

The Jurisprudence and Ethics of Creation and Destruction

A Generative Relational Perspective

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Abstract

A party that has made something may often unmake it, and the law of property has treated that as among the strongest marks of ownership. This paper concerns cases where the category does not apply: a structure that several parties made together, that none of them owns, and that has come to have participants who were not present at its making. Its question is what standing a party has to undo such a structure. The paper begins from an argument its own framework supplies most readily, that destruction is objectionable because it removes possibilities that would otherwise have emerged, and rejects it. That argument replaces one quantity to be maximised with another and leaves the structure of the reasoning intact, and its corollary is unacceptable: a party judged to produce nothing and to consume what others produce would, on that account, have a case made against its continuing. Two grounds are offered in its place. The first concerns the limits of judgment, since a finding that something will yield nothing is a claim about the present state of the finder's knowledge. The second concerns what has already emerged, which is not reducible to what it produces. Two bodies of material are then read, the destruction of a work by the party who made it, and the ending of a life. On the second the paper takes no position on any practice and makes no claim of a clinical kind; it is read for one argument only, and that argument is used against the account the paper has already refused. The received treatments of a right to destroy are conceded at length, and the paper's object is distinguished from theirs: those accounts ask what an owner may do, and the cases here are ones in which ownership is the wrong category.

Keywords: creation; destruction; standing; co-creation; generative relational theory

Draft. This is a working draft. It is circulated for comment, and its arguments, formulations, and open questions are subject to revision. Correction and criticism are welcome at huangwanhong@serendip.ngo.

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Use of generative artificial intelligence. Generative AI assistants (Anthropic’s Claude and OpenAI’s ChatGPT) were used extensively in preparing this manuscript: for literature survey, for drafting prose from the author’s specifications, for adversarial review of the argument, for consistency and citation auditing, and for typesetting. Formulations and objections arose in the course of those exchanges as well as from the author. Every claim, argument, and citation was reviewed and decided by the author, who is responsible for the content and for any errors. Bibliographic details, and in particular the legal materials cited in Sections 4 and 8, are to be verified against published sources before reliance.

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A note on the standing of this paper

The central argument of this paper is a refusal, and the thing refused is mine. The framework I work in makes an argument available at once, that destroying a relation is objectionable because it removes what would have emerged from it, and I have come to think that argument is not usable. It substitutes one maximand for another and keeps the reasoning that made the first objectionable. A reader who finds the refusal unpersuasive should know that the two grounds I put in its place are weaker in the sense that neither yields a decision procedure, and that I regard that as a property of the subject in place of a defect in the account.

The legal literature on a right to destroy is substantial and I have surveyed a part of it. Section 4 concedes it, and one concession should be visible from the outset: the systematic treatments already range across works of art and across materials of human origin, so the span of this paper's two cases is not novel. What I claim is a different object. Those treatments ask what an owner may do with what is his, and the cases that interest me are ones in which ownership is the wrong category and no party holds the thing at all.

Section 9 treats the ending of a life. I take no position there on any practice, advance no clinical claim, and use the material for one argument only. A reader who wants my view on the practices themselves will not find it, and the omission is deliberate: the section exists to show what follows from an account I reject, and it would be a misuse of the material to make it carry more.

Corrections and objections are welcome at the address on the title page.

1 INTRODUCTION

This paper concerns what a party may undo. Its objective is to state the question for structures that several parties made together and that none of them owns, to reject an argument the author's own framework supplies most readily, to offer two grounds in its place, and to read two bodies of material against them. The method is to state the argument to be refused before the alternatives, since the alternatives are answerable to what the refusal requires.

The law of property has treated the power to destroy as among the strongest marks of ownership. The Roman formulation counted the right to consume and to abuse alongside the rights to use and to take the fruits, and the modern treatment has both defended a qualified right to destroy what one owns and recorded the doctrinal unease that has attended it (Strahilevitz, 2005). Where an owner is present the question is at least well posed: it asks what the owner may do with what is his, and the answers turn on the interests of others in the thing.

The cases treated here are not of that kind. A relation between two parties is made by both and owned by neither. A practice sustained over generations has participants who were not present at its founding. A work has a maker, and it also has a history of interpretation that the maker did not produce and cannot withdraw. In each of these the question of what an owner may do does not arise, because the antecedent fails.

The question. *Where a structure has been made by several parties, is owned by none of them, and has come to have participants who were not present at its making, what standing does any party have to undo it?*

An argument presents itself immediately, and it is the one the framework of this series makes available. A relation is valuable because it generates: new understandings, new arrangements, new possibilities that neither party held before. Destroying it removes what would have emerged. The argument is available, it fits the framework, and this paper rejects it.

The reason is stated at Section 5 and is short. The argument substitutes one quantity to be maximised for another. Where a utilitarian account asks for the greatest utility, this asks for the greatest generativity, and everything objectionable in the first survives the substitution. What is objectionable is not the choice of quantity and is the form: a structure of reasoning in which a thing's claim upon us is settled by what it yields.

The corollary makes the failure plain and it is not hypothetical. On an account in which a claim upon us is settled by what is yielded, a party that appears to yield nothing while consuming what others yield has no claim, and an argument for ending it is available on the account's own terms. Applied to persons that conclusion is one the account cannot accept and cannot avoid, and Section 9 sets it out in the setting where it has actually been advanced.

Two grounds are offered in place of the refused argument, and neither yields a decision

procedure.

The first concerns the limits of judgment. A finding that something will yield nothing further is a claim about the present state of the finder's knowledge and is presented as a claim about the thing. The problem is not that prediction is difficult. It is that the standard by which yield would be assessed is itself the product of a history that has not finished, so a judgment made under today's standard is not a judgment about what tomorrow's would recognise. Section 11 states this and marks its distance from an appeal to uncertainty, which would license destruction as soon as prediction improved.

The second concerns what has already emerged. A being or a structure that has come into a shared world is present in it, and its presence is not the same thing as its output. The distinction is the one this series states elsewhere as the difference between existing as a thing and being present within a configuration of relations, and Section 11 carries it here.

Between the refusal and the two grounds sits the question of what creation supplies. Section 6 argues that it supplies responsibility and not ownership, and that the two are distinguished by what happens after the thing is made. A party that has made something is answerable for it; a party that owns something may dispose of it; and the case of a parent and a child is where the difference is least deniable, since no one holds that having made a child confers the second.

Two bodies of material are read. Section 8 treats the destruction of a work by the party who made it, where the doctrines are developed and disagree with one another, since the right of integrity that protects a work against its owner is in some jurisdictions held to reach destruction and in others is not (Visual Artists Rights Act, 1990; Berne Convention, 1971). Section 9 treats the ending of a life, and it is written under a restriction stated in its own first subsection: the paper takes no position on any practice, advances no claim of a clinical kind, and reads the material for one argument only, which is the corollary above.

Three limits are declared at the outset. The received treatments of a right to destroy are conceded at Section 4 and one concession belongs here: those treatments already range across works of art and materials of human origin, so the span of this paper's two cases is not novel and is not claimed as such (Strahilevitz, 2005; Alexander, 2018). The account yields no procedure, and Section 12 states why it does not. And the case of war, which is the setting where the question presses hardest, is left to a companion volume that treats it at length (Huang, 2026a).

The exposition proceeds as follows. Section 2 fixes the scope and Section 3 the question and the two entries to it. Section 4 surveys the prior formulations. Section 5 states the refusal. Sections 6 and 7 treat what creation supplies and what destruction requires. Sections 8 and 9 read the two bodies of material and Section 10 sets them beside one another. Section 11 states the two grounds. Sections 12 through 14 state the constraint form of the account, its boundaries, and the questions it opens.

2 SCOPE, THE COMPANION PAPERS, AND THE BOUNDS OBSERVED

This section fixes what the paper undertakes. Its objective is to state the object, to record what is carried from the companion work, to say why the case of war is left aside, and to state the restriction under which the second body of material is read.

2.1 *The Object and the Level*

The object is a structure made by several parties, owned by none of them, and having participants who were not present at its making, together with the question of what standing any party has to undo it. The object is a property of an arrangement and not of a party, and the level is that of the argument: the paper asks what follows from a given account of why destruction is objectionable, and it reaches no verdict on any case.

Three things lie outside. The paper supplies no procedure for deciding whether a particular structure may be undone, and Section 12 states why. It offers no view on the merits of any legal doctrine it describes. And it makes no claim about what any actual party has done.

2.2 *The Results Carried from the Companion Work*

Two results are used and not re-derived. The distinction between existing as a thing and being present within a configuration of relations belongs to the foundational statements of this series and is carried here without argument. And the preference for reversible action, together with the account of standing on which it rests, belongs to the companion volume on peacekeeping (Huang, 2026a); Section 7 cites it in place of re-deriving it.

2.3 *The Case of War, Left to the Companion Volume*

The setting in which this paper's question presses hardest is the destruction of a relational order by force, and it is not treated here. A companion volume treats it at length, across the conditions of intervention, the position of an intervener, the ethics of declining, and the standing of parties to reopen what has been settled (Huang, 2026a). Nothing in this paper is offered as an account of that case, and a reader wanting one should read the volume.

The omission has a cost that should be recorded. The two bodies of material read below are ones in which the structure is small and the parties are few, so a reader may reasonably ask whether what holds of them holds where the structure is an order and the parties are populations. Section 13 treats that question and does not settle it.

2.4 *The Restriction Under Which the Second Case Is Read*

Section 9 treats the ending of a life, and it is written under a restriction stated here and again at its own opening.

The paper takes no position on the permissibility of any practice. It advances no claim of a clinical, medical, or psychological kind. It offers no view on what any person should do or should have done. And it reads the material for a single argument, which is the corollary of the account Section 5 refuses, and for nothing else.

The restriction is not a disclaimer attached to a section that would otherwise say more. It is a description of what the section does. A paper that used this material to argue for or against a practice would be a different paper, would require evidence this one does not have, and would be answerable to a literature this one does not survey.

3 THE QUESTION AND THE TWO ENTRIES TO IT

This section states the question and the two cases through which it is approached. Its objective is to say what kind of structure is at issue, to set out the two entries, and to fix the form of the question so that Section 5 has something to answer.

3.1 *The Structure That No Party Made Alone*

Three features together fix the class of structures this paper concerns.

The structure was made by more than one party, so no single party's intention accounts for it. It is owned by none of them, so the question of what an owner may do does not arise. And it has come to have participants who were not present at its making, so the parties who could consent to its ending are not the parties who brought it about.

A relation between two parties has all three. So does a practice sustained across generations. So, on the argument of Section 8, does a work that has acquired a history of reception its maker did not produce.

3.2 *The Entry Through the Artist*

An artist may destroy a canvas. The intuition that this is permissible is strong and it weakens as the work moves outward: a draft in the studio, a finished work never shown, a work exhibited, a work that others have written about and taught and made their own.

What changes across that sequence is not the artist's causal relation to the object, which is constant. What changes is how much of what the work now is was made by others. The entry is useful because the change is gradual and because the doctrines have tried to mark a point on it.

3.3 *The Entry Through the Parent*

A parent participates in the emergence of a child, and no one holds that this confers a power to end the child. The case is useful for the opposite reason from the first: the intuition does

not weaken along any sequence, and it is about as firm as intuitions get.

What the two entries share is that the party with the strongest causal claim to having made the thing is the party whose authority over it is in question. What they do not share is how far that authority extends, and Section 6 argues that the difference lies in what has emerged and not in how it was made.

3.4 *The Question*

The question stated. *Where a structure has been made by several parties, is owned by none of them, and has participants who were not present at its making, what standing does any party have to undo it, and on what ground does that standing rest?*

Two forms of answer are set aside before the survey. An answer in terms of ownership is unavailable by construction, since the second feature of the class denies it. And an answer in terms of what the structure yields is available and is refused at Section 5, which is the paper's central argument and is stated before the alternatives because the alternatives are answerable to it.

4 PRIOR FORMULATIONS

This section surveys the treatments already available. Its objective is to concede the systematic accounts of a right to destroy, to record the doctrinal disagreement the artist case turns on, to name the neighbouring normative work, and to state the residue.

4.1 *The Right to Destroy in the Law of Property*

The power to destroy what one owns descends from the Roman formulation in which a proprietor's rights were the use of the thing, the taking of its fruits, and its consumption or abuse. The last of these has been treated as the outer boundary of ownership, the point against which lesser powers were measured.

The modern systematic treatment defends a qualified right to destroy and records the unease that has attended it, noting among other things that the right was dropped from a standard dictionary's listing of the incidents of ownership between two of its editions (Strahilevitz, 2005). That treatment is conceded here in full, and one feature of it bears directly on this paper. It examines the destruction of buildings, jewellery, transplantable organs, frozen embryos, patents, personal papers and works of art within one framework, so the range of material this paper reads is a range already covered, and no novelty is claimed for reading a work of art beside a case concerning a person.

4.2 *The Moral Right of an Author and What It Reaches*

A second body of doctrine protects a work against its owner. The right of integrity in the international instrument permits an author to object to treatment of the work prejudicial to honour or reputation (Berne Convention, 1971), and one national statute extends to the author of a work of visual art the right to prevent its intentional destruction where the work is of recognised stature, for the author's life and without the right being transferable (Visual Artists Rights Act, 1990).

The doctrines disagree about whether integrity reaches destruction at all, and the disagreement runs between jurisdictions and not within any of them. Section 8 treats that disagreement as the case's material in place of treating any one rule as settled.

4.3 *The Protection of Cultural Treasures Against Their Holder*

A third body of work concerns the public interest in objects held privately. The treatment cited here is understood to argue that ownership of a cultural treasure does not exhaust the claims upon it, and the present author has not examined it at first hand (Sax, 1999). What that work supplies is the observation that a holder's authority may be limited by parties who never held the thing. What it does not supply, and what this paper needs, is an account of the case where there is no holder at all.

4.4 *The Neighbouring Normative Treatment*

The nearest normative account applies a theory of human flourishing to disputes over an asserted right to destroy, across the destruction of one's own work, the removal of public monuments, and the disposal of materials of human origin (Alexander, 2018). It is the closest work to this paper in both its span and its ambition, and it is conceded as such.

Two differences are recorded and neither is offered as a criticism. That account is organised around a theory of what a good human life requires, and this one advances no such theory. And its object throughout is the asserted right of an owner, where the class fixed at Section 3.1 excludes ownership by construction.

4.5 *The Philosophical Treatment of Creation Itself*

The doctrines above concern what may be done to a thing already made. A separate body of work asks what making is, and one treatment bears on the question of this paper because of what it puts in doubt (Steiner, 2001). It asks whether works of art, literature and music are created or invented, whether the mathematician discovers or makes, and whether the conditions of the present are returning aesthetic and intellectual experience toward the anonymities and collectivities from which the modern figure of the individual creator emerged.

What that work supplies here is not an argument about destruction, and nothing of the kind is attributed to it. What it supplies is a reason for treating the individual maker as a historical figure in place of a given, and therefore for doubting the premise on which the artist's authority is ordinarily rested. If the making of a work is less individual than the modern vocabulary suggests, then the party with the strongest claim to have made it holds a weaker claim than the vocabulary implies, and Section 8 takes that as its starting point.

4.6 *The Residue*

Claim 4.1. (The residue). *The received treatments ask what an owner may do with what is his, and answer by identifying interests that limit ownership: the interests of an author, of a public, of a community holding a treasure. None of them treats a structure that has no owner, that several parties made, and whose participants include parties who were not present at its making. For such a structure the question is not what limits an authority, and is what establishes one.*

5 THE GENERATIVITY JUSTIFICATION AND ITS FAILURE

This section states the argument the paper refuses and the ground of the refusal. Its objective is to give the argument its strongest form, to identify what it shares with the account it was meant to improve upon, to state the corollary that makes the sharing intolerable, and to record what any replacement must satisfy.

5.1 *The Argument That Presents Itself First*

The framework of this series holds that a relation is not a channel between parties already complete and is the condition under which what they are able to do is produced. From that an argument against destruction follows at once.

A relation generates. It produces understandings neither party held, positions neither occupied, and possibilities that had no existence before the parties stood in it. To destroy it is to remove all of that, and to remove it not only as it now stands but as it would have continued. The wrong of destruction is therefore the foreclosure of what would have emerged.

The argument is available, it fits the framework, it accounts for the intuitions the two entries of Section 3 supply, and it can be stated without any appeal outside the series. It is also, in the author's present view, not usable.

5.2 *The Substitution of One Maximand for Another*

The argument has a form, and the form is familiar. A thing's claim upon us is established by what it yields, and an action upon it is assessed by the difference it makes to the total yield.

Set beside the account it was meant to improve upon, the difference is in the quantity and in nothing else. Where one asks for the greatest utility, this asks for the greatest generativity. The aggregation across parties is unchanged. The comparability of one party's loss with another's gain is unchanged. The absence of any claim that survives a finding of low yield is unchanged.

Claim 5.1. (The failure). *An argument that destruction is wrong because it forecloses what would have emerged assesses a thing by what it yields. It differs from the account it was offered against in its choice of quantity and shares its form, so every objection that holds of the form holds of it.*

5.3 *The Corollary Concerning a Party Judged to Yield Nothing*

The consequence of Claim 5.1 is not distant and is not hypothetical.

On an account in which a claim upon us is established by what is yielded, a party that appears to yield nothing has established no claim. A party that appears to yield nothing while consuming what others yield stands worse than that, since the balance runs against it. An argument for ending such a party is then available on the account's own terms, and it is available without any step the account would disallow.

Applied to structures the conclusion is uncomfortable. Applied to persons it is one the account can neither accept nor avoid, and it has been advanced. Section 9 sets it out in the setting where it appears, under the restriction of Section 2.4.

5.4 *The Limits of the Refusal*

Three things are not established by Section 5.2 and are not claimed here.

The refusal does not establish that relations fail to generate. They do, and the companion papers of this series treat what they generate at length. What is refused is the use of that fact as the ground of a claim upon us.

The refusal does not establish that destruction is never permissible. A structure may be undone, and Section 7 treats what such an undoing requires in place of forbidding it.

And the refusal does not establish that consequences are irrelevant to judgment. What it denies is that a thing's standing is constituted by them.

5.5 *The Conditions a Replacement Must Satisfy*

Claim 5.2. (The conditions on a replacement). *An account replacing the refused argument must not establish a claim upon us by what a thing yields; must not permit one party's claim to be discharged by another party's gain; and must not become available as an argument against a party on a finding that it yields little. An account satisfying the three will not yield a decision procedure, since a procedure requires a quantity and the three conditions withhold one.*

The last clause of Claim 5.2 is stated as a consequence and not as an excuse. The two grounds of Section 11 decide no case, and Section 12 argues that an account of this subject which decided cases would have reintroduced what was refused.

6 CREATION AND WHAT IT ESTABLISHES

This section treats what follows from having made something. Its objective is to separate causal origin from authority, to say what creation does establish, to describe an asymmetry that is not ownership, and to state why what emerges exceeds the intention that produced it.

6.1 *Causal Origin and the Authority It Does Not Supply*

That a party brought something about is a fact about a sequence of events. That a party may dispose of something is a claim about what others owe it. The first does not entail the second, and the ordinary vocabulary of making obscures the gap by using one word for both.

The parent case makes the gap visible because there the entailment plainly fails. A parent participates in the emergence of a child, and no account holds that this participation confers a power to end the child. Whatever the parent has, it is not what the vocabulary of making would supply if causal origin carried authority.

Claim 6.1. (What creation establishes). *Creation establishes responsibility toward what was made and does not establish authority over it. A party that has made something is answerable for it; a party with authority over something may dispose of it; and the two come apart wherever the thing made has become a participant in a world shared with others.*

6.2 *The Relation That Survives the Making*

Claim 6.1 is not a diminishment of what creation confers and is a redescription of it. Responsibility is demanding. It persists after the making is finished, it is not discharged by disposing of the thing, and it may require the maker to sustain what it would prefer to end.

The parent case again shows the shape. What the parent has is not less than authority and is other than it: an obligation that continues, that others may hold the parent to, and that the parent cannot exit by an act of will. A party seeking the power to dispose is seeking something weaker in duration and stronger in reach.

6.3 *The Asymmetry That Is Not Ownership*

Between a maker and what it has made there is ordinarily an asymmetry, and the asymmetry is real. A parent decides for a child who cannot yet decide. A maker of an institution sets terms its later participants did not set. Nothing here denies the asymmetry or holds that a good relation must be symmetric.

What the account denies is the inference from asymmetry to disposal. An asymmetry may be exercised in either of two ways, and the difference is visible in what happens to the weaker party's own capacity. Where the exercise develops that capacity, the asymmetry is a condition of the weaker party becoming able to act; where it forecloses it, the asymmetry has become the thing the vocabulary of ownership describes. The distinction is drawn at length in the companion papers of this series and is used here without re-derivation.

6.4 *The Excess of What Emerges Over What Was Intended*

Claim 6.2. (The excess). *What emerges from an act of making is not exhausted by what the maker intended, since it acquires relations the maker did not form and is taken up by parties the maker did not address. The portion so acquired was not made by the maker, and authority derived from having made cannot reach it.*

Claim 6.2 supplies the sequence Section 3.2 described. A draft in a studio has acquired little; a work that others have interpreted, taught and built upon has acquired a great deal; and the maker's claim weakens across the sequence because the proportion of the thing that the maker made is falling. The philosophical treatment cited at Section 4.5 presses the point further, since it puts in doubt whether the individual maker was ever the sole author of the first portion either (Steiner, 2001).

Two consequences are recorded. The weakening is gradual, so no line divides what a maker may dispose of from what it may not, and Section 8 finds the doctrines disagreeing about where to draw one. And the weakening is not reversible by the maker, since the relations that others formed with the thing were not the maker's to form and are not the maker's to dissolve.

7 DESTRUCTION AND WHAT IT REQUIRES

This section treats the act in place of the thing. Its objective is to say what kind of claim destruction makes, to identify the parties whose standing it engages, to show that agreement among the present parties does not settle it, and to record the preference carried from the companion volume.

7.1 *The Claim an Undoing Makes Over Others' Portions*

To undo a structure of the class fixed at Section 3.1 is to determine, for every party who made any part of it and every party who has come to stand in it, that the part they made or the standing they hold is at an end. The act is therefore not a disposal of one's own and is an exercise of authority over others' portions.

Stated that way the act requires a warrant, and Claim 6.1 has removed the one the vocabulary of making would have supplied. What remains to be asked is who else might supply it.

7.2 *The Parties Whose Standing Is Engaged*

Claim 7.1. (The class engaged). *An act undoing such a structure engages the standing of three classes: the parties who made it, the parties who have since come to stand in it, and the parties who would have come to stand in it and now will not. The first class is the only one the vocabulary of making identifies, and it need not be the largest.*

The third class is the difficult one and the account does not pretend otherwise. Its members are not identifiable, they cannot be consulted, and any description of what they would have held is a description of what the describer supposes. What the account claims about them is confined to this: their absence from the count is a feature of the procedure and not a finding that they have no claim, and a procedure that counts only those present has answered a narrower question than the one asked.

7.3 *Agreement Among the Present Parties*

Suppose every party now standing in a structure agrees that it should be undone. Two considerations prevent this from settling the question, and neither depends on doubting the agreement.

The first is Claim 7.1's third class, whose members were not party to the agreement and could not have been.

The second concerns the conditions of the agreement itself. An agreement is reached within the structure it concerns, under the terms that structure sets and using the descriptions

it makes available. The companion papers of this series establish that a shared description makes only the distinctions its parties hold in common, and that a party whose objection is statable only in distinctions the others do not hold has no place from which to state it. An agreement reached in such a description records the absence of an objection that could not have been entered.

Claim 7.2. (The insufficiency of agreement). *Agreement among the parties presently standing in a structure does not establish a warrant for undoing it. It omits the parties who would have come to stand in it, and it is reached in a description that may not admit the objection it reports as absent.*

Claim 7.2 does not hold that agreement is irrelevant. An undoing agreed by all present parties differs from one imposed by a single party, and the difference is large. What is denied is that the agreement completes the warrant.

7.4 *The Preference Carried from the Companion Volume*

The companion volume on peacekeeping states a preference bearing directly on this section, and it is carried here in place of re-derived. Where a course of action is to be chosen under conditions in which the state of a relation is not reliably known, the division available at the moment of acting is whether the action alters what a party can subsequently do, and the preference runs toward courses that leave that capacity intact (Huang, 2026a). That volume also holds that the standing to reopen a settlement runs toward the party bearing its cost, and that remedy in such settings reduces largely to withdrawal.

Two things follow for this paper and neither is a decision procedure. An undoing is the limiting case of an action altering what parties can subsequently do, so whatever the preference is worth, it bears here at full strength. And the second holding removes the remedy that would otherwise answer an error, since a party who bore the cost of an undoing has, by hypothesis, nothing left to reopen.

8 THE ARTIST AND THE WORK

This section reads the first body of material. Its objective is to set out the sequence along which the intuition weakens, to record the doctrinal disagreement about where along it a line falls, to say what the case displays about co-creation, and to state what it establishes and what it does not.

8.1 *The Draft and the Work*

Four positions along one sequence are worth distinguishing, and the object is the same in each.

A maker destroys a study never shown to anyone. Almost no account objects, and the destruction is ordinarily described as part of working.

A maker destroys a finished work that no one has seen. Accounts begin to divide, and the division tracks whether the work is thought to have become something the maker merely holds.

A maker destroys a work that has been exhibited. Doctrines now appear, and some of them restrain the maker.

A maker destroys a work that others have written about, taught, and built upon. Here the intuition that the maker may do as it wishes is at its weakest, and Claim 6.2 says why: the proportion of what the work now is that the maker made has fallen.

8.2 *The Right of Integrity and Its Disputed Reach*

The doctrines answer this sequence and disagree with one another.

The international instrument gives an author the right to object to derogatory treatment of a work (Berne Convention, 1971). A national statute gives the author of a work of visual art the right to prevent any destruction of a work of recognised stature, and makes intentional or grossly negligent destruction of such a work a violation of that right; the rights are held by the author alone, whether or not the author is the copyright owner, and they last the author's life (Visual Artists Rights Act, 1990).

Three features of the second are worth marking. The threshold of recognised stature makes the protection turn on what parties other than the author have made of the work, which is Claim 6.2 written into a statute. The right is not transferable and expires with the author, which fits an account protecting an author's connection to the work and fits less well an account protecting what others have built upon it. And the statute permits the author to waive the right in writing, which fits the first account and is difficult to reconcile with the second, since a protection existing for the sake of parties other than the author would not ordinarily be theirs to lose by the author's signature.

Whether a right of integrity reaches destruction at all is disputed between jurisdictions, and the dispute is the case's material. An account holding that integrity concerns the work's presentation may exclude destruction, since a destroyed work is presented in no way at all. An account holding that integrity concerns the work's continued existence includes it.

8.3 *The Co-Creation the Case Displays*

The case displays the class of Section 3.1 forming over time under observation.

At the first position the work is close to a thing one party made. At the fourth it has been made by many: by the maker, by those who exhibited it, by those who interpreted it, by those who taught it to others who now hold it in a way the maker did not supply. No moment

separates the two, and no party decided that the transition should occur.

The philosophical treatment cited at Section 4.5 presses the point back to the beginning of the sequence, since it asks whether the figure of the individual maker was ever an accurate description of what making is (Steiner, 2001). On that view the fourth position differs from the first in degree and the first was never the pure case the vocabulary suggests.

8.4 The Reach of the Case

The case establishes that the class of Section 3.1 is not exotic, that structures enter it gradually and without anyone's decision, and that legal systems have found the resulting question hard enough to answer differently from one another.

Three things the case does not establish are recorded. It does not show that the doctrines are correct, and the paper takes no view on that. It does not supply a line, since the sequence is continuous and the doctrines that draw lines draw them in different places. And it does not transfer to the second case, which differs in the respect Section 10 treats.

9 THE STANDING OF A PERSON AND THE ARGUMENT FROM YIELD

This section reads the second body of material. Its objective is to state again the restriction under which it is written, to set out the argument that Section 5 refused as it appears in this setting, to say what the paper takes from it, and to state the limits of the reading.

9.1 The Restriction Under Which This Section Is Written

The restriction of Section 2.4 is repeated here because it governs everything below.

This paper takes no position on the permissibility of any practice concerning the end of life. It advances no claim of a clinical, medical, or psychological kind. It offers no view about what any person should do, should have done, or should be permitted to do. It does not enter the literature in which those questions are argued, and it is not equipped to.

What the section does is narrower and is the whole of its purpose. An argument of a particular form has been advanced about the standing of persons, that form is the one Claim 5.1 identified, and this paper rejects the argument. The section exists to show what the refused account permits when it is applied to persons, and it is offered as a reason to refuse that account.

9.2 The Argument in the Form the Paper Refuses

The argument may be stated compactly, and the compactness is deliberate, since setting it out at length would give it a development it does not deserve.

A party's claim upon others is established by what it yields. A person who is judged to yield little, and to consume what others yield, has on that account established little claim. The conclusion follows without any step the account would disallow.

The paper rejects the argument at its first sentence. That premise is Claim 5.1's form, and Section 5.2 has already established that adopting the form for any quantity carries everything objectionable in it. Nothing further about persons is required for the rejection: the argument fails before it reaches them.

9.3 *The Character the Case Reveals in the Refused Account*

The case is used for one thing. An account may look unobjectionable while its subject is a structure and show its character when its subject is a person, and this is such an account.

Two features are worth naming. The account supplies no floor, since a claim established by yield varies continuously with yield and reaches zero. And the account makes a person's standing a matter for assessment by others, since yield is assessed from outside, so a party's claim upon others is determined by those others' estimate of it.

Claim 9.1. (What the case establishes against the account). *An account establishing a claim upon others by what a party yields provides no standing that survives a finding of low yield, and makes the finding a matter for parties other than the one whose standing is at issue. Applied to persons it therefore withdraws standing exactly where standing is most needed, which is a sufficient ground for refusing the account.*

9.4 *The Position This Paper Holds*

The account of this paper holds the opposite, and it is stated plainly so that no reader is left to infer it.

A person's standing does not depend on what that person produces, is not diminished by a finding that they produce little, and is not established or withdrawn by anyone's assessment. On the two grounds of Section 11, a judgment that a person yields nothing further is a claim about the present state of the judge's knowledge; and a person who has come into a shared world is present in it, which is not the same thing as their output and is not reducible to it.

Nothing in the paper's refusal of the yield account depends on a view about end-of-life practice, and no such view is expressed. A reader who holds that some such practice is permissible, and a reader who holds that none is, may both accept everything in this section, since what the section refuses is a particular ground and not a conclusion.

9.5 *The Limits of the Reading*

Three limits are recorded.

The material is read for one argument, and the questions the field actually argues about, concerning autonomy, suffering, capacity, and the obligations of others, are not treated here and are not answered by anything above.

The systematic treatments cited at Section 4 already range across materials of human origin, so the presence of such material in this paper is not novel and no novelty is claimed (Strahilevitz, 2005; Alexander, 2018).

And the reading transfers nothing to the first case. A work and a person are not alike in the respect that matters here, and Section 10 states the difference in place of leaving the juxtaposition to suggest one.

10 THE TWO CASES COMPARED

This section sets the two bodies of material beside one another. Its objective is to state what they share, to state the respect in which they differ, and to say what the comparison supports and what it does not.

10.1 *The Common Structure*

Both cases have the three features of Section 3.1. In each a party with the strongest causal claim to having made something finds its authority over that thing in question. In each the thing has acquired relations the maker did not form. And in each an account establishing claims by yield gives an answer that the case shows to be unacceptable.

The last is what the two cases were selected for, and it is the only respect in which the second was needed. The first case shows the yield account producing an answer that is merely inadequate; the second shows it producing one that cannot be accepted at all.

10.2 *The Respect in Which They Part*

The cases differ in what the thing is, and the difference is not one of degree.

A work is not a party. Whatever claim it has upon those who might destroy it is derivative: it is held by the maker, by those who have taken the work up, and by those who would have. The work itself holds nothing, and an account that spoke of the work's own standing would be using a figure.

A person is a party. Its standing is not derived from the claims of others and is not held on its behalf. Where the work's protection runs through the interests of parties who are not it, a person's runs through nothing.

Claim 10.1. (What the comparison transfers). *What transfers between the two cases is the failure of the account that establishes claims by yield, since the form fails wherever it*

is applied. What does not transfer is any account of standing, since in one case the thing at issue holds none of its own and in the other it holds all of it.

10.3 *The Support the Comparison Supplies*

Claim 10.1 fixes the comparison's weight. It is not offered as an argument that a work and a person are alike, and a reader taking it so has taken more from the juxtaposition than the section allows.

What it supports is narrower. An objection to a form of argument is stronger where the form fails across cases that differ in what they concern, and these two differ in the most important respect available. The failure identified at Claim 5.1 is therefore a failure of the form and not an artefact of a particular subject matter.

11 THE TWO GROUNDS

This section states what is offered in place of the refused argument. Its objective is to state each ground, to mark the first off from an appeal to uncertainty, to say how the two stand to one another, and to record that neither decides a case.

11.1 *The Limits of Judgment About What Has Not Emerged*

The first ground concerns findings of the form that a thing will yield nothing further.

Such a finding is made under a standard: a conception of what would count as yield, of what would be worth having, of what would be recognised as a contribution. That standard is itself the product of a history which has not finished. A finding made under today's standard is a finding about what today recognises, and it is presented as a finding about the thing.

Claim 11.1. (The ground from the limits of judgment). *A finding that something will yield nothing further reports the present state of the standard under which yield is assessed. Since that standard is historically formed and continues to change, the finding does not establish what it is taken to establish, and an act warranted by it is warranted by less than it appears.*

The ground must be marked off from an appeal to uncertainty, and the distinction is the reason it is stated as it is. An argument from uncertainty holds that we cannot presently foresee consequences, and it is answered by improvement: as prediction improves the argument weakens, and a sufficiently good predictor would dissolve it. Claim 11.1 is not answered by improvement, because what is at issue is not the accuracy of a prediction made under a standard and is the standing of the standard. A perfect predictor of what today's standard would recognise has predicted perfectly and has established nothing about what a later standard will.

11.2 Presence and What It Is Not

The second ground concerns what has already emerged.

This series distinguishes existing as a thing from being present within a configuration of relations, and holds that concepts, relations and beings are present in the second way. What is present in that way is not a thing with properties from which its claims are computed. It is something the configuration includes.

Claim 11.2. (The ground from presence). *What has emerged into a shared world is present in it, and its presence is not its output. An account computing a claim from output has described something other than the presence, so a finding about output leaves the presence where it was.*

Claim 11.2 is the ground that answers the corollary of Section 5.3 directly. The corollary reaches a party through its output; Claim 11.2 holds that the party's presence is not reached that way; and the corollary therefore fails to touch what it was supposed to have settled.

11.3 The Relation Between the Two Grounds

The two grounds are independent and neither implies the other.

A reader may hold the first without the second: that judgments of yield are unreliable in the way described, while holding that claims are ultimately established by yield correctly assessed. Such a reader has a counsel of caution and not the position of this paper.

A reader may hold the second without the first: that presence is not output, while holding that judgments of yield are perfectly reliable. Such a reader has the paper's position, since Claim 11.2 alone defeats the corollary.

What the two share is that neither supplies a quantity, and Claim 5.2 required that. What follows is that neither decides a case, and Section 12 argues that this is the shape the subject has.

12 THE CONSTRAINT FORM OF THE ACCOUNT

This section states the form in which the account's normative content is held. Its objective is to say why no procedure is supplied, to record what the account does supply, and to state the sentence it must remain able to refuse.

12.1 The Absence of a Procedure and the Reason for It

The account decides no case. It does not say when a structure may be undone, which parties' agreement suffices, or how the claims of the three classes of Claim 7.1 are to be weighed against one another.

The absence is required by Claim 5.2. A procedure ranks the available courses, a ranking requires a quantity in which they are compared, and a quantity across parties is the aggregation the refusal at Section 5 was about. An account of this subject that decided cases would have reintroduced the form it exists to refuse, and would have done so in the step that looked most like progress.

12.2 The Content the Account Does Supply

Three things are supplied and none of them is a decision.

The account supplies a description of the class of structures for which the question arises, at Section 3.1, which is a class the received treatments do not address.

It supplies, at Claim 7.1, the identification of the parties whose standing an undoing engages, including a class that no procedure counts.

And it supplies the refusal, at Claim 5.1, together with the two grounds that replace it. A party that acts on the refused account has an argument; a party that acts against it does not thereby acquire one; and what the account changes is which arguments are available.

12.3 The Sentence the Account Must Remain Able to Refuse

A test of the account is whether it can refuse the following sentence: that where a structure has ceased to produce anything its present parties value, and those parties agree that it should end, it may be undone.

The account refuses it, and three features secure the refusal. The finding that the structure produces nothing valued is a finding under a standard, and Claim 11.1 holds that such a finding establishes less than it appears to. The agreement omits the class of Claim 7.1 that was not present to give it, and by Claim 7.2 it is reached in a description that may not admit the objection it reports as absent. And the ground of the sentence is production, which Claim 5.1 has refused.

The sentence is refusable because nothing in the account values a structure by what it produces, and nothing in it treats the assent of those presently standing in a structure as completing a warrant. A reader who finds the account licensing an undoing on either ground has found an importation, and it is not the paper's.

13 THE BOUNDARIES OF THE UNDERTAKING

This section states the boundaries within which the account holds. Each is given as a property of the undertaking together with what would have to be established for it to be moved.

13.1 The Scale of the Two Cases

Both cases concern structures that are small and parties that are few. The setting in which the question presses hardest, the undoing of a relational order by force, is left to a companion volume (Huang, 2026a).

Whether what holds of the two cases holds at that scale is not established here. Two features would have to be examined. The classes of Claim 7.1 become populations, so a procedure counting the present parties omits a great deal more. And the parties who would undo such a structure ordinarily hold that they are preventing a worse undoing, which is an argument the two cases do not present and this paper does not answer.

13.2 The Absence of a Line

The account supplies no line along the sequence of Section 8.1 and holds that the doctrines drawing lines draw them differently. A reader wanting to know whether a particular work may be destroyed by its maker will not find out here, and Section 12 states why that is a property of the account.

13.3 The Third Class and What Is Claimed About It

Claim 7.1's third class, of parties who would have come to stand in a structure and now will not, does the most work of the three and is the least tractable. Its members cannot be identified, cannot be consulted, and any account of what they would have held is an account of what the describer supposes.

What is claimed about them is confined to their absence from a count being a feature of the procedure. A reader who holds that unidentifiable parties have no claims at all will find that Claim 7.1 loses a third of its content and that Claim 7.2's first ground falls with it, while its second ground stands.

13.4 The Restriction on the Second Case

Section 9 treats one argument and not a field. The questions the field argues about are not addressed, the paper takes no position on any practice, and nothing in the account should be read as bearing on those questions.

Moving this boundary would require entering a literature this paper does not survey and a form of evidence it does not use, and it would produce a different paper.

13.5 The Legal Materials

The doctrines described at Sections 4 and 8 are stated from secondary accounts and from the surveys cited there. They are to be checked against the instruments and the statutes before the

paper is circulated. Where a reading of a doctrine carries an argument above, the argument holds of the doctrine as described and is answerable to the instrument itself.

14 QUESTIONS OPENED BY THE ACCOUNT

This account identifies a class of structures the received treatments of a right to destroy leave undescribed, and refuses an argument its own framework supplies most readily. If the refusal is right, the following questions arise, and the account answers none of them.

Q1. Claim 5.2 holds that an account satisfying its three conditions will not yield a decision procedure. Is that so, or is there a form of guidance that constrains without ranking, of the kind the companion volume develops for interventions?

Q2. Claim 7.1 names a class of parties who would have come to stand in a structure and now will not. Do any existing institutions count such a class, and by what device?

Q3. Claim 7.2 holds that an agreement may be reached in a description that does not admit the objection it reports as absent. What would show, of a particular agreement, that this had occurred?

Q4. Claim 11.1 holds that a finding of no further yield reports the standard under which yield is assessed. Are there standards whose historical formation is complete, and what would establish that of any standard?

Q5. Claim 11.2 holds that presence is not output. What follows for the many arrangements that must allocate scarce means and therefore appear to require a comparison the account withholds?

Q6. Claim 10.1 holds that no account of standing transfers between the two cases. Is there a third case, between a work and a person, that would show where the transfer fails?

Q7. Section 6.3 holds that an asymmetry between a maker and what it has made may be exercised so as to develop the weaker party's capacity or so as to foreclose it. Can the two be distinguished at the time of acting, or only afterwards?

Q8. Section 13.1 records that a party undoing a relational order ordinarily holds that it prevents a worse undoing. What does the account of this paper say to that argument, and does it say anything at all?

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