**Abstracts**

**‘Painful Cake’ and Slurring Images**

Daisy Dixon, Cardiff University

In 2012 Makode Linde displayed an extremely controversial work of art at the Modern Museum in Stockholm. In celebration of World Art Day, Painful Cake was shown at a reception, attended by the Swedish Culture minister. The shocking work comprised the artist, who is an Afro-Swedish man, adorned in blackface as the head of a cake in the shape of a caricatured black woman. When viewers cut into the cake, the artist let out piercing screams, referencing FGM. The piece was part of the artist’s project ‘Afromantics’, which uses blackface imagery on Western icons. An uproar in Sweden and the international media followed, and the event was reported to the Parliamentary Ombudsman.

The international debate that followed was divided between those who conceded that the work was distressing but insisted that it revealed contemporary racism and so was not itself racist, and those who deplored the work for being racist and degrading women, despite the artist’s intentions. While Linde is explicitly anti-racist, something went wrong with this work; a wrongness that outstrips the horror he was aiming to create.

Philosophers have begun to note how visual artworks can be akin to hate speech. Some claim they are similar, but others (including myself) make the stronger claim, that some artworks can perform oppressive speech acts, and so are therefore instances of robust hate speech. If true, this has implications for freedom of expression. For if hate speech should be regulated or even censored, then hateful artworks should face a similar fate.

But artworks like Linde’s Painful Cake pose a real problem for such debates around free speech. It’s relatively easy to point out straightforwardly racist or sexist works of art, which, if we treat like (or as) hate speech, means we can respond accordingly – either through censorship, or creative counterspeech such as curatorial recontextualization or protest art. But with Painful Cake we had a well-meaning intention, and it was created by a black man to make this anti-racist point. Prima facie, this should be sufficient to see the work as the artist intended it, and perhaps even as a morally good work with its painful but necessary lessons about injustice. But then why did so many, especially the Msafropolitan ‘Open Letter from African women to the Minister of Culture’, deplore the ethics of the artist and his art?

In this paper, I want to extend the above linguistic approach to art, by identifying what I call the ‘aesthetic slur’. Similar in kind to Patricia Hill Collins’s ‘controlling images’, I will delineate images which behave in the same way as slurs, analysing particularly their feature of ‘effluence’; how their harmful content can sometimes leak out and not be inoculated by intention or context. I will then use this analysis to explain what went wrong with Painful Cake. Drawing also on feminist standpoint theory and Nguyen & Strohl’s account of cultural appropriation, I will argue that the central image of Painful Cake constituted an aesthetic slur, whose harm was not insulated by the artist’s social identity despite being black. In fact, the creative act can be interpreted as a ‘breach of group intimacy’ of African-descended women.

I make two core claims. (a) Works like Painful Cake can still be harmful despite artist intention due to their effluent slur-like content, which can constitute a breach of group intimacy. And (b) Works like Painful Cake decrease in cognitive value when the artist does not belong to the group the work represents. This will hopefully advance analyses of ‘voice appropriation’ as a problem for artistic creation, and legislation around freedom of expression.

**It Was Just a Joke! Comedy and Freedom of Expression**

Simeon Goldstraw, University of Oxford

Debates about controversial comedy are rife in public discourse, from calls for censorship of Dave Chappelle by Netflix employees (Field, 2021) to criticism of Jimmy Carr by a UK Prime Minister (Walker and Waterson, 2022). However, despite a great interest in wider issues surrounding freedom of expression, political philosophers have had curiously little to say about comedy. This is a costly omission because in mainstream public debates, many of the worries about the potential harms of comedy are often confused or conflated, and both the defences of comedians to use controversial material, and calls for censorship of such material, are usually under-theorised. This paper takes a step towards correcting this by tracing the potential harms of comedy and identifying who should be held responsible for these harms.

The paper is broadly split into two sections. In the first, it considers what arguments can be made about the harms of controversial comedy that may merit censoring or condemning it. Empirical research into the harms of comedy is scarce. Therefore, it turns to existing literature on hate speech and pornography to consider how the supposed harms of those forms of speech can be transposed to comedy. It identifies three harms of hate speech and pornography that may also occur as a result of comedy. Firstly, comedy may cause status harms when it reinforces and vindicates audiences’ problematic attitudes by targeting vulnerable groups and playing on stereotypes. Secondly, it may silence speakers through what Caroline West (2012: 232) calls a ‘comprehension failure’, by caricaturing and playing on slogans which are then associated with vulnerable groups by audiences. Thirdly, it may incite violence, as was alleged when comedian Jo Brand joked about throwing battery acid over UK politician Nigel Farage (Sims, Sullivan and James, 2019). Contra Emily McTernan (2021; forthcoming), it does not consider offence reasonable grounds for censoring or criticising comedic speech on the basis that offence is subjective and too likely to be distorted by sensitive tastes (Waldron, 2012).

In the second part of the paper, it presents a model for identifying who should be blamed for these harms. It leans on philosophies of humour and language to show that comedic expression ought to be seen as a sui generis form of expression. Rather than adhering to standard cooperative principles of communication (cf. Grice, 1991), comedic speech has its own rules that both the comedian and the audience must employ for the comedic expression to work successfully (Raskin, 1985). Namely, the comedian should present the meaning of the utterance ambiguously or insincerely (Attardo, 1990) and the audience should treat it as such. Many of the harms of comedy derive from an audience’s failure to do this. For example, when an audience attributes a status harm to the vulnerable group who are the subject of a joke, they treat the speech as a sincere and unambiguous depiction of that group’s characteristics; when they interpret a joke about throwing battery acid as an encouragement to be violent, they understand the insincere speech act to be sincere. On this basis, many of the harms of comedy from formal settings are primarily the responsibility of the audience, rather than the comedian. The paper concludes that this should encourage us to take a permissive approach towards censoring comedians. However, audience members and third parties are under stringent duties not to misrepresent comedy or decontextualise it (for instance, by quoting it outside of the comedic setting or sharing clips of comedy on social media) and they may wrong comedians when they fail to uphold these duties.

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**Offensive Art in the Age of Algorithm-driven Social Media**

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Art often challenges values and beliefs, can shock, disturb, frighten, offend, and thus elicit a protest response from the public. Until the last third of the twentieth century, however, even when some members of the public found certain works of art offensive, they rarely expressed their dissatisfaction in the form of affective protest. In almost all cases of provocative literature, art, or cinema, the conflict unfolded in a purely legal dimension. At that time, the purpose of litigation was to establish standards of decency based on what a "decent" public could see and read (one recalls the cases of "Lady Chatterley's Lover" or "The Well of Loneliness"). The public did not protest and demonstrate, mainly because the decision about the immorality of the work was made before it was allowed to reach a mass audience.

But since the end of the 20th century, public conflicts over controversial art have become very common. A textbook example of such conflicts is the controversy in the late 1980s and 1990s over Andres Serrano's "Piss Christ," which was repeatedly protested by Christian activists in the United States and various Western and Eastern European countries. Today, members of the public who are offended by art vary in their political, religious, and ethnic affiliations; there is a body of work devoted to the social and political role of controversial art (e.g., S. Tepper, P. DiMaggio, K. Balme, S. Dubin) that has elicited certain consistent patterns in the frequency and themes of controversies surrounding art. For example, a comprehensive study of cultural conflicts in the United States by S. Tepper found that the number of conflicts over art increases during election cycles.

Nevertheless, the framing of controversies around art as solely a pretext for attacking or conversely defending a particular group definitely does not provide us with the whole picture of the issue. There are studies that are looking into the artistic field itself and whether it can or should provoke moral outrage: “new moralists” movement in aesthetics, curation as activism (M. Reilly), curation as ethics (J. Martinon). This group of studies adds an important notion that art has an ethical dimension, but it is very hard to distinguish between moral judgement of art, disgust or shock.

Which leaves us with the problem of the discourse of taking offense by art, that, I would argue, is especially acute in the age of social media. Now we know more about the process of art production and moral character of art creators than ever before. This provides us with more context and consequently adds more valid reasons for critical judgement of art. But, we are also exposed to numerous online discourses around what some groups consider as offensive, which leads to the suspicion that the concept of the “offensive art” itself became a repetitive reactionary discursive practice, rather than a sincere expression.

In this paper I am going to review the discourse around offensive art and its specific representation on contemporary social media. I will do so on the example recent controversies around offensive art that were unveiling on different social media platforms (Twitter, Youtube, Bilibili). Drawing from the social constructive approach to public art censorship provided by Steven Dubin, I view “offense” or "insult" by art as a collective effort, that is not a product of individual tastes and preferences. My hypothesis is that the discourse of offense is not a personal problem of a single individual, but a semantic platform for conflicts between different cultures and social groups in contemporary algorithmically driven social media environment.

**AI Art: The End of Art or a Storm in a Teacup?**

Alice C Helliwell, Northeastern University, London

AI art has caused much controversy. Last year, Jason M Allen placed first in the Colorado State Fair’s art competition, only to reveal that his work was AI-generated (Roose 2022). This is by no means an isolated incident (e.g., Grierson 2022). Popular online discourse is awash with widespread hostility towards AI-generated art. Take a cursory look at Twitter, TikTok, Instagram or the like and you will come quickly across righteous fury at AI art photo filters and the use of AI to produce cheap images for creative projects. Artists too are starting to militate against AI. Earlier this year, several US artists filed a lawsuit against Stable Diffusion, a popular generative AI system, accusing it of violating their rights (Butterick 2023). Despite the controversy, not all agree that AI art is such a violation. One response to the lawsuit claims that it rests upon a poor understanding of how AI actually works (Stablediffusionfrivolous.com 2023), and others have argued that these AI systems fit within the bounds of fair use (Wolfson 2023). So, are the concerns underlying the controversy of AI art well-founded or not? Are artists right to object to the rising use of AI in their field, or is this Luddism in the AI age?

This paper will explore the controversy around AI art and distil what the objections are to the development and use of generative AI. Common accusations include variations of: ‘AI is stealing art’, ‘AI companies didn’t get permission to use this work’, ‘AI art is made off the backs of artists’, or ‘AI art isn’t art anyway’. Much controversy over AI art online (particularly Lensa AI, an AI photo app that gained popularity on TikTok) is based on misunderstandings of how generative AI work. For example, many claims online are in a similar vein to this: “Y’all, the AI isn’t compiling images to make unique art. It’s stealing art, removing the details, & putting ur face over it.” (quoted in Weekman 2022). When described in these terms, it is little wonder that controversy reigns, but this characterisation of AI bears little resemblance to how these algorithms actually work. It seems that many sceptics base their claims on a poor understanding of the algorithms at play, while others focus on the intuition that something just ‘feels wrong’ about AI art. My aim in this paper is to reconstruct these accusations into more robust objections.

Some objections might be explained by automation anxiety i.e., the fear that jobs will be taken by AI. This may be particularly acute for those working in creative fields, previously considered ‘safe’ from the threat of AI. In addition, hostility to the apparent encroachment from ‘big tech’ into the artistic realm also drives criticism of generative AI, particularly when money is changing hands. Despite severe misunderstandings about the nature of generative AI, there are still some good reasons to be concerned about these systems and the datasets used to train them. Popular generative AI have no direct access to training images, but replication of images can still occur in certain cases (Carlini et al. 2023). These AI systems can also be prompted to mimic the style of highly popular artists without attribution. While any human artist might do the same, the rapid production of ‘copyright-free’ images is undoubtedly alarming. The lack of awareness of the possibility that artworks may be collated en masse to train AI without knowledge or consent has left woeful ‘art-data’ protection in place. These issues are not without possible solutions, and in this paper, I will propose ways in which we might address these concerns.

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**Comic Immoralism, Error Detection, and the Problem of Immoral Jokes**

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When I tell colleagues that one of my research interests is the philosophy of humor, this is sometimes received with some puzzlement. But as soon as I start telling them about the various issues philosophers of humor have taken up in print, they quickly come to appreciate that there are a lot of interesting questions that philosophers of humor grapple with. This essay will focus on the intriguing ways in which three of these questions are related to one another, ways that have been so far neglected in the philosophical literature on humor.

Question 1: What is the relationship between morality and the aesthetic value of jokes?

Question 2: What is the relationship between joke-telling and truth-seeking?

Question 3: What does morality demand of us with respect to telling and enjoying jokes?

My contention is that a certain answer to Question 1 commits us to answering Question 2 in a certain way, and this answer to Question 2 provides us with resources to answer Question 3 in a way that philosophers of humor and ethicists have not yet considered. In particular, I argue that the truth of some version of comic immoralism, or the view that moral defects in jokes can make jokes funnier, commits us to the truth of the humor-as-moral-error-detection view (HMED), or the view that humor can help us apprehend moral facts. And I argue that if HMED is true, then we need not think that morality demands that we abstain from telling and enjoying immoral jokes, if such jokes exist. Rather, we could educate people about the epistemic value of such jokes so that when they are told and enjoyed, we view it not only as entertainment but also as a form of moral education.

In the literature on the ethics of laugher and joke-telling, there is somewhat of a consensus on the claim that jokes that punch down, offend without proper justification, or betray some kind of character flaw in the teller of the joke should be avoided, and that laughing at these jokes should be avoided too. But if the arguments in this paper succeed, we will have moral reasons to favor telling and enjoying these, as I will call them, immoral jokes––that is, if some version of comic immoralism is true, which is likely. My hope is to leave my readers with a view that reconciles the concerns of those who are critical of the telling and enjoying of immoral jokes with the ambitions of those who think it is at least permissible to tell and enjoy immoral jokes in a wide range of contexts.

First, I will provide a brief overview of the comic immoralist position and motivate its plausibility (Section I). Then, I will make the argument that if comic immoralism is true, HMED must be true (Section II). After, I will present what I take to be the consensus view in the literature regarding the demands that morality makes of us when it comes to telling and enjoying jokes (Section III). In Section IV, I will explain how the truth of HMED offers us a way to reject the consensus view outlined in Section III. And prior to concluding, I offer some reason to embrace my alternative to the consensus view (Section V).

**‘The Painting Must Go’. Expressive Appropriation Claims and Freedom of Expression**

Tomas Koblizek, Czech Academy of Sciences, Prague

In 2017, British artist Hannah Black called on the organizers of the Whitney Biennial to destroy Dana Schutz’s painting *Open Casket*. The reason for the protest was that the painting reproduces the iconic post-mortem photograph of Emmett Till, a black boy who was lynched in Mississippi in 1955. In my paper, I will propose an alternative to three possible perspectives on how to understand Black’s challenge. (1) According to David Joselit (2023), Black perceives the photograph as a property of a group. (2) On C. Thi Nguyen’s and Matthew Strohl’s view (2019), the protest is based on the fact that the use of the photograph has violated a group’s intimacy. (3) On Erich H. Matthes’s view (2018), the protest can be justified on the grounds that the use of the photograph exacerbates the oppression of a group.

Against Joselit, I will argue that the call for the removal of the painting is not an appeal to property rights, but is an expressive appropriation claim pointing to cultural appropriation, i.e. the inappropriate use of an artefact by a cultural outsider. Against Nguyen, Strohl and Matthes, I will argue that they fail to explain what defines the group (the boundary problem).

I will propose the following solution: protests of this type are not claims uttered by a group that could be seen as a fixed entity, but as speech acts that contribute to the ongoing processes of reestablishment and self-understanding of the group. Recognition of these claims expresses a respect for freedom of speech in the sense of freedom to ‘do things’ of this sort. On the contrary, their non-recognition can undermine the processes just mentioned. However, it does not necessarily follow that the perlocutionary effects of these claims, i.e. the destruction of the painting, must also take place.

**Don’t Shoot the Messenger? Considerations against Censoring Controversial Art(ists)**

Tuomas W. Manninen, Arizona State University

When it comes to controversial art and the artists’ freedom of expression, nearly all the discussions focus on the content of the art, and its context is often just an afterthought – if it is discussed at all. We are all well-acquainted with stock examples of controversial art – like Joseph Singer Sargent’s Portrait of Madame X, or Jeff Koons’s Made in Heaven series, or Amedeo Modigliani’s Nu couché, and so on. But the controversies created by these works focus on the content of what is depicted in the artworks – which is easy to understand, given their sexually explicit nature.

But by these lights, Dana Schutz’s painting Open Casket ought not have raised any controversies. The painting was based on a famous photograph of Emmet Till’s mutilated body in a casket; while the original photograph was intended to raise awareness of the pervasive nature of racism in society, Schutz reportedly used it to convey a mother’s sorrow at the loss of a child (Speidel). The abstract nature of the painting itself obscures any gory details which one might find objectionable. Yet protests arose – going as far as calling Schutz’s painting to be excluded from the exhibit – or even destroyed. The critics largely accused Schutz (a white woman) for appropriating a significant image from African-American history, and because of this, they contended that her painting ought to be censored.

To consider censoring art – whether due to its content or its context – presupposes a version of moralism (Carroll). But here we can see a distinction between content-based censorship and context-based censorship: the former requires a moderate version of moralism to be true (“for certain genres of art, moral comment, along with aesthetic comment, is appropriate”) while the latter appears to need a radical version of moralism (“art should only be discussed from a moral point of view”) (Carroll).

If we follow the suggestion that it is often (if not always) impossible to separate the art from the artist (Bartel), we get the following thesis: On the moralist reading, it is an aesthetic demerit to an artwork if its creator has a morally questionable character. (Conversely, on the contrasting autonomist reading, an artwork’s aesthetic value remains intact, even if its creator is a moral scoundrel.)

But what form should the censorship take? In the current times of social media, cancelling an artist with a questionable moral character seems to be all the rage (Willard). Here we find another presupposition made by those who wish to censor art that is controversial due to its context: there is one punishment (namely, cancellation) that fits all crimes – even alleged ones. That is, it treats both harmful art-creations and offensive art-creations essentially the same (Mill; Feinberg). This is problematic on its face as the action is essentially punitive (and not rehabilitative). Furthermore, the record shows that this punishment has both been meted not just inconsistently, but also ineffectively. As for the latter point, one philosopher puts it succinctly: “Many immoral artists are too rich. Many immoral artists are too famous. Many immoral artists are too dead. Our ordinary consumer habits simply make no difference to them” (Liao).

The goal of this paper is to argue that both the presuppositions needed to censor art due to its controversial context falter. Moreover, there remains an unacknowledged danger in censoring art for its context: the general public may not be able to discern the reason behind the censorious actions and think that those are due to the artwork’s content. This would only serve to generate false positive instances of censorship. For these reasons, censoring controversial art seems to be a wrongheaded approach.

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**The Good, the Bad, and the Ugly: Morality in Aesthetic Judgement**

Joachim Nicolodi, University College, London; Darwin College, University of Cambridge

Sometimes, artworks seem to be aesthetically valuable while at the same time exhibiting outrageous moral deficits. Probably the most famous examples in this context are the technically flawless masterpieces by Leni Riefenstahl (e.g. Triumph of the Will) which – although being blatant Nazi propaganda – still count as major contributions to the history of film. This raises the philosophical question of whether a work of art can be morally bad and at the same time aesthetically good, that is, good qua artwork.

To give a satisfactory answer to this question, we first have to define immoral artworks. Although this is a very natural way to get the discussion off the ground, there is shockingly little literature on this topic. This is problematic because philosophers often refute each other’s theories with completely different conceptions of immoral art at the back of their heads, most notably in the recent debate between Berys Gaut and Matthew Kieran.

In the first part of this essay, I will outline an intentionalist definition of immoral art: it is not enough to merely look at the intrinsic features of the work (such as the depiction of violence, sexism, etc.) to determine its moral character; rather, we have to look beyond the artwork and include external evidence, especially the artist’s intention. This way, I aim to fill the gap in the literature and move the whole debate in a more fruitful direction. By default, this discussion also touches on related subjects such as the nature of “good” interpretations, the relationship between artwork and artist, and the role of a critical audience.

In the second part of the paper, I apply this definition to the question we set out with, namely the relationship between the moral and aesthetic dimensions of art. As will be argued, theories claiming that these two realms are utterly distinct (“Extreme Autonomism”/ “Aestheticism”) are unconvincing. The moral value and aesthetic value are connected, so the question is how they are connected.

After presenting the most popular theories about this connection, I conclude that only a position called immoralism is entirely convincing: moral flaws in artworks need not always be aesthetic flaws but can sometimes count as aesthetic merits. The strongest argument in favour of this theory is the argument from cognitivism: if artworks are able to teach us something (e.g. a moral truth about how to interact with other people), that counts as an aesthetic merit of that artwork.

In this framework, immoral artworks like Triumph of the Will can be aesthetically valuable because they teach us how immoral attitudes look and feel like, and how easy it is to fall prey to them. They train our imaginative abilities, for instance to imagine ourselves as fascists or murderers, and then we contrast these experiences with our own set of values. This way we hone – precisely through problematic experiences – our discriminative capacities to individuate between good and bad and thus our moral sense.

This conclusion has far-reaching implications that can only be hinted at here, and that are especially relevant for Social and Political Philosophy. Granted that works like Triumph of the Will (or Pound’s Cantos, de Sade’s 120 Days of Sodom, etc.) can be aesthetically and cognitively valuable: how should they be displayed? Should we let schoolchildren watch them? Does it redeem the artists, given that they have created something that overall benefits society?

**Art as an Overton Window**

Mary Beth Willard, Weber State University, Ogden, Utah

Some art is controversial not because of the ideas it expresses, but because of the context of its creation. For example, Dana Schultz’s painting Open Casket (2017), a portrait based on the famous photograph of Emmet Till, arguably expressed admirable moral sentiments of solidarity and sympathy, but the painting generated controversy because of its appropriation of a profoundly meaningful and painful image of a Black boy by a White painter, who in the words of critics ought to “stop treating Black pain as raw material.” To the critics, the subject matter was not Schulz’s to use, implying that the problem with the piece was not its ideas, but its context given “the barbaric realities of racial and gendered violence on which our lives are founded.”

The moral importance of the context of an artwork has received comparatively little attention, but the case of Schultz shows that the context of the artwork itself can create controversy. One neglected effect of artworks is that they often influence the context in which their ideas can be evaluated. Morally relevant art makes certain moral thematic propositions salient to its appreciators. We might say, for example, that art is consciousness-raising, or that it invites us to take a moral question seriously. We can and I will argue, do, evaluate an artwork morally based on what it proposes as worthy of being taken seriously.

I propose, in short, that artworks can affect what ethical ideas need to be taken seriously. Art transforms merely possible ethical propositions into those which are salient; art moves the aesthetic and ethical equivalent of the Overton window. In politics, the “Overton window” refers to the subset of possible political proposals that are acceptable to the mainstream political population. Proposals that are outside of it are non-starters; proposals that fall within the window must be taken seriously as alternatives.

Art makes certain ideas salient not by arguing directly for theses, but by inviting us to engage with its themes. When an artwork presents a theme to us, it presents its ideas as something which must be taken seriously aesthetically in order to understand the artwork, even if we ultimately disagree with it. Sometimes, these themes are new to appreciators, so the work invites them to think about things they haven’t thought about before. Sometimes, the theme is already salient, but the work’s emotional resonance encourages more engagement with the theme. Art doesn’t usually tell us what to think, but it does tell us what merits being thought about, and that itself can be a controversial and political choice.

Many controversies concerning putatively immoral art are better understood not as the artwork manifesting morally bad attitudes nor as causing bad real world effects, but rather as art’s capacity to determine what ideas merit further attention. Art affects the context of its own evaluation. The implications for artistic freedom of expression are significant. Schultz’s error, by these lights, does not lie in the attitudes manifested by her artwork nor in any speculative downstream effects on political discourse, but in declaring indirectly through her painting that Till’s image is a fit subject for artistic expression and experimentation.

There is a broader lesson for freedom of expression. Many recent debates about acceptable political discourse concern the boundaries of what ought to count as acceptable political speech. One person’s “just asking questions” can be another’s “attack on personhood.” The moral evaluation of speech needs to include not just the context in which it is uttered (e.g., the classroom vs. the campaign trail) but in how speech changes the context.