

Can We Wrong a Work of Art?

Eoin O'Connell

ABSTRACT

If we can wrong a work of art, then it has moral status. This paper considers two examples of putative wrongings of works of art, but in both cases, the claim that the work of art itself is wronged cannot be vindicated. The sense that a work of art has been wronged arises when that work has a special meaning for us or has a special standing in a cultural context. There is nothing intrinsic to works of art that can confer moral status upon them, and so they are not moral patients.

KEYWORDS

moral status
Spem in Alium
Fifty Shades of Grey
Woody Guthrie
"This Land is Your Land"



Introduction

Thomas Tallis' motet, *Spem in Alium*, is perhaps less well known than it ought to be.¹ Wishing to introduce it to an acquaintance, I searched on YouTube, and up it popped along with black and white images of stylized sex, the kind of soft porn that is as ubiquitous as once was wallpaper. On further investigation it turned out that the images were from the movie version of E.L. James' popular erotic novel *Fifty Shades of Grey*. I was not dismayed about all of this from prudishness but because it seemed wrong that this wonderful piece of music should be degraded through an association with what I consider aesthetic trash. And though I know that this kind of reaction and the attitude upon which it is based are often considered a kind of stuffy aesthetic elitism, I nevertheless decided to more carefully inquire whether the thought or feeling that this is wrongful can be vindicated. And this led me to ask whether we can wrong a work of art.

The most obvious candidate for an action-type that wrongs a work of art is the intentional destruction or defacement of paintings, sculptures, or similar objects of material culture. However, prompted by my encounter with the *Fifty Shades of Grey* soundtrack, I am interested in the possibility that the mere use of an artwork — one that does not inflict any material damage — might constitute a wrongful act. Moreover, I am interested in the possibility that the use of the artwork might have an aesthetic justification — for example, the inclusion of *Spem in Alium* in *Fifty Shades of Grey* might actually improve the movie — and yet we would still consider it a wrongdoing. To explore this question I consider two cases: the use of *Spem in Alium* in *Fifty Shades of Grey* and the use of Woody Guthrie's "This Land is Your Land" in an advertisement for subprime mortgages. The latter is an imaginary example, but it is less tainted with the suggestion of aesthetic elitism. I present these cases as plausible *prima facie* examples of wrongful uses of works of art. They are actions the contemplation of which I could imagine arousing some disapprobation; that is to say, a negative reaction or judgment.² Nevertheless, I am unable to establish the conclusion that artworks can be wronged. I argue briefly at the end of the paper that the results established here can be generalized to include the defacement and destruction of paintings and sculpture.

Wronging and moral status

An object can be wronged if and only if it has moral status. So to ask whether an artwork can be wronged is to ask whether it has moral status. But we must first ask whether artworks are the kind of thing that can have moral status since there will be an initial skepticism about that very possibility.

If an object has moral status, then it is possible to do something that can be considered a moral wrong to the object itself. The qualification that the moral wrong is to the object *itself* is meant to exclude cases of wrongdoing in which the wrong is done to someone who owns or cares about the object directly affected by the action. If we damage someone's property — confining ourselves here to non-sentient property, such as land, buildings, furniture, etc., and not livestock or other sentient property — then we wrong the property's owner, not the property itself. Property owners are moral patients, but (non-sentient) property is not usually so considered.³ Property that is affected by a damaging action can be said to be a patient of that action, but nonetheless it would be a non-moral patient. Property can be damaged but not wronged. We reserve the notions of moral status and moral patient for a subset of objects. Our question is whether artworks should be included in this set.

The obvious reason for being skeptical about the possibility of wronging a work of art is that works of art cannot feel or have any kind of experience. For the purposes of this discussion, we can distinguish “damage” from “harm” as follows: non-sentient patients can be damaged whereas only subjects of some kind of experience can be harmed. The objection under consideration is based on the idea that you cannot wrong something unless you can harm it, and you can only harm things that are subjects of an experience. Since artworks cannot be subjects of an experience, artworks cannot be harmed; and therefore they cannot be wronged.

Nevertheless, it is possible to imagine cases in which an action causes no harm but still seems wrong. For example, imagine there is a group of people who are suffering from injustice, and there is nothing you can do to alleviate their situation. (Assume for the sake of the example that there really is nothing *you* can do, such as donating money or organizing on behalf of the victims.) You can pay attention to what is happening to them by

watching harrowing news reports, but doing so is upsetting and makes you feel unhappy. Therefore you are strongly tempted to avoid the news and focus instead on the many pleasant aspects of your own life. And yet you feel obligated to “bear witness” to their plight. If you avoided taking an interest and were later to meet one of the victims, you would feel guilty. And because you have this sense of obligation, you believe that to ignore what is going on is like turning your back on them and therefore wrongful.

Now, one might argue that there is no real obligation here and the sense of obligation is mistaken. Nevertheless, this is a plausible account of a moral experience, which shows that we can make sense of the possibility of non-harmful wrongs. Other possible candidates for non-harmful wrongs are betting on and thereby attempting to profit from the occurrence of a disaster (where your betting is not causally connected to the occurrence of the disaster or any future disasters) and disobeying or insulting God (where we assume both that God exists and cannot be harmed).

We can also generate an abstract characterization of non-harmful wrongs. The principal component is the idea of an object that has a status in virtue of which we are under an obligation concerning our orientation towards the object. To say that an object has moral status in this sense means not only that one should refrain from harming it but also that one should adopt the right attitude towards it. On this characterization, one can adopt a wrongful orientation towards certain objects even if one does not do something harmful or damaging to them. So our question is whether a work of art can have this kind of standing.

If anything has moral status, then persons have moral status. In support of the claim that sentient nonpersons have moral status, we can appeal to their capacity to suffer. The fact that there are laws against cruelty to nonhuman animals shows that this appeal can gain support. So it is not unusual to say that all sentient beings have moral status. Extending moral status beyond this to living things in general is more controversial, but we can at least appeal to the idea of life. It could be argued that the possession of life endows a certain degree of value. And the fact that life can so easily be snuffed out — that living things are fragile — might be grounds for moral concern. We usually value our own lives, and it does not take a great leap of the imagination to feel sympathy for other living things even quite far down the phylogenetic tree. So there is at least some basis for arguing that we can extend moral status to living things in general. But wherever we draw the

Can We Wrong a Work of Art?

line, moral status is usually predicated of living things or to a subset of living things. So it might seem that organic life is at least a necessary condition for moral status.

However, the claim that we should honor the dead seems to accord moral status to deceased persons — or perhaps to their memories. How do we account for this extension of moral status beyond the realm of the living? One might point to the fact that deceased persons were once alive to explain why we should honor them. But we do not think that we should honor dead, nonhuman, sentient beings; so having once been alive is insufficient. One could argue that, when living, deceased persons could think about and express wishes for the future. So when we respect their wishes, we are respecting the wishes made by living persons. To a certain extent we already do this through wills. But it seems easy to deflate this observation by saying that wills are nothing more than legal entities we want to include in the social contract: wills do not arise from nor are they justified by a belief that the deceased have moral status.⁴ Moreover, honoring the dead is not confined to respecting their wishes. We sometimes honor the dead without knowing what their wishes are or even if they had any.

One might make an appeal to our protensive capacity and argue that we don't just live in the present: we project ourselves into the future. And just as we do this, so we also in a sense live on after death. But such a claim will not bear much scrutiny. Our protensive capacity is mostly concerned with a future in which we expect to still exist. Beyond that, we are simply talking about the wishes of the deceased. We are not obligated to respect or honor all wishes expressed by deceased persons. Sometimes we find it important to do so; at other times we do not. The most obvious explanation is that we respect and honor the wishes of the deceased when the memory of the deceased is important to us. But it is nevertheless significant that we can feel as though we are bound by an obligation to the memory of a deceased person and that certain courses of action would constitute a moral failure in relation to that memory. Plausibly this can be seen as according moral status to the memory of a person now deceased rather than to the deceased person. But to do so is to accord moral status to a mental representation.

There is of course an obvious difference between memories of deceased persons and works of art. The memory is tied to a once-living being whereas works of art are non-living, rather than dead, things. So our investigation here concerns the odd possibility that a non-living object could

have moral status. But despite the fact that this is an odd possibility, we do seem to recognize instances in which non-living things are patients of wrongful actions: the intentional defacement or destruction of paintings and other objects of material culture; the intentional destruction of naturally occurring beautiful or awe-inspiring objects; the sanitization and bowdlerization of texts; the misrepresentation of philosophical doctrines so that they lend support to heinous views they would in fact condemn (as is alleged of Elizabeth Nietzsche's use of her brother's writings); the perversion of ideas (as is sometimes said of Marxism and of the moral content of Islam and Christianity); and the profaning of sacred spaces and sacred objects.

These are all "bad" actions in the sense that they are negatively valued. But *prima facie* they also seem morally bad; that is, wrong. They seem like actions we should not do for moral reasons. But there is a danger of being misled by mere figures of speech or descriptions of actions. If we hear of someone defacing a painting or destroying a statue by Michelangelo, we are inclined to issue a moral condemnation. But to deface a painting or to destroy a sculpture is not necessarily immoral if no one cares about the work and it has no value of any kind. We do not establish that an action is immoral by simply subsuming it under an action-type such as "defacing." Rather, we must consider the details of the action itself and argue from those details to the conclusion that it is immoral. The next section of the paper explores the two examples proposed initially: the use of Woody Guthrie's "This Land is Your Land" to sell subprime mortgages and the inclusion of *Spem in Alium* in the soundtrack of *Fifty Shades of Grey*.

The examples

Both examples concern the superimposition of musical works over images. When a piece of music is paired with images, it can quite easily become associated with those images. For example, the music may become associated with the marketing of some product. We know an advertising campaign was successful when the mere mention of the product causes us to recall the featured music or *vice versa*. But things can become associated for all kinds of fortuitous psychological reasons. Here we are specifically dealing with the creation of a new whole — the sound-image — of which the music

Can We Wrong a Work of Art?

is a part. The sound-image is its own aesthetic object with its own meaning. Discussing what he calls the “audio-visual contract,” Michel Chion shows that in filmmaking, sound is not just mere decoration for images. The audio component changes — in Chion’s language “adds value to” — the meaning of the images. As Chion points out, this effect can be easily tested by simply muting the sound when watching, say, a horror movie.⁵ The music is not merely associated with the sound-image but partly constitutive of this composite aesthetic object. It would seem too strong to claim that any creation of a sound-image using a “great” piece of music is wrong simply because the music no longer stands alone. Some pairings can be “fitting” both aesthetically and morally. Some may be aesthetically bad but morally innocuous. So when would such a pairing be wrongful?

Some preliminary points are in order before I move to the examples. First, I assume that these actions could be wrongful only if the piece of music in question is important or special. I have already begun to talk of “great” pieces of music; and since it sometimes seems natural to say of certain artworks that they are “great,” I will refer to this quality as the work’s “greatness.” The precise sense in which a work of art is important or special such that it would qualify as a great work is discussed below.

Second, a wrongful action does not wrong a piece of music if the moral patient is really the composer. The possibility that a composer might be turning in her grave at the use of her music does not constitute a wrong done to the music itself. In fact, it is possible for a composer to wrong her own piece of music or to approve of actions directed at the piece of music that nevertheless constitute a wrong to the piece of music.

Third, aesthetic failure is not a moral wrong. That a great piece of music is the patient of an aesthetically bad decision is neither necessary nor sufficient to constitute wrongness in the sense intended. As I stated initially, I am interested in the possibility that a great piece of music could be used in a way that achieves an aesthetic payoff, and yet we would nevertheless say that it was wrong to use the work that way.

Finally, the wrongness I have in mind is not that the creator of the sound-image has bought her aesthetic payoff cheaply although she may have done so. As in the following examples, simply superimposing prefabricated music onto imagery may constitute the failure of the artists as creators, but it is not a moral wrongdoing.

The Guthrie example

Using “This Land is Your Land” in an advertisement for subprime mortgages might be characterized as “crass”: ignorant, lacking in sensitivity and refinement. But if the resulting advertisement is successful, then it could be said that this choice of song was clever and sensitive to the forms and mechanisms of effective advertising. I would still be tempted to call this a travesty and could imagine myself grimacing in mild revulsion at such an advertisement. But is there really any wrongdoing here? If there is, then is the song itself the moral patient?

Here we must distinguish between two different issues. The first concerns using or acting towards a work of art such that the action is properly considered morally wrong without any reference to property considerations. I will refer to this as the “misuse” of works of art. The second is a misuse of the work of art when the work of art itself is the moral patient. I will refer to this as “wronging” a work of art. The distinction turns on the question of moral patient. To talk of wronging a work of art is to maintain that a work of art is the moral patient of a wrongful act whereas to talk of misusing a work of art does not imply that a work of art is the moral patient. Indeed, we have not established that all wrongful acts require a moral patient. I will begin by assuming that the use of “This Land is Your Land” to sell subprime mortgages is a misuse in order to consider whether the song itself is being wronged.

Woody Guthrie’s moral, social, and political outlook — his championing of the victims of greedy capitalism — informs the meaning and significance of this song; so one could argue that it is Woody Guthrie’s memory and legacy and not the song itself that are wronged. As previously noted, we seem to think of the memories of deceased persons as if they are moral patients. But consider a possible world that is identical to ours in every respect except that the composer of “This Land is Your Land” is unknown. Here the song would have the same meaning and place in our culture, but we would not know who wrote it. If Guthrie’s memory and legacy are the only moral patients, then the advertisement would involve a misuse of “This Land is Your Land” in the actual world — but not in this possible world. And yet we could imagine the same disapprobation in both worlds. An intuition about this counterfactual is perhaps not very strong

Can We Wrong a Work of Art?

evidence one way or the other; but if one wanted to explain one's disgust at this use of the song to someone who knows nothing of Guthrie, it would be sufficient to explain what the song means and represents. That is, we could explain our disgust without reference to Guthrie although we might be able to amplify our reasons if we also referred to what Guthrie stood for.

Another reason not to think that Guthrie's memory and legacy are the only moral patients comes into view when we consider Elizabeth Nietzsche's misuse of her brother's ideas. The allegation is not just that Elizabeth misused her brother's writings, but also that she misused his *ideas*—such as his ideas concerning the superman—to promote other ideas including Nazism, a noxious cause which in essence contradicts the spirit of Nietzsche's philosophy. One way we can vindicate the claim that it is the ideas themselves that are the moral patients and not Nietzsche's memory and legacy is with reference to the genetic fallacy. This fallacy is based on the claim that there is a distinction between an idea and its source. Specifically, we do not evaluate ideas based simply on their source. Ideas, as it were, float free of the individual mind and have their own standing. So it is possible to argue that it is not the source of the ideas that is wronged but the ideas themselves.

Now, one might object and say that the genetic fallacy concerns instances in which one avoids an argument or rejects a conclusion. The strength of an inference from a premise to a conclusion or the truth of a conclusion are indeed independent of the person who asserts them. But when we are talking about Guthrie's and Nietzsche's "ideas," we are talking about something different. Nietzsche's writings contain propositions and inferences, to be sure; but the totality of his work is more than just a collection of propositions and inferences: it amounts to an intellectual edifice that is uniquely Nietzsche. We are able to refer to philosophical positions, methodologies, attitudes, and so on as "Nietzschean." Books can be written that spell out the "philosophy of Nietzsche." And thus, the objection runs; its misuse should be understood as just another form of dishonoring his memory and legacy. Furthermore, to talk of Nietzsche's "ideas" or "philosophy" as floating free of his mind and having some standing of their own is to posit a sort of Platonic object. That is bad enough, but it is even worse to claim that this object has moral status.

There is, however, a response to this objection. When we talk about the memory and legacy of people like Nietzsche and Woody Guthrie, we

might talk of what Guthrie and Nietzsche “stood for.” Presumably this phrase does not refer to a simple proposition or inference; rather, it refers to a set of beliefs, desires, and attitudes that can be characterized as “moral” in some sense of the word. This set of beliefs, desires, and attitudes will typically not be a random collection. Rather, it will have some degree of coherence; otherwise it would be of little interest. It will be, to borrow a phrase from Kant, a synthetic unity. Kant uses the term “idea” (*Idee*) to refer to grand syntheses of metaphysical and moral content, and this use of the term fits ordinary English locutions; for we can talk about the ideas for which Nietzsche and Guthrie stood.⁶ Now, we can still distinguish between the idea for which someone stands and the person who stands for the idea. After all, more than one person can stand for the same idea. When a person stands for something, we can identify them with the idea — because to stand for something means to form a particularly close association with the idea — but we cannot identify the idea with the individual person. The distinction also becomes apparent when someone betrays the idea for which she once stood.

“This Land is Your Land” and Nietzsche’s writings are important, at least in part, because they articulate or express the ideas for which Guthrie and Nietzsche stood. But even if it is wrong to use them to give support to heinous ideas and actions that contradict them in spirit and which they would condemn, we have at best cleared some ground for the claim that we can wrong an idea, not a work of art. To get us to the point of being able to say that we would wrong Guthrie’s song itself by using it to sell subprime mortgages, we need to establish that the song is more than just a vehicle for expressing an idea.

This becomes obvious when we reflect on the difference between saying what the song means and actually listening to it. Often it seems futile to speak about the qualitative experience of listening to music. Music is in the listening. Its value or import can only be known when we realize it in some fashion, such as performing it on an instrument, listening to a recording, or imagining it in our mind.⁷ We cannot describe in any satisfying way why a piece of music is great to someone unfamiliar with that piece of music. But when we know a piece of music, we can reflect upon some of the properties that seem to contribute to its special value. In the case of “This Land is Your Land,” the lyrical content and musical form fit together because there are historical, sociological, and political-economic relationships

Can We Wrong a Work of Art?

between folk music and solidarity for the dispossessed.⁸ We can point out how the lyrics and the simple, sing-along folk style form a satisfying artistic unit. There is, as it were, a unity of spiritual content and artistic form. We could also talk about how this song appeared at an important moment in the history of the struggle against the worst forms of predatory capitalism. These are just some of the reasons we can offer to explain why the song has a value that attaches to it alone. But no enumeration of such properties will necessitate the judgment that the song is valuable or important. A necessary condition for arriving at this conclusion is to actually listen to the song.⁹

Nevertheless, one could still push the objection that the song is valuable only because it crystallizes the idea for which Guthrie stood — that the idea is the source of the value. But even assuming that this is true, it does not mean that we cannot think the song itself can be wronged. It is not unusual to argue that certain objects are valuable and have moral status because they instantiate a more or less abstract property, such as humanity or rationality. Certain properties are often taken to be moral-status-conferring. If a particular object is valuable because it instantiates the property of humanity or rationality, it nevertheless has moral status itself. Similarly, even if “This Land is Your Land” has value only because it crystallizes the idea for which Guthrie stood, it can still have moral status on that basis.

There is another reason for arguing that “This Land is Your Land” is more than just a vehicle for an idea. One can create an artwork to express an idea, but obviously the artwork can be bad art. And if an artwork expresses a noxious idea, then its aesthetic value is diminished. Many people have found themselves alienated by the noxious lyrics of otherwise good tunes. But if an artwork that expresses an idea does not suffer from either of these defects, then it acts as a way of disclosing to us the specifically positive moral quality of the idea. In so doing, the artwork is distinct from the idea it expresses; moreover, it has its own distinct value insofar as it discloses the specifically positive moral quality of the idea. This observation does not beg questions concerning whether these judgments concerning the moral qualities of ideas are objective or subjective: the claim here is just that the relationship between a work of art that expresses an idea and the idea it expresses is not a one-way street.

But there is another implication here that runs counter to the general thrust of the argument we have been exploring: moral status, as remarked previously, has realist commitments. If a thing is to have moral status, then there must be an argument that the value we attribute to that thing is indeed objective. So we can only claim that “This Land is Your Land” has a standing in virtue of which it could be considered a moral patient if we first argue that it expresses an objectively good idea. If the idea is noxious, then the work is aesthetically flawed. If neither is the case and there is no objective valuation here, then the example fails because any standing that “This Land is Your Land” has is closely associated with the idea it expresses. It is not impossible to argue that the idea “This Land is Your Land” expresses is objectively good, but doing so involves a very circuitous path to establishing the different general claim that a work of art can have moral status.

This complication is absent from the next example, but there are a few points worth making before moving on. A thing can be important for more than one reason. We can argue that “This Land is Your Land” is important in itself and because it expresses the idea for which Guthrie stood. So if it is wrong to use “This Land is Your Land” to sell subprime mortgages, then we can distinguish three different possible moral patients: Guthrie’s memory, the idea for which Guthrie stood, and the song itself.¹⁰ Since there can be multiple patients in an action, all three could be wronged by the misuse of the song. All three are non-living objects, and arguably the song is the most concrete of the three because it is an object of sense experience. So on the assumption that this is a misuse, then it is possible to argue that the song itself is a moral patient of the wrong. But as this conclusion is based on the initial assumption of a misuse, it does not establish that the artwork has in fact been wronged. Rather, we have only managed to clear space enough to say that it is plausible to consider the song itself as a moral patient if this counts as a misuse.

But if selling subprime mortgages is in fact wrong, then we can ask whether it is worse to do so using “This Land is Your Land.” If it is worse, then it seems that the song itself must be the patient of the additional wrong. Now, to misuse an object is to do something wrong *with it* whereas to wrong an object is to do something wrong *to it*. But while it does seem worse to sell subprime mortgages using “This Land is Your Land,” this is because there is a certain bitter irony in trying to make money from economically disadvantaged people using an anthem for the movement that opposes

Can We Wrong a Work of Art?

predatory capitalism. However, this bitter irony emerges only on the basis of the song's meaning and the ideas it expresses. Thus we do not find that the song itself is wronged, but rather the jarring effect of using it to sell subprime mortgages arises from the incoherence, almost amounting to a kind of contradiction, between the ideas to which the song is related through its lyrical content and the goal of the possible advertisement.

Spem in Alium

Spem in Alium is not important because it was composed by Thomas Tallis or for any idea for which Tallis stood. Any importance it might have is due to the aesthetic merits of the composition itself. If we are to vindicate the previously assumed claim that the creation of the sound-image is wrongful, we must be able to say something about why it is wrong or what it is about the creation of this sound-image that is wrong. Initially I will assume that *Spem in Alium* is a masterpiece and has the property of greatness. I will also assume that *Fifty Shades of Grey* is bland and mundane aesthetic junk.¹¹

An initial characterization of the putative wrongdoing then is as follows: the creation of this sound-image takes something mediocre and mundane — aesthetic junk — and tries to raise it up, to give it a false patina of quality. But this is done at the expense of the masterpiece, which is debased by being made a part of a whole, the sound-image, which is less valuable than one of its parts, the motet left on its own. The masterpiece is tarnished through its association with these images; thus the sound-image exists through a debasing of a real value. Since there is a loss of value, the creation of the sound-image has moral disvalue. Indeed, the images on their own would have more integrity if they were not overlaid with the music.

This characterization raises a host of questions and objections: it is surely not the case that *Spem in Alium* ceases to be great simply because it is attached to the images in question. Surely the work of art is in no way compromised if a private individual were simply to put it over some random images for her own amusement. Might not the use of *Spem in Alium* in a potentially very successful film bring more people to enjoy this piece of music as well as Renaissance music in general? Might not the sound-image

itself bring pleasure to many people? And what does it mean to speak of “debasement of real value”? Can we vindicate the claim that *Spem in Alium* has the property of real value and that this use of it involves a loss of value?

The first two objections seem right, but they do not seriously affect the argument: the piece of music remains a masterpiece; nothing about the music has changed. But there is now a possible association between sound and image so that when we hear *Spem in Alium* in the future, we might be reminded of its use in the movie. This association is unlikely to be caused by a private individual creating a sound-image with *Spem in Alium* for her own amusement. The sound-image must be a public offering for it to have this effect. However, we cannot establish that the act is wrongful if we try to construe its wrongfulness consequentially. An association between the sound and image is more likely to take root if the association works at the level of good filmmaking technique. Chion coins the term “synchresis” to refer to the “spontaneous and irresistible weld [that can be] produced between a particular auditory phenomenon and visual phenomenon when they occur at the same time.” Chion notes that synchresis can happen “out of thin air ... with images and sounds that strictly speaking have nothing to do with each other, forming a monstrous yet inevitable and irresistible agglomeration in our perception.”¹² Synchresis is, as Chion notes, something that just happens. But clearly a filmmaker might want to achieve this effect; it is a phenomenon that can be manipulated as part of filmmaking technique. But to do so successfully does not entail that the result is artistically valuable, a fact attested to by all the annoying advertisements that plague our memories. If we condemn the inclusion of *Spem in Alium* in *Fifty Shades of Grey* because of its syncretic quality, then the more successful the association, the more wrongful the action. Sound-images that fail in this technical regard could not then be wrongful; only those that “work” would be wrong. This would be an odd conclusion. It also seems to misconstrue the putative wrongdoing. If we think it is wrong to use *Spem in Alium* in this way, we presumably think there is something akin to a moral rule against doing so. If we share the sense that there is something wrong with using *Spem in Alium* in this way, then the knowledge that it has been or will be done is sufficient to invite our disapprobation. We do not even need to see the relevant sound-image in order to disapprove of it. Furthermore, if we say that *Fifty Shades* is a misuse of *Spem in Alium* because it will make it more difficult for a few aesthetes to enjoy Tallis’ music, then we have lost the argument. For it is likely that the motet’s inclusion in the movie will be

Can We Wrong a Work of Art?

pleasing to a much larger group of people. Indeed, it might even increase the audience for Renaissance music beyond the confines of a privileged elite.

Now, the claim that this is a wrong perpetrated on the motet requires that this artwork has a standing in virtue of which it would be wrong to simply take it up and use it as we like. This is consistent with our earlier abstract conception of the grounds for the possibility of a wrong that does no harm. *Spem in Alium's* moral status arises presumably from its putative greatness.

When we say that an artwork is great, it will presumably have some meritorious aesthetic properties, but greatness need not be confined to aesthetic considerations. In our two examples, the properties upon which an aesthetic valuation of the musical works would be based remain intact. The music does not change when it is joined to images. So if something has happened to the work of art as a result of this kind of use, then it must be a change in some other property. And since the music has not been changed, the property in question must be extrinsic to the artwork.

Sometimes when we call an artwork great, we are pointing to a kind of value that is distinct from the value a thing has insofar as it gives pleasure or the value it has because it is judged aesthetically successful. Let us call the first kind of value "hedonic value" and the second kind "aesthetic value." Judgments of hedonic and aesthetic value are based on the perceptible properties of the work in question. Greatness, in the sense intended here, refers to a different kind of value, which I shall call "transcendent value." Transcendent value is a value that is not due to perceptible qualities of the work of art although they may be necessary conditions for the manifestation of this kind of value. Artworks can have very high degrees of hedonic and aesthetic value without having transcendent value. Moreover, an object could have transcendent value, and yet someone with average perceptual capabilities might not be able to apprehend that value.

Now, the claim that an object is great in this sense is analogous to the idea of a sacred object. This analogy is useful because we already have the notion that sacred objects can be profaned and that the profaning of a sacred object need not alter any of its empirical properties. So what changes when a sacred object is profaned?

There are different ways we can articulate the idea of a sacred object; but for the sake of developing the point, let us just say that sacred objects

play a value-manifesting role for believers. That is, in the spiritual lives of believers, sacred objects act as places where transcendent value is manifested. The experience of the sacred object allows the believer to experience this transcendent value, to believe that there is transcendent value, and to be affected by that value. Similarly, certain artworks can also be seen as manifestations of transcendent value. This is possible even within the confines of a secular discourse although the language employed here can often sound somewhat religious. Indeed, one can sometimes hear guardians of religious tradition complaining that art has for some people supplanted the veneration of the traditional deity, a complaint that is not entirely groundless. In any case, to say that a work of art is “great” in the sense intended here means that it can play a role analogous to a sacred object.

Now, if a sacred object is treated in such a way that it can no longer play the role of manifesting spiritual value for a believer, then we can say that it has been profaned. Following the analogy, we can then recharacterize the wrongdoing as consisting in treating the artwork such that it no longer plays a value-manifesting role. Our initial characterization of the putative wronging of *Spem in Alium* was that the creation of the sound-image involved taking something of great value and using it to create something of less value. If we are talking about hedonic value, then the judgment is a cost-benefit analysis. But we cannot vindicate the claim that there is a loss of value on this basis because more people might actually enjoy the resulting sound-image than would have enjoyed the motet left alone. If the value we are concerned with is aesthetic, then we still fail to arrive at our conclusion because the motet’s aesthetic properties remain the same. However, developing the argument in this way locates the putative wrongdoing in the changed relationship we have with the motet. To say that our relationship to this work is changed and that the work can no longer play a certain kind of role in our lives does not tell us that the work itself is wronged. If anything, it seems that it is the person who regards the artwork rather than the work itself that is wronged.

We reach the same conclusion if we approach the question on the basis of the distinction between misusing and wronging. We previously noted that to misuse an object is to do something wrong with it whereas to wrong an object is to do something wrong to it. If *Spem in Alium* is misused but not wronged when incorporated into *Fifty Shades of Grey*, then it must be

Can We Wrong a Work of Art?

that creating works of erotica is wrong because it surely would not always be wrong to use this piece of music in a film soundtrack. And since to condemn the making of any erotica is a kind of dictatorial prudishness on the face of it, we cannot go down this road. So if there is a misuse here, then it seems that it is because there is a wrong to the piece of music itself. But how can we wrong a non-living thing?

Our earlier abstract formulation of non-harmful wronging was based on the idea of an object that has a status in virtue of which we are under an obligation concerning our orientation towards it. A familiar example of this kind of claim is when personhood is predicated of an object. The claim is that if X is a person, then not only must we avoid harming X, but we should also adopt the right attitude towards X. But on what basis may we make a claim like this in the case of *Spem in Alium*? None seems forthcoming apart from the claim that it is a work of art of transcendent value. But this is, as we have seen, nothing other than the claim that it plays a special role for us; it is not a claim based on the intrinsic properties of the work itself. Hence it seems that the best case we can make is that the work has a kind of pseudo-moral status: we ought to treat the great artwork as if it were a person. The realist orientation of moral-status talk implies that it is always and everywhere wrong to break the normative rules dictated by a thing's moral status, such as treating persons merely as means to an end or inflicting gratuitous suffering on sentient beings. But it would only be wrong to use *Spem in Alium* in the soundtrack for an aesthetically trashy movie because of the standing it has in a particular context; that is, in a context in which it does play a value-manifesting role. We might argue successfully that such a context inheres and that *Spem in Alium* has this standing, but that is not enough to establish that the artwork itself is a moral patient. As with the Guthrie example, the basis for any condemnation of its incorporation in a sound-image is in the context of the meaning the piece of music has for us. If there are moral patients in such cases, then we ourselves, not the works of art, are the moral patients.

This argument can be generalized. That is, while the language of moral status might be deployed to characterize a wrong-seeming action upon a work of art, it will always be possible to argue that the wrongness supervenes on the artwork's meaning and the role it plays for us. It is of course possible to damage artworks such as paintings, but the moral significance of such damage is tied to how this damage affects our

relationship to the artwork. The same argument can be made in relation to the memories of deceased persons discussed previously. It is not the mental representations themselves that are the moral patients; rather, it is the meaning they have for us that grounds any sense of obligation we have towards them. There is a further question concerning why things like artworks and memories can have meanings that take on a normative significance, but this question falls outside the scope of this investigation. 

Can We Wrong a Work of Art?

Notes

- 1 I would like to thank the four anonymous referees for *Evental Aesthetics* who provided helpful comments on an earlier draft.
- 2 This disapprobation is not the same as what Alan Tormey calls “aesthetic pain” (Alan Tormey, “Aesthetic Rights,” *The Journal of Aesthetics and Art Criticism* 32, no. 2 (1973): 165). Aesthetic pain is the discomfort one might feel from hearing “a violinist play the Debussy Sonata for Violin and Piano with a strident tone and faulty intonation,” or from “reading a trite and worthless novel.” Aesthetic pain is directed at an aesthetic rather than a moral defect.
- 3 See Mary Anne Warren, *Moral Status* (Oxford: Oxford University Press, 1997), 4–9, for a discussion of the “intuitive” sense of the idea of moral status. Warren argues that “people rarely ascribe moral status to entities that they regard as entirely inanimate” (7). According to Warren, “most of us would only regard it as wrong [to destroy an inanimate object] only insofar as it causes harm to human beings, or deprives them of important benefits” (4). Similarly, David DeGrazia, in his analysis of moral status, argues, “We should not shoot at cats for sport, for example. But if the only reason we shouldn’t do so is that hunting cats for sport might damage what is legally regarded as someone else’s property (the cat), or that doing so might upset people who find out about it, that would mean that cats lack moral status.” David DeGrazia, “Moral Status as a Matter of Degree?” *The Southern Journal of Philosophy* 46 (2008): 183.
- 4 The idea of moral status has realist commitments that cannot be accounted for on a purely contractarian basis at least if we take a Hobbesian approach to the idea of the social contract. Self-interest is a degenerate case here in that a Hobbesian egoist could say that I, and only I, have moral status. The moral consideration the egoist extends to others within the contract is not tantamount to the claim that contractual partners have moral status. The Hobbesian egoist extends moral consideration to, or more accurately recognizes the rights of, contractual partners only because it is in her self-interest to do so, not because contractual partners actually possess the property of moral status. Warren brings out these realist commitments indirectly by pointing out that cultural relativism about morality involves the view that “there is no such thing as the moral status that an entity has, or ought to have, for all moral agents” (Warren, *Moral Status*, 6). It is typical in the literature on moral status to ground attributions of moral status in real properties such as sentience (52–57) or other capacities that are taken to be tantamount to personhood (91–95).
- 5 Michel Chion, *Audio-Vision: Sound on Screen*, ed. and trans. Claudia Gorbman (New York: Columbia University Press, 1994), 5.
- 6 Immanuel Kant, *Critique of Pure Reason*, trans. Paul Guyer and Allen Wood (Cambridge: Cambridge University Press, 1999). Kant distinguishes the different kinds of representations at A320/B376–377. He discusses the role of ideas in providing the highest level of synthesis at A298–299/B355. See also *Religion Within the Boundaries of Mere Reason*, trans. George di Giovanni (Cambridge: Cambridge University Press, 1996), 6, where Kant discusses how the idea of the highest good bridges the gap between philosophy and religion.
- 7 I would like to thank one of *Evental Aesthetics*’ anonymous reviewers for pointing out that there are many ways of realizing a piece of music.

- 8 There are also historical, sociological, and political-economic relationships between folk music and fascism.
- 9 It is, however, not a sufficient condition. We can listen to the song and not find that we are compelled to agree that it is important and valuable. But this is a different matter. I have chosen to consider this example, but someone who does not like Guthrie's song could choose a different example.
- 10 There is a distinction between the extra-musical associations that allow us to hear certain acoustic phenomena as music and the extra-musical associations specific to "This Land is Your Land," such as Guthrie's politics, etc. The argument distinguishes "the song itself" from the latter, not the former, and so it does not tacitly presuppose aesthetic formalism. I am grateful to one of *Evental Aesthetics*' anonymous referees for forcing me to clarify this point.
- 11 Both assumptions may be false. A further assumption for which I will not argue is that there are real aesthetic valuations. We do not always know what they are, and we have no formula for discerning them, but over time we tend to converge on the masterpieces and discard the junk. I assume, therefore, that there are artistic masterpieces, and there is aesthetic junk.
- 12 Chion, *Audio-Vision*, 63–65.

Can We Wrong a Work of Art?

References

- Chion, Michel. *Audio-Vision: Sound on Screen*. Edited and translated by Claudia Gorbman. New York: Columbia University Press, 1994.
- DeGrazia, David. "Moral Status as a Matter of Degree?" *The Southern Journal of Philosophy* 46 (2008). 181–198.
- James, E. L. *Fifty Shades of Grey*. New York: Vintage, 2012.
- Kant, Immanuel. *Critique of Pure Reason*. Translated by Paul Guyer and Allen Wood. Cambridge: Cambridge University Press, 1999.
- . *Religion Within the Boundaries of Mere Reason*. Translated by George di Giovanni. Cambridge: Cambridge University Press, 1996.
- Tormey, Alan. "Aesthetic Rights." *The Journal of Aesthetics and Art Criticism* 32, no. 2 (1973). 163–170.
- Warren, Mary Anne. *Moral Status*. Oxford: Oxford University Press, 1997.