Free Will and Aesthetic Responsibility

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1. Introduction

Jon gratuitously betrays a friend's confidence, motivated by envy and spite. A natural reaction from his friend, but also from others who learn of his transgression, is to blame Jon, to hold him responsible, to think him deserving of blame and perhaps a special kind of suffering such as unpleasant guilt feelings. Are these reactions justified? Is Jon really responsible for his action? Is he really blameworthy and deserving of blaming reactions, some of which might be quite burdensome? An enormous literature addresses these questions, and a great portion of it is concerned with the question of whether it was possible for Jon to have acted freely or with free will. For if he was not acting freely when he betrayed the confidence, and if no one can act freely, then, *a fortiori*, according to many participants in the debate, it would be a mistake to think Jon morally responsible, blameworthy, or deserving of negative and burdensome reactions.

Much then appears to hang on the question of whether acting freely is possible—either conceptually or physically. Our status as morally responsible agents is at risk from skeptical arguments about the existence of free will. While most recent discussions of free will are framed by the question of whether we are morally responsible, there are notable exceptions. Robert Kane, for example, in *The Significance of Free Will*, points out that there are at least ten things that are of great importance and that seem to presuppose that we are free agents. These include creativity and novelty, as well as desert for one's achievements and accomplishments. Focusing on creativity in the arts, Kane approvingly quotes W.S. Anglin in endorsing the view that a special understanding of free will as "underived origination" is presupposed:

> "[On this view]…one brings forth something that is not implicit in the past. The circumstances of the artist influence him, of course, but they do not supply that particular vision or insight that becomes the work of art. It is not nature or God, but simply the composer who creates the symphony…" (Anglin 1990, 14, quoted by Kane 1998)

Here the suggestion is that free will is needed not only for moral responsibility, but for the correct attribution of genuine creativity and novelty in one's artistic endeavors.

Closely related to this claim, but interestingly distinct, is the idea that free will is required for true desert for one's artistic achievements. If we think that the composer was not acting freely, then we would be wrong to think of her as deserving.[1] Talk of desert brings the aesthetic case closely in line with the moral case. In both cases, we speak of desert of a kind, and an associated responsibility, either for one's actions or one's creations. Perhaps, then, moral responsibility and what we might call "aesthetic responsibility" hang together, and both depend on our being free agents.

While the claim that creativity and novelty require free will is intriguing, I think that it is most plausible only on an interpretation of creativity that presupposes a kind of fundamental responsibility and credit for one's creations.[2] Thus, my main aim in this paper is to understand and evaluate the claim that aesthetic responsibility requires free will. Rather than providing a definitive verdict as to its truth, however, I hope to provide a new framework for approaching it. I make some suggestions as to what I think the implications of applying the framework are, but in some cases, these remain conditional.

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[1] Interestingly, Kane does not here elaborate on *what* she would be deserving *of*. I will take it that, at a minimum, we care about whether she is deserving of praise.

[2] See Nelkin (2014) for a discussion of Kane's argument that the value of artistic achievement requires indeterministic free will because what Kane calls "objective worth" requires it.

Before laying out the framework, let me briefly make two preliminary points. First, in the existing literature that takes on the question of whether free will is required for aesthetic responsibility, there is a focus on whether the right conception of free will is one that is compatible or incompatible with determinism.[3] This is a question of great importance, and one to which I will return briefly, but for the most part I will abstract from the question of compatibilism in order to focus on the questions of whether we think free will is even required for aesthetic responsibility in the first place, and how parallel aesthetic and moral responsibility are in respect of free will.

Second, it is worth drawing attention to an interesting artifact of the literature. When it comes to discussions of moral responsibility and free will, most examples tend to be like that of Jon above, where the elicited intuition is that the agents are blameworthy for their actions. Much more rare are examples in which agents are praiseworthy. On the other hand, in the few discussions of free will and desert for artistic products, the examples tend to be ones in which the artist is praiseworthy or aspires to praise, such as the composer. But, of course, there are numerous cases in which we praise people for morally heroic deeds, such as the first responder who ran into the Twin Towers trying to save those trapped before they fell. And there are cases in which we blame artists for bad pieces of art, such as a recently replaced and widely condemned statue of Lucille Ball in her hometown in upstate New York.[4] As we will see, the asymmetrical and unrepresentative choice of paradigm cases can obscure some of the true parallels between moral and aesthetic responsibility.

[3] See Kane (1996), who argues that an incompatibilist conception of free will is required, and Russell (2008) who argues that only a compatibilist conception is required (while admitting some costs to this view).
[4] See Stack (2016).

In Section 2, I set out a framework for thinking about moral responsibility and associated phenomena, such as desert, praise, and blame. Then in Section 3, I explore the ways in which the framework is apt for thinking about aesthetic responsibility and associated phenomena, concluding that there are many respects in which the framework fits and some respects in which there simply aren't parallels in the aesthetic case. I will then tentatively suggest that in the same way that moral responsibility requires free will, so does aesthetic responsibility. So in this way, the two are analogous.

2. Free Will, Moral Responsibility, and Desert

In this section, I take up the question of the relationship between free will and moral responsibility. But first, it is important to clarify the relevant notion, or notions, of moral responsibility. Following Watson, we can distinguish between two notions of responsibility. According to Watson, "one is responsible in the attributability sense if one's actions reflect one's having adopted an end, one's having committed oneself to a certain conception of value. To blame someone in this sense is to attribute a moral fault to an agent." In contrast, one is responsible in the accountability sense if it is appropriate to make moral demands of an agent. And our practices of holding one another accountable "involve the imposition of demands on people" (Watson 2004: 273). In turn, according to Watson, imposing demands is a matter of laying it down that "unless the agent so behaves she will be liable to certain adverse or unwelcome treatment" or sanctions. Sanctions are in turn connected with the reactive attitudes like indignation, resentment and disapprobation in the following way: either they are themselves disagreeable when experienced by their targets, or they involve dispositions to treat others in generally unwelcome ways. Because the prospect of adverse treatment arises in this way,

questions of fairness arise in connection with accountability, and it is for this reason that many have thought being able to do otherwise is essential for accountability. In order to be blameworthy in the accountability sense, the demands in question must be fair or just.[5]

It is responsibility in this second, accountability, sense that is then taken to be central in classic debates about whether we can be morally responsible agents. (One important position takes it that being responsible in the attributability sense is sufficient for being responsible in the accountability sense, but this is a substantive position.[6]) It is responsibility in the accountability sense that is taken by many to be at the heart of debates about the justification of moral emotions such as resentment and indignation, the making of moral demands, and blaming practices and punishment. And it is in these contexts that the idea of free will arises. Insofar as we accept the common and plausible assumption that there is an important kind of freedom required for responsibility, we should expect to find free action where we find people acting in ways for which they are morally accountable.

What is the relationship of desert to responsibility in this sense? Intuitively, and as is sometimes simply taken for granted, when one is blameworthy in the accountability sense, when

[5] David Shoemaker (2015) argues for a tripartite distinction between attributability, answerability, and accountability. But his account of accountability resembles Watson's in at least key ways (87).

[6] See, for example, Angela M. Smith (2008; 2012). In (2015), Smith argues that there is really just one notion associated with our practices and she calls it "answerability." While I believe that she is correct that some of the examples that have been put forward in support of the distinction are inadequate, there are other cases that she does not consider that seem to me to do a better job of illustrating the distinction, including children and people who are intoxicated through no fault of their own, for example. Further, I take it that in many cases we readily speak of rightly blaming people for moral faults in a sense that does not entail that we hold them accountable for them and fully excuse them. At the same time, I am sympathetic to the idea that it is a stretch of ordinary usage of "*responsible*" in these contexts in a way that it isn't a stretch to use "blameworthy". (See Levy (2005), who denies that attributability really captures a notion of responsibility.)

one has violated a legitimate moral demand, one is deserving of sanctioning responses.[7] In addition, as I have argued elsewhere, being deserving of sanctioning responses and being blameworthy in the accountability sense have the same satisfaction conditions. My view of what those conditions are is controversial, and while I do not have the space to offer a full defense here, I hope to say enough to make the account plausible.

In thinking about accountability, understood in terms of the aptness of demands, it seems that in order to be accountable, one must have the ability to comply with the relevant demands. Given an understanding of the contents of the relevant demands as demands to act (or not act) in certain ways for the right reasons, it seems that the ability to so act (in the right ways, for the right reasons) is required in order for demands to be apt.[8] In particular, one needs to have the opportunity to avoid wrongdoing.

Going a step further, it is plausible that in order to be *blameworthy* in the accountability sense, one must have, not only an opportunity to avoid wrongdoing, but also a *fair* opportunity. In work with David Brink (Brink and Nelkin 2013), we argued in support of these satisfaction conditions on blameworthy action in the accountability sense that a conception of blameworthiness in terms of the fair opportunity to avoid wrongdoing best captures the wide variety of commonly recognized excuses. For example, it explains why we recognize excusing conditions ranging from ones that compromise our normative competence (via either cognitive or volitional impairments) to ones that impose situational constraints such as conditions constituting duress. What ultimately brings these together is that both such impairments and such constraints

[7] Recently, however, a number of theorists have explicitly questioned this mutual entailment. See, e.g., McKenna (2012) and Shoemaker (2015), and Nelkin (2016) for a response.
[8] For further elaboration of this sort of view, see Nelkin (2011) and (2015). Wolf (1990) does not use the language of "accountability" or understand responsibility in part in terms of demands, but she offers a similar set of satisfaction conditions for what she there calls "free and responsible" action.

can in their own ways result in a lack of opportunity (or a lack of a high-enough quality one) to avoid acting wrongly. Working backwards from excuse to blameworthiness in the accountability sense, we can see that the latter is then instantiated just when one acts wrongly and at the same time possesses a high enough quality opportunity to avoid wrongdoing, or, more positively, to do the right things for the right reasons.

These same conditions plausibly satisfy desert. Intuitively, it seems that one is deserving of a sanction only if one has the ability to do the (or a) right thing for the right reason. More specifically, one is deserving of a sanction only if one has a fair or reasonably high quality opportunity to do the (or a) right thing for the right reasons and failed to take it. In fact, it is plausible that the conditional goes both ways. Having a fair opportunity to do the right thing for the right reasons and failing to take it is not only necessary but sufficient for deserving of sanction.[9]

Intuitively, the idea of what one does with one's opportunities also fits with desert of benefit, as well. When one does the right thing when it is really difficult, say, then one deserves positive responses. Thus, what I will hereafter refer to as the "Quality of Opportunity" view captures the idea that acting badly with a sufficiently high quality of opportunity is necessary and sufficient for desert and blameworthiness in the accountability sense, and that doing well with a sufficiently low quality of opportunity (where factors include a high degree of difficulty or sacrifice) is necessary and sufficient for desert and praiseworthiness in the accountability sense.

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[9] It is important to note that nothing follows without additional premises about the goodness of receiving a sanction or about its permissibility or fairness, all things considered.
Being deserving does not make it good for one to be sanctioned, nor does it even by itself give reason to sanction. But under certain circumstances it can be part of such a reason, even an overriding one, and in this way, desert is indirectly linked with fairness. There is, then, an additional reason, aside from intuitiveness, to see that having the relevant fair opportunity to do the right thing for the right reasons (thereby avoiding wrongdoing) is necessary for desert.

Now let's return to Jon and his gratuitous betrayal of his friend. A natural response is that his action is morally faulty, and, thus, blameworthy in the attributability sense. But beyond this, given the information we have so far, it also seems a defeasible but reasonable response to think that he is morally accountable and blameworthy in the accountability sense for his actions, and that he is deserving of sanction for them.[10]

But now suppose we find out that Jon did not act freely; for example, that he was drugged so that his normal self-editing disposition was masked in some way. Or suppose we find out that he was raised in a cult that cultivates self-centeredness in its children so that he couldn't see that his behavior was out of bounds. This might lead us to suspend our judgment that Jon is accountable and blameworthy in the accountability sense. Arguably, he still acted badly in a way that reflected his own ends and values, and we can rightly blame him in the attributability sense, but it isn't clear that we ought to hold him accountable. Nor is it clear that he is deserving of sanction in these cases.

The view just sketched can accommodate these thoughts. It requires us to see that acting freely is a matter one's having opportunities—and in particular, the opportunity to act well.[11] Understanding free action in these terms allows us to explain our tendency to excuse Jon in a principled way, as based on a lack of opportunity to act well in the circumstances. Note that I have abstracted from the debate about whether having such an un-taken opportunity requires the truth of determinism or not. For now, I simply want to point out that there is good reason to

[10] This does not entail that we ought to sanction him; simply that he is deserving.
[11] This is not an uncontroversial understanding of free action. On some competing views, one must have the opportunity to do well *and* the opportunity to do badly, or at least otherwise, even if one acts well. I have defended the view in the text in more detail elsewhere (see Nelkin 2011). For now, it is important to note that the two kinds of views will converge in the case of blameworthy action in requiring an opportunity to act well.

think that having freedom, or free will, is required in order to be deserving, and in order to be responsible in the accountability sense.

At the same time, free will does not seem to be required for responsibility or blameworthiness in the attributability sense. One's actions can be morally faulty, and reveal a moral fault in oneself without one's acting freely. Actions can be cruel and unjustified without being free, just as they may be in the case in which Jon's normal self-editing mechanisms have been blocked, for example. Free will thus seems relevant to responsibility and blameworthiness in the accountability sense, but not in the attributability sense, and the Quality of Opportunity view, together with an understanding of free will in terms of opportunities, offers an explanation.

With this framework in hand, let us turn to the question of whether there is indeed a parallel to what we have called aesthetic responsibility.

3. Free Will, Aesthetic Responsibility, and Desert

As we have seen, there are many parallels between the moral and aesthetic cases. We take people to be morally responsible for their actions, we blame and praise them, we take them to be deserving. The same goes for the aesthetic case: we take people to be responsible for their artistic achievements (and failures), we blame and praise them, we take them to be deserving. Are we then compelled to conclude that our practices surrounding artistic achievement and failure presuppose free will?

A natural first response is that the framework just set out provides an elegant way of offering a "no" answer. Artists might be praiseworthy and blameworthy in a sense of responsibility that parallels the moral attributability sense, and, for this, as we have seen, they need not have free will. Artists can express great aesthetic virtues (or vices) in their art, as aspects of their true

selves, and on this basis, be praiseworthy in an important way. Perhaps this captures all that we really need to explain and justify our practices. As Susan Wolf (2015) has recently argued, responsibility in the attributability sense is often wrongly seen as a "shallow" kind of responsibility, when it is actually quite deep, reflecting the true self of the agent, person, or artist. It allows us to praise and blame artists for their work, and in ways that depend on our taking that work to reflect their values and judgments and self-defining traits.[12] This response locates a fundamental asymmetry between moral and aesthetic responsibility, while still recognizing a parallel at the level of attributability.

While I agree that responsibility in the attributability sense is indeed "deep" and important, I do not think it captures all there is when it comes to aesthetic responsibility. For it seems that we do hold others to account for bad art, and we take them to be deserving of blaming and praising responses that might be burdensome or beneficial in a way that seems parallel to the moral case. Moral reasons and norms are, of course, different in kind from aesthetic reasons and norms, but there is a parallel to be made out that can help explain why it is that we can be accountable for bad aesthetic choices and actions, as well as moral ones. In each case, one can meet, exceed, or fall below the relevant standards, and be called to account if one fails. I tentatively propose then, that a great deal of the framework set out for moral responsibility can be transposed to the aesthetic case.[13] In the rest of this section, I will defend this idea from important objections, answering which will help further illuminate both the nature of aesthetic and moral responsibility.

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[12] Interestingly, Wolf uses the case of the artist, along with cases in which people's non-moral traits, such as having a sense of humor or charm, are attributable to them, in order to support the very idea that responsibility in the attributability sense is in fact deep.

[13] My disagreement with Wolf on this point might depend in part on a disagreement that is even more fundamental, regarding the relationship between attributability and accountability. Notably, Wolf also claims that attributability is completely distinct from accountability, so that it is not even a necessary condition for it. I disagree for reasons that I believe can be traced to a different

The first objection is that there is something unique to moral norms that is intimately connected to our practices of blaming for moral transgressions, and that is that moral norms are obligations, and, even more importantly, obligations *to* others. In contrast, one might argue, when it comes to art, either there are no obligations, or, if there are, they aren't obligations *to* others. Watson emphasizes the point about the second-personal nature of moral reasons precisely to contrast moral accountability with what he takes to be "thin" conceptions of moral responsibility or a "weaker" notion of "answerability".[14] Reasons are second personal when they appeal to the legitimate demand of others that one not treat them in certain ways. Only a practice that centers on interpersonal norms, or obligations to others, qualifies as a practice of accountability, since accountability is itself an interpersonal notion, involving a relation between the accountable agent and the one to whom she is accountable. If this is right, and if it is also true that when it comes to art, there are no interpersonal norms of the same kind, then the parallel between moral and aesthetic responsibility is limited to responsibility as attributability after all (or, at the least, does not include accountability).

To illustrate this reasoning, consider a case that Watson takes to be illustrative of a person who is responsible in the attributability sense, but not in the accountability sense:

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understanding of accountability. In introducing the notion of accountability, she writes that "…holding someone accountable involves making him liable to blame and punishment…" (134). But later, when arguing that attributability is not necessary for moral accountability, liability to *blame* drops out, and liability to penalty takes center stage, making it hard to distinguish from legal liability. She writes, "If [the psychopath who is not responsible in the attributability sense] acts criminally, knowing that the acts are forbidden, and that he will be punished for them if he gets caught, and if, as I have stipulated, he can control his behavior, then it does not seem unfair to impose the penalty…" (138). In contrast, on my view, what is demanded of one in the moral case is not just certain actions or the avoidance of forbidden ones, but also doing things for the right reasons. This implicates the ends for which the agent acts, and requires that he be responsible in the attributability sense to be accountable. (See Rickless and Nelkin (2014) for a defense of the claim that intentions are relevant to moral obligations.)

[14] Watson (2012a), 315-16. See also Watson (2012b), 473.

> If someone betrays her ideals by choosing a dull but secure occupation in favor of a riskier but potentially more enriching one, or endangers something of deep importance to her life for trivial ends… then she has acted badly—cowardly, self-indulgently, at least unwisely. But by these assessments we are not thereby *holding* her responsible, as distinct from holding her to be responsible. To do that, we would have to think that she is accountable to us or to others, whereas in many cases we suppose that such behavior is "nobody's business." Unless we think she is responsible to us or to others to live the best life she can—and that is a moral question—we do not think she is accountable here. If her timid or foolish behavior also harms others, and thereby violates requirements of interpersonal relations, that is a different matter. (Watson1996/2004)

Here Watson seems to argue as follows: (i) unless the agent, call her Catrina, owes it to others to act differently—in which case, she would have a moral obligation after all--then she is not accountable to us or others; and (ii) if she is not accountable to us or others, then she is not accountable for these actions. She is responsible in the attributability sense alone. If this reasoning is sound, then it would follow that when it comes to aesthetic responsibility, where we also fail to find obligations to others, there can be no analogue to moral accountability.

Yet I believe that there is reason to doubt both (i) and (ii). Begin with (i). I accept the idea that our practices surrounding moral accountability are essentially interpersonal. The idea of demanding that others live up to their moral obligations necessarily involves both those who demand (even if they are hypothetical demanders) and those of whom such compliance is demanded. But does it follow that the demands themselves must be demands to comply with

second personal obligations, that is, obligations *to* others? It does not seem to me that it does. To see why, consider that I might make a demand of Aida that concerns her treatment of another person, Brett, and hold Aida to account for wronging him. This case illustrates the fact that while accountability is an interpersonal practice, it does not entail that when X holds Y responsible in the accountability sense, X holds Y to an obligation Y has to X. It might be that Y has an obligation to Z instead. Taking this line of reasoning one step further, there are cases in which X might hold Y to an obligation without Y's obligation being to *any* particular person. To see this, consider the fact that people are responsible, and morally blameworthy for, their mistreatment of animals, even ones without very sophisticated cognition, and who are not in a position to demand adherence to obligations. It seems clear that people have obligations not to mistreat such animals, even if they do not have obligations *to* the animals themselves in the second-personal sense such that the animals can make demands. Or consider obligations of benevolence. While not universally accepted, it is plausible that we have duties to make others' lives go better when it would not require much in the way of sacrifice, even if others have no right to demand it. In both of these cases, it seems plausible to say that we have moral obligations where no corresponding rights exist. And yet, moral accountability does not seem limited to situations that only concern moral obligations that are obligations *to* others. Of course, one might have a view that the only sorts of moral obligations are of this kind.[15] But the view I just sketched is coherent and at least plausible on its face, and at the same time is consistent with an understanding of the practices of *accountability* as interpersonal. We can hold others to obligations—and more generally to standards—even if they aren't obligations *to us*, or to anyone else. This casts doubt on (i), the claim that accountability, being interpersonal, requires the

[15] See Darwall (2006, 28-29) and Scanlon (2008, 166), and see Zimmerman (2016, 255-56) for an argument against this view.

presence of interpersonal obligations. Further, examining Catrina's case in particular more closely, it is plausible to say that Catrina has duties that are not moral. And she might nevertheless be accountable to her friends, say, who care about her. She might be legitimately on the hook, so to speak, to answer the demands of her friends who blame her for not living up to her ideals.[16]

Now let us turn to (ii). The fact that Catrina is not accountable to us or to others does not entail that she is not accountable. As long as an agent is *in principle* accountable to others, it seems that she is responsible in the accountability sense. Even in the moral case, I think we can imagine that someone is not accountable to others for some action and yet, she can be blameworthy in the accountability sense. In the case of cruelty to animals, for example, it might be that for some reason no one else has the standing to blame or make demands of the offender (perhaps everyone else has been even crueler, or, more radically, everyone else has died). It still seems that the offender is blameworthy in the accountability sense in that demands would be appropriate were someone well positioned to make them.

Finally, there is a further reason to question the conclusion from (i) and (ii) that accountability requires interpersonal obligations. It is that it makes sense to speak of "standing"

[16] Here I endorse Angela Smith's reaction to the case (see 2015, 112). Smith takes it that our moral responsibility practices are not discontinuous with responsibility practices that are non-moral in a way illustrated by reactions we might have if Catrina were our own friend (we can say, "how could you do this?" And "I'm so fed up, I can't continue to hang around you" for example), and I am arguing in a similar spirit that we can hold Catrina responsible in this case and blame her in a sense that goes beyond mere attribution of fault. Who has the standing to do this is an interesting question, but I think it is not different from many moral cases in raising it. At the same time, I diverge from Smith's view in two important ways: first, she is skeptical of the attributability/accountability distinction, whereas I take it that there really is a distinction between two kinds of blameworthiness; second, she wants to replace both with what she calls "answerability" and in turn requires only that one's rational judgments be reflected in one's actions to count as answerable, and so, on her view, responsible in the single sense that underlies all our responsibility practices. Nothing like control or opportunity is required on this view, in contrast to the view I endorsed above.

to blame in the Catrina case, as it does in uncontroversial cases of moral accountability. Just as many think that it is typically the victim and close friends, say, who have the standing to blame a someone like Jon, we might think that Catrina's close friends can blame her for not living up to her ideals in a way that it would be inappropriate for strangers to do. But questions of standing do not even seem to arise when it comes to responsibility in the attributability sense. Anyone can legitimately make a judgment about moral fault. Thus, there is good reason to think that Catrina is accountable, if not in a moral sense, for her actions, despite the fact that her accountability is not grounded in an interpersonal obligation.

Finally, even if it were the case that there is no real analogue to moral accountability for anything that is non-moral--or for anything that is not governed by obligations to others--it is still the case that we go beyond mere attributability in assigning responsibility in other cases. To see this, consider that there is a set of standards that governs the case of Catrina, even though the standards are not given by obligations to others. This is what makes it possible to imagine Catrina's friend holding her to such standards, and reacting negatively when Catrina falls short. It isn't that our reaction is merely to offer a negative judgment as we might in the case of a small child's selfish behavior. I suggest that Catrina is *deserving* of our negative reaction, or at least she is on the natural assumption that she *could have* done better. In other words, if we assume that she had a high enough quality opportunity to meet the standard in question, then we—or at least her friends—could appropriately blame her in a way that goes beyond finding a kind of fault with her. This suggests that the question of free will can arise even in cases other than moral accountability.

At this point, an opponent might claim that Catrina's failure to live up to personal ideals is one kind of case about which an ascription of accountability makes sense, but the specifically

aesthetic case is different. Though Catrina is responsible for her failure in the accountability sense, the sculptor of "Scary Lucy," is not aesthetically responsible in a sense analogous to moral accountability. Similarly, it might be argued that Catrina's counterpart, Corrina, who works very hard and succeeds in living up to her ideals is rightly considered praiseworthy in an accountability sense, having made the most of her opportunity, and yet that Mary Cassatt whose paintings display great aesthetic virtues, is not praiseworthy in an accountability sense for them.

One might try to support this conclusion by arguing that in the blameworthy aesthetic cases, attitudes like the reactive attitudes of guilt, resentment, or indignation, that normally accompany or form part of blame in the accountability sense don't seem appropriate, while at least in the Catrina case, we can feel something that might be properly described as an analogue of indignation. Is this right? I'm not sure that we are not capable of feeling something analogous to indignation when we think an artist could have done a better job than she did, given her opportunities. But we need to be very careful here because many cases seem to be "mixed" in the sense that there are both aesthetic and moral considerations. If the artist has been commissioned to produce a good and pleasing likeness of Lucille Ball and fails on both counts, then there is an aesthetic failure, but also, arguably a moral (and perhaps legal) one. Still, I think that there is some reason to think that aesthetic failure, under some circumstances, can be blameworthy in something parallel to the moral accountability sense, and not in virtue of its being a moral failure. It might be that the relevant negative attitudes are not very similar to resentment and indignation in such cases; but this might simply show that such attitudes are not the defining feature of accountability as has sometimes been thought.

Applying the full framework set out above, and recalling the Quality of Opportunity view, we can see that we have aesthetic opportunities as well as moral ones. It might seem odd to

speak of aesthetic obligations (although some do[17]), but if there are aesthetic reasons, "oughts" or standards, then that is enough to be able to evaluate how close or far one is to meeting or exceeding those standards, given the opportunities one had.[18] And this gives us a way of seeing how one might be responsible in a sense analogous to moral accountability. How well or poorly one does given one's talents under the circumstances and with one's opportunities can determine how praiseworthy or blameworthy one is for the result. Beyond saying that someone painted a beautiful painting that reflects the aesthetic virtues of her true self, we can praise her for having exceeded reasonable expectations in the circumstances. Or we can blame someone for doing less than she could have in the circumstances. Whether one has standing to actually blame her, to hold her to account, is a further question, but, as we have seen, this is true in moral cases, as well.

Responses that look much like blame in the accountability sense for aesthetic endeavors are not hard to find, even though, as we have seen, in discussions of free will, we most often find aesthetic praise to be the paradigm. Consider, for example, the case of the paintings of Margaret Keane, once attributed to her husband, Walter Keane.[19] In a now famous review of *Tomorrow Forever*, an enormous painting of one hundred big-eyed children commissioned for the 1964 World's Fair, the *New York Times* critic, John Canady, wrote,

[17] See M. Eaton (2008) responding in part to Stuart Hampshire's (1954) skepticism.
[18] For our purposes here, I want to remain as ecumenical as possible about what aesthetic reasons there are and about their nature. The conclusion that there is a parallel to the moral case depends only on there being such reasons, and just how close the parallel is remains conditional on the precise parallels between moral and aesthetic reasons.
[19] Their story is documented in a recent Tim Burton film, *Big Eyes* (2014). The fact that Walter Keane took credit for Margaret Keane's work adds a serious moral dimension to the story, as does his abuse of her. But here I focus on the critical reception of the work, and the public condemnation of Walter Keane, who at the time was believed to be its creator.

> Mr. Keane is the painter who enjoys international celebration for grinding out formula pictures of wide-eyed children of such appalling sentimentality that his product has become synonymous among critics with the very definition of tasteless hack work. (Canady 1964)

This is clearly not simply criticism of the painting. And it seems to me that it is not merely an expression of a judgment of Mr. Keane's lack of talent or taste or aesthetic virtue. The idea that Mr. Keane is accused of having "ground out" the pictures and that the process of creation is described as "hack work" seems to suggest his being held to account for the failure to meet a standard that he could have been expected to meet.[20]

It seems to me, then, that there is something like responsibility in the moral accountability sense that applies to the aesthetic case. Whether we think of it as a full-fledged analogue of moral accountability or not depends, I think, on whether we emphasize the considerable similarities or the differences. Having focused largely on the parallels so far, I now turn to one significant difference and one dimension on which I am more tentative in proposing a parallel. First, it seems to me that a central part of blaming in the moral accountability sense is holding the blameworthy to the obligations they incur as the result of moral wrongdoing—making up for the wrong, and so on.[21] But it is not clear that there is anything like this involved in the aesthetic case. Does one incur new obligations as the result of going wrong aesthetically? In mixed cases,

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[20] It is possible to object that this, too, is a mixed case in which both moral and aesthetic norms are at issue. Perhaps Mr. Keane was obligated to fellow artists to represent the community of artists in a particular way; perhaps he was obligated to viewers to provide a high quality aesthetic experience. I see the force of this objection. But it seems at least plausible that Canady's blame is not of a moral sort. There is no violation of a contract in this case; the World's Fair got exactly what it wanted (and in the words of their own representative, they wanted what would be popular with visitors, which they had reason to believe it would be). Being a "hack" does not obviously or in any necessary way hurt others' interests. Thus, it is at least a candidate for a case of blame in the accountability sense that is not moral, but is, rather, aesthetic.

[21] I develop this idea in more detail in Nelkin (forthcoming).

one might—for example, the sculptor of Scary Lucy might have an obligation to replace the statue with a better one, or apologize if the product did not meet the specifications of the contract, and so on. But those obligations are not specifically aesthetic, as opposed to moral or legal. In a "pure" case of art gone wrong, there is a way in which others might legitimately hold the artist to standards she failed to meet, but doing so wouldn't amount, even in part, to holding her to new obligations incurred. So there is something specific to moral obligation and wrongdoing that makes the practice of blaming in the accountability sense different in an important way from other sorts of blaming, including, I believe, in the aesthetic case.

Another dimension of moral accountability for which we might seek a counterpart in the aesthetic case is the nature of the factors on which degrees of blameworthiness and praiseworthiness depend. While the products are obviously different—moral or immoral action versus aesthetically good or bad action—it is less clear which, if any, additional factors concerning the process of creation are at play in the aesthetic case. For example, it seems that difficulty of doing the morally right thing can enhance one's praiseworthiness when one succeeds and mitigates one's blameworthiness when one fails. Is difficulty also a factor in the aesthetic case? Insofar as responsibility for a piece of art is seen as an instance of the more general category of achievement, a case can be made that difficulty is a factor in the degree of praise or blame that is appropriate.[22] If two artists created two equally beautiful paintings, but one had to work in very difficult conditions, then though they might be equally praiseworthy in the attributability sense, it seems that the one in the less conducive situation is more praiseworthy in the sense that is analogous to moral accountability. I put this forward tentatively as a measure of aesthetic responsibility because while on the one hand it seems intuitively true that the artist

[22] For interesting discussion of the nature of achievement as essentially something hard to do, see Bradford (2015).

who had to work harder is more praiseworthy along some dimension, I can imagine someone objecting that it is not aesthetic responsibility *per se* that is being invoked, but something like simple responsibility for the hard work itself. Still, difficulty rightly affects our judgment of degrees of blameworthiness and praiseworthiness in the moral cases, and I'm not now seeing a principled way to distinguish the aesthetic case from the moral on this dimension. So I put this forward tentatively as another dimension on which there is an analogy between moral and aesthetic responsibility and desert.

The framework I have sketched recognizes continuity, but not perfect symmetry, between moral and aesthetic responsibility and desert. The aspects that are continuous, though, are ones that implicate free will—understood as having opportunities to meet or to exceed standards to which others could in principle hold us.

4. Closing Thoughts

On the framework introduced here, aesthetic responsibility implicates free will in much the same way that moral responsibility does. Of course, other frameworks yield different verdicts. For example, as we saw, the view of moral accountability as essentially depending on second-personal reasons rejects a great deal of parallel between the moral and aesthetic case, and if one result is to limit aesthetic responsibility to attributability, then issues of free will do not arise in the aesthetic case. I would argue that given the intuitiveness expressed by Kane and others of the idea that the question of free will is not exclusive to moral responsibility, it is an advantage to a framework that it can accommodate this point. This is not to deny that moral responsibility and associated practices have a number of special aspects; it is simply to say that there are more

structural parallels between moral and other sorts of responsibility than are recognized on other frameworks.

Finally, I will end with some brief speculation about just one factor that explains why these parallels are not often noted. As mentioned at the start, the vast majority of cases discussed in the moral responsibility literature are of blameworthy actions. And indeed, even on the framework I set out, these are the cases in which differences in the requirements for attributability and accountability are highlighted most starkly. When we focus on aesthetic cases in which we find artists praiseworthy, talk of accountability is less natural, and yet, it is here that questions of free will arise. Interestingly, talk of desert is natural in both the blameworthy and praiseworthy cases, and perhaps with more recent emphasis on this notion, the structural parallels will emerge more clearly. I am sure that even if this speculation is correct, it accounts only for one factor among many for the relative paucity of discussions of different kinds of responsibility—moral, aesthetic, athletic, and so on. Whatever the explanation, however, I believe that exploring the structural parallels (or lack thereof) can provide an important way to illuminate the nature of both the moral and the aesthetic cases.

References

Anglin, W.S. (1990) *Free Will and the Christian Faith* (Oxford: Oxford University Press).

Bradford, Gwen (2015) *Achievement* (Oxford: Oxford University Press).

Brink, David O. and Nelkin, Dana Kay (2013). "Fairness and the Architecture of Responsibility" *Oxford Studies in Agency and Responsibility* (2013): 284-313.

Canady, John (1964). "World's Fair Pavilion Selects Theme Painting," *New York Times* (February 21).

Darwall, Stephen. (2006). *The second Person Standpoint.* Cambridge: Harvard University Press.

Eaton, Marcia (2008). "Aesthetic Obligations," *The Journal of Aesthetics and Art Criticism* 61, pp. 1-9.

Hampshire, Stuart (1954). "Logic and Appreciation," *Aesthetics and Language* ed. by William Elton (Oxford: Basil Blackwell), pp. 161-69.

Kane, Robert (1998). *The Significance Of Free Will* (New York: Oxford University Press).

Levy, Neil (2005). "The Good, the Bad, and the Blameworthy," *Journal of Ethics and Social Philosophy* 1, pp. 2-16.

McKenna, Michael (2012) *Conversation and Responsibility* (Oxford: Oxford University Press).

Nelkin, Dana Kay (2011). *Making Sense of Freedom and Responsibility* (Oxford: Oxford University Press).

Nelkin, Dana Kay (2014). "Difficulty and Degrees of Moral Praiseworthiness and Blameworthiness," *Noûs* (in press/published online early view 2014).
URL: http://onlinelibrary.wiley.com/doi/10.1111/nous.12079/pdf

Nelkin, Dana Kay (2016). "Accountability and Desert," *The Journal of Ethics.*

Nelkin, Dana Kay (in press). "Blame," *Companion to Free Will*, Meghan Griffith, Neil Levy, and Kevin Timpe (eds.) (Routledge, in press).

Nelkin, Dana Kay and Rickless, Samuel C. (2014) "Three Cheers for Double Effect," *Philosophy and Phenomenological Research* 89, pp. 125-58.

Russell, Paul (2008). "Free Will, Art, and Morality," *Journal of Ethics* 12, pp. 307-25.

Scanlon, T.M. (2008). *Moral Dimensions*: *Permissibility, Meaning, and Blame*. Cambridge, MA: Harvard University Press.

Shoemaker, David. (2015). *Responsibility from the Margins.* Oxford: Oxford University Press.

Smith, Angela M. (2008). "Control, Responsibility, and Moral Assesment," *Philosophical Studies*
138, pp. 367-392.

Smith, Angela M. (2012). "Attributability, Answerability, and Accountability: In Defense of a Unified Account," *Ethics* 122, pp. 575-589.

Smith, Angela M. (2015) "Responsibility as Answerability," *Inquiry* 58: 99-126.

Stack, Liam (2016) "Here's Lucy! Lucy Statue Replaced By One That Looks Like Her," *New York Times* (August 9). On-line access: http://www.nytimes.com/2016/08/10/arts/design/scary-lucy-statue-is-replaced-on-anniversary-of-comedians-105th-birthday.html?_r=0.

Watson, Gary. (2011). "The Trouble with Psychopaths," in *Reasons and Recognition: Essays on the Philosophy of T.M. Scanlon*. R.J. Wallace, R. Kumar, and S. Freeman (eds.). Oxford: Oxford University Press: 307-331.

Watson, Gary. (2004). *Agency and Answerability*: *Selected Essays*. Oxford: Oxford University Press.

Watson, Gary. (1996). "Two Faces of Responsibility," *Philosophical Topics* 24, pp. 227-248. (Reprinted in Watson (2004).

Watson, Gary (2013). "Asymmetry and Rational Ability," *Philosophy and Phenomenological Research* 86, pp. 467-75.

Wolf, Susan (1990) *Freedom Within Reason* (New York: Oxford University Press).

Wolf, Susan (2015) "Responsibility, Moral and Otherwise," *Inquiry* 58, pp. 127-42.