Difference-theoretical Analysis of Aesthetic Media and Forms

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Abstract

The general medium/form-difference-theory as proposed by Fritz Heider (cf. Heider, 1959) has been seized on by the sociological systems theory as an epistemological and heuristic basis of such a generality that it can be applied to virtually all conceivable fields of research. One could arguably speak of a new paradigm that overcomes traditional differences such as subject/object and cause/effect. This approach has been applied to all types of art[1], and various research questions in the fields of aesthetics and art theory. This paper proposes a differentiation and categorisation of aesthetic media and forms in order to lay the groundwork for art criticism on a third way between subjective appreciation and objective reasoning. Musical examples demonstrate the applicability of the medium/form-difference-theoretical approach for the aesthetics of music and music criticism.

Key words: aesthetics, art criticism, medium/form-difference-theory, systems theory

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[1] For example: baroque music (Kreidler, 2007), popular music (Heidingsfelder, 2012), Literature (Jahraus, 2003; Luhmann, 2008; Ort, 2007), architecture (Lippuner, 2008), the Avant-Garde (Baecker, 2006).

1. What is Art? The Specificity of Aesthetic Medium/Form-Differences

There is a tradition of semiotic and information-theoretical analysis of aesthetic forms and media (Bense, 1969; Birkhoff, 1933; Simonton, 1984) that focuses on the same goal: to overcome both subjectivist and objectivist approaches towards artistic forms. Saying that this third way is relational is not enough. The point is that the relation is not one between subjects and objects but rather one between elements and forms. Neither a form nor an element can be seen as an object as such but only from a difference-theoretical perspective in relation to each other. However, it is questionable whether these approaches deal with artistic forms or rather with highly reduced forms (simple geometric forms, note-to-note transitions) that have – at least form an art-philosophical perspective – nothing of relevance in common with objects of and for aesthetic experience. This article proposes an analytic approach towards artistic forms and aesthetic media in the strict sense and consequently brings itself in the difficult position to define the concepts of artistic forms and aesthetic media, or in short: art communication.[2]

There are many possible arguments against any attempt of defining art. First, "what is?" – questions generally ask for essentialist answers.[3] Second, art in particular may be regarded as something which flees definitions by ongoing self-transformation (cf. Weitz, 1956). Third, one can object that the field of art is too complex to be defined. Furthermore, such definitions are means of power which discriminate observations and exclude actions and works out of the realm of art. Lastly, definitions of a historical object are to such an extent historically conditioned that the term "the blind spot of the observer" is certainly an understatement. Nevertheless, Niklas Luhmann gives a very clear and easy definition of art which comprises all forms of art through art history. Before the specification of art can be given, it is necessary to say something about the field this specification takes place in: the field (or medium) of medium/form-differences.[4]

The difference between media and forms is the most general and universal: (a) Any observation makes a difference. (b) Any difference needs a medium in which it can take place. (c) The actual difference as a selection from a medium is called form. (d) The general relation between media and forms can be described as coupling of elements.

a) Any Observation Makes a Difference

The epistemological position of a difference theory in the broadest sense cannot be seen as a contingent position among others. At least the tautological – thus undeniable – statement that everything we observe is an object of observation makes clear that there is no observation without difference (observer vs. observation vs. the observed). Moreover, every object is not only distinct from the observation but also distinct from all other objects. Spinoza's *omnis determinatio est negatio*[5] is still valid, since objects are always something and not something

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[2] The hypothesis is that artistic forms cannot be simply perceived but must rather be understood in the sense of interpretative approaches. The supposition that a certain form is intentionally produced by someone triggers a question regarding its social meaning. Performing this supposition is defined as the constitutional difference between perception and communication (cf. Luhmann, 2001).

[3] The understanding of the problematic nature of essentialist thinking is not a post-modern, difference-theoretical, or deconstructivist accomplishment, but can be traced back – at least – to the »Kantian revolution« (cf. Wiesenfarth, 1981, p. 104).

[4] The following introduction to the medium/form difference theory is neither meant to be original nor thorough. For a deeper understanding: (cf. Luhmann, 1992, p. 98); (cf. Luhmann, 1995, pp. 165-214; Luhmann, 1997, pp. 195-202; 1990) and especially the point of departure of this concept: (Brauns, 2002).

[5] Spinoza's *determinatio negatio est* finds its famous form in Heider (1959).

else. The term "observation" has the great advantage that it can be applied to all kinds of actualized differences. Whenever a difference is made, thus marked, there is an observation taking place. When there is no observation, there is (and not even) nothing. Differences can be marked by psychic systems, social systems, organic systems and neuronal systems.

b) Any Difference Needs a Medium in which it Can Take Place

When we speak of systems which operate differences, it is clear that the general medium for such operations must be time. Without differences in the medium of time there is no process and thus no operational system of any kind. This does not imply that time is an a priori or a transcendental condition in the sense of a pre-existing timely order. Time is rather a medium that must be "switched on" when systems operate. Besides the universal medium of time, there are most important differences in respect to the media different system types use for their operations. Differences of organic systems are differences in the medium of space: Here, not there; there, not here. Organic matter is only organized spatially. In clear contrast to that, psychic systems are not spatial at all. Differences in psychic systems take place in the medium of meaning. Thoughts, perceptions, feelings are not somewhere as opposed to somewhere else in space but only something as opposed to something else. The same goes for social systems.

Beyond these highly general media of time, space, and meaning, differences in the medium of meaning necessitate various higher orders of media. Differences between scientific theories, religious practices and artistic styles for example, are no simple this-not-that-differences. In other words: the medium of meaning is extremely differentiated and specific differences can only be understood against the background of a specified domain (genre, style, discourse . . .). The difference between a fugue by Bach and by Telemann is no difference in meaning, not even a difference in music, not even a difference in classical music. The higher medium of polyphonic composition is necessary in order to find the specific differences. This explains why many listeners are not capable of telling baroque music from Viennese Classic or even from romantic music – an observation which puzzles those who are familiar with the media and to whom the differences are most apparent.

c) The Actual Difference as a Selection from a Medium is Called Form

The concept of form simply refers to differences which are actualizations from a medium of other possible differences. On this rather primitive basis some conclusions are nevertheless possible: First, forms are – as possible selections – contingent. Second, forms are – as contingent selections – improbable. Third, forms are relative to media. When tones are forms in the medium of sound, tones are the medium for tonality as a restrictive order. Tonality again, is a medium for major/minor-tonality, which is in turn a medium for a certain melody. A certain interpretation, lastly, is a form in the medium of a certain melody:

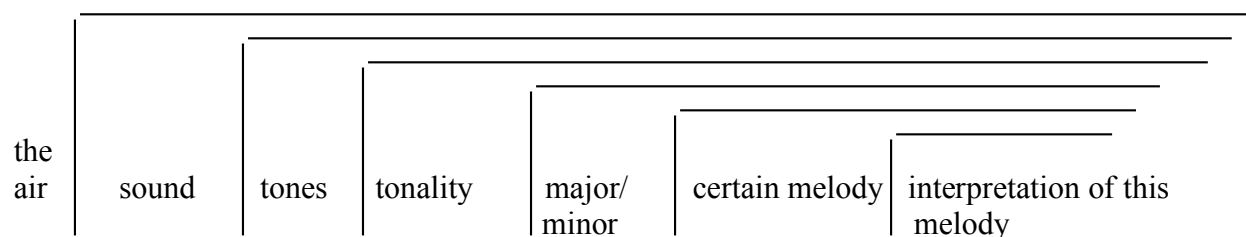| the air	sound	tones	tonality	major/ minor	certain melody	interpretation of this melody

Figure 1.

Of course, we do not apply this primitive medium/form-cascade, which is not yet historically defined while listening to a song. Only a performer of a perfect Husserlian thematic epoché was able to listen to a melody as a form in the medium of a major scale. If not, a melody is automatically related to much higher media like style, genre and personal taste. For example, pop songs are forms in a highly sub-differentiated medium of »pop song«. Only in reference to this medium does the listener decide whether a certain melody is beautiful, original, interesting, boring, epigonic, irritating or whatever. Estimating the medium in its historicity asks for historical knowledge. Relating a certain song to this medium asks for connoisseurship. Finding the »right« medium for a form requires creativity on the side of the listener.

d) The General Relation between Media and Forms can be Described as Coupling of Elements

Forms can be called selections, restrictions or actualizations of potential element couplings of a medium. The great advantage of the term element is that it makes no difference between different media. All media, may they be located in the general media of space or meaning, consist of reference points for differences. For an aesthetic theory it is most helpful to have a concept of aesthetic material which is indifferent towards dichotomies like matter/form or content/form, since the ontological status of elements seems to be completely uninteresting and even misguiding for aesthetic observation. With this medium/form-difference-theory it is possible to deal with colour differences in the same way as with differences in narrative style without speaking metaphorically. In both – and all – thinkable cases there is a medium of possibilities for form selections. In the aesthetic medium the elements (colours, tones, expectations, body movements . . .) are relatively loosely coupled: painters are free in their colour choice and the choice of one colour does not exclude other colours on the canvas, a tone does not pre-determine the next one, an aesthetically focused expectation is not bound to other expectations and the body of a dancer is more than any other body trained to make any movement possible without being determined by precedent movements. All restrictions of aesthetic choice lie on the side of the form and not of the medium when the idea of a perfect medium is assumed. A perfect medium can be described as a pool of elements which are extremely loosely coupled so that the choice of the form is not restricted by the medium at all. This goes for aesthetic medium/form-differences as well as for all medium/form-differences in communication. The air is a better medium for communication when it is free of noise. Otherwise, this would restrict that what can be communicated immensely where shouted two word sentences cannot be understood as free choices of form.

After we have seen that every observation can be observed as a medium/form-difference, the question of the specificity of aesthetic medium/form-differences arises. The thesis is that there are exactly three possible ways of observing medium/form-differences and that one of these is specific to art.

1) Focusing on the Form

Whenever we are interested in information, no matter if it is perceived or communicated, we pay our full attention to the form and none to the medium. When we see a tree we do not question our faculty of seeing or the lighting conditions. When we want to read a written sentence, we are not appreciating the font of the writing and not even language as such and its style in particular. This would afford the imagination of alternatives and more generally: attention to the underlying medium. In every day communication situations such attentiveness would make communicative interaction at least very awkward if not impossible. To make

language a subject of discussion would either turn an everyday conversation into a conflict system – as a medium language only becomes visible due to opacities and perturbations – or into a scientific debate.

2) Focusing on the Medium

As indicated above, science is fundamentally interested in media. Forms, for example, certain utterances, are only interesting in order to sound out the medium of language. Works of art (forms) tell the scholar something about style or genre (media) evolution; animals are taken as specimen (forms) of species (medium). Whether induction, deduction or abduction is performed makes no difference: in all cases the result brings light into a dark medium. Hypotheses and laws are not concerned with forms as such but only with structures of a medium. Science is never really "ideographic" in the sense of Windelband (cf. Windelband, 1982), since every research object is not an object in itself but an object of scientific observation. It is an operative element of the science system and thus a form which either stabilizes or irritates the medium of truth, or better: the actual domain of the truth medium which hosts a certain theory or method.

3) Focusing on the Medium/Form-Difference: The Specificity of Art

Art can be defined as the observation mode which focuses on the selectivity of forms out of a medium. For an aesthetic view forms are contingent and improbable selections that mysteriously manage (or fail) to appear as – more or less – necessary. This observation is only possible when the medium is not ignored, since only the relation to the medium defines the selectivity of the form. A painting can only be aesthetically responded to when the perceiver develops a hypothesis on the space of possibilities the forms are selected from. A still life is, of course, not a form in the medium of colour or oil. Only when there is a productive idea regarding the specific medium as the frame for the artistic form selections, can aesthetic observation emerge. Seeing forms in their relation to the medium they are taken from is an observation mode that can be called art-specific. That this definition of art does not refer to objects of observation is rather an advantage than a disadvantage as the examples in paragraph 3 should make plausible.

2. Observing Works of Art: The Abduction of the Medium

The thesis of medium/form-difference-theoretical aesthetics is that artistic forms can only be observed in a complex observation mode which relates forms to media. This makes it necessary for the observer to develop a hypothesis about what the medium of a certain work of art is. This identification of the medium is a process that demands both a high level of specific historical knowledge on art and a creative and intuitive faculty. Of course it is possible to read any novel as a novel, but in case of a novel like "Malone dies" by Beckett this reading attitude will hardly facilitate any kind of aesthetic pleasure. The medium of narration, which is naturally presupposed by novel readers, lets the forms of this novel appear as absurd, obscure, contingent and inconsistent. Novels like these demand other – it is often said: more sophisticated – hypotheses on what the medium is. However, sophistication has a different meaning in this context: When as a young teenager, I heard my older brother's hard rock music from the next room, I analysed this music as sound thrash where hundreds of guitars played whatever they want. I could not even differentiate one of these noise episodes (i.e. a song) from the next. One year later I could not understand my former problems with this very moderate and traditional music with clear and conventional formal structures (e.g. Guns 'n' Roses). I had the same

experience again with Heavy Metal and later with Bebop music. The point is that there is no way to go from the Beatles to Charlie Parker or Megadeath directly, since there is no chance to find the "right" medium for the forms. Charlie Parker's themes cannot be adequately viewed as beautiful "melodies". In the same way, Adorno's strong indictment of Jazz needs to be partly regarded as misguided, as his medium hypothesis in reference to harmonic and rhythmic complexity and melodic innovation is inappropriate (Adorno, 2001) . One can say that Adorno is right with everything he writes about jazz except for the aspect that he did not develop a sufficient hypothesis on what the medium of the jazz music he listened to actually was. Which forms could Louis Armstrong have chosen and which impression does this selection make? What is the aesthetic medium of Hot Jazz, of Bebop, of Heavy Metal, of Beckett's novels? Naming a genre is not an answer to a question but a hint that there is a specific medium which applies to the number of works that are attributed to this genre. Speaking of a genre or a style implies the invention of a new medium, respectively the sub-differentiation of an aesthetic medium.

Identifying the medium of a work of art means understanding this work, which of course includes misunderstanding. How can an observer increase the probability of identifying the medium which is most adequate, which delivers the best results for aesthetic observation, which is the most specific? This is the crucial question for art criticism and the justification for professional art observation. Critics can be regarded as observers who spend much effort on the development of hypotheses on media for works of art. If one hypothesis lets a novel appear as a nice and entertaining work of literature, maybe another hypothesis lets this novel become an original masterwork that even invented a new medium. With Peirce, one can call the development of such a hypothesis an *abduction* which begins with the observation of a form selection (surprising fact) that can only be understood as a meaningful communicative offer due to an assumption of an *out-of* (medium) of this selection: "Abduction makes its start from the facts, without, at the outset, having any particular theory in view, though it is motivated by the feeling that a theory is needed to explain the surprising facts" (Peirce, 1958 CP 7.218 – 1901).

When abduction is understood as a creative process of inventing a new theory or rule which helps understanding a case in a productive way it is clear that we can hardly speak of a method in the strict sense (cf. Reichertz, 2013). On the contrary, Peirce describes abduction rather as a mystic case of emergence: "The abductive suggestion comes to us like a flash. It is an act of insight, although of extremely fallible insight" (Peirce, 1958 CP 5.181 – 1903). Though there might not be a proper method of abduction in this understanding of a creative process there can be strategies to increase the probability of abduction by fostering a certain attitude or mood or musement, Peirce describes as a play without rules.[6] These strategies refer, of course, to the behaviour of the observer and would be part of subjective aesthetics which we are trying to overcome. However, that we have not found a method for medium abduction does not mean that the idea of a medium/form-difference-theoretical aesthetics has failed in its attempt to overcome the analytical problems of the subjectiveness of aesthetic observation. Rather, the research program of medium/form-difference theory begins one step later. When an observer observes a form as a selection out of a medium, the judgement about the form as an artistic decision can be scientifically described. First, the hypothesized medium can be analysed; second, the observed form can be analysed and third, the relation between form and medium or in other words: the selectivity as such can be analysed.

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[6] For a detailed discussion of the question whether abduction can be strategically induced (Luhmann, 1993, p. 51).

3. Properties of Media and of Forms

In his essay "The Medium of Art" (Luhmann, 1990), Niklas Luhmann makes some remarks on the properties of media and forms, although a truly systematic approach in this field does not yet exist. Luhmann does not like to talk about properties at all, since media are only media for forms and it makes no sense to describe a medium as such. However, I am attempting to trace the dimensions in which media can relate to forms. In which regards can a medium assume certain properties that facilitate a medium/form-difference?

a) Analysing Media

First, Luhmann names the "differences of magnitude" (Luhmann, 1990, p. 217), for example, the *quantity of elements* as a general medium property in our sense. If we want to describe a medium of art we can analyse its quantity of elements. For example the quantity of elements for diatonic music (tones in a scale) is 7, whereas the quantity of elements in sonnets (words) is in the thousands.

Second, the "combinatory possibilities" (Luhmann, 1990, p. 217) is a parameter for media analysis which explains why some media like the medium of diatonic scales can facilitate a sheer endless number of form selections. The medium of rhymed and rhythmicised poetic language of a sonnet is on the contrary rather limited in its combinatorics. That there are sonnets consisting of word formations which comply with the conditions of rhyme, metrical structure, the sonnet form, and semantic and expressional aspirations can be regarded as a miracle. That there are melodies according to a diatonic scale is, however, no miracle at all.

Third, the is a level of media Luhmann does mention. With reference to media of perception we can find easy examples for differences in this dimension. It is very important that the sounds we make disappear after their utterance; conversations would otherwise be impossible or very limited. On the other hand, the low ability of dissolution of elements in written texts is a condition for writing culture and in the end a condition for a modern differentiated society (cf. Luhmann, 1998, pp. 249–290). But does it make sense to analyse the ability of dissolution of elements in aesthetic media? In other words: are there differences? The concrete question would be, whether an event of coupling of elements (form selection) influences the following coupling behaviour of elements. This could be the case when there are traces of coupling history in the medium conserved. It seems that there certainly are differences between aesthetic media in this respect which could be analytically interesting. For example, conceptual art seems to have a manifest problem with the dissolution ability of media elements. If something has already been done; if a certain expectation has been used as a medium for form selection in order to demonstrate its medium character, the medium of expectation has been performatively changed. If an artist like John Cage presents a musical performance without intentional and artistic sound production by musicians, there can hardly be a second artistic form using the same medium of expectation in the same way.

Fourth, the *degree of pollution* of a medium can be analysed. I would speak of pollution when the elements of a medium are agglutinated by a history of artistically failed or worn out couplings. Some media more than others are characterized by things, for example, form selections, "one cannot do anymore". Trivial art could be described as a selection not of elements from a medium but as a selection of agglutinated elements from a medium. That the hero of a trivial love story is handsome and tall and only at first dismissive, since he has made painful experiences – as found out by the heroine in the last chapter – cannot be traced back to

pure form decisions. Rather, it is plausible to find a reason for stereotypical form selection under the circumstance that the medium itself delivers elements in packages. The existence of such packages which are products of already tried and used artistic form decisions can be called the pollution of the medium. Thus, genre satires of are indicators of medium pollution.

Fifth, there exist great differences concerning the *opacity* of media. Some media are to such an extent transparent that the elements of the medium are obvious. This, for example, is the case in a medium like the fugue. The composer and the connoisseur know the tone material and its combinatorics and even the history of fugues which influences form selections with the aim of originality. A kind of middle position takes the medium of still lives. It seems clear that the elements of still lives are representations of inanimate objects. However, in the course of the centuries the repertoire of such objects was extended, altered and exchanged. The medium appears to be transparent until it becomes obvious that there were opaque corners in it that become greater and more transparent as one approaches them more closely. The opacity of media is a strong argument against the material repertoire concept of the information-theoretical approach of Bense's. Especially in modern art we continuously come across forms (works of art) that do not display their medium at all. In these cases the form is to the highest degree a negation of material choice (Minimal Music, monochrome painting, ready-mades). The decisive role of the unchosen couplings, which are not transparent but rather an unmarked space, cannot be considered adequately from the ground of a material repertoire theory. The medium/form-difference-theoretical medium concept, however, can easily describe a medium as a pool of negations, expectations, symbols and of course: of differences as opposed to materially manifest elements.

Sixth, we can benefit from Max Bense's differentiation of the *types of order* in media (or as he says: repertoires). The difference between chaotic, regular, and irregular order is a very important but nevertheless only *one* aspect of media analysis. Whether the elements are symmetrically distributed or whether there are present structures or rather eventual asymmetries is a question which can easily be addressed to every medium. For example, the diatonic scale is a medium of a highly regular, even hierarchical order, whereas chromatic or whole-tone scales are regular, highly structured but significantly less ordered since they lack a central or hierarchical reference point. In contrast, abstract painting works with a medium of analogous, not predetermined elements (there is no repertoire of distinct colours or forms) so that we could speak of a chaotic medium. Forms in this medium have to establish order out of noise and not out of lower types of order.

Summing up, the parameters of aesthetic media analysis drawn from Luhmann (1990) that we have expanded by additional parameters (4–6) are:

1. The quantity of elements
2. The combinatory possibilities
3. The degree of dissolubility
4. The degree of pollution
5. The degree of opacity
6. The types of order

b) Analysing Forms

The analysis of forms is something that is, of course, performed by every aesthetic theory. Works of art as forms are described and compared to other works of art. The singularity of a

medium/form-difference theory of aesthetics lies in the fact that it works with a concept of form which does not depend on a material concept of works. Of course, aesthetic observation is bound to sensuality, but this does not mean that observing material differences is sufficient for understanding form selection. The history of philosophical aesthetics can be interpreted in the way that it does not make much sense to apply ontological differences to aesthetic observation, for example in the shape of forms and content. If there is progress in the epistemology of aesthetic theory, this can be seen in the growing insight into the inseparability of form and content (cf. Luhmann, 1998, p. 249ff). A medium/form-difference theory can observe forms as selections both in material and non-material media. The question of how the selection of non-material elements works is then another question which can – by the way – only be asked in the frame of this theory. Not only non-material elements are chosen, but it must also be taken into account that form choices are defined by non-material elements in media. A certain phrase in a poem or a certain melodic motif may look alike at different times. Certainly, when such a form is repeated it is a completely different form choice though the material basis is the same. I see no case of a work of modern art, poetry or music that could be interpreted materially at all. Moreover, it makes no sense to limit form analysis to certain types of artistic forms which are regarded as intrinsically aesthetic (pregnant[7] figures) due to a high degree of order and a low degree of complexity (cf. Cassirer, 1953; Hanslick, 1854).

On the highly general and primitive basis of a form concept only referring to the selective coupling of elements, there are no such preliminary decisions concerning ontology and quality of forms. Nevertheless, some parameters of aesthetic form analysis can be established:

First, the *structural length of element couplings* can be analysed. In order to evaluate artistic form decisions it is highly informative to observe the quantity of elements which structure a form. The longer the structure, the higher the complexity, risk and improbability of the form. All these parameters are at the centre of the aesthetic observation of forms, nota bene of aesthetic observation itself, and not only of the scientific observation of aesthetic observation. On the one hand, a good example for the aesthetic effect of structural length may be found in melodies of songs. The Beach Boys' famous "God Only Knows" which is often called the best pop song ever (e.g. by Paul McCartney) develops the verse melody over eight bars without splitting this for songs extraordinarily long phase into smaller groups like call/response structures or a symmetrical up and down. At the most, one could speak of a structure of four melodic segments of seven to nine notes each, but the organization of these segments is more serial than reducible. There can be no meaningful interpretation of this song which does not take the structural length of this melody into account. The effect of such a long structure is a special contingency problem. The melody appears as complex, highly improbable and hard to remember. The extraordinary arrangement and especially the role of the bass line in this song can be interpreted as a solution to this problem. On the other hand, we have songs with melodies which struggle with the converse problem. The refrain of Dylan's "Knocking on Heaven's Door" consists of eight notes which barely widen the scope of a single bar answered by a response phrase with only the last note altered. Of course, the almost empty second and fourth bars of the melody must be taken into account but still the difference to the ambitus of the "God Only Knows" melody is obvious. One can observe that all vocal interpretations of "Knocking

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[7] From a symbol theoretical perspective (cf. Cassirer 1953) forms are not arbitrary material signs for immaterial content but rather something like a materialization of an idea in the sense that there is no idea without materialization. Also, the meaning of a certain idea is co-constituted by its materiality. Thus, the materiality of a symbol has a kind of expressive power; at least its sheer material appearance conveys the promise of (aesthetic or not) meaning. Not every, in fact almost no, material object invites us to ask for its meaning. Those who do, so the argument, do this due to their symbolic pregnancy, that is, their relatively high intelligibility as a symbol.

on Heaven's Door" try to solve this problem by using all types of vocal techniques which help modulate the melody, whereas "God Only Knows" is sung in an extremely straight and clear mode.

Second, the *complexity* of forms is a classical parameter of aesthetic form analysis. Birkhoff's numeric aesthetic theory even considers complexity beside order as the aesthetic key concept which is made the subject of quantitative analysis. The medium/form-difference theoretical approach shows that complexity is not a proper analytical parameter, since complexity is in itself a too complex concept. I would argue that complexity of artistic forms cannot be observed but rather constructed on the basis of other parameters like structural length for example. It is often said that classical music is more complex than popular music. This observation cannot be backed up by objective analysis at all, since the harmonic and melodic structures of, for instance, the Viennese Classic are much simpler than those of "God Only Knows". The same problem occurs when one attempts to connect the highly reductive prose of Beckett or the monochrome paintings of Yves Klein or Minimal Music to the idea of complexity. However, complexity can serve as a heuristic instrument if taken phenomenologically. The observer might have a basic impression of complexity and this impression can be taken as a point of departure for medium/form-difference theoretical analysis. Why does Viennese Classic not appear as simple and why does Baroque music not appear as complex although they are for example on the level of harmony and melody?

Third, the *improbability* of forms is the key term for medium/form-difference theoretical aesthetics. It would not make much sense to try to make predictions about the improbability of forms, since this would afford divine knowledge about the probability of real and imagined events. Again, the phenomenological approach promises help. Artistic forms appear as more or less improbable to observers. This goes for any kind of communicative forms, since improbability is the phenomenological condition for communicative form perception. The improbability of a form is an indication of its being-intentionally-produced. Forms have, as Cassirer puts it, symbolic pregnancy. They look like forms and the core of this look is the improbability of element coupling. If sounds are articulated, if graphic structures show regularity, these couplings are so improbable that an observer would regard them as intentionally produced communicative events. Directly linked to the degree of improbability of forms is the (environmental) medium of attention. Attention is not specifically an aesthetic medium but artistic objects depend on an extraordinary amount of an observer's attention. Only highly improbable forms have a chance of acquiring attention, since only improbable forms are noticeable, informative and thus interesting. A boy-meets-girl type of story can hardly attract the attention of aesthetic observers as this form is too probable and thus simply too often consumed (if the story, or better put: narrativity, is the key medium! Of course, against the backdrop of a simple story other aesthetic media and forms can play the artistically more relevant roles). However, highly improbable forms appear as highly contingent. The improbability that marks communication is extended enormously in order to mark a specific domain of aesthetic communication. To make sounds appear as communicative utterances it is sufficient to introduce a simple level of articulation. If a sound producer establishes a repertoire of rhythmic and/or tonal elements which is used for form production, observers are likely to interpret these forms as meaningful differences, since both the possibility of other selections is present (repertoire/medium) and the actuality of selections which could have been different (forms) is reconstructed. In order to mark communicative forms as artistic forms, further improbable efforts must be made. When the improbability of forms becomes very high, the attention problem is intensified in the shape of a contingency problem.

Fourth, *The contingency/necessity relation* can be regarded as the core of artistic forms. All aesthetic theories emphasize the role of the freedom of choice in the aesthetic field or the playful character of aesthetic observation. This freedom and playfulness implies that artistic form decisions are not necessary and follow no rules. There are no reasons for the work of art outside of the work of art and if a reason for an aesthetic decision is attributed by observers, they lose their aesthetic attitudes towards the work. Necessary forms, which means: forms that defer to reasons (e.g. usability, prescriptions, or preferences of other systems like truth, payments and transcendence), risk being excluded from aesthetic observation. On the other hand, forms must not be contingent, either. Why should anyone pay any attention to a contingent form? Forms that are regarded as beautiful manage to appear as (almost) necessary. An often-heard cliché (but not entirely baseless) expression for this matter is that, if a certain work of art had not been produced by its author, someone else would have done it. Furthermore, even the smallest detail in a work of art is of the highest importance and necessary for its integrity. Works of art as compact selections are not like a scientific paper; the former are of a much denser consistency. No one would ask artists why they have done this and not that, at least not with the idea that the alternatives are equally possible. The critical question of aesthetic analysis is how a certain work of art manages to appear both as a contingent and a necessary form. Only then can artistic forms be analysed as solutions to the contingency/necessity problem.[8] Why does Frank Zappa arrange his complex instrumental passages in unison? Of course, these melodies appear as less contingent when more than one musician plays them. The listener instantly understands: this is not improvised but on the contrary written, arranged and well-practiced. Stylistic devices of literature fulfill the same function. A great problem for art observation occurs when artistic forms deny all efforts to appear as necessary. That the avant-garde proceeds in this way by presenting pure contingencies (aleatoric art and great parts of conceptual art) can be understood as inquiries into the form of art itself. The bare claim: this is art, since I am an artist (and not for aesthetic reasons) plays with the border of art on the border of art since it denies to cope with the constitutive contingency/necessity-problem of art. However, the contingency/necessity relation is obviously – like complexity – not an elementary parameter of analysis. On the contrary, the contingency of a form can only be observed in relation to its complexity, its improbability and its structural length. Obviously, the higher the structural length, the complexity, and the improbability are, the lower is the contingency of a form as a form, since it does not appear as a random product. For aesthetic observation this is not enough. Artistic forms are not only intentionally produced communicative offers but also such extraordinary offers that appear as (more or less) necessary.

Properties of Forms:
1. Structural length of element couplings
2. Complexity
3. Improbability
4. Contingency/necessity relation

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[8] Luhmann's remark that the contingent production of something which appears as necessary afterwards was only one possibility among others (cf. Reichertz, 2013, pp. 111-124) is not plausible, since it leaves art with the functions of irritation and mockery of the audience. Clearly, these aesthetic ambitions are only possible as parasitical operations that presuppose observers who expect artistic works to deal with the contingency problem in one way or another.

Only the application as an analytical instrument for art criticism can show which parameters for forms and for media are more or less important in specific cases. But for sure, further dimensions for such properties must be found in all cases when there seem to be aesthetically relevant differences that cannot be related to the proposed form and media properties. And this result is, again, a creative development of hypotheses (abduction) and thus both an empirical and a creative undertaking.

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