

Free Will, Art and Morality

It is certainly not the least charm of a theory that it is refutable; it is precisely thereby that it attracts subtler minds. It seems that the hundred-times-refuted theory of “free will” owes its persistence to this charm alone; again and again someone comes along who feels he is strong enough to refute it.

*- Nietzsche, *Beyond Good and Evil**

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Philosophical discussions of the free will problem, as generally presented, tend to focus narrowly on worries relating to moral responsibility. It is clear, nevertheless, that the issue of free will, as it concerns the way in which human action and activities are embedded in the natural order of events, is of broader interest than this. More specifically, all of us aspire to be something more than simply *moral* agents. We want freedom because we also value a certain conception of ourselves as agents who secure and bring into existence values *other* than moral values by means of the exercise of our own agency. Perhaps nothing manifests this concern more evidently than artistic activity - although this is by no means the only other area of human activity that we care about or that is relevant to concerns about human freedom. Through artistic activities of various kinds we create valuable and worthwhile things and events by means of our agency. Moreover, activities of this kind serve as the basis of evaluations of agents (i.e. artists) and their works (i.e. performances and creations). For this reason, the problem of “free will” is directly involved here.

One general form incompatibilist worries take is that we do not want to be “mere cogs” in the natural order of events. The spectre of “mechanism” threatens to undermine our sense that we can and do “truly contribute” to *culture* and can thereby “make a difference” through our own creative and deliberate activities (e.g. the activity of writing this paper). Worries of this kind are of interest for at least two related reasons. First, as I have indicated, they reveal the *wider* character of the problem of free will (i.e. as it concerns the significance and value we place on human agency beyond the sphere of morality). Second, getting clear about issues of free will in the arts, and other non-moral areas of human activity, may help us better understand to what extent morality encounters *unique* and *distinct* problems in relation to free will.

The discussion in this paper begins with some observations regarding a number of structural similarities between art and morality as it involves human agency. On the basis of these observations we may ask whether or not incompatibilist worries about free will are relevant to both art and morality. One approach is to claim that libertarian free will is essential to our evaluations of merit and desert in both spheres. The other, is to claim that free will is required only in the sphere of morality – and that to this extent the art/morality analogy breaks down. I argue that both these incompatibilist approaches

encounter significant problems and difficulties (and that incompatibilist have paid insufficient attention to these issues). At the same time, I also argue that although the analogy between art and morality may be welcomed by compatibilists, this analogy does not pave the way for an easy or facile optimism on this subject. On the contrary, while the art/morality analogy may lend support to compatibilism it also serves to show that some worries of incompatibilism relating to the role of luck in human life cannot be easily set aside and deny compatibilism any basis for complacent optimism on this subject.

1. *Human Agency and The Art/Morality Analogy*

Human beings evaluate the activities and actions of their fellows in a wide variety of areas: arts, professions, athletics and morality – to name a few of the most obvious examples. We also evaluate other personal qualities such as looks, intelligence, strength and so on.¹ In general, evaluation and assessment are inescapable and essential features of human life – however varied the individual (cultural) forms of such evaluation and its modes may be. From the point of view of agency and agent evaluation there exists a certain common or shared structure to these modes of evaluation. This structure falls into three important and distinct dimensions.

(a) *Ability, Opportunity and Effort*. Any of the basic human activities we have described (art, athletics, morality, etc.) require some relevant general capacity to participate.² With regard to this it is important to keep in mind that abilities and opportunities vary in ways that do not depend solely on the agent. For example, to become good at the piano, or at football (soccer) requires an ability (talent) and an opportunity to develop and train whatever ability or talent we have. Whether talent, education, training is available or not largely depends on factors that the agent has little or no control over. At the same time, it is also clear that the agent has a role to play by way of motivation, effort, discipline, application or “will”. These are factors intrinsic to the agent that involve *developing* their talents or *taking advantage* of their abilities (e.g. being good at the piano is not a matter of *pure luck* – unlike, say, being born with beautiful green eyes). In sum, in activities of this kind we find that there are both

“internal” and “external” factors at play and that they interconnect with each other in complex ways.

(b) *Performance and Achievement*. Our various human activities or exercise of agency may result in a “performance”, or produce created artifacts or events. In the arts this may take the form of playing an instrument, painting a picture, writing a novel and so forth. (In other spheres it may take the form of playing a game, fulfilling a professional role, or taking on some ‘civic’ role of some kind.) These performances and products vary in both *content* and *significance*. We may classify them as “moral”, “artistic”, “professional”, “recreational”; or as “serious” or “trivial”. The particular kind of activities or performances we pursue and bring about through our agency will vary depending on our available opportunities, abilities and talents. For this reason what activities we in fact pursue, and the specific form they take, will generally be a function of variables that we are *presented with*. Furthermore these are conditions that will either constrain or foster *achievement*.

(c) *Assessment and Evaluation*. Just as the kinds of activity and performance vary, so too does the *level* (degree, quality, etc) of achievement. That is to say, in relation to the sorts of activities being described (art, athletics, etc.), we may say that they have been done well or done poorly. Moreover, with all activities of these kinds certain *standards* of evaluation are generally *constitutive* of the practices and activities involved. (E.g. the very notion of “being able to play the piano” or “paint a picture” presupposes some relevant standard of achievement or competence.) In this way, for these forms of human life and activity we find that our achievement and performances will inevitably be assessed (i.e., insofar as we undertake the activity or involve ourselves in it.) Considered from the spectator perspective, we may also say that such activities invite us to take up an “evaluative stance” toward the agent and the performance.³

A further feature of our evaluations and assessments is the way in which these are generally accompanied by some associated system of rewards and punishments. Once again, these features of our evaluative stance may take various forms, ranging from (expressed) approval/disapproval, to prizes and awards, promotions or demotions, humiliation and ridicule, titles and honours, and – in the more weighty cases – legal sanctions such as prison, corporal or even capital punishment. In all these cases, the

system of retributive attitudes and practices vary in strength and degree, depending on the nature of the activity involved. Agents in these circumstances are liable to either positive or negative responses by others, and these are fundamental to motivating agents to improve their performance and avoid failures of any kind.

Another distinction that needs to be considered, within the dimension of evaluation and assessment, is that between evaluation of agents and their activity. More specifically, praise and criticism is not limited to the external performance (product, creation, etc.). It goes down deeper to the qualities of the *agent* considered as the *source* of the performance. Great performances and achievements secure rewards and prizes, criticism and condemnation, for the *person* who produces them. It is the *agent* who receives whatever retributive response is called forth by her activities or performance. This is obvious and familiar in the arts. We distinguish between praising the pianist and the performance, the painter and the painting, the play (performance) and the playwright (actors, directors, etc.). It is clear, nevertheless, that praise of the former kind depends on praise of the latter kind.⁴

Given this three-dimensional analysis of the framework of human agency it is evident that issues of *fairness* arise in respect of such activities and that this is not unique to artistic or moral evaluation. Among the most general questions we may ask are these:

- (a) Is the standard of evaluation the right or correct standard?
- (b) Has this standard been properly applied to the agent and/or the performance?
- (c) Are the conditions and circumstances of evaluation and assessment fair and reasonable?⁵

In both moral and non-moral areas of human activity -- including the arts and athletics -- the agents involved may be unfairly treated in any of these respects. Where there is some failure of this kind, the agent may receive punishments, blame, criticism, contempt, ridicule, or damage to self-esteem that is unjust or unfair. Nevertheless, we assume in all these interrelated spheres of human activity that insofar as the agent has the relevant ability and performs the relevant activity the issue of assessment and evaluation naturally arises and presents itself to us.

2. *Creativity, Merit and Luck: The Case of Mozart*

Although the relevance of free will for art and artistic activity has been neglected it has not been entirely overlooked. More specifically, it has been argued by some prominent and distinguished incompatibilists, most notably Robert Kane, that in the absence of free will, understood in terms of a lack of *origination* or *ultimacy*, our artistic activity and achievement would be impoverished in two especially significant respects. First, without free will, it is claimed, “genuine creativity” would be compromised.⁶ In this regard Kane quotes Karl Popper:

[Physical determinism]... destroys, in particular, the idea of creativity. It reduces to a complete illusion the idea that in preparing this lecture I have used my brain to create *something new*. There was no more in it, according to physical determinism, than that certain parts of my body put down black marks on white paper.⁷

The general worry here is that “novelty” and “genuine creativity” presuppose a metaphysical picture of things whereby the *source* of performances or artistic objects must in some required way *transcend* the antecedent conditions they arise from. That is to say, they must be *original* in the sense that they cannot be explained or accounted for by the circumstances in which they come into being. They are in this sense *pure creations* (i.e. on analogy with God-like creation of the universe). The second and related worry is that in the absence of free will there would be no “true desert for one’s achievements”.⁸ According to Kane, if there are circumstances that completely determine and explain our creative and artistic activities then “the outcome would be a matter of *luck*” (my emphasis) and the agent would be denied all sense of “accomplishment”. This sense of “accomplishment” and the associated requirements of “true desert” demand what Kane describes as the “kind of sole authorship” or “underived origination that many ordinary persons believe they want when they want free will”.⁹

Let us consider these two (incompatibilist) claims about the importance of free will in relation to artistic activity with reference to the life and work of Wolfgang Amadeus Mozart. The details of Mozart’s life are generally well-known. He was born with enormous natural gift and talent, both for performance (on the piano and other instruments) and composing. His father, Leopold, was himself a musician of ability and talent and he was in a position to teach and develop his son’s natural gift. Mozart was

born into circumstances in mid 18th Century Vienna that further supported this process. Apart from anything else, his circumstances were such that he was provided with sufficient motivation and encouragement that enabled him to develop the necessary discipline and desire needed to realize his potential and achieve what he did. Let us assume that these external/internal causal factors were such that his performances and compositions were *determined*. By this I mean that Mozart's compositions and performances can be fully, causally explained in terms of the background conditions and circumstances he was born into. (For our present purposes it does not matter that the specific case is considered historically accurate – it may be treated as a hypothetical example.)

With this example in mind, let us return to the two basic incompatibilist worries described in the previous section. First, does this hypothesis about Mozart discredit the “creativity”, “originality” or “novelty” of his work – either his performances or his compositions? The answer to this question is, that it does not. To suggest otherwise, is to misjudge or misrepresent the relevant *basis* on which such assessments must be made. To judge whether or not Mozart's works are “original”, “fresh, etc., we must *compare them to other works*. It is the performance/composition by Mozart as compared with other (earlier) works that serves as the relevant basis for any judgement of this kind (i.e. is it “new” original”, etc?).¹⁰ Even if there exist deterministic causal paths leading to the emergence of Mozart's works (e.g. as per the account sketched above), none of this would serve to show that the works concerned are not “creative”, original” or “new contributions” to the evolution of Western music. Clearly, the presence or absence of libertarian free will cannot decide *this* issue one way or the other. Indeed, from the point of view of our everyday, common sense discussion and consideration of issues of creativity and originality, any attempt to turn to the metaphysical issue of free will and determinism, in order to decide matters of this kind would be regarded as (conversationally) odd or peculiar. This is indicative of the fact that there has been a failure to understand what is actually at issue in these circumstances.

The conclusion we may draw from the above observations is that the issue of free will is of no relevance to our assessments of creativity and originality. However, even if this point is granted, the incompatibilist may still argue that worries about our judgements

about merit and “true desert” remain with us. That is to say, given our hypothesis about determinism, and the lack of ultimate origination, we still must change our assessment or judgement concerning Mozart’s desert qua artist/composer. Because his *work* is judged “original,” “creative,” “great”, etc., we may naturally assume that praise of him – the agent who produced this work – must also be appropriate or in order. In fact, however, the incompatibilist continues, although if the deterministic story is true of Mozart, then all praise of him (the artist or person) must be regarded as *shallow* or *superficial* and any rewards and honours cannot be truly deserved.¹¹ According to incompatibilists, such as Kane, if the deterministic story that has been told about Mozart’s life is true, then Mozart was simply *lucky* - the fortunate causal vehicle for forces and factors that worked their way *through him* but do not *begin with him*. If Mozart was nothing more than a *causal intermediary* in the natural flow of events, initiating no new series through his agency, then all merit drains away and recedes back along the (infinite) causal chain. In consequence of this, as there is no real originating agent, all real merit or desert simply *evaporates*.¹²

On the free will model, Mozart would be the “real creator”, a “true originator” a “genuine source” of his compositions and performances. In these circumstances our praise and esteem would be *deep* because Mozart’s creations *arise* from and *begin* with his *agency*. Deep responsibility for works of art, on this view, requires some form of ultimate origination of this general kind. Without this, musical gift and its associated achievements would become much like good looks; just a matter of good fortune. Nothing about what was done or achieved would really reflect on the artist as an *agent* who “truly brought this work into the world”, when it (categorically) might not have been.¹³

Are these incompatibilist worries about the implications of determinism as applied to artistic merit well-founded? Is praise, criticism, admiration, and the like, rendered *shallow* when applied to individuals such as Mozart, insofar as we view them in a deterministic light? It is worth noting that this way of extending compatibilists worries beyond the bounds of morality into the sphere of art presents the incompatibilist with a slippery-slope problem. That is to say, it is not clear why these concerns as applied to art and artistic achievement, should not also apply to other areas of human activity, such as

athletics. The same general argument seems to hold equally in this sphere (however trivial as it may be considered). Take the case of Pele – perhaps the most gifted football (soccer) player of all time.¹⁴ Clearly luck played a significant role in his career, in ways that are similar to the account provided of Mozart’s life. Pele was born with enormous natural athletic ability. Moreover, he was born in Brazil, a country with a great football tradition, that was able to provide him with coaches and trainers who spotted and developed his talent and potential. Let us suppose, therefore, a deterministic story of a similar kind can be told about his career and all his athletic achievements. (Again, all that is needed for this is the *hypothesis* – which relies on the actual case only insofar as it lends itself to describing this example.) The incompatibilist, who is committed to the view that free will worries apply to the case of Mozart, has no *principled* basis on which to refuse to extend these worries to the case of Pele (as described). To do this, however, seems to force abstract and obscure philosophical concerns into a self-evidently inappropriate context. Indeed, this seems a clear case of excessive “over-intellectualizing” of an otherwise straight-forward example of a great football player who deserves recognition for his various achievements.¹⁵ Nothing about the deterministic story serves to discredit or alter the basis of our praise and admiration for Pele; much less to show that he was not (really) talented or not (really) skilled or that he did not perform or achieve (truly) great things on the football pitch. The presence or absence of either determinism or free will, in this context, seems entirely irrelevant to these sorts of considerations and assessments. Indeed, typically, these sorts of concerns are never even *contemplated*.¹⁶ Moreover even if one were to introduce and present these (abstract) philosophical worries to the world of football – taking the veil off our usual philosophical innocence in relation to this matter – there is no reason to suppose our assessment of Pele as a great footballer would be altered or affected at all. On the contrary, our judgements about Pele’s achievements and merits as a player have nothing to do with such questions. It is fair to say that from the perspective of the ordinary person worries of this kind – at least in this context (athletics) – would be regarded as peculiar and wholly out of place.

The conclusion that we have reached with regard to the Pele example presents an obvious difficulty for the incompatibilist who claims that free will is required for “true desert” in the sphere of art (e.g. as per our Mozart example). Although there are obvious

differences between the arts and athletics, in terms of the kinds of activities involved, with respect to human agency and the evaluation of agents and their performances, there is no clear or obvious difference that would justify claiming free will is needed in one sphere but not the other. Even if we grant that one sphere of activity is more important or significant than the other – and not everyone would concede in a simple or unqualified form – this still does not serve to show that free will is needed for the one but not the other. The relative importance and value that we attach to the activity is not a relevant basis upon which to rest the relevance or boundary of free will.¹⁷

It is important to note, with respect to both the Mozart and Pele examples we have described, that it is simply wrong to suppose that the “true desert” or “merit” of the agent in question is a simple or direct function of the *effort of will* involved in becoming a great player or artist. On the contrary, to a considerable extent the agent’s *lack* of (required) effort may actually serve as the relevant *basis* of our praise and esteem for the player or artist. In circumstances of this kind, it is often said with reference to the great player or artist, that their performance or achievement was “effortless”, and this is intended as praise and evidence that they *deserve* it. Clearly there are further complexities here that need to be noted, such as that our effortless performance may itself be the product of considerable application, effort and discipline in the past. This need not, however, be the case. While it is certainly unlikely that any great achievement is possible without some appropriate degree of application and effort, the fact remains that similar efforts and levels of application lead to very different achievements and judgements about merit. Judgements about merit are not, therefore, simply a matter of judging the quality or degree of effort coming from the agent. On the contrary, no amount of effort, simply by itself, secures achievement or generates any measure of merit or desert.¹⁸

In light of these observations, we may conclude that incompatibilist worries that determinism, or the supposition that agents lack libertarian free will, must somehow eliminate the possibility of creativity or originality, or discredit our attributions of praise and blame (i.e. render them “shallow”), are without foundation. In the case of “creativity” and “originality”, our judgements about this are made with reference to other (earlier) works and their features and qualities. The presence or absence of deterministic paths bears no relevance on these matters. In the case of “true desert” or “genuine merit”, the

claim that an artist is undeserving in circumstances of determinism is similarly mistaken. We may have little or no knowledge (and give little or no thought to) the conditions that account for an artist having ability, and being in a position to develop and cultivate his talents. Despite this, we can still be in a position to make sound judgements about who has made significant achievements and performances and is truly deserving of praise or criticism. This reflects the fact that our judgements about who is “truly deserving” of praise are based on conditions *entirely independent* of metaphysical issues of free will and determinism. Moreover as have noted, if we take a different stand on this issue in relation to art and artistic activity, we are liable to find ourselves on a slippery-slope that commits us to the (wholly implausible) conclusion that even mundane activities, such as athletics, require that we evaluate agents and their performances in light of the presence or absence of free will. Given these observations, we may conclude that incompatibilism, in relation to art and artistic activity, lacks any credible support and is at odds with all our established attitudes and practices in ordinary life.

3. *Transcending Luck: Morality, Incompatibilism and Absolute Fairness*

The general conclusion we reached in the previous section is that the case for incompatibilism with respect to *artistic* achievement and merit is unconvincing. This conclusion has significant implications for incompatibilism with respect to morality. On one hand, incompatibilists may retreat to the citadel of morality and insist that there is a *boundary* to be drawn between morality and other spheres of human agency and activity (art, athletics, etc.) with respect to free will considered as a necessary condition of genuine agency and desert. Although there exist some structural similarity and parallels between the framework of human agency in morality and art, this general analogy does not hold with regard to the relevance or irrelevance of *free will*. Morality is, these incompatibilists will argue, *different* from art in this regard.

In contrast with this, other incompatibilists (e.g. Kane) may refuse to retreat and argue, instead, contrary to the conclusion we reached in the previous section, that the analogy does hold and so the case for the relevance of free will to artistic achievement and merit must and can be provided with further defence. However, for reasons that we have considered, this approach must eventually confront the issue of whether *any*

boundary needs to be drawn between morality and art, on one side, and more mundane activities such as athletics on the other. The general problem that surfaces here is whether the incompatibilist is going to endorse the view that *all* achievement and merit, insofar as it concerns human agency and activities, requires free will. If not, some *alternative boundary* will need to be identified that places morality and art in some privileged position (in contrast with more mundane activities). If some boundary of this kind is to be drawn then some *principled* grounds for it must be articulated and (per hypothesis) these grounds cannot be exclusively *moral* grounds – on pain of leaving art on the wrong side of the boundary. From any point of view, therefore, whichever approach is taken, incompatibilists must give further attention to this set of problems. To the extent that incompatibilism is unable to come up with a satisfactory response, so to that extent their general position in relation to *morality* is suspect.

Although it remains open for incompatibilists to argue that free will is required for artistic achievement and merit, for reasons already given, this is not in my view, the most promising strategy. Contrary to those who would extend their claims about free will beyond the bounds of morality, the best case for incompatibilism is to be made by arguing that morality is really different – whatever (superficial) parallels or analogies may be drawn between it and human agency and evaluation in the arts. The fundamental claim lying behind this approach is that the requirements of *fairness* are different in these two spheres. More specifically, morality - unlike art and athletics – requires fairness *all the way down*. Without this our moral evaluation would subject agents to the vagaries of *luck*, which would render morality *unfair as judged by its own standards*.

In order to understand what is (intuitively) at stake with regard to this claim, let us return to an example in the sphere of art. Consider a music competition or series of concerts involving piano players. In any situation of this kind the performers will clearly have different levels of (natural) talent, training and so forth that have been made available to them. Moreover, as noted before, even their own levels of discipline and motivation may reflect these and other variable beyond their control or influence. Nevertheless, as we have argued, no person in ordinary life will claim that praise, recognition or prizes awarded in these circumstances are inherently unfair because background variables involving luck of this kind are present. Having said this, it is also

clear that any musical evaluation of this sort may indeed be deemed unfair if *certain* conditions are not met. The kind of standards we are actually concerned with are usually well-established and well-known. For example, a review or competition will be unfair if the judge or reviewer is incompetent and has no proper appreciation of the qualities and abilities that should be looked for. Similarly, if a pianist is asked to play on a faulty instrument or in circumstances where there is noise and distraction in the audience during the performance we will consider the evaluation unfair. What we may say about this, therefore, is that the fairness of the evaluation is *relative* to these standards (which are themselves internal to and constitutive of an understanding of the art form). While these standards of *relative* fairness are themselves subject to adjustment and debate, they do not presuppose or aim at *absolute* fairness understood as the requirement of eliminating all background conditions of luck relating to talent, training and the like. Clearly, it would be more or less impossible to create or secure conditions of absolute fairness, so interpreted, as a precondition for (fair) musical evaluation. In general, outside of morality most forms of evaluation of human activity and agency operate in a framework that permits and presupposes (inescapable) background distributive inequalities with regard to talent, ability, training and opportunities. Our earlier examples of Mozart and Pele serve as evidence of this.

Why, then, should we not assume that morality is subject to the same structural features as the arts (and athletics), which depend only on *relative* fairness and allow for some measure of (background) luck? Clearly, we can give a compatibilist account of moral life, within the bounds of relative fairness, that still allows for luck in some degree. That is to say, we may begin with some scrutiny of the established moral standards of our community, in terms of which agents are evaluated. These may be adjusted and amended over time in light of reflection and criticism. Similarly, in particular cases we may ask if these standards have been properly interpreted and applied (e.g. is there proper impartiality, consistency, and clarity in the evaluations being made)? Are the circumstances in which agents are being evaluated and judged appropriate and suitable to the evaluations being made (e.g. do any of the usual and familiar excusing conditions apply, such as ignorance, accidents and so on?) In cases of this kind, we assume that it lies broadly within the agent's *power of choice* to follow or reject the moral standards of

the community. To this extent, in contrast with our experience in the arts and abilities, we assume that responsible agents can avoid blame and punishment *so long as they choose correctly*. Clearly, however, this set of conditions as described, still falls short of *absolute* fairness. The reason for this, as familiar to incompatibilist concerns, is that *the way an agent chooses* may itself depend on background conditions that he has no control or influence over. This is, indeed, exactly where worries about the implications of determinism enter the scene. On the assumption that the way an agent makes moral choices is a function of background factors he has no control over (e.g. natural constitution, family, environment, etc.) then moral agency and evaluation fails the standard of *absolute* fairness.¹⁹ In particular, the moral agent could not be said to have a genuine, open opportunity to avoid blame and secure praise in the absence of libertarian free will.

The fundamental incompatibilist concern here is that any effort to rest morality on foundations of *relative* fairness (as described above) places it on foundations that are flawed as judged *by its own standards*. That is to say, it is, according to the incompatibilist line of reasoning, essential that moral evaluations satisfy standards of *absolute* fairness whereby agents have a real, open possibility of satisfying or complying with moral standards, and thereby avoiding condemnation and blame and/or securing some measure of praise. As we have pointed out, this is not essential to art or athletics or the evaluations involved in those spheres of human activity. In the case of morality, however, according to this incompatibilist account, *there is no moral agency* where these conditions of *absolute* fairness are not met. Conditions of relative fairness may *masquerade* as allowing “deep” or “genuine” evaluations of agents but this serves only to *deceive* us. To present moral evaluation in these circumstances as indicative or responsive to “genuine desert” is to show a lack of understanding of the activity in question. To make this clear the incompatibilist may suggest another analogy. Imagine a piano recital where the performance involves a self-playing piano (e.g. a “Pianola”). In these circumstances any evaluation of the “pianist” and her “performance” would be based on an *illusion or misunderstanding*. There is no (real) pianist or performance to evaluate – to think otherwise is fail to understand this art form and its associated standards. The same general observations hold, according to the incompatibilist in

morality in circumstances of determinism, when standards of absolute fairness are not met. In these conditions there may be the *illusion* of (real) agency and action, but there is in fact nothing of this kind going on. The performance is little more than a tune played on a “Pianola”.²⁰

According to the incompatibilist strategy that has been described, the gap between morality, on one side, and the arts and similar (non-moral) activities on the other, reflects a gap between two general modes of agency evaluation that are committed to fundamentally distinct assumptions about what is required for fair evaluation and genuine desert. Whereas evaluation in the arts presupposes standards that do not require fairness *all the way down*, morality is more demanding than this. Morality, on this account, presupposed a notion of *absolute* fairness whereby a *moral* performance is by its very nature one whereby the agent has a real, open possibility of satisfying the standards in question. Where praise or blame are appropriate the agent’s choices and conduct must not themselves result from background factors they have no control over. In this way, morality, unlike art, is immune from the play of luck. Whereas we may admire Mozart as a great artist without concerning ourselves about free will or determinism, this perspective is not available to us in *moral* life properly understood. Moral life must be *absolutely* fair – otherwise it fails by its own standards and interpretation of what morality requires.²¹

4. *Living with Luck: Morality, Compatibilism and Relative Fairness*

The question I want to consider in this section is how *compatibilists* should respond to the art/morality analogy in respect of the free will issue and what its significance is for their general position on this subject. The first thing to be said is that compatibilists have every reason to *welcome* the analogy between art and morality. One example of Mozart shows why this is so. We can and do assess and evaluate artistic creations and merit without any worries about the presence or absence of libertarian free will. Worries of this kind (as argued in Section 2) are simply *irrelevant* to our ordinary, everyday evaluation in these spheres. Evaluations of artistic performances and merit do not require absolute fairness or that the agent must have some real, open possibility of either success or failure. Luck plays a background role in all such evaluations. None of this discredits the

evaluations we make or the way we assess genuine merit in this area. Granted that there exist clear and obvious parallels and structural analogies between artistic and moral activities and their associated evaluations, this gives considerable credence to the compatibilist view that moral evaluations, like artistic evaluations, do not depend upon or require *absolute* fairness. The presence of background luck, in the form of variables that may determine our character and choices, does not serve to discredit the *relative* fairness of the evaluations we make of agents *on the basis of their conduct and character*.

With this point in mind, we can construct a parallel case in moral life to that of our Mozart example in the sphere of the arts. Let us suppose that we can give a complete deterministic account of the life and work of Nelson Mandela.²² Nothing about this hypothesis, the compatibilist will argue, discredits our (independent) assessment of his *moral* achievements (i.e. courageous acts, etc.) and the genuine merit he has acquired on this basis. Surely, the compatibilist may argue, it would be perverse, in this case, to refrain from making any judgement about his admirable deeds and moral merit until we can settle our metaphysical concerns about the presence or absence of libertarian free will – just as it would be in the case of our Mozart example. For the compatibilist, therefore, the analogy between art and morality is one that lends support to the general view that morality is no more *immune* from the background influences of luck than is art. In neither case does the presence of background luck discredit our evaluations and assessments or show they are somehow unjustified.

The compatibilist will also welcome the analogy between art and morality because, as our earlier discussion indicates, it generates significant difficulties for the incompatibilist. As we pointed out, the incompatibilist may hold, with Kane and others, that free will matters to us *beyond* the bounds of morality. Incompatibilists of this orientation *accept* there is some relevant analogy between art and morality, but deny that this tells against incompatibilism. They argue, on the contrary, incompatibilist worries do indeed extend to other spheres of human activity, such as the arts. On this approach, however, the incompatibilist then faces the difficulty of establishing some alternative (principled) boundary for the requirements of free will. The clear danger here is that this places them on a slippery-slope that commits them to the view that even the most mundane human activities (e.g. a football game) involving the evaluation and assessment

of agents presupposes the metaphysics of free will, Although it is possible to simply “bite the bullet” here, most incompatibilists will agree that this constitutes a *reductio* of their position.

Faced with this difficulty (as we pointed out in section 3) the incompatibilist may retreat to the citadel of morality and try and draw a principled boundary here – one that *excludes* art from the demands of free will. This is a strategy that commits the incompatibilist to *denying* that there is a relevant analogy to be had between art and morality as regards their incompatibilist conditions. More specifically, whereas art and other more mundane human activities do not require *absolute* fairness and the absence of luck, these conditions are *essential* to moral evaluation and moral merit. Having explained why incompatibilists find themselves pushed back into this position, the incompatibilist may now use the art/morality analogy to further discredit it.

If the incompatibilist holds onto the view that requirements of free will apply specifically and exclusively to morality then they face another unattractive dilemma. On the one hand, if moral evaluation rests on some general requirement that “genuine desert” requires that the agent must have had real, open possibilities to avoid blame and/or secure praise, and that there can be no background role for luck (i.e. in contrast with the evaluation in the arts), then we must either construct some sort of metaphysical account of human agency in an effort to show how this demand can be satisfied, or we must accept the radical skeptical conclusion that (genuine) moral evaluation is never justified. The well-known problem with the first option is that, not only does it encourage obscure and problematic metaphysical system-building, it flies in the face of a considerable amount of (empirical) evidence that suggests that an agent’s conduct and character is indeed subject to the background influence of factors beyond their control.²³ In moral life, the compatibilist will argue, no less than in other spheres of human agency, such as art, we see clear evidence that what the agent does, for good or for bad, depends on their natural constitution, upbringing, and the opportunities and obstacles they are presented with. The parallels seem clear and obvious here. To *conceal* this fact about moral life, by resting our evaluation on some illusory assumptions that *moral* agents must have real, open opportunities for moral success or failure, is a way of obscuring some of the more troubling and difficult truths about moral life.²⁴ Many incompatibilists are, of course,

persuaded by these (compatibilist) criticisms in respect of the extravagant tendencies of libertarian metaphysics and associated tendency to deny the evident role that luck plays in moral life. However, the conclusion that these incompatibilists draw from this is one of *systematic skepticism* about all moral evaluation of agents. Since conditions of absolute fairness cannot be realized, they argue, it follows that there is no real “true” responsibility, understood in terms of “genuine desert” of some kind.²⁵

Compatibilists generally regard this form of radical skepticism as clear evidence of philosophical pathology. While incompatibilism, on first appearance presents itself as an effort to *preserve* values that we care about (i.e. desert, merit, etc.), it nevertheless rapidly turns on itself and leads on to the *nihilistic* conclusion that these values are impossible to *realize*. As the requirements of libertarian metaphysics are impossible to satisfy – or perhaps even coherently state – we are invited to conclude that there are no well-founded evaluations of *moral* agents and their actions. All that survives on this (skeptical) view is some attenuated form of morality that employs moral *language* but lacks its true force and substance. From the compatibilist perspective, radical skepticism of this kind is disconnected from the realities of human life and experience. It is as perverse as any similar form of skepticism would be in relation to the arts, or athletics or any other sphere involving human agents and their activities. In these other areas we see clear evidence that the evaluations we make, and the distinctions we draw, do not depend on foundations of free will. Nor are they compromised by the fact that our evaluations are made in the face of background conditions that allow scope for luck and its influence over the sorts of performances that agents produce. Morality, compatibilists maintain, is liable to similar sorts of constraints and limitations.²⁶ Indeed, the compatibilist response may take the stronger view that radical skepticism on these matters is actually *pernicious* – since it involves the nihilistic thesis that the clear evident distinctions we all draw in the moral sphere are somehow “unreal” or “illusory”. The mistake that we need to resist here is the supposition that all fair (moral) evaluation must meet the standard of *absolute* fairness. We do not expect or need this in relation to art or athletics, and we have no reason to demand this in moral life either. Moral agents are similarly subject to background conditions that account for the specific way their agency is exercised and thus for their moral success and failures. To acknowledge this (familiar and evident) fact

about the human predicament does nothing to show that there are no (real) moral agents or that all our moral evaluations lack any appropriate or relevant justification. The more we reflect on the art/morality analogy, the compatibilist may argue, the more obvious this conclusion becomes.

Presented in these terms it appears that the art/morality analogy is *wholly friendly* to the compatibilist position, whereas, at best, it is highly problematic for the incompatibilist. However, the situation is not so straightforward as this. More specifically, it may be argued that there are features of the art/morality analogy that are far from friendly to the compatibilist and actually serve to highlight its more significant vulnerabilities. If we abandon the requirements of absolute fairness – allowing a background role for luck whereby it is not the case that agents have a real open possibility for moral praise or blame – then moral evaluation occurs in a framework within which we must acknowledge that some agents are (ultimately) “fortunate” and others “unfortunate”. Surely, incompatibilists will object, no plausible *moral* scheme can invite us to simply close our eyes or turn away from the evident *unfairness* of moral evaluation in these circumstances.²⁷ The relevant compatibilist reply to this objection is, I think, clear. Moral evaluation in these circumstances is *no more and no less fair* than the evaluation of artists and athletes in circumstances where we allow for background conditions of luck that influence what these agents do and how they are evaluated. There is no ideal, perfect plateau of *moral* equality of opportunity – any more than there is in art or athletics. We must reconcile ourselves to these features of the human condition rather than conceal them or collapse in nihilistic despair when we reflect upon them. Some may be born to be a Mandela, others to be Saddams. Most of us fall somewhere in between. Although the way we exercise our agency and take advantage of our abilities and opportunities will determine where exactly we fall in this continuum, *ultimately* this will depend on factors we have no (final) control over. Nevertheless, the fact remains that *internal* to these practices (i.e. in morality, as in art) there are relevant standards that enable us to draw evident and significant distinctions relating to success or failure in these spheres. The important point is not to *distort* these standards in the direction of the requirements of *absolute fairness* so that these standards collapse under their own weight. This is the fundamental error of incompatibilism.

It is still arguable that this line of compatibilist thinking remains too *complacent*. The incompatibilist worries about *absolute* fairness suggest that without libertarian free will agents are inevitably vulnerable to background luck in respect of the formative conditions on their conduct and character.²⁸ There is, therefore, an important sense in which compatibilism must accept that *morality is unfair at this absolute level*. We all accept that the human predicament is such that we are all subject to the “natural lotteries” of life, whereby certain distributive inequalities are generated (e.g. in looks, abilities, character traits and so on). This is troubling enough when it concerns good or bad fortune outside the sphere of morality – but when it falls within the sphere of morality, as compatibilists allow, then we can hardly regard this as an “optimistic” solution to incompatibilist concerns. On the contrary, compatibilists do not so much solve the problem as simply ignore it or dismiss it as based on confusions of some kind.²⁹

Compatibilists may reply to this objection by way of noting that optimism cannot be vindicated on this issue by falsifying or misrepresenting the human condition with respect to morality. Incompatibilists, as we have noted, do this by either generating illusory metaphysical systems or, when that fails, falling into skepticism and nihilism. Further, the compatibilist need not be complacent in face of background inequalities that shape the way agents’ lives unfold. Once again, the art/morality analogy can help us understand why this is so. In face of background inequalities that shape the way artistic or intellectual abilities and talents may or may not be developed, social policies can help to foster and cultivate talent in this sphere (i.e. promote and encourage success rather than failure). There is no reason why the same attitude of concern cannot be manifest as regards morality. We can take many steps to encourage and promote healthy moral development and avoid moral failure of various kinds. However, in taking steps of this kind we should be understood not to be aiming at the (impossible) goal of *absolute* fairness, nor, on the other side of the same coin, should we abandon our confidence in the relative fairness or “depth” of the moral evaluations and assessments that we make. It may, in some *absolute* sense, be “unfair” that some individuals are born to be Mozarts and Mandelas and others are not.³⁰ Be this as it may, the distinctions that we draw in respect of these individuals, their achievements and their merit do not depend on any standard or presuppositions of absolute fairness. When this standard is set aside it

becomes clear that morality does not rest on the foundations of free will metaphysics and that it can survive all (pessimistic) reflections and observations we may entertain concerning the role of luck in human life - morality included.

5. *Conclusion*

The discussion in this paper began with some general observations concerning the structural parallels or analogies that exist in the spheres of human agency involving artistic and moral activity. With this in view, we considered the specific question of whether libertarian free will is required for the evaluation of artistic achievement and merit. Contrary to the claims of some distinguished contemporary incompatibilists, we concluded that this is not the case. Given this conclusion, it was suggested that an alternative incompatibilist strategy may argue that some relevant *boundary* must be drawn between art and morality, whereby free will is required only for moral evaluations but not for those in the sphere of the arts. The basis of this incompatibilist position is that in the case of morality, unlike the arts and other more mundane forms of human activity (e.g. athletics), we require *absolute* fairness. Absolute fairness is not satisfied in circumstances where the agent's performance, and the resultant evaluations of the agent's merit, depend on background factors that the agent has no control over (e.g. as per the Mozart example). More specifically, for absolute fairness whether an agent succeeds or fails to comply with relevant moral standards must (ultimately) depend on the *agent alone*. While standards of *relative* fairness may suffice in the arts and athletics - where free will concerns are plainly out of place - this is not how things stand with morality. The compatibilist rejoinder to this is that this approach commits us to either a *falsification* of moral life - along with the associated systems of extravagant metaphysics - or collapses into radical skepticism and nihilism. According to compatibilism, the way to avoid this unattractive dilemma is to look more closely at the significance of the art/morality analogy. What this analogy shows us is that the distinctions and evaluations that we draw in morality, like their counterparts in the arts, rest on a background that allows scope for luck to influence the way our moral agency is actually exercised. While this observation does not serve to discredit or in any way systematically undermine our confidence in the basic distinctions and evaluations that we make, neither does it lend

itself to any easy or complacent optimism. What it reveals is that in respect of the human predicament, luck has a role to play in *all* dimensions of human life, and it is an illusion to suppose that human agency in general, and moral agency in particular, is immune or can be insulated from the influence of luck in the way that our lives unfold.

Philosophy should leave us strong enough to recognize and accept this truth about human existence without us having to cling to either metaphysical illusions to sustain some form of false optimism or falling into an exaggerated pessimism that offers us only nihilism and despair. The world we have is the world we must live in. There is no escape from this world into a realm whereby our actions and activities can be unshackled from the particularities and contingencies of each and every individual human existence. This is a reflection that should license neither deep pessimism nor complacent optimism. At least one source for resilience, in face of all this, is the thought that both art and morality can survive even when these circumstances are made entirely transparent to us.

Footnotes:

* Earlier versions of this paper were read at the Bled Philosophical Conference on Freedom and Determinism, Slovenia (2006); the Moral Sciences Club, Cambridge University (2007); and Kwantlen College, British Columbia (2007). I am grateful to members of the audience at these talks for their comments and discussion.

1. The relationship between personal qualities of these kinds and agency is both complex and subtle. For example, our voluntary actions may manifest various natural traits (e.g. intelligence) that are involuntarily acquired. At the same time, the natural traits we have (e.g. beauty, strength) may be acquired through our own voluntary actions and activities. There is no simple line of demarcation to be drawn here. I return to this point further below.

2. It is worth noting at the outset that moral abilities or capacities are sometimes given a misleading “all-or-nothing” characterization. A notable example of this is the much debated ability “to have done otherwise”. The fact is, however, that moral abilities such as sympathy, imagination, attention, discrimination and so on, may vary greatly from person to person (and may vary for any single person over time). This parallels what we find with abilities required for other activities (e.g. art, athletics, etc.).

3. It is a mistake to suppose that morality is different from all other activities because it is somehow “inescapable” for human beings. First, not all humans are capable of this form of activity. Second, depending on how activities are categorized and described, others may be just as “inescapable” (e.g. athletics in some relevant mode or form). Third, even if morality was unique and distinct in terms of being in some sense “inescapable” for human agents, this by itself would not properly account for the *significance* we attach to this mode of activity.

4. There are, of course, further complexities here. For example, we may give a negative evaluation of a particular work or performance but refrain from condemning the agent on

this basis. This gap has a parallel in morality, where we may condemn a particular action, but judge it out of character and (on some accounts) an inappropriate basis for condemning the agent. Perhaps this is most obvious in athletics, where great players may often have bad games.

5. Take for example the evaluation of piano performances. We may want to ensure (a) that the judges know what qualities should be looking for; (b) that each performer is accurately and consistently evaluated with reference to this standard (no bias is involved, etc); and (c) each performer is placed in appropriate conditions (e.g. in terms of piano, hall, etc.).

6. Robert Kane, *The Significance of Free Will* (New York & Oxford: Oxford University Press, 1996), 81f.

7. Kane, *Significance of Free Will*, 81; citing Karl Popper, *Objective Knowledge* (Oxford: Clarendon Press, 1972), 222 (“Of Clouds and Clocks”). In a similar vein, J. Melvin Woody argues that a “framework of deductive proof [associated with the deterministic hypothesis] rules out genuine novelty by requiring us to suppose that each moment is already implicit in its predecessors” *Freedom’s Embrace* (University Park, PA: Penn State Press, 1998), 241; and cp. 235.

8. Kane, *Significance of Free Will*, 82f.

9. Kane, *Significance of Free Will*, 79.

10. Similarly, if we want to know if a runner has run the *fastest*, we must look to other performances. For this purpose it is irrelevant to ask if the runner had free will. In this sense we may say that *originality*, like being the fastest, is a *comparative* issue.

11. In relation to this compare Thomas Reid’s observations on Cato: “What was, by an ancient author, said of Cato, might indeed be said of him. *He was good because he could*

not be otherwise. But this saying, if understood literally and strictly, is not the praise of Cato, but of his constitution, which was no more the work of Cato, than his existence.” [Essays on the Active Powers of the Human Mind (Cambridge, Mass: MIT Press, 1969), 261.]

12. As a biographical aside, I note that although Mozart was recognized as a great genius by many – including some of his more gifted contemporaries (e.g. Haydn) – Mozart nevertheless encountered others who belittled his achievements and were reluctant to recognize their true merit. (Famously, Mozart died in poverty without any proper recognition of this event.) No doubt, this reflects the fickle nature of public and professional reputations, not to mention the role of resentment in the face of gift of this magnitude. While there is much about this (unhappy) side of Mozart’s life, and how it relates to issues of merit, appreciation and reputation, I will not discuss these details.

13. Once again, the example of God’s original act of creation would serve as a relevant model, where creation is understood as *creation ex nihilo* or as the act of an “unmoved mover”. Suffice it to say, how we account for *pure* acts of creativity on the libertarian model is not so clear. This seems especially true of recent “soft libertarian” theories, such as Kane’s. For present purposes, however, I will set these concerns aside.

14. I realise this is controversial. For example, a good case can also be made for George Best, and perhaps others. (I will leave it to the reader to find their own preferred example.)

15. Compare P.F. Strawson, “Freedom and Resentment”, in *Free Will*, 2nd ed., G. Watson, ed., (Oxford: Oxford University Press, 2003), 91-2.

16. Of course, coaches, fans, and players may have considerable interest in knowing what sort of conditions give rise to great players. Significantly, however, no one in these roles supposes that because some such conditions may be identified this discredits their (independent) assessments of great players.

17. One further reason for rejecting this strategy is that the significance itself may depend, not on the arts/athletics divide, as such, but on the significance of the *token activity or performance*. For example, a football player's performance in the World Cup may be judged of much *greater importance* than someone playing the piano at a family gathering. There is no reason to suppose *significance* tracks the (simple) art/athletics divide; or that the occasion or level within each sphere is irrelevant to assessing the significance and value of the specific performance and the merit of the agent involved. Moreover, the divide between athletics and art is not always so clear or sharp (consider, for example, dance or ice-skating). Similar observations may be made with respect to any suggested divide between morality and other forms of human activity.

18. Every teacher is familiar with the situation of a student who applies herself but achieves little and nothing in face of another who makes little or no effort and still achieves a great deal. It is a bad and irresponsible teacher who grades work with a view solely to effort, while ignoring the disparity in the actual *quality* of the performance or paper. Nor does it help to say that the student who wrote a bad *paper*, but tried, is a good *student*, and the student who wrote the good paper, without any effort, is nevertheless a *bad student*. This involves the wrong-headed view that the good/bad student distinction simply tracks effort but not ability and actual achievement.

19. For an illuminating study relating to these concerns, see Gary Watson's discussion of the case of Robert Harris in "Responsibility and the Limits of Evil", reprinted in *Agency and Answerability* (Oxford: Clarendon, 2004), 235f .

20. When a tune is played on a "Pianola" we cannot say that the "pianist" has hit the "right" or "wrong" notes, as clearly the "pianist" is *not really playing the piano at all*.

21. There is, of course, a close connection between incompatibilism and what Bernard Williams has described as "the morality system". As Williams points out, "the morality system" lays stress on the "institution of blame" and the related notions of obligation,

duty and voluntariness. For more on this see Williams, *Ethics and the Limits of Philosophy* (London: Fontana, 1985, chp. 10); see also Williams “How Free does the Will Need to be?” reprinted in *Making Sense of Humanity* (Cambridge: Cambridge University Press, 1995).

22. Once again this example is only hypothetical in character – the details of the actual case need not detain us.

23. See again Watson’s observations on Robert Harris (as cited above in note 19).

24. In general, we usually acknowledge that there exist complex natural and social distributive inequalities that affect people’s prospects in life, as shaped by the various abilities and opportunities that they receive in the “natural lottery”. This observation, however, does not lead us into the (absurd) skeptical conclusion that there are no relevant distinctions to be drawn between people in respect of their achievements and merit in various areas of human activity (e.g. the arts). I note, beyond this, that there is, nevertheless, a certain ideological temper (e.g. as associated with hyper-capitalism) that encourages the view that “any one can be successful” so long as they have sufficient *will power* – hence success and failure, even in non-moral activities are, ultimately, an indication of *moral* character. This is exactly what happens when the demands and presuppositions of incompatibilism – or “the morality system” - are (illegitimately) extended beyond the bounds of morality itself. As I have explained, among the distortions involved in this process, is the way it *conceals* conditions of *genuine inequality* in individuals’ opportunities and initial circumstances – at least some of which are capable of social remedy.

25. For a view along these lines, see e.g. Galen Strawson, “The Impossibility of Moral Responsibility”, reprinted in *Free Will*, G. Watson, ed.

26. Indeed, this is something we should *expect* to be the case unless we operate on the implausible assumption that there is some simple and neat boundary to be drawn between

the moral sphere and other areas of human activity. The “morality system” does nevertheless presuppose this. (See notes 17 and 21 above.)

27. Here we may be reminded of the *weight* and *importance* of moral evaluation, in contrast with other forms of evaluation. We may also be reminded that moral evaluation carries with it (more) weighty and significant sanctions – in the form of our retributive practices (i.e. punishment).

28. From the point of view of worries about luck, understood as background features beyond the control of the agent that determine what they do and how they will be evaluated, it may be questioned whether *libertarian* free will eliminates all relevant sources of worry here. For example, even agents who have powers of libertarian free will may still be subject to what Thomas Nagel describes as “circumstantial luck” [in “Moral Luck” in *Mortal Questions* (Cambridge: Cambridge University Press, 1979)]. Although these agents are able to categorically act otherwise, the sorts of moral challenges they face may vary greatly – so free will is no guarantee of *equality of moral opportunity*. What this shows is that incompatibilist concerns about what is required for *absolute* fairness, depending on how strictly they are interpreted, may well be impossible to satisfy *whatever kind of free will powers we attribute to human agents*.

29. See for example, Dennett’s (complacent) attitude to luck in *Elbow Room* (Oxford: Clarendon, 1984), especially chp. 4, sec. 3. For more general discussion of compatibilist complacency (as manifest in Dennett and others) see my “Pessimists, Pollyannas and the New Compatibilism,” in R. Kane, ed., *The Oxford Handbook of Free Will* (Oxford and New York: Oxford University Press, 2002).

30. I note that the nature of absolute unfairness is to be accounted for not simply in terms of the unequal distribution of talents, abilities, opportunities and so on, but in terms of our *evaluations* of agents where these background factors that agents do not control nevertheless influence and affect what they actually do and how their agency is evaluated.