

OBLIGATIONS TO ARTWORKS AS DUTIES OF LOVE

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It is uncontroversial that our engagement with artworks is constrained by obligations; most commonly, these consist in obligations to other persons, such as artists, audiences, and owners of artworks. A more controversial claim is that we have genuine obligations to artworks themselves. I defend a qualified version of this claim. However, I argue that such obligations do not derive from the supposed moral rights of artworks – for no such rights exist. Rather, I argue that these obligations are instances of *duties of love*: obligations that one incurs in virtue of loving some object, be it a person or, in this case, an artwork.

I. INTRODUCTION

There are all sorts of things that one is permitted to do with a work of art. Suppose that you're in Tate Modern, viewing one of Mark Rothko's late paintings, *Black on Maroon*. There are a number of more or less standard activities that you're invited to engage in: you might sit with the huge canvas for some time, immerse yourself in its colours, or talk about it (quietly) with your friend. There are some less standard things that you might do too. Inspired by Thomas Struth's photographs of museum crowds, you might take a picture of the painting and the audience gathered around it.¹ You might rap about it, like Jay-Z did, slant rhyming 'Rothko' with 'brothel'.² Or, like the iconoclastic critic Robert Hughes, you might fail to be impressed, wondering whether what you see in front of you is an artistic achievement significant enough 'to sustain the orphic prating of relentlessly sublime performance, of continuous production of awe, which serves to accredit Rothko's work in museums and the marketplace'.³

On the other hand, there are a number of things that you are obligated *not* to do. Consider the case of Vladimir Umanets, who in October 2012 approached the

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¹ Struth has, in fact, made a photograph of two individuals sitting in the Rothko Chapel in Houston.

² Jay-Z is, incidentally, quite an admirer of Rothko. References to the artist occur in at least three of Jay-Z's songs, including one instance where a visitor to Jay-Z's apartment runs into a Rothko canvas hanging in the bathroom. Jay-Z sums it up beautifully: 'My house like a museum so I see 'em when I'm peeing.'

³ Robert Hughes, *Nothing If Not Critical: Selected Essays on Art and Artists* (New York: Penguin, 1992), 242.

very same Rothko painting and signed his name in the bottom right corner with a black paint marker. Umanets, himself an artist and a co-founder of the Dadaist 'Yellowism' movement – if a couple of puerile artists and an incoherent manifesto constitute a movement – claimed to have been inspired by earlier instances of appropriation of other artists' works by the likes of Duchamp and Rauschenberg. It has been claimed, with some justification, that 'much of the story of twentieth-century art can be told as a series of acts of vandalism.'⁴ The difference is of course that Duchamp never really drew a moustache on the actual *Mona Lisa*, and Rauschenberg asked permission before erasing De Kooning's drawing. Umanets, on the other hand, clearly violated an obligation – not to deface the Rothko – and his sentencing to two years in jail by a London court reflects the perceived severity of the violation.⁵

I am interested in the nature of such obligations which constrain the ways that we engage with works of art.⁶ What is the source of these obligations, and what explains their normative authority? The most common way to account for such obligations is as instances of more or less direct obligations to *other persons*. On this view, one's engagement with a work of art might be constrained by one's obligations to an artist, an audience, the owner of the artwork, fellow art lovers, and so on. The work of art itself serves as a nexus of these rights and responsibilities, although the work of art *itself* is not something towards which one has any genuine obligations.

To illustrate this point, consider the controversy over the removal of Richard Serra's *Tilted Arc* from Federal Plaza, on Foley Square, Lower Manhattan, in 1989. The sculpture, installed in 1981, consisted of a sheet of COR-TEN steel, 120 feet long, standing on its edge in the middle of the plaza. The General Services Administration (GSA), which commissioned the work, made the decision to remove the sculpture due to its tremendous unpopularity with the civil servants and members of the public working in the plaza. Serra argued that removal of the piece from the plaza would constitute destruction of the site-specific artwork, and filed suit against the GSA to block the removal of the work. Serra's lawsuit pitted his rights as an artist that his work not be destroyed against the rights of

⁴ Ben Lerner, 'Damage Control', *Harper's Magazine*, December 2013, <http://harpers.org/archive/2013/12/damage-control/>.

⁵ This is not to deny that transgression of such obligations might constitute an artwork; indeed, many more 'legitimate' artworks have consisted in obligations of this kind being openly flouted. Consider the British artists Jake and Dinos Chapman's defacement of several of Goya's prints which were, ironically enough, on display in 2013 at Tate Britain, sister institution to Tate Modern.

⁶ I use the term 'engagement' very broadly: I take it to encompass a wide range of possible actions, attitudes, and emotions which might constitute our interaction with a work of art.

the GSA, which owned the work. Although the work was ultimately removed from the plaza and scrapped, the controversy over the trial eventually led to the passing of the Visual Artists Rights Act (VARA) in 1991 – a US federal statute which affirms artists' rights to protect the proper attribution and integrity of their artworks.

In this legal case, the only obligations in question were those of the GSA to respect the rights of another *person*: the artist, Richard Serra. That such artist rights exist is a matter of broad agreement, although there is a great deal of controversy as to their scope and power. Similar debates concern the extent to which cultures have a right to objects of cultural property: Is the British Museum under an obligation to return the Elgin Marbles to Greece? For good reason, these questions have garnered much attention; such questions aim to determine the extent to which any individual's engagement with a work of art is constrained by obligations to other persons. A less-often considered question – and the one I focus on below – is the following: Might one have any genuine obligations to the work of art *itself* independent of one's obligations to other persons?

I argue that the answer to this question is a qualified yes, although the rationale I offer for this claim differs from that found in most recent discussions of this issue. These discussions have revolved around the possibility of affording moral rights to artworks, such that artworks themselves have independent moral standing.⁷ I think that there is reason to be doubtful that artworks deserve such standing. However, I think that there is reason to believe that, in some contexts, one might nevertheless have obligations to an artwork independent of one's obligations to other persons. I propose that these obligations issue from one's standing in a particular kind of relationship to these works of art: in the same way that some recent philosophers have argued that there are duties of love,⁸ I suggest that one's love for a work of art involves the appreciation of corresponding obligations to that work. The upshot of my argument is that, while it might be strained to speak of artworks as possessing moral rights, it is nevertheless quite reasonable to take ourselves to have genuine obligations to those works of art that we love.

⁷ See Alan Tormey, 'Aesthetic Rights', *Journal of Aesthetics and Art Criticism* 32 (1973): 163–67; David A. Goldblatt, 'Do Works of Art Have Rights?', *Journal of Aesthetics and Art Criticism* 35 (1976): 69–77; Hilde Hein, 'Aesthetics Rights: Vindication and Vilification', *Journal of Aesthetics and Art Criticism* 37 (1978): 169–76; Francis Sparshott, 'Why Artworks Have No Right to Have Rights', *Journal of Aesthetics and Art Criticism* 42 (1983): 5–15; and Peter Karlen and Ronald Moore, 'Moral Rights of Art', in *Encyclopedia of Aesthetics*, ed. Michael Kelly, vol. 2 (Oxford: Oxford University Press, 1998), 288–92.

⁸ See R. Jay Wallace, 'Duties of Love', *Aristotelian Society Supplementary Volume* 86 (2012): 175–98. I use the terms 'duty' and 'obligation' interchangeably in this paper. In other words, a 'duty' of love is equivalent to an 'obligation' of love. I don't deny that there might be important conceptual space between the two notions, but as far as I can tell the differences are irrelevant for the purposes of this paper.

In what follows, I first examine the arguments for a rights-based approach to grounding obligations to artworks and show how it is ultimately lacking. Following this, I make a case for an alternative approach to grounding obligations to artworks as relationship-dependent obligations. I conclude by considering the practical and theoretical consequences of accepting the existence of such obligations.

II. DO ARTWORKS HAVE RIGHTS?

To accept that some individual has a *right* to some object is to commit oneself to the corresponding claim that other individuals have a set of corresponding obligations not to interfere with or prevent that individual's enjoyment of their rights. A familiar example is the right to freedom of expression: to affirm such a right is also to affirm a corresponding claim that individuals have an obligation not to interfere with that individual's right by silencing them, censoring them, or otherwise interfering with their ability to express themselves. Thus Mill's famous dictum that 'if all mankind minus one were of one opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be in silencing mankind'.⁹

The scope of such rights is usually restricted to a particular domain; individuals have claims against other individuals within that domain to respect their rights within that domain. Legal rights concern the obligations that we owe to other individuals within the domain of a system of laws. Moral rights, on the other hand, concern the duties that one owes to other individuals in virtue of their moral standing.¹⁰ The two domains can come apart, especially if the laws of a particular legal system are unjust; arguments for granting legal rights to some class of individuals often rely on the claim that such individuals possess moral rights which the law does not adequately reflect.

There are interesting legal questions about the possible advantages of ascribing *legal* rights to works of art.¹¹ There might be reasons to designate artworks as the bearers of legal rights independent of the question of whether or not they have any moral rights; these reasons might have to do with the fact that such an ascription would consolidate the rights of a number of different parties – artists, art lovers, future generations, cultures – under the heading of one legal entity.

⁹ John Stuart Mill, *On Liberty*, ed. Stefan Collini (Cambridge: Cambridge University Press, 1995), 20.

¹⁰ See Judith Jarvis Thomson, *The Realm of Rights* (Cambridge, MA: Harvard University Press, 1990), 1–4.

¹¹ Some of these are considered in Sparshott, 'Why Artworks', 6.

We can, however, put these considerations aside for now. The claim that I am interested in is the suggestion that works of art are the bearers of *moral* rights which generate corresponding obligations – both moral and, ideally, legal – on the part of the individuals who interact with those artworks. If it could be shown that artworks have rights in this sense, it would immediately follow that, in virtue of this fact about artworks, all moral agents would have corresponding moral obligations to respect those rights. Thus we find Alan Tormey, an early defender of the rights of artworks, claiming that ‘art works have, in virtue of their status as art works, certain determinable entitlements to be dealt with, or not to be dealt with, in particular ways.’¹² He is making a claim about the entitlements that artworks have to certain kinds of treatment by *all* rational agents.

Before addressing the plausibility of Tormey’s claim, it is worth asking: What might such rights consist in? What determinate rights might works of art be thought to have? The general consensus clusters around three broad categories of rights: first, rights not to be mishandled, mutilated, destroyed, or otherwise harmed; second, rights to be performed or interpreted in an appropriate manner; and third, broader rights to be respected or appreciated in a manner befitting a work of art.¹³ To make the stakes clearer, I address each of these classes of rights in turn with an eye to the practical and theoretical upshot of accepting the existence of such rights.

First, consider the question of the destruction of works of art. One primary candidate for a right of a work of art is the right not to be destroyed, mutilated, or otherwise harmed.¹⁴ This right would, in turn, ground an obligation for all rational agents not to engage with a work of art in such a way that might lead to its destruction, mutilation, or harm. Such an obligation would be owed not to the owner of the work of art, or to the artist, or to the artworld public, but rather to the work of art itself. The ascription of such rights to artworks would have at least three major implications.

First, these rights would constrain the privileges of the owners of works of art. If such rights could be shown to exist, we might revisit the case of the removal of

¹² Tormey, ‘Aesthetic Rights’, 163.

¹³ Here I follow the division of such rights proposed in Goldblatt, ‘Do Works of Art Have Rights?’, 71.

¹⁴ An obvious worry about such a right concerns the possibility that, if it were respected, the world would be *full* of art – including bad art. Given that artworks, unlike persons, don’t tend to pass away within a reasonable amount of time, we might find the world cluttered with old art – perhaps even to the extent that it interferes with the creation of new art. This possibility is well addressed in Sparshott, ‘Why Artworks’, 13. This objection doesn’t seem overly deep to me; presumably the right to preservation has limits, especially insofar as it must be balanced against other rights – for example, the rights of artists to create new work.

Serra's *Tilted Arc* with an eye not to the obligations that the GSA has to Serra, but instead to *Tilted Arc* itself. Suppose that the GSA has no obligations to Serra or to any other person. The claim made by the defender of the rights of artworks would be the following. In removing the artwork from the plaza, we might say that, despite its ownership, the GSA ignored its obligations to the work; these rights might be invoked to protect a work of art against the wishes of its owner.

Second, such rights might also be invoked to prevent the destruction of an artwork by the artist who created it.¹⁵ Consider the case of the conceptual artist John Baldessari, who in 1970 burned every one of his early paintings created between 1953 and 1966. In this case, it's hard to claim that Baldessari violated any obligations to other persons; the paintings were, after all, *his own*, both as creation and as property – and he was under no obligation to any owners of the work or to the public to show them.¹⁶ That such destruction is nevertheless controversial – and perhaps prompts pangs of anger or outrage – might lead one to say that Baldessari violated his obligations to his own artworks.

Third, these rights might guide decisions about preservation and restoration of artworks. When the sculptor David Smith died unexpectedly in 1965, his friend, the art critic Clement Greenberg, acted as the executor of Smith's estate. In this capacity, Greenberg had white paint removed from five of Smith's outdoor steel sculptures, allowing the sculptures to deteriorate in the elements and develop a patina of rust. The case was highly controversial, and Greenberg was publicly criticized for his actions by his former student, Rosalind Krauss.¹⁷ While, admittedly, the chief issue in this case seems to be whether or not Greenberg failed to respect Smith's wishes for his work, one might additionally stress that Greenberg violated his obligations not to destroy these sculptures insofar as he exposed them to the elements.¹⁸

A second candidate class of rights for artworks consists of rights to be performed and interpreted in determinate ways. Consider, for example,

¹⁵ See James O. Young, 'Destroying Works of Art', *Journal of Aesthetics and Art Criticism* 47 (1989): 370–71.

¹⁶ One might imagine that, had he not destroyed the paintings, he might have (without outrage) locked them in a vault where they would never be seen by any potential audience.

¹⁷ Rosalind Krauss, 'Changing the Work of David Smith', *Art in America* 62, no. 5 (1974): 30–34.

¹⁸ An anonymous reviewer notes that Greenberg's aim was not to destroy the works, but rather to allow them to be temporarily exposed to the elements to acquire a patina, which would then be covered by a protective varnish. While the details of the actual case are disputed, we might imagine an alternative case in which Greenberg did in fact simply allow the sculptures to deteriorate over time until their destruction; this case would clearly violate both rights not to be destroyed as well as rights not to be otherwise harmed or defaced.

a director who takes extreme liberties with the staging and performance of a play, to the extent that the play has an extremely negative effect on its audience, an effect radically different from what might reasonably be expected. It would be common to say that the director has abused the work, not given it a fair interpretation, or otherwise mishandled his responsibilities as an interpreter of the work for performance. The attribution of a right to the work of art *not* to be abused in such a way might provide grounds for our censure of the director.

The third category of rights consists of rights to be respected and valued in a manner befitting a work of art. This category of rights is more capacious than the first two; in fact, it might be thought to ultimately subsume and provide some justification for the other two categories. The general idea is that, like persons, works of art are unique, semi-autonomous entities worthy of respect. They would therefore have a corresponding right to be treated as such.

The existence of such rights would serve to strengthen an analogy that is often appealed to in discussions of artistic value. The analogy is that we value works of art in much the same way that we value other persons.¹⁹ It is often assumed that valuing a person involves respecting their interests and being sensitive to the obligations that these interests generate.²⁰ If it is true that we have obligations to artworks, then valuing them might consist in respecting these obligations in much the same way we respect our obligations to other persons.

Ascription of such rights might ground the argument that it would be morally problematic to use works of art only as a means to valuable experiences, rather than to appreciate them in a way that respects their inherent value. Consider R. A. Sharpe's invocation of obligations to artworks to ground such an argument:

We can have obligations to art (and again this is not the same as having obligations to its creator) [...] I do not value my children for the experience they give me. I value them for themselves. If I were to cast them aside once they ceased to be amusing and cuddly and became adolescents with problems, then I should have acted wickedly. Works of art are like people in this respect [...]. If I value a work of art for the experience it gives me, then it looks all too much like a case of my using the work of art.²¹

¹⁹ Most attribute an early statement of this analogy to Stanley Cavell, *Must We Mean What We Say?*, 2nd ed. (Cambridge: Cambridge University Press, 2002), 189.

²⁰ Consider Scanlon's claim that 'the idea of valuing human life and the idea of respecting one's duties and other people's rights ought to be closely related, if not the very same thing'. Thomas Scanlon, *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1998), 106.

²¹ R. A. Sharpe, 'The Empiricist Theory of Artistic Value', *Journal of Aesthetics and Art Criticism* 58 (2000): 323.

For Sharpe's argument to have any teeth, there must be genuine obligations owed to artworks.²² The ascription of moral rights to artworks would ground such obligations.

Success in making the case that works of art are the bearers of moral rights would not just be a surprising finding; as I've suggested above, it would also be of major theoretical and practical significance. The case for this position has been most convincingly made by Alan Tormey in an article, 'Aesthetic Rights', which I have already cited above. I think that his argument, while provocative, ultimately fails: works of art are not – and should not be – the possessors of any such rights. However, Tormey's argument fails in ways that will ultimately be productive for my own argument that we nevertheless *do* in certain contexts have genuine obligations to artworks.

Before examining Tormey's argument, it will help to ward off an immediate but ultimately superficial objection to the view that artworks are the bearers of rights. One might worry at the outset that the only individuals capable of possessing rights are those who can *claim* their rights. Artworks, it might be maintained, are insensate entities and thus are incapable of claiming anything against anyone. But this in itself isn't a telling objection; many individuals who are incapable of claiming their rights are nevertheless considered to be bearers of rights. These might include children, mentally disabled individuals, animals, and potentially even natural objects.

Appreciating this point takes us one step into Tormey's argument: Tormey adopts the rather common view that every right possessed by an individual corresponds to some interest or interests of that individual. Not all interests generate obligations: a corporation might have an interest in paying its workers less than minimum wage, but this doesn't mean that it has a right to do so. *Some* interests, however, ground moral rights: these plausibly include rights to freedom from harm and respect from other rational individuals. Even individuals who are not able to appreciate or claim their rights nevertheless have such interests, which would serve to ground rights that such interests not be violated by other moral agents. This opens the door to the possibility that even insentient individuals might be bearers of rights, insofar as we take their interests to generate obligations.²³

²² As far as I can tell, Sharpe does not explicitly argue for this point, but instead accepts it as a commonly, if not universally, held position. I think Sharpe is more than a little optimistic about the prevalence of this view.

²³ This strategy of attempting to extend rights to insentient beings is not unique; the same argument has been employed to make the case that natural objects, like trees, have rights on the grounds that they have obligation-generating interests of their own. See Christopher D. Stone, *Should Trees Have Standing? Law, Morality, and the Environment* (New York: Oxford University Press, 2010).

Tormey's suggestion is that we extend moral rights, grounded in obligation-generating interests, to artworks. In order to prove this claim, he will have to demonstrate (1) that works of art are the kinds of things that have interests; and (2) that some of these interests are in fact obligation-generating, to the extent that they warrant the attribution of moral rights to artworks themselves.

Tormey's argument for the first claim is largely implicit. It seems to go something like this: Works of art are artefacts. As such, they have a particular aim or purpose. The 'interests' of a work concern its ability to fulfil this aim or purpose in an appropriate fashion. To the extent that one attempts to interact with a work of art in such a way that one interferes with this aim or purpose – perhaps by destroying it, modifying it, or interpreting or performing it in some ludicrous fashion – one violates these interests. This is, importantly, a general claim about the interests of artefacts: it applies just as much to hammers and nails as it does to Leonardo da Vinci's paintings and J. S. Bach's compositions.²⁴

One might grant the above claim about artefacts without committing oneself to the stronger claim that such interests are obligation-generating. Suppose that one uses a sledgehammer to nail tacks. It might be true that in doing so one violates the interests of the sledgehammer; but one is under no obligation to the hammer not to use it in this way – even if doing so might be both foolish and ineffective. Tormey needs to make the stronger claim that the interests of artworks in particular *do* generate obligations.

In order to make this claim, Tormey appeals to the phenomenon which he labels 'aesthetic pain'. He asks us to consider several examples of engagement with works of art which prompt a kind of pain or avoidance behaviour. These include:

1. Hearing a violinist play the Debussy Sonata for Violin and Piano with a strident tone and faulty intonation.
2. Watching an inexperienced and awkward ballerina attempt *Giselle*.
3. Seeing the *Annunciation* of Pinturicchio in Spello after someone has painted a moustache on the Virgin.²⁵

²⁴ This claim might also lend itself to a picture of artefactual well-being, according to which an artefact's life goes best insofar as it is able to satisfy its interests. It's not necessarily an objection that these interests are the product of an intentional design of the artefact by its creator; such a view is close to one according to which human well-being consists in an individual's fulfilling the aims and goals for which they were designed by God.

²⁵ Tormey, 'Aesthetic Rights', 165.

We might add to the above list the experience of viewing Umanets defacing the Rothko painting in Tate Modern. What prompts the discomfort that one might feel in observing each of these events? The general idea is this: when one experiences a work of art that has been misused or violated in some way, one will experience this kind of pain, which might generally be accompanied by attempts to halt the source of said pain – the abuse of the artwork.

Tormey argues that the existence of such pain provides evidence for the claim that artworks possess obligation-generating interests: 'If art works are vulnerable to this variety of mistreatment (whose recognition I have argued is the source of aesthetic pain), this furnishes excellent presumptive evidence that we commonly regard them as invested with interests that are obligation-generating.'²⁶ His more general claim is that any instance of an obligation-generating interest being violated will be painful to someone who witnesses it, such that we can point to the existence of this pain as evidence for the existence of such an obligation-generating interest.²⁷

A major omission in Tormey's argument is his failure to consider that the class of individuals susceptible to such aesthetic pain is much smaller than the class of all rational agents. At the outset, he says that he thinks that any 'perceptive experient' will be subject to experiences of such pain. But this seems too broad; one presumably needs to know something about the artwork, its nature, and its aims or functions to be sensitive to whether or not it is being mistreated. More substantively, it seems that one must at least *value* the artwork in order to be sensitive to the experience of aesthetic pain.²⁸

The problem with this omission is that Tormey moves from the obligations that these 'perceptive experients' take themselves to have towards artworks to the claim that artworks have rights that *all* rational agents respect these obligations. Not only is this move unwarranted; it also leads to the threat of an explosion of artefact rights which is highly counter-intuitive.

Assume that Tormey is correct that the aesthetic pain of such perceptive experients does indicate the existence of obligations that must be respected by all rational agents. Next, consider the possibility that there is an arbitrarily small set of valuers of just about *any* class of artefact, from alarm clocks to ashtrays to

²⁶ Ibid., 172.

²⁷ Ibid., 168.

²⁸ I take valuing some X to consist in (a) taking certain X-related considerations (such as those involving X's interests) to constitute reasons for action and attributes; (b) being emotionally vulnerable to X and to X's interests; and (c) being committed to the existence of a minimal set of reasons that *everyone* has to respect X. See Samuel Scheffler, 'Valuing', in *Equality and Tradition: Questions of Value in Moral and Political Theory* (Oxford: Oxford University Press, 2010), 15–40.

airplanes. If Tormey's argument were correct, the existence of these valuers would lead to attributions of rights for nearly every valued class of artefacts, independent of the size of the class of valuers or the correctness of their claims. Thus, David Goldblatt (rather entertainingly) considers the possibility that contact lenses have rights. He introduces

[a] class of those who are appreciative of the value of contact lenses and includes among others, optometrists, contact lens wearers, and their friends and mothers. There are certain ways that one ought to treat contact lenses as contact lenses, e.g., soak them regularly, and certain ways in which one ought not treat them, e.g., scratch them. Thus we have for contact lenses a set of prescriptions [...] violations of [which] will result in some kind of avoidance behavior for the class [of perceptive experiencers]. The uncomfortable result for members of [this class], we can call, analogous to aesthetic pain, optometric pain.²⁹

This is, of course, absurd. As Goldblatt points out, this amounts to a *reductio* of Tormey's argument; it is therefore false that the existence of a class of perceptive experiencers sensitive to aesthetic pain indicates that all rational agents have obligations to works of art.

While this does not amount to a full repudiation of the possibility that works of art possess moral rights, I think that it counts as a strong presumptive case against it. There are further concerns that might tell against the attribution of rights to artworks, which, for lack of space, I cannot address here.³⁰ Instead, I will turn to a different approach to grounding genuine obligations to artworks.

III. OBLIGATIONS TO ARTWORKS AS DUTIES OF LOVE

I take it as uncontroversial that some works of art are the objects of love. More generally, one might love the *oeuvre* of a particular artist, artworks of a particular historical period, an artistic genre, or even art itself, in all of its varieties. One aspect of taking this claim seriously involves thinking through just what is involved in loving a work of art.

Harry Frankfurt, in writing about love, has argued that central to loving an individual is a kind of volitional necessity:

Now the necessity that is characteristic of love does not constrain the movements of the will through an imperious surge of passion or compulsion by which the will is defeated and subdued. On the contrary, the constraint operates from within our own will itself. It is by our own will, and not by any external or alien force, that we are constrained. Someone who is bound by volitional necessity is unable to form a determined and effective intention – regardless of what motives and reasons he may

²⁹ Goldblatt, 'Do Works of Art Have Rights?', 72.

³⁰ For further discussion, see Hein, 'Aesthetics Rights', and Sparshott, 'Why Artworks'.

have for doing so – to perform (or to refrain from performing) the action that is at issue. If he undertakes an attempt to perform it, he discovers that he simply cannot bring himself to carry the attempt all the way through.³¹

We can appreciate this kind of necessity by considering a famous case proposed by Bernard Williams. Suppose that one's partner were drowning in a pond along with several other strangers.³² If one truly loves one's partner, jumping into the pond to save *them* – rather than any of the strangers – presents itself as a matter of practical obligation. One simply *must* save one's partner; love admits no other option.

The lesson one might take from Frankfurt's observation is that there exist duties of love, obligations to some individual that one incurs in virtue of standing in a particular relationship to that individual – namely, a loving relationship.³³ These obligations cannot be analysed solely in terms of the moral rights of the individual that one loves, or in terms of any other more general moral principles. Rather, it is because one loves the individual in question that one is subject to such obligations. The content of such duties will depend upon the particulars of the object that one loves, but plausibly many involve the recognition, appreciation, and promotion of the interests of the individual in question.

I propose that loving a work of art involves the appreciation of a similar set of duties of love. One doesn't incur genuine obligations to artworks because artworks are the bearers of moral rights which must be respected by all rational agents. Instead, we incur obligations to works of art because such obligations are part and parcel of what it is to love these works of art.

At this point, one might object that speaking of 'loving' a work of art is largely metaphorical. One loves works of art in roughly the same way that one 'loves' chocolate ice cream. One might object, as does Jerrold Levinson, that there are significant differences between our relations to persons and our relations to works of art, differences in the obligations and opportunities involved in the two cases.³⁴ Perhaps, the objection goes, loving a work of art might not entail the existence of any particular obligations to that work of art; in this respect, it might differ from loving a person. What evidence is there that loving a work of art actually involves the appreciation of such obligations? Here we would do well to return to Tormey's discussion of aesthetic pain. I think that Tormey is quite

³¹ Harry G. Frankfurt, *The Reasons of Love* (Princeton, NJ: Princeton University Press, 2004), 46.

³² Bernard Williams, 'Persons, Character and Morality', in *Moral Luck: Philosophical Papers, 1973–1980* (Cambridge: Cambridge University Press, 1981), 17–18.

³³ This point is argued in depth in Wallace, 'Duties of Love'.

³⁴ Jerrold Levinson, 'Artistic Worth and Personal Taste', *Journal of Aesthetics and Art Criticism* 68 (2010): 230.

correct about the experience of such pain: in many instances, seeing a work of art mistreated, abused, or even destroyed might be intensely painful. It might prompt one to intervene on behalf of the artwork in order to protect its interests. Where I think Tormey goes wrong is in arguing that the experience of such pain is indicative of an obligation on the part of *all* rational individuals. This is clearly too broad. A more plausible interpretation of the phenomenon of aesthetic pain is this: just as one might experience pain at the sight of a loved one in harm's way, so too might one experience aesthetic pain given the experience of a beloved work of art being subjected to mistreatment, damage, or disrespect.

A further – and I think more pressing – objection is that there is an asymmetry between the kinds of commitments we have to the persons that we love and our commitments to the objects that we love. In particular, in loving a person, it seems that it would be wrong of us to abandon our loved ones, or to fail to appreciate our duties to them. They would be justified in holding us responsible for failing to live up to our duties. In loving a work of art, it might seem by contrast perfectly permissible to abandon one's commitments: what wrong have I committed in ceasing my allegiance to a Thomas Kinkade painting if I've (quite reasonably) come to love other artworks instead? Certainly the *artwork* itself isn't going to hold one responsible – nor, I might add, would anyone be justified in doing so on the artwork's behalf. If this is the case, to what extent should we treat our obligations to the works of art that we love as *genuine* obligations?³⁵

I think that, while this asymmetry is genuine, it does not entail that we have no genuine obligations to artworks. Rather, what it demonstrates is that the source of these obligations lies in a particular commitment made to oneself: one is obligated to an artwork only to the extent that one reflectively endorses one's love for the work as both appropriate and binding. For example, an author might commit herself to finishing her novel; a Wagnerian might affirm the centrality of Wagner in his life; and a young punk might promise himself that he'll never sell out, and that he'll remain committed to the music he loves now. In such cases, one has made a commitment to *oneself* which grounds an obligation to remain committed to the artwork. All other things being equal, violating the obligation by, say, giving up on punk would make it appropriate to feel a set of reactive attitudes like anger and blame towards oneself.

Of course, one might object that such obligations are not genuine and have no normative force insofar as one could always release oneself from one's commitment, thereby removing one's obligation. This shows that one was never

³⁵ Scheffler argues for an analogous claim with respect to our obligations to personal projects. Samuel Scheffler, 'Projects, Relationships, and Reasons', in *Reason and Value: Themes from the Moral Philosophy of Joseph Raz*, ed. Michael Smith et al. (Oxford: Oxford University Press, 2006), 258.

actually obligated by one's commitment to oneself. However, the fact that one might deliberately release oneself from a commitment does not establish that the commitment doesn't ground a genuine obligation. This is demonstrated by the fact that we recognize a distinction between reconsidering one's commitment and acting against it. Connie Rosati makes this especially clear:

From an agent's perspective there is all the difference in the world between changing her mind and acting against her own reflective judgment. Indeed, she may well recognize at the moment of action that she is acting against a considered decision, or compromising her values, or behaving self-destructively. In these cases, she may well think, looking forward, I'm going to regret this in the morning, or she may acknowledge looking back that she has let herself down.³⁶

Given the possibility of drawing such a distinction – between reconsidering our commitment to ourselves and acting against it – I think that it is reasonable to conclude that commitments to oneself *do* have normative force; to this extent, they are genuine obligations, which can, however, be reconsidered unilaterally.

A final objection to this approach would be to claim that I have not demonstrated that *artworks themselves* generate obligations. Rather, I have only argued that one incurs obligations to artworks by way of a commitment to a person – namely, oneself. The upshot, according to the objection, is that artworks don't really generate obligations at all. Unfortunately, I think that this objection is ultimately correct about the *source* of our obligations to artworks. Ultimately, the source of such obligations does lie in our own love for the works, and in the commitments that we form in reflecting on said love. However, even if this is ultimately the source of these obligations, the *focus* of such obligations is not on us, nor is it on our fellow art lovers, on the artist, or on any other people: rather, we feel obligated to the work itself, such that we would – as Frankfurt puts it – not be able to entertain the idea of acting contrary to the *artwork's* interests.³⁷

A fuller account of our obligations to artworks would provide a more substantive account of just what such obligations might consist in, and how they differ from our obligations to other persons that we love.³⁸ My focus in this paper

³⁶ Connie S. Rosati, 'The Importance of Self-Promises', in *Promises and Agreements*, ed. Hanoch Sheinman (Oxford: Oxford University Press, 2011), 135.

³⁷ Kolodny draws a similar distinction between the source and the focus of reasons of love in Niko Kolodny, 'Love as Valuing a Relationship', *Philosophical Review* 112 (2003): 156.

³⁸ I owe this point to an anonymous reviewer for this journal, who also raised the question of whether loving art *in general* gives rise to obligations similar to those that arise from loving a particular work of art. Although I cannot fully address the point here, I suspect that loving art in general (or a genre or category of art) *would* generate obligations, although they would be substantially different in content than those generated by the love of a particular artwork.

has been determining whether such obligations exist at all, and I do not plan to provide an exhaustive account of the content of these obligations here. I believe, however, that I can offer some brief indication of how one might go about providing such an account: I take it as uncontroversial that love for any particular artwork, person, or thing involves highly particularized attention to the kind of individual or thing that it is. The features that make artworks lovable will most likely, but not always, be the artistic features of the work. (I love Walker Evans's photographs for their uncompromising moral vision, rather than their cash value.) Central to an appreciation of these artworks is the further understanding that the works themselves are designed to reward appreciation of these qualities. It is, as I've discussed it above in the context of Tormey's argument, *in their interest* to be engaged with in this way – that is, to be loved. I suggest that the content of our obligations to artworks will largely consist in two sorts of obligations: first, we have duties not to interfere with the interests of the artworks we love. We should not destroy them, deface them, or otherwise prevent them from realizing their ends of being loved and appreciated. These duties would be for the most part identical to those which Tormey aims to ground in the moral rights of artworks. Second, we have what Kant would refer to as imperfect duties to help those works of art that we love. These duties are less stringent, and we can fulfil them in myriad ways: by caring about the work ourselves; by helping to popularize the work through conversation, sharing, or even criticism; by contributing to the preservation and restoration of the work, and so on. The specific implementation of these duties will largely depend both on one's circumstances and on the kind of artwork that one loves, but this is as it should be; love, as concern for an individual, is just as distinct in its manifestations as beloved individuals are distinct from each other.

IV. CONCLUSION

Above, I suggested that ascribing moral rights to works of art would have major practical and theoretical consequences. If it is true that all rational agents have a moral obligation to refrain from destroying works of art, then one has grounds to criticize – and even punish – those individuals who violate the rights of artworks. Thus one might object to the destruction of *Tilted Arc* by the GSA, the degradation of David Smith's sculptures by Clement Greenberg, or the use of artworks as a mere means to pleasure as immoral, simply in virtue of the violation of the rights of the artworks in question.

My proposal is considerably more modest: I do not think that all individuals have obligations to works of art in virtue of the rights of artworks. I have instead

argued that the only individuals who possess genuine obligations to works of art are those individuals who antecedently love those artworks.

What is the significance of this finding? While the consequences are not as sweeping as those associated with ascribing rights to artworks, I believe that there are nevertheless two major points to take away. First, this approach opens up a new direction of inquiry within the philosophy of art: how else might loving a work of art be similar to – or different from – loving a person, a project, or an ideal? This question has seldom been asked, and has to my knowledge never been satisfactorily answered.

Second, I believe that the recognition of these obligations has a significant practical consequence. Insofar as love is itself valuable, it *does* seem that all rational agents have a responsibility to respect instantiations of loving relationships. To this extent, agents have good reason not to go out of their way to disrupt, destroy, mutilate, or otherwise abuse those works of art that are the objects of love on the part of some individual or set of individuals. This may indeed be a genuine right worth protecting: the right to love those individuals that we do, as best as we can, without fear that our efforts will be intentionally and needlessly frustrated by others.

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