we call ‘marriage’; and, by performing such an act, those involved will then have determinate responsibilities towards society, the State and, depending on their beliefs, to God. Something similar happens in the other three examples, being (b) the naming of a ship, (c) the establishment of an object to be inherited and (d) the signing of a bet.

Examples (b) - (d) embed explicit performatives such as ‘to name’, ‘to bequeath’ and ‘to bet’, but it’s not necessary to use terms like these to perform an action. As Austin himself acknowledges, it is possible to make a performative act in an implicit manner, even if it generates ambiguities:

But, of course, it is both obvious and important that we can on occasion use the utterance ‘go’ to achieve practically the same as we achieve by the utterance ‘I order you to go’: and we should say cheerfully in either case, describing subsequently what someone did, that he ordered me to go. (AUSTIN, 1962, pp. 42-3).

The realization that some performatives are made without recourse to explicit expressions like ‘to bequeath’ led Austin to a whole new path in the course of his lectures. If at the beginning of his lessons he was mainly concerned with the difference between constatives and performatives, he gradually and properly started to advance a more complex account and developed what we nowadays identify as a speech act theory. Austin presented important concepts in Lecture VIII, such as the triad of ‘locutionary acts’ (the act of affirming a sentence), ‘illocutionary acts’ (the force according to which one presents the content of a locution) and lastly the ‘perlocutionary acts’ (the effect caused on someone by an illocution) and gathered both explicit and implicit performative utterances as a subclass that is under the rubric of the illocutionary force². See, for instance, the three examples below:

² The hypothesis that there are such things as performative utterances has received several criticisms since the publishing of *How to Do Things with Words*. Here are three of the most relevant criticisms: (1) that there is no specific grammatical forms for us to distinguish a performative verb from other types of verbs; (2) that the presence of a performative verb does not guarantee that any given action is being performed; and (3) that there are other ways of ‘doing things with words’ that do not actually involve the use of performative verbs (Cf. THOMAS, 1995, p. 44). At any rate, even if those objections were unavoidable, none of them would count as an obstacle to what I am advocating here, as they only demonstrate that Austin’s account is narrow, instead of broad. That is, Thomas and others are *not* raising objections to the possibility of someone instituting a state of affairs by uttering the right words in an adequate context, but only showing that it is rather difficult to determine the intricacies of

(E. 1):

Act (A) or Locution:

He said to me 'Shoot her!' meaning by 'shoot' shoot and referring by 'her' to *her*.

Act (B) or Illocution

He urged (or advised, ordered, &c.) me to shoot her.

Act (C. *a*) or Perlocution

He persuaded me to shoot her.

Act (C. *b*)

He got me to (or made me, &c.) shoot her. (AUSTIN, 1962, p. 101)

(E. 2):

Act (A) or Locution

He said to me, 'You can't do that'.

Act (B) or Illocution

He protested against my doing it.

Act (C. *a*) or Perlocution

He pulled me up, checked me.

Act (C. *b*)

He stopped me, he brought me to my senses, &c.

He annoyed me. (idem, p. 102).

(E. 3):

Act (A) or Locution

'I give and bequeath my watch to my brother' — as occurring in a will.

Act (B) or Illocution

He bequeathed his watch to his brother.

Act (C. *a*) or Perlocution

He made his brother richer, he made his brother look nicer.

Act (C. *b*)

He pleased his brother, he worried his family members, &c. (this example was inspired by AUSTIN, 1962, pp. 101-102).

There are no performative utterances in (E. 1) and (E. 2). In (E. 1), for instance, the illocutionary force is an order. Were it a performative, the locution

a performative utterance. Therefore, if an author creates a fictional object through utterances that are not performative, then such a dispute will be merely verbal, once I am just arguing that some utterances create states of affairs — and that is, by the end of the day, what I mean by a 'performative utterance' in this case.

‘Shoot her!’ *by itself* would’ve *caused* the listener to shoot the victim. It’s not even relevant to state that the listener may not be persuaded by the speaker and refrain from shooting; or that the listener may shoot, but miss the shot and leave the victim unscathed. These are *not* the reasons why there are no performatives in (E. 1). What is at stake in this example is that, now supposing that the listener will shoot and hit the target, the bullet wound would’ve been caused by the *listener’s attitude* (the shooting) and not by the *speaker ordering* the listener to do it (the illocution) — although the speaker is responsible for encouraging the assault. Something similar happens in the protest in (E. 2). Therefore, ordering or protesting that something should or should not be done doesn’t imply that the corresponding scenario is going to take place.

Now note that something completely different is going on in (E. 3). In this circumstance the utterance of the words ‘I give and bequeath my watch to my brother’ makes it the case that the speaker’s brother is the legitimate heir of the speaker’s watch: it effectively institutes a new state of affairs.

It’s also important to note that performative utterances don’t have truth values, i.e., they can’t be valued as true or false. Let’s take performative (b) as an example one more time: “I name this ship the *Queen Elizabeth*”. The speaker isn’t asserting or describing his action, but doing another thing with his words: naming a previously unnamed ship *Queen Elizabeth*. One could paraphrase sentence (b) into indirect speech, for example, by asserting: (b. 1) “John Austin said: ‘I name this ship the *Queen Elizabeth*’”. In this case, (b. 1) would be true if John Austin had said what is in quotation marks and false otherwise. However, (b. 1) is a new locution and has a different illocutionary force (that of reporting) when compared to the performative (that of naming), which means one has just missed the point. Therefore, it’s more appropriate to argue that performative utterances are *felicitous* if what the speaker intended to perform has succeeded (in the case of (b), the naming of a ship) or *infelicitous* if what the speaker intended to perform has failed.

So I have to establish what are the felicity conditions for a performative. As John Searle points out, one has to be the right person in the right circumstance:

Because saying certain things *counts* as entering into a contract or adjourning a meeting, you can perform those acts by saying you are performing them. If you are the chairman, then saying in appropriate circumstances “The meeting is adjourned” will make it the case that the meeting is adjourned. Saying, in appropriate circumstances, “I appoint you chairman” will make it the case that you are the chairman. The same words said by the wrong person or in the wrong circumstances will have no such effect. (SEARLE, 1995, 54).

We can also immediately think of a number of factors that can make a performative infelicitous. In circumstances such as (a), nothing will happen if the celebrant is not legally responsible for conducting the marriage; or if the celebrant does not utter the right words (suppose he could say ‘I *won't* pronounce you husband and wife’); or even if the celebrant is being coerced violently into the marriage. The same occurs in the other cases mentioned above: performatives such as (b) may fail if there is no ship to be baptized; the performative (c) will not occur if the speaker does not own the watch he intends to give to his brother; and (d) will not happen if the counterpart of the bet does not accept a sixpence as the amount to be received or granted upon the success or failure of what conditioned the bet. John Austin was in charge of presenting three criteria according to which we can establish whether a given performative act was felicitous or not:

(A.1) There must exist an accepted conventional procedure having a certain conventional effect, that procedure to include the uttering of certain words by certain persons in certain circumstances, and further,

(A.2) the particular persons and circumstances in a given case must be appropriate for the invocation of the particular procedure invoked.

(B.1) The procedure must be executed by all participants both correctly and

(B.2) completely.

(Γ.1) Where, as often, the procedure is designed for use by persons having certain thoughts or feelings, or for the inauguration of certain consequential conduct on the part of any participant, then a person participating in and so invoking the procedure must in fact have those thoughts or feelings, and the participants must intend so to conduct themselves, and further

(Γ.2) must actually so conduct themselves subsequently. (AUSTIN, 1962, pp. 14-15).

If a performative does not respect at least one of these six rules, it will be considered infelicitous: it will be null if it disregards rules A and B, and it will be empty if it disregards rules Γ.

Let us apply the rules to case (a) to identify how two people can marry when pronouncing some sentences in an appropriate context. We have in the Brazilian society a (A.1) conventionally accepted procedure that has a certain conventional effect, and that includes the utterance of certain words; (A.2) being the same procedure performed by the appropriate persons in the appropriate circumstances, as we can see in the following articles from the Law 10.406 of January 10, 2002 of the Brazilian Civil Code³:

³ Cf. Brazilian Civil Code, Book IV: Family Law, Title I: Personal Law, Subtitle I: Marriage, Chapters I—XI, Articles 1.511—1.590. Law 10,406, of January 10, 2002 (my translation).

Art. 1.514. The marriage takes place at the moment when the man and the woman express, before the judge, their desire to establish a conjugal bond, and the judge declares them married.

Art. 1.534. The ceremony will take place at the registry office, with all publicity, at open doors, with at least two witnesses present, relatives or not of the contracting parties, or, if the parties so wish and consenting to the celebrating authority, in another public or private building.

The procedure is the celebration of the marriage; the effect is the establishment of a matrimonial bond between two individuals; the utterance of the right words is something similar to the locutionary act we found in Austin's example (a); the persons involved are the individuals who participate in the ceremony and wish to contract marriage, the authority responsible for the legal formalization of the marriage and the witnesses; and finally, the circumstances are the location in the registry office (or in a public or private building, if accepted by law) and the public characterization.

In this sense, as established in Article 1.521 of the Brazilian Civil Code, the marriage will be null or void if these two individuals who wish to marry belong to the same family, if one of the parties is already married to another person, or if one of the parties has been convicted of attempted murder against his or her consort. Finally, (B) the procedure must be performed by the participants correctly and completely, that is, following the legal procedures listed above.

Article 1.538 establishes the circumstances according to which a celebration may be suspended, in this case due to a breach of criteria $\Gamma.1$ and $\Gamma.2$:

Art. 1.538. The celebration of the marriage will be immediately suspended if any of the contracting parties:

I - refuse the solemn affirmation of their will;

II - declare that it is not free and spontaneous;

III - express regret.

A marriage may also be suspended and terminated, as provided in the Article 1.561, due to the death of one of the spouses, due to the nullity or annulment of the marriage, due to the judicial separation or divorce. This indicates that social objects such as marriages, despite being abstract, have a beginning (when the right words are spoken in an appropriate context), development (when legal conditions are respected) and an end (due to a divorce, for example) — which also applies to fictional objects, but not for the same reasons. Let us then analyze how an author creates a fictional object.

4. PERFORMATIVES IN FICTION

The creation of a fictional object is not established in contractual terms, as is the case with marriage, so we do not have a legislation that regulates this practice and defines what is a fictional work. In this sense, there is no law that determines how or when a fictional object is created and what are the attitudes that an author must take in order to create that object. But this conclusion should come as no surprise. After all, this is a job for a philosopher and not for a lawyer or a member of the legislative chamber.

Nevertheless, the Brazilian Civil Code has laws that regulate the *commercial practices of fiction* (in this case, Law No. 9.610 of February 19, 1998), as we see in the articles that concern copyright, purchase, sale and image uses of the contents of a work of fiction. Still in these articles we find a very succinct definition of what an author is:

Art. 11. The author is the individual who creates a literary, artistic or scientific work.

Single paragraph. The protection granted to the author may apply to legal entities in the cases provided for in this Law.

Art. 12. In order to identify himself as an author, the creator of the literary, artistic or scientific work may use his civil name, complete or abbreviated even by his initials, pseudonym or any other conventional sign.

Art. 13. The author of the intellectual work is considered, without proof to the contrary, the one who, by one of the identification methods referred to in the previous article, has, in accordance with the use, indicated or announced that quality in its use.

The definitions listed above are not really helpful, given that even common sense recognizes that the author is responsible for the production of a work and its contents (such as theories, music and fictional objects). So we have to find out *how and when a fictional object is created* by one or more authors. In other words, starting from the analysis of John Austin's theory in the previous section: who are the persons and what are the pronouncements and the appropriate circumstances for the creation of a fictional object?

The creation of a fictional object is related to a set of practices such as writing, reading, discussing, etc., which involve different agents such as authors, producers, spectators, among others. To create a work of fiction, the author must (i)

narrate a story in a public language (ii) with the intention of carrying out the illocutionary act of fiction-making and (iii) associate this act with a set of literary and cinematographic practices. But to create a fictional object, the author must perform actions (i) - (iii) and, in addition, (iv) name, give at least a description or provide an image in order to institute the individual object through his intentional acts.

(i) To make fiction is to develop a narrative about how certain *objects* went through certain *events*. In other words, making fiction involves not only certain objects, but also the unfolding of a temporal flow in which those objects are said to perform or undergo certain actions. The first attribute of a fictional narrative is the author's intention to create the objects that appear in the story or the events that these objects go through. Take *The Metamorphosis* as an example. In the first paragraphs, the readers are introduced to the circumstance that there is an individual named Gregor Samsa and that that individual has become a monstrous insect. The same work leads us to imagine that in a moment before the beginning of the narrative Gregor Samsa *was not* an insect, but an individual composed of flesh and blood like any other human being. One of the evidences for this are the reactions of Samsa's family and boss, who are not only surprised but horrified when they see Samsa's slimy character and its numerous small legs. The sequence of *The Metamorphosis* consists of an unfolding of this conflict and, in this case, Kafka has created both an object (Gregor Samsa) and a fictional event (Samsa's transformation).

But only the conceiving of objects and events is not enough for their creation. The narrative must be expressed in a public language (such as Brazilian Portuguese, English, German or any verbal or non-verbal language that can be understood by other individuals) because fiction is a social activity. The development of this narrative can be either in a physical medium (such as a book, a film reel, or a sequence of photographs) or in the brains of the individuals who transmit the narrative orally to other individuals. The reason why this narrative must be expressed in a public language, in addition to the argument that it is a social practice, is due to the circumstance that it is not enough to imagine a series of events that did not happen in the empirical world — or to think about objects that are not located in space and with which it would not be possible to causally interact — for a work of fiction or a fictional object to exist.

In other words, I argue that works of fiction are not purely mental or imaginary entities. If that were the case, as Roman Ingarden (1973) argues, the works of fiction and their respective characters would cease to exist when the author

stopped imagining them. However, this is certainly not the case since we continue to imagine and talk about *The Metamorphosis* (and Gregor Samsa) a long time after Franz Kafka's death. Analogously, when we're talking about their metaphysical status, a work of fiction and its objects are not something that goes on in the audiences' imagination. Otherwise, we would have as many *The Metamorphosis* as readers of the work, which would be absurd. Therefore, there is only one work and only one fictional character in this case: the ones written and made public by Kafka in the second decade of the last century: *The Metamorphosis* and Gregor Samsa, respectively.

(ii) The creation of a fictional work also depends on specific intentional acts on the part of the author when producing the story and creating the fictional objects. *The author intends to narrate a story about objects or events that did not unfold in the empirical world.* However, when narrated by an author under the conditions I am stipulating, these objects and events are given a new metaphysical status and become abstract artifacts. The author therefore performs what Gregory Currie (1990) calls the 'act of fiction-making'. However, in opposition to Currie's proposal, I do not argue that this act is characterized either by a pretense or by a game of make-believe, but by a performative act made (most of the times, implicitly) through the illocutionary verb *to institute*⁴.

The author must then have an appropriate intention. These intentions can be identified through explicit signs, such as the following message that we usually find at the beginning of a work of literature or cinema: "All characters are fictional; any resemblance to real people is a mere coincidence", in the subtitle of a literary work such as "... a novel", in the final credits of a film, in the section of the bookstore where the work is located, etc. However, such signs are not necessary conditions for the classification of a work as fiction. There are several counter-examples in cinema that show how these signs can be used in a strictly rhetorical way, as in the films *F For Fake* by Orson Welles, *Bernie* by Richard Linklater and *Fargo* by the Coen Brothers.

⁴ I recognize that not all objects that are referenced in works of fiction are fictional. If any character in a fictional story is constructed from an object of the empirical world (as is the case with Napoleon in *War and Peace* and with London in the stories of Sherlock Holmes) then, for the work to be considered fictional, the author of the story should not have intended to narrate the events that happened to this character in the empirical world. But if what was instituted in a fictional work is parallel to some event that happened to this character in the empirical world, then that work coincides by chance with those events. On the other hand, if the author intended to describe the events that he believes to have occurred to these individuals, then the resulting work cannot be said to be fictional, but a historiographical account.

So we need a more objective criterion than the authors' mere intentions and actions to classify a work as being fictional. Since we are unable to access the mental states of other individuals, it seems inappropriate to maintain that the authors' intentions are the only criterion for the creation of a fictional work or object. This seems to be the main reason why proposals for extreme intentionalism such as Kathleen Stock's (2017), which not only rely on the author's intention to demarcate what is a work of fiction, but also to establish the *contents and interpretations* of a given story, seem implausible. But not all signs need to be subjective, since we have a set of fictional practices that constitute the next criterion.

(iii) The realization of fiction is possible because we have a set of practices according to which we take certain sentences as not being directed to the empirical world, but as instituting a new universe of characters, events and sentences that are not analyzed as having truth values. These practices (that I've called elsewhere 'the institution of fiction', *Cf. LEMOS, 2020*) function as the horizon according to which viewers take certain narratives as being invented rather than factual. For a work of fiction to happen, the author must link his narrative to this set of practices. To this end, the author can publicly announce that his work is fictional, participate in promotion notices for works of fiction, sell or grant the rights of his work to a or a film producer or to a publisher that sells fiction books, see his text staged in the theater, etc.

Let's do a mental experiment to strengthen the argument. Imagine that a group of archaeologists found a text in the ruins of a small city in Brazil and that, after a thorough investigation, the researchers found out that the text dated back to the 14th century. When we learn the language in which the text was written, we find a confused story about how humans and aliens co-existed in harmony. Our initial propensity when faced with a fanciful story like this one is to immediately assume that it is a work of fiction. But that is not necessarily the case. That same text could be a factual account of a subject who described his perceptual reactions when ingesting a psychotropic, it could be a description of a dream, it could be an assumption of the current religion of this ancient people, it could be a factual account of someone who had an optical illusion, it could be an attempt by a subject to deceive other people, etc. In order to find out if this text can be classified as fictional, it is necessary to analyze the practices of this people and find out if this community had practices of fiction and if the author of the narrative wanted to link his story to those practices — otherwise, we can only stipulate what is the nature of that text.

Condition (iv) thus requires an author to establish a name (such as ‘Raskolnikov’, ‘Gregor Samsa’ or ‘Ivan Ilitch’), at least one description (such as ‘a former law student who murdered a moneylender with an axe’, ‘a traveling salesman who turned into a monstrous insect’ or ‘a judge who suffered from inflammation in the cecum’, respectively) or an image (as in the case of movies, illustrated versions of a novel, comic book characters or the presence of a physical body in a play) because we are only able to direct our thoughts and refer to a fictional object when that object has at least one property (but preferably a set of properties). We cannot therefore have a fictional object with no properties, unless there is a fictional object that is paradoxically the object that has no properties — the property of having no properties being paradoxically understood as a genuine property.

Therefore, one may say that Franz Kafka created the fictional object called ‘Gregor Samsa’ when he wrote and published the following sequence of words:

When Gregor Samsa woke one morning from troubled dreams, he found himself transformed right there in his bed into some sort of monstrous insect. He was lying on his back — which was hard, like a carapace — and when he raised his head a little he saw his curved brown belly segmented by rigid arches atop which the blanket, already slipping, was just barely managing to cling. His many legs, pitifully thin compared to the rest of him, waved helplessly before his eyes (KAFKA, 2014, p. 21).

This is how we have the creation of an abstract artifact called Gregor Samsa and may say that, according to *The Metamorphosis*, Samsa woke one morning and found himself transformed into some sort of insect. However, this is the explanation of *how* a fictional object is created — through a performative act associated with our practices of fiction. However, this is only the first half of the answer, since Stuart Brock’s objection concerns not only *how* a fictional object is created, but also *when* an object comes into existence.

It is difficult to know when an object — not just the fictional object — comes into existence. For example, philosophers and scientists dealing with topics related to bioethics have a great difficulty in defining when a sperm and an egg become an embryo and when, especially, that embryo becomes a human being endowed with awareness and sensitivity. But we do not need to refer to complex cases like this one since we also find it difficult to provide an adequate criterion for us to know even when it is the exact moment when an ordinary object, such as a wooden table, should be defined as a wooden table instead of a mere piece of wood. We have a parallel problem in the case of fiction in that the process of creating a fictional object is long and particular in relation to each author and each medium of expression — such as literature and cinema. The passage from *The Metamorphosis* I quoted above was thought and written as a draft numerous

times by the author, which means that the final product to which we have access was dilapidated by Kafka over a long period of time. It is even possible that Kafka's initial intentions were not even to call the protagonist of the story 'Gregor Samsa' or to create a narrative about a traveling salesman who turns into an insect.

When, then, does a fictional object come into existence? One hypothesis is that a fictional object comes into existence when an author imagines a series of properties — such as that something is a human being and that this human being is a traveling salesman — with the proper intentions to create a work of fiction. However, as I've already pointed out, a fictional object is not restricted to the author's mental states. Even if the imagination is a mental activity that makes us extrapolate what was provided by sense experience, so that an author will certainly need to be imaginative to create a fictional object, the mode of existence of a fictional object is not as an imaginary object.

The author must then do more than just imagine that an object exists. Just as I've established in (i), the author must make his narrative public. Thus, for a fictional object to exist, the author must register the narrative in some media. But what counts as a public record? Only the records that we find in bookstores and online stores, such as books and DVDs patented by publishers, or also the drafts that were produced by the author? I argue that even the author's drafts serve as a record for fictional objects to come into existence, even though we have the permission and obligation to assign to a fictional object only those properties that are predicated in the final product of the work in which that object appears.

Drafts count as an initial record because the author expresses the contents of his intentional acts in a medium that is not exclusively mental. In fact, the narratives do not have the same semantic content as the author's mental states. It happens precisely because when publishing the work in which this abstract object exists, the author creates something that is different from, but dependent on his mental states (*Cf.* THOMASSON, 1999, chapters 2 and 3 for such an analysis).

Therefore, returning to the discussion about the criteria that must be respected for a performative to be felicitous and produce the expected results, I conclude that (A) we have a set of practices that is conventionally accepted and according to which we recognize that the authors make certain utterances that constitute works of fiction. In order to produce a work, the author alters the illocutionary force of his utterances and, instead of directing them towards the empirical world to describe it, he links his utterances to our practices of fiction and makes a performative that creates fictional objects and institutes fictional facts. These objects,

in turn, come into existence when the author registers his intentional acts in a public media and provides this object with a proper name or a set of properties. Finally, once created, these objects are classified as abstract artifacts.

In addition, (B) if the authors do not perform these procedures correctly and completely (say that the authors intend to direct their utterances to the empirical world or do not publicize the narratives they have developed), the procedure will not belong to our practices of fiction. In this sense, these narratives will be outside the scope of fiction and should be understood as being literal utterances that can be considered true or false according to their adequacy to their corresponding state of affairs. This is even the reason why, assuming (Γ.1), both viewers and critics have the appropriate reactions and feelings in relation to a work of fiction. We can verify the veracity of this assertion when we observe that, when we read *The War of the Worlds*, for example, we do not give assent to the circumstance that at some point in our history the Martians invaded our planet; or that, when we read the book or watch the series *The Man in the High Castle*, we just believe that it is fictionally the case that Nazi Germany won the Second World War. Anyone who understands these accounts to be factual or historical will incur in a category-mistake and could be corrected when someone points out that the works of H. G. Wells and Philip K. Dick are actually fictional.

5. CONCLUDING REMARKS

Stuart Brock presented a compelling objection to artifactualism. An objection that had to be tackled just so one could take the artifactual theory as what it is: an elegant, intuitive, parsimonious and highly explanatory approach to the metaphysics of fiction.

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