

CENSORSHIP IN THE ART GALLERY

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CENSORSHIP IN THE ART GALLERY:

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SYNOPSIS OF PRECIS

The arts are under attack from censorship. Censorship is a blunt and careless method of silencing voices that oppose or challenge existing social standards. We have come to expect and encourage artists to question and investigate all human experiences. Placing limitations on an artist's area of study because of material that might offend, evades a comprehensive investigation into the individual mind and society as a whole.

If censorship must be used at all, it must be restricted to specific material that attacks the civil rights of the individual or any social grouping in a dangerous manner.

INTRODUCTION

A renewal of debate in literary circles on the question of censorship, is occurring in reaction to events taking place in the U.S. This relates to the suppression of the arts on the grounds of obscenity.

Obscenity, at the best of times, remains an obscure term and what can be referred to as obscene is constantly under revision. For example, the exposure of women's ankles would not be considered obscene today, but was so in earlier periods of history. Obscenity exists on a subjective level; what may be found obscene by one individual may not be by another. However, it is a term understood by all as relating to subject matter that goes beyond the boundaries of social acceptability. The Oxford English Dictionary defines obscenity as 'indecent' and 'Lewdness', two more subjective terms. Hence, there is no objective criteria to define a work as 'obscene'. Popular opinion may conclude that a subject is obscene, but ultimately, obscenity lies in the eye of the beholder.

This thesis deals directly with the issue of obscenity and how it applies to the work of art, whether or not art works can be obscene and if so, do they pose any threat to society's well being? The art gallery, the artist's podium of free speech, is now being attacked for alleged misuse of government funds and for producing 'offensive material'. Tax-payers money, we are told, is being spent on dirty nappies, Tampax and pornography. ¹

Various obscenity cases have been filed against artists and their work regardless of artistic merit. These cases culminated in the Cincinnati court case that indicted the work of Robert Mapplethorpe as being purely obscene and dismissed its' claims of possessing artistic merit. By using the term 'obscenity', censorship acts are now taking place on the work of artists.

The history of art has been blighted by the threat of censorship since its' origins. From the fig leaves of Massacio through to the Salon of Paris' rejection of Romanticism; from the blasphemy trials of Hermann Grosz to the attack on degenerate art by Nazi Germany, censorship has threatened to oppress oppositional viewpoints of great works of art. The role of the artist in the 20th century has evolved into his being the mouthpiece for society and his aims are to question society's failures and improve attitudes of both the individual and society as a whole. For the artist's role to be fully realised, the expression of his or her opinion is paramount, regardless of how painful or offensive it might be.

I am concentrating on gallery art because, although the remaining arts (theatre, literature, music, dance, film, etc.) are just as important, they are more tangibly linked with the entertainment industry and have as many links with popular culture as they do with high culture. Because of the elitism of the art gallery, successful attempts at censoring its' material leave open the facets of the arts mentioned above to censorship attacks, due to their more accessible nature.

Also, this thesis will concentrate primarily on events in the U.S. The nation's obsession with free speech allows us to scrutinise it's legitimate use of censorship and allows a study of the bigotry and hypocrisy that exist within the framework of the U.S. The fact that censorship of the arts is widespread throughout the globe is evident, however my focus relies on the wealth of activity now occurring in the U.S. relating to the question of obscenity. Censorship in the U.S. is frowned upon and there are few restrictions placed on the media, but the art world is suffering severe attacks due to its' reliance on state funding and the high social profile of 'the artist'.

Chapter I, attempts to summarise relative aspects in arguments for and against censorship. It will assess the arguments of feminists and puritans alike and approach their application to the artist. Vast amounts of theoretical material have had to be excluded due to limitations of space, but they have not been ignored. The censorship issue relates to many problematic areas such as pornography, radical politics, blasphemy, violence and sexual explicitness. This list can often be incorporated under the single heading of obscenity. However, these facets can often be useful tools for the artist when confronting areas of life that need scrutiny.

Chapter II reports on the current censorship events taking place in the U.S. and assesses the merits of individual arguments against the art in question. The thesis as a whole aims to question the alleged legitimacy of censorship applied to art and defend the artists' practice of utilizing any means of expression, even if this includes obscenity.

CHAPTER I

ART, OBSCENITY AND FREEDOM OF SPEECH

Introduction

Censorship is a subject fraught with problems of definition. Although the concept can easily be articulated, the many forms it can take and the various acts that might imply a role for censorship often blur it's own boundaries. Pornography, for example (traditionally the main concern of censorship), is often defined by feminists as the 'Censorship of Women'.¹

Pornography itself is notorious for its' lack of definition. Its' unclear boundaries often allow it to be confused with violence, eroticism and art. Separating the fields of art, eroticism and pornography can often be perplexing if not hopelessly difficult. Art and eroticism are seen as essential contributors to the development of social enlightenment. They are seen as positive forces and hence must be protected from censorship. Pornography is a gross form of mass culture which instills ignorance and prejudice. Feminists and conservatives alike are greatly distressed by the popularity of pornography and for different reasons want it removed from culture.

One of the major problems for feminists is their equal disdain for pornography and censorship. The question of the legitimacy of any type of censorship is hotly debated. When McCarthyism in the U.S. began to wane, the 1960's allowed freedom from censorship to reach a new peak. The sexual revolution gave pornography a legitimate foothold through society's need to explore its own sexuality. The libertarian ideology that spawned this development of freedom still staunchly continues to uphold abolition of censorship. However, its assumption that everything which is socially unacceptable (and hence subject to censorship) is inherently subversive and liberating is questionable. In relation to pornography, it focuses on pornography's claim to be erotic.

Conservatives are more deliberate in their approach. With a moralist frame of mind they approach censorship with a positive endorsement of its necessity. However, conservatives are more concerned with obscenity rather than the particular facet of pornography. To them, pornography and eroticism are indistinguishable and any sexually explicit material can be deemed obscene, depending on the degree of explicitness involved. It is interesting to note that violence (unless coupled with sexually explicit material) is allowed fewer restraints. This is again subject to the explicitness involved. A decapitation depiction for example, can for them be tastefully or distastefully portrayed. The fact that decapitation is a brutal act of violence is not questioned.

The conservatives preoccupation with obscenity as opposed to pornography places them at odds with feminist ideology. Whilst both parties are involved in the suppression of pornography, their different angles of attack further confuse the issue of how censorship can be applied. Conservatives can attack art under the laws of obscenity, which in many cases were endorsed by the arguments of women's liberation. Feminist artists have often suffered from censorship acts under the guise of obscenity attacks, whilst they helplessly survey the mass circulation of misogyny through mass culture.

Over the last decade, there has been a massive influx of material dealing with the dual dilemma that obscenity and censorship pose to the well-being of society. Attempts at a limited legislation for censorship that hopes to curtail pornography's mass availability and at the same time protect the realm of high culture, have been impractical, ineffective, misused and often criticised.

This thesis can only scantily summarise aspects and arguments of a highly complex discourse. It will try to highlight the plight of the modern artist in the face of such ideological restraints. Are the entities of art and pornography mutually exclusive or can they be intermingled to produce a provocative and original work? Or in the same vein, can a work of art exist that consists almost exclusively of pornography? Can pornography be accepted as an art form?

And on the subject of censorship, does it protect society or enforce ignorance of liberating and subversive information? Should it be allowed to be imposed on high culture? If not, why should art alone be allowed to present offensive material and create obscene representations? Also, when does a work fill the criteria for being 'art' and hence deserve protection? Should any form of censorship be endorsed? Should not censorship itself be banned?

The U.S. and Freedom of Speech

The final question in the above paragraph poses the greatest dilemma for many nations and particularly the U.S. The ideology and complete infrastructure of the U.S. rest entirely on the notion of freedom of the individual. Freedom of Speech is paramount in the objective list of human rights within the U.S. In theory, the concept is nothing less than admirable, for it is only through the expression of all relative viewpoints that any hypothesis or theory can be formed.

However, the entrance into theoretical aspects guides us into another complex channel that mystifies the concept of freedom. For the writer D.D. Raphael, freedom means the absense of constraints.² But, he makes it clear that such constraints must be imposed through the deliberate action of another. Thus, any lack of freedom is due to the wishes of another individual or group, on an individual. He discounts self-imposed constraints as unrelated to the question of freedom.

However, as Alison Assiter illustrates, this definition is faulted, although there are sufficiently convincing arguments for Raphael's view:

For instance, if I am unable to run in a marathon because I am not sufficiently fit, this does not constitute a constraint on my freedom. ³

The above quote lends coherence to Raphael's hypothesis, but Assiter goes on to prove that total freedom can be impinged without the deliberate action of another or without self-imposed constraints.

If a child is prevented by her lack of education from exercising her capacity to read, then her freedom and autonomy are limited as greatly as they would be if someone forcibly prevented her from entering the classroom. ⁴

Also material factors have a role to play. For example, if an individual lacks wealth, their freedom to buy certain items or enter certain social venues can be restricted. Is the situation described, a result of outside restrictions on gaining wealth or is it the responsibility of the individual to be wealthy? Where does the issue of material gain fit into our rights of freedom? We are within our rights to purchase many if not all expensive items, and we are also within our rights to amass the wealth to purchase such items. But, we are often constrained by circumstance in gaining such wealth.

Our freedom can hence be constrained by factors which are devoid of deliberate action. Thus, the only practical conception lies in the idea that freedom consists of or operates in obedience to rules that one has rationally framed for oneself, a tradition that stems from Rousseau and Kant and is upheld by contemporary philosophers. Keith Graham writes:

[We] define it [freedom] as the absence of constraints of whatever kind, on rational action associated with this ideal it will be necessary to speak of degrees of liberty, since constraints can be of varying degrees of severity as well as being of different kinds. 5

Under this hypothesis, a state is enabled and perhaps compelled to design its own list of rules relating to liberty; hence laws are indispensable. The law in relation to freedom of speech is a law which in essence relates to a removal of constraints; a rule that dispels all rules on freedom of speech. To refer once again to our hypothesis on freedom, there are sufficient grounds to endorse the concept of censorship.

Freedom consists in obedience to rules one has rationally framed for oneself. Censorship under this reasoning is legitimate as a means of suppressing ideology that impinges on the rights of the individual. Freedom of speech can often result in the withdrawal of other human rights and can become, despite itself, a form of censorship.

For example, the expression of a fascist viewpoint can result in the oppression of certain races and hence take away their own freedom to express themselves. This example shows an act of censoring certain races and their views by taking advantage of freedom of speech. These instances lead us to resolve that total freedom of speech must consist of the same obedience to rationally framed rules that has already been applied to freedom. Hence, a case for censorship defined as 'rational rules on freedom of speech' is legitimate. But if misused this concept of censorship can become dangerous and if applied too often can suppress worthwhile information.

Amendments to the Constitution of the U.S.
The Bill of Rights: Amendment 1

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech of the press; or the right of the people to peaceably assemble and to petition the government for a redress of grievances. 6

The above declaration in the U.S. Constitution allows freedom of speech under all guises. It suggests at no time a role for censorship. Under this law, there are no grounds for the abolition of publications which entail racism, sacrilege, violence and of course pornography. It is paradoxical that 43 of the 50 states of America have obscenity laws. A supreme court ruling of 1973, ⁷ declared that obscene material was not protected by the first amendment and both feminists and moralists have frequently demanded that certain pornographic and obscene works be exempted from protection by the first amendment.

If the first amendment can be only applied generally and certain works are made exempt from it's protection, the amendment becomes redundant as a law and can only be regarded as a social ideal in the constitution of the U.S.

Obscenity laws in the U.S. have been regionalised through the legislation of local governments on the issue of obscenity. This gives individual states the power to gauge their own levels of acceptability. The supreme court ruling of 1973 defines obscenity as speech that:

taken as a whole appeals to the prurient interest; portrays in a patently offensive way, sexual conduct; and taken as a whole lacks serious literary, artistic, political or scientific value. 8

This ruling again separates what might be offensive and what might be informative, allowing for no middle ground where the two sections might mingle. And because (as we have seen) what might be offensive is subject to personal opinion, the result materialises where certain U.S. states ban or censor items they deem offensive, whereas the offensive items may be freely available in the next state. The obvious danger lies in the breaking up of national ideas of what might be offensive and what might be acceptable.

Recently this level of practice has been enforced on numerous occasions throughout the U.S. The city council of Cincinnati brought obscenity charges against the work of the artist Robert Mapplethorpe (deceased) and the director of the gallery in which it was shown (this case will be further scrutinized in chapter II). The Mapplethorpe case ended in acquittal and this conclusion caused great relief amongst the cultural community of the U.S. The case caused an outrage in its' primary stages and if successfully prosecuted could have engendered a witchhunt in cultural and artistic circles. The fact that it was high art, gallery art, eventually was the main reason for acquittal and the task of the defendants was to prove that it was of high artistic merit. Obscenity is easy to attack, but art maintains priority in society and once it was proven to be art, the prosecution lost its case.

But more complex is a case that recently occurred in Florida, in which three counties banned the sale of the record Nasty as you wanna be by the musicians 2 Live Crew. The band will also stand charges in court for obscenity (result pending). It is the first musical record in the history of the U.S. to be found obscene.

The fact that the lyrics in the songs are generally regarded as being patently offensive provides a hopeless dilemma for the artist's upholding ideas on free speech. Mass culture as opposed to high culture prefers to exploit crudeness as a means to generate interest. But, with contemporary modes of culture applying less of a divide between mass culture and high culture, victimising the former without affecting the latter is again difficult. By attacking '2 Live Crew', it is easier to subject serious musicians to the same scrutiny.

2 Live Crew go out of their way to offend, their lyrics are explicit and crude and can be construed as one of the most typical examples of misogyny after the writings of the Marquis de Sade.

Nonetheless, rap music has asserted itself as an art form that constantly challenges accepted standards. In return the censors have been accused of racism and of suppressing the culture of a black ghetto. Artists in the music industry who may or may not be offended or disagree with what 2 Live Crew's lyrics express, have regardless rallied around and supported their right to express themselves, irrespective of what they are saying. Laurie Anderson, a fellow musician and contemporary performance artist states:

For me, this has never been a first amendment issue. 2 Live Crew can sing about pussy all they want and I can do everything short of the law to make their lives miserable. This is a battle of competing ideas and I consider it part of my job as an artist to make art that competes. 9

This approach which entails opposing their viewpoints whilst allowing them to voice them, introduces an attractive alternative to censorship. A society that receives misguided information coupled with an opposing opinion will increase it's own awareness and freely choose through it's education which opinion is more acceptable.

The prosecutors of 2 Live Crew's case, aim to remove all unacceptable views from American society, because they are 'against community standards'. But 2 Live Crew are confused on the issue of community standards. Within their community they recognise strip joints, freely available pornographic magazines and films, a Playboy channel on the television network and legitimate escort services.

In relation to local government legislation, there have been some interesting developments in local attempts to design an acceptable mode of curtailing material that impinges on human rights. The Minneapolis Ordinance of 1983, employed the services of two prominent feminists, Andrea Dworkin and Catherine McKinnon. The objective was to draft an ordinance on 'certain kinds of pornography (that) violate women's civil rights'.

This wording is important as it shifts the issue of pornography to civil rights from its' traditional role of obscenity. The drafted ordinance was completed and hearings took place in which supporting evidence was given by individual women.

The ordinance found that:

Pornography is central in creating and maintaining the civil inequality of the sexes. Pornography is a systematic practice of exploitation and subordination based on sex which differentially harms women. 11

(More excerpts from the Minneapolis ordinance are included in appendix I).

The ordinance was narrowly passed by the city council (those voting against the ordinance notably included two feminists) only to be vetoed by the Mayor. Indianapolis city council, with the guidance of Catherine McKinnon introduced a similar ordinance which was this time approved by both the city council and the Mayor, but ruled unconstitutional by the District Court. Further attempts to introduce versions of the ordinance were unsuccessful in Los Angeles, Suffolk county, Long Island and Cambridge, Massachusetts.

A group of feminists then formed an anti-ordinance coalition named FACT (Feminist Anti Censorship Task Force) and produced a brief opposing the ordinance for an appeal hearing which was signed by 76 well-known writers and academics. This in effect caused feminists to appose on another in a court of law.

The court of appeal ruled that the ordinance was unconstitutional and a further appeal to the supreme court was lodged. Frank Easterbrook in his ruling in the Court of Appeal, supported the analysis of pornography presented by the ordinance but ruled that this could not supersede the absolute principal of Freedom of Speech encoded in the U.S. Constitution. 12

Hence, the first amendment, which can be ignored by local obscenity laws is held sacrosanct when it comes to issues that deal objectively with human rights. The Minneapolis ordinance identified a practical means of identifying material that denies women their civil rights and gave just reason for censoring it. Civil rights, however, must take second place when it comes to U.S. ideals on Freedom of Speech.

It is obvious from these studies that a balance must be achieved between a state's (Nation's) power to censor and the rights of the individual. Only by achieving this balance, can censorship become an acceptable method of controlling material that is often offensive, degrading and possibly dangerous. The U.S., to achieve this balance, needs to scrutinize it's entire ideology on freedom of speech with a view to curtailing the mass production of damaging material readily available in its' society. Censorship must be adapted to deal primarily with material that attacks civil rights if it is to be used at all.

Obscenity and its implications should be removed as a reason to attack material. Sexually explicit material should indeed be liberated from the prudish and paranoic treatment it receives, but guidelines should be issued to halt any further attacks on civil rights through the medium. There is an obvious demand for eroticism and explicit material and if handled correctly it can be positive. Expelling the shame and ignorance of sexual identities may curtail sexism and violent attacks on women. Andrea Dworkin suggests that nationalisation of the pornography industry may support a healthier vision of sexual politics in society, but such an idea is outlandish within the existing national political framework. ¹³

Pornography

The term 'pornography' always refers to a book, verse, painting, photography, film - or some such thing - what in general may be called a representation - we take it that, as almost everyone understands the term, a pornographic representation is one that combines two features: it has a certain function or intention, to arouse its audience sexually and also a certain, explicit representation of sexual material (organs, postures, activity, etc).

- Home office report of the committee on obscenity and film censorship. ¹⁴

The Williams Committee of 1979 in Britain thus defined the nature of pornography. It is interesting that the above statement makes no mention of pornography's subjugation of women. Pornography is produced mostly by men for male audiences using depictions of women. Indeed the above definition works equally well in defining eroticism.

Polly Toynbee's account for the Guardian newspaper, lists what she saw as a member of the Williams Committee as:

Castration, cannibalism, flaying, the crushing of breasts in vices, exploding vaginas packed with hand grenades, eyes gouged, beatings, dismemberings, burnings, multiple rape and any and every other horror that could ever befall the human body. 15

The above list concentrates obviously on violence (with a view to sexual arousal). However, it is not enough to define pornography as violent sexual activity entailing a 'master and servant' scenario. What of the wealth of 'soft porn' material that rarely if ever uses scenes of violence? The oppressive sexist mode of depiction through portrayal of gender roles in soft porn is still a major concern for those upholding the rights of women. We are only left with more hopelessly difficult questions: where is the defining boundary between hard core and soft core pornography? When does pornography enter codes accepted by society, such as advertising and then become socially acceptable? The questions relating pornography to eroticism and art have already been asked and are just as important, if not more so.

A recent conference on the subject 'Men and Pornography' described pornography as an 'exact science'.¹⁶ Describing pornography as a science allows us to assume that it relies on a strict formulation of elements, composing the representation. The desired result causes arousal and sexual excitement. The pornographic image utilises many means of achieving this goal. Many motifs and composition techniques are recurrent in pornographic representations. Formal aspects in pictorial representations rely on the chance documentation of the figures or sex act, and more emphasis is placed upon the 'actors' within the representation. Representations of the female entail her submissive readiness for sexual conquest or depending on the nature of the representation, her defiance of sexuality which invites the voyeur to 'educate her' (rape).

Creativity in pornography operates on a low scale and there is no desire for it to take greater precedence. The language of pornography is sufficiently effective to its' directed audiences. Its' only creativity lies in the introduction of new props which can only serve to distinguish it from other pornographic works. If pornography adopted a role of high creativity which incorporated aesthetic literary or formal qualities and a high social ideology, the work would transgress its' boundaries of being pure sexual arousal and would hence cease to be pornography.

Pornography cannot claim to be an art form, it exists through all its reproductions and guises as an attitude. The attitude or point of view, describes women and other vulnerable communities subject to patriarchal subjugation as second class humans and potential victims of male dominance. However pornography, existing as a point of view, is entitled to be expressed under the regulations on freedom of speech. There are more arguments in reference to freedom, that would not support pornography's censorship and balancing these freedoms against those of women etc., leads us to question which aspects of freedom have greater priority.

To illustrate this, we must examine the freedoms linked to pornography:- the freedom of the producer to go about producing pornography; the freedom of the designer or writer of the picture to express his idea; the freedom of the cameraman both to make his living and to exercise his artistry; the freedom of the model to pose for the depictions; the freedom of the consumer to purchase pornography,- and these freedoms are balanced against those of the individual whom pornography outrages, not to be subjected to it. It is interesting that freedoms that support pornography include the role of the female model to pose. If she is deemed free, then she becomes an oppressor of her own gender. But once again, her absolute freedom is questionable as the final representation of her in pornography objectifies her and hence a loss of her autonomy occurs.

Also material values have a role to play and posing for pornographic representations may not be a matter of free choice, but as a means to achieve an income, without which her overall freedom is further reduced. These material factors are just as relevant to the producers, designers and photographers of pornography but are of little consequence to those opposing pornography, thus those opposing pornography have less restraints on their freedom in making a choice for or against pornography.

All of the above listed freedoms can be applied to eroticism and it is unfortunate that such similarities can be struck. Eroticism bases itself on the notion that it is liberating. By depicting sexual activity with a view to gender equality it claims to dispel sexual ignorance and thus provide greater freedom. Although operating through the same areas of distribution and employing the same levels of sexual nudity and explicit sex acts, it projects no ideology of administered sexual stereotyping but rather a greater realisation of each individual's potential to enjoy and learn from sex. Pornography promotes ignorance of the individual's own sexual identity and how it relates to the sexual identities of others. Pornography is about power; male power over women. It attacks the civil rights of women and often children. In all pornographic images dominance is the only relationship suggested. If women are depicted on their own, the invitation for dominance to be applied by the invisible viewer is clear. The ideology projected by pornography is dangerous to gender freedom. But under the William's Committee ruling, eroticism is also prey to a definition of pornography and may receive censorship.

Because, both pornography and eroticism deal with sexually explicit representation, an area that society is ashamed to deal with, pornography and eroticism are all too often seen as synonymous.

The Minneapolis Ordinance of Dworkin and Mackinnon is the most objective analysis of the fundamental aspects of pornography. The fact that the first amendment's discourse on free speech outlaws protection from harmful expression is unfortunate. Pornography, in essence, throughout its various modes of existence, be they hard core porn, soft porn, advertising or day to day sexism, regulates the freedom of women. It's popularity stems from male needs to assert a dated idea of masculinity, whilst pornography promotes violence, hatred, oppression and ignorance, eroticism promotes equality, understanding, knowledge and love.

If eroticism can be deemed obscene through it's sexually explicit nature, then it is once again obvious that the concept of obscenity should be disposed of and that a greater understanding of pornography must be encouraged. Pornography is obscene in the fact that the concept of dominance it encourages is unacceptable to society. However, large areas of the media that project the same viewpoint of dominance in less explicit terms escape being termed obscene. It is clear that understandings of obscenity rely on the idea of explicit representations of sexual acts and violence and not on their ideology. Even violence represented with a view to dispel it's alleged attributes is termed obscene.

The N.E.A. (National Endowment for the Arts) chairman even went as far as to say that a photo of holocaust victims 'might be inappropriate for display in the entrance of a museum where all would have to confront it, whether they choose to or not'. The concept of obscenity must experience a shift from what might be representationally offensive to what might be ideologically offensive. Only then can pornography and its effect be effectively tackled and material that benefits society such as art and eroticism be legitimately protected.

Feminism and Obscenity

Feminists are not concerned with the concept of obscenity in its broadest terms but more exclusively with one facet, pornography and its effects. However, their study of pornography inevitably leads them into the fields of violence, eroticism and art. Women's liberation effectually rests on the podium of free speech. They need it to express their views on sexism, pornography, homosexuality and the opposition to patriarchal values.

Feminist's concerns with censorship are made real by censorship acts that have taken place against women artists. In 1976, Suzanne Santoro produced a small booklet of vaginal imagery which was removed by the Arts Council of Great Britain from a travelling exhibition of art books on the grounds of indecency and obscenity.

The concept of obscenity causes major problems for feminists, but a more internal and immediate problem for the movement is their lack of unity on the question of pornography. Many feminists declare that pornography is central to women's oppression and must be censored through strict legislation. However, this radical ideology is not shared throughout the feminist movement. Other opinions declare that although pornography is not central to women's oppression, it is nonetheless against women's interests. More liberal feminists argue that it is mere representation and unlike acts cannot cause oppression. Also they argue that it is sexist, racist, homophobic, ageist and prejudiced behaviour (for whatever reasons) that causes oppression and that pornography may be even liberating.

The women's activist group of the late seventies, protested under the banner, WAVAW (Women Against Violence Against Women) which highlighted the concern that practices in pornography may become practices in reality. The slogan for the movement 'Porn is the theory, rape is the practice', clearly spells this out. Pornographers in their defence deny the link between pornography and criminal sexual practice, claiming pornography lies in the realm of fantasy and not reality. But legitimate circulation of pornography under U.S. law, lies in pornography's claim to be a mode of expression. It is an expression of hatred against women and as Andrea Dworkin points out, similarities can be pointed out between pornography and the anti-semitic publications that blanketed pre-Nazi Germany. Both oppressive ideologies project hatred toward targeted groups. What occurred with anti-semitism in Nazi Germany justified, encouraged, incited and promoted Jewish oppression.

One fear of feminists is that through their objections to pornography, they might be accused of 'Mary Whitehousism'. Indeed the machinations of the right wing have taken advantage of feminist objections to pornography in perverting objective appraisals of the issue of pornography. Feminists can often be misconstrued as prudish by libertarians who claim that the sexual revolution has already occurred and that not only is pornography a necessary expression of freedom of speech, but also that it is part of a new freedom of sex. Many feminists object to pornography and its effects and do not agree with this libertarian viewpoint. They insist that pornography must be suppressed but agree with libertarian views on freedom of speech which protect high culture. The feminist dilemma lies in the desire to guard 'culture' and regulate 'non-culture' that has a strong sexist content.

'As a result, members of the movement allow themselves to be totally unclear about exactly what they are against or what action is appropriate.'
- (Deirdre English)

The issue is further confused by feminist acceptance that masculine sexual fantasies are psychologically inherent and also, in the difficulty of establishing an erotic language that is inoffensive to women. For example, how does one depict the female nude without the loss of her autonomy and without implying the voyeurism of the audience?

It is a difficult question. But it is at the heart of the issue. Without a reasonable effort to separate the negative from the positive sexual images, the movement [feminism] will begin to see everything that is sexually suggestive as something tending towards rape. 21

- (Deirdre English)

Moralist Conservatism and Obscenity

As we have seen already, freedom of speech is relative to circumstances. In capitalist society, it is often only those who are backed by money and power that can avail of this liberty. Conservatives aim to protect the social ladder that provides them with money, power, stability and that enforces patriarchal values.

Obscenity poses a threat to social morality and hence must be suppressed by conservatives. To them, the social status quo is embodied in the nuclear family. Conservatives name things threatening to family life as pornography, abortion rights, homosexuality, permissiveness and obscenity on the whole. These 'threats' are merely a smoke-screen to cover real issues that threaten family life; unemployment; cuts in the health service; welfare provisions; childcare and education.

Violence on the other hand is more tolerable. Provided it isn't portrayed in an 'offensive' manner, it escapes any form of censorship. This is due to the fact that conservatives and governments on the whole respect violence. They use violence through their police and armed forces. Censoring violence would mean censoring themselves.

Jesse Helms spearheads the moralist campaign in the U.S. His self-appointment as guardian of the nation's morals and his subsequent popularity, embodies the new wave of 'new puritarianism' within the U.S. In alliance with the American Family Association (A.F.A.), he has managed to attack what he believes to be obscenity wherever it rears its head and he has singled out the arts for particular scrutiny as regards their protection from censorship.

Through this attack on obscenity, with a view to protecting the white American middle-aged, middle-class male and his family, he has alienated feminists, coloured minorities, homosexuals and lesbians. Laurie Anderson highlights this suppression of rights:

The fact is, there are laws that protect some of these groups. There are laws for example about rape and child abuse. In reality of course, these laws are hard to enforce and it's much easier to attack artists who point out these painful realities, especially if these artists are black, female, gay or any of the above. So instead of focussing on enforcing these laws, Helms is shadow boxing. If only you can destroy pictures of these disgusting events and people, maybe the real people will just go away. 22

Obscenity laws are once again being misused resulting in the infringement of human rights. Homosexuality in particular rarely enjoys an acceptable level of human rights and is considered throughout its various forms of expression as obscene.

On the grounds of obscenity (directly relating to homoeroticism) Howard Brenton's The Romans in Britain was almost banned from the National Theatre by the Greater London Council, then headed by Sir Horace Cutler, Conservative M.P. in 1980. The offending scene depicted the raping of a male British Celt by a male Roman. This scene attempted to allegorize the role of imperialism in history. A trial resulted in which the magistrate concluded:

I must interpret the law as it stands and not as it might be. It may be absurd, but had Mr. Bogdanov (the play's director) been a woman, he would have no case to answer if anyone took part in a rehearsal in which a woman was raped, that would not be an offence. 23

Such an interpretation of the law as it stands is highly offensive and totally deflates the idea that obscenity laws protect human rights. Moralistic conservative views on obscenity are groundless and serve to protect merely one class of people; middle-class whites. Combating such hierarchies of power becomes a subject for them to censor. It is seen as more material that might endanger 'family life'. Combating obscenity for moralists, means oppression for minority groups.

Art and Obscenity

A group of people may share the same view of conventional pornography, hold the same political position on the question of women in society and the same aspiration to equality and an end to oppression, and yet stop in awe and reverence before a work of art which is openly pornographic, oppressive of women and advocating domination simply because it is a work of art. 24

- Suzanne Kappeller

Up until now, obscenity laws have mainly been concerned with attacking low forms of culture and protecting high culture. In terms of pornography such attacks on women's autonomy were scrutinized in the mass media and never in the art gallery. But society has become concerned that obscenity and pornography can also occur in its high culture. Feminists now find themselves arguing not only with the pornographer, but also with the established experts of cultural representation. Moreover, the pornographer takes shelter behind the cultural practice of representation, by upgrading his products aesthetically with semblances of plots, better design and in the case of film, using 35mm film which results in a better sound and picture. Here the literary artistic critic may object to a lack of originality or cleverness in artistic expression but it becomes harder for him to dismiss it as non-culture.

In the course of drafting the British Home Office report on obscenity, Bernard Williams asked a French official how to define a 'films being pornographic'. The Frenchman was not preplexed:

Everyone knows what a pornographic film is. There are no characters, there is nothing but sexual activity and it is not made by anyone one has heard of. 25

Williams insists: 'But what if these criteria diverged? What if a film of nothing but sex was made by say Fellini?' 26

The Frenchman's criteria makes it clear. It does not fill all his demands. It would be made by someone one has heard of, hence it is not pornography. Sexual depictions in Fellini's imaginary film could however, be identical to those made by a pornographer.

Representational politics include the issue of context. A pornographic film's context changes when it is made by a respected cinematographic thinker such as Fellini. A pictorial representation deals primarily with aspects of subject matter and formal design (colour, lighting and composition), but it also relies on the context in which it is being presented. For example, a pictorial representation may change its intentions by means of its context. A female nude may be received differently in the context of an art gallery than the same representation in a pornographic magazine.

A depiction of a female scantily clad can be given different meanings if it is shown in the popular press as opposed to a woman's magazine. Equally, a representation can change its context in relation to the audience it is directed at. For example a gallery nude directed at upper class elitist aesthetes adopts an identity of celebrating the formal beauty of the nude. However, working class pornography consumers are type cast voyeurs that respond only to their baser instincts.

Literary critics argue that pornography in art is not pornographic because of the metamorphosis imposed by literary integrity. Pornography becomes merely an element of the language used by the artist to convey his main objectives. Within the whole discourse of the work, the utilisation of pornography may be a means of communicating the overall artistic statement, however offensive the pornography may be, through this use of context, it is possible that extracts from Penthouse magazine placed in art gallery may attain different meanings and objectives. By taking pornography out of the private arena of the pornographers own home and subjecting it to investigative analysis of group scrutiny, it conveys a statement rather than achieving its primary objectives of arousal.

However difficult it is to argue the issue of context of a work, the concept is easier to define practically. For example, if the aforementioned booklet of vaginal imagery by Suzanne Santoro was authored by a male artist, it could have been construed as reducing the female individual to her genitalia and thus describing her as merely a vessel for sex. In the knowledge that it was authored by a woman, we are more likely to assume that it is an intelligent attack on the conception that the female genitalia is hidden and veiled in shame and secrecy.

Genuine sexism is aparent in art through society's patriarchal values. Throughout the history of art, up until the 20th century, art reflected the role designated by society for women. By modern standards, the vast majority of these representations (for example the work of Boucher), although not being regarded as obscene, could be termed pornographic under a definition of pornography that outlines the subjection of females to domination in a sexual manner. Many artists today such as Helmut Newton or Allen Jones, could be accused of promoting pornographic ideals. Do we have a right to censor them?

The art gallery is unique in that it allows high culture of a singular nature to be viewed by the masses. In terms of freedom, it presents many realities, the freedom of the artist to display his or her work; the freedom of the individual to choose whether or not to visit an exhibition; the freedom of the individual whether or not to agree with the artist and the freedom of the individual to receive information the artist can supply.



Fig 1. Francois Boucher, L'Odalisque, 1743

Although the economic power of the pornography industry is almost impossible to be countered and can only truly be overcome by the educated rejection of the masses, artistic expression if deemed offensive can be countered by opposing views through other art. Rather than lobbying for censorship of dangerous artistic viewpoints, it is the individuals job to present alternative views by the same means. Only then are the audience free to choose for themselves and draw their own conclusions.

CHAPTER II

A NEW DARK AGE? CENSORSHIP IN THE GALLERY

A woman in San Francisco wrote to tell me that she threw up everytime she heard my name. I wrote back and told her "you may have something there, the next time it happens, frame it and send it to the National Endowment for the Arts. They'll give you \$5,000 for it." 1

Jesse Helms, who spearheads the puritan upsurge in the United States, delivered the above quote in a speech in North Carolina. It is a clear example of the contempt and ignorance he possesses for the arts. His attitude is based on the belief that the decadence of society is directly linked to attitudes expressed by those working in the arts. Although also willing to attack sections of the mass media for their lack of 'responsible' viewpoints, he has singled out the arts for particular scrutiny in his battle against all that might offend.

His notion of what may be offensive is subject to his personal opinion of artistic merit, which excludes almost anything that doesn't portray utopian serenity. The strongest support for Helms comes from the American Family Association (A.F.A.). In their journal (printed monthly), they regularly list elements that allegedly oppose moral, christian values. Television programmes such as The Golden Girls are deemed offensive, described as an 'illicit sex show with anti-christian humour'.² Also the Comedy Alf is 'complete with child sex and incest'³ and L.A. Law is described as 'pro-homosexual'.⁴

Rev. Donald Wildman heads the A.F.A. and is an apostle of Jesse Helms. Through the A.F.A. Wildman helped lead an attack on Martin Scorsese's The Last Temptation of Christ. But the controversy surrounding the NEA had already been started by the A.F.A. in 1987, when they were alerted to Andres Serrano's Piss Christ exhibition. The A.F.A. accused the NEA of funding blasphemy. Since that time, the N.E.A. has been plagued by interference by both state and moralist bodies.

Internal restrictions within the NEA have further increased the control of 'offensive' material that might be produced by artists. Up until recently, artists applying for NEA grants were required to sign a document declaring that they would not create obscene art with NEA money; specifically 'depictions of sadomasochism, homoeroticism, the sexual exploitation of children or individuals engaged in sex acts.' ⁵

Many applicants have refused to sign the 'purity pledge' and others have decided to refuse their grants on the principle of being subjected to such restraints, even though their intended work would not involve material regarded as obscene. As a result, many artistic projects have had to be shelved due to lack of funding. Censorship on a less direct level is obvious, to allow the reduction of possible expression in regard to such artistic projects. More direct censorship is apparent as the NEA has effectively vetoed funding for certain projects, exclusively because of their potentially offensive nature.

Receiving money from corporate sponsorship for potentially offensive work is equally difficult, as no company wants to attract damaging controversial publicity. Subversive art in the U.S. is becoming more and more difficult to locate and if and when it does appear, it is immediately subject to public, political and legal attacks and the famed Mapplethorpe case is only one example of this. The increasing eradication of offensive or subversive views of artists by state organisations will eventually result in an aneesthesised society within the U.S.

Even the puritanical ideology which has influenced the government and NEA into careful moralist scrutiny methods, must understand that true purity can only be achieved by individual choice, by deciphering what is and is not corrupt and choosing to reject what is, and embracing what is positive. By regulating art into exclusively positive images, art will lose it's position as spokesperson for the human psyche and remain within the realm of pure entertainment.

The N.E.A.

Ten years ago, Ronald Reagan, soon to become newly elected president of the United States of America, launched an assault on the then widely respected National Endowment for the Arts. The assault was part of a larger campaign to privatise government functions and impose a conservative cultural agenda. The NEA was then operating with the healthy government allotted funding of \$175 million. Reagan attempted to halve this budget in 1981 to \$88 million. Fortunately congress opposed such a drastic move but compromised by reducing the NEA budget to \$143 million. It was the first time that the endowments' funds had been reduced since its foundation.

After an unsuccessful attempt to abolish the NEA at the end of 1981, Reagan instead appointed reliable conservative politicians to head the organisation. In 1981, Reagan appointed Frank Hodsoll, an established Washington insider and career beurocrat as director of the NEA. Hodsoll had no previous arts experience, but was a trusted acquaintance of Reagan. Hodsoll shared Reagan's conservative stance in reaction to the arts and singled out Laurie Anderson as an example of precisely the type of artist that should not be funded. Hodsoll began to scrutinise art projects in relation to their subject matter or content rather than their merit. Although no NEA director had ever refused a grant, Hodsoll was not deterred and between November 1981 and April 1983, he began an assault on grant applications that chronicled the first period of grant rejections in the NEA.

Hodsoll questioned 316 of 5,727 grants approved by peer panels and ultimately rejected 20 grant applications. In 15 of these 20 cases, he managed to convince the national council to reject the grants but in the five remaining cases, Hodsoll overrode their approval.

For the following three years, there was a slump in Hodsoll's rejections of grants although he still surveyed all of the grant applications. But, by 1986, Hodsoll had renewed his attacks on the work of artists. It is notable that many rejected grants were vetoed due to what Hodsoll termed 'Political realities' as opposed to matters regarding obscenity.

In 1986, Jenny Holzer's grant application for her project Sign on a Truck was rejected by the NEA. The project consisted of a lightboard on a truck which would express opinions of both artists and passing pedestrians regarding candidates for forthcoming elections. The location of the proposed project was the most troublesome problem that confronted Hodsoll and the NEA. The lightboard truck was to be positioned in Lafayette Park in front of the Whitehouse. The project eventually found funding from the New York State Council on the arts and also private sources. The project succeeded in communicating a strong anti-Reagan message to the people. Also a project Archives of the Latin American Conflict 1890-1940 by artists Dee Dee Holleck, Penney Bender and Robert Summers was rejected. The project documented the history of American interference in Latin America between these times.



Fig 2. Jenny Holzer, Images from 'Sign on a Truck', 1984

The NEA has now asserted itself as a judge of what is artistically worthwhile. It scrutinizes all grant applications in terms of moral responsibility and not artistic merit. Once a grant is allowed because there is no longer a museum to state agency monitoring the artists' work, the NEA fear that further attacks will be launched against the endowment for funding obscenity. For this reason the NEA has few problems granting funds to major cultural institutions but is unhappy about the risks of funding individual artists or community arts groups.

Present NEA chairman John Frohmayer takes a similar view to Hodsoll in relation to restricting funding for artists that might offend.

I think we cannot look strictly at artistic excellence in a vacuum. But we have to look at how it is going to play with the audience that were charged with serving, which is the people.

The similarities of the above quote to a statement made by Adolf Hitler in the course of oppressing alleged 'degenerate art' are frightening:

The artist does not create for the artist; he creates for the people and we will see to it that henceforth the people will be called in to judge the artist.

- Adolf Hitler

Frohmayer was appointed to the role of Chairman of the NEA by President George Bush. Originally a lawyer from Oregon, who was involved in the arts both as a singer and a member of the Oregon State Arts Commission, Frohmayer was appointed to the post after vigorous lobbying on his part and on the Bush administration's belief that this ambitious appointee would not rock the boat. After two years of vicious right wing attacks on what the NEA was funding, the Bush administration wanted only an end to the controversy surrounding the endowment. President Bush had added a mere \$3 million to the endowments \$170.6 million and wanted it's censorship controversy silenced. He declared he was against censorship and was placing his faith in the NEA and it's able chairman John Frohmayer. Frohmayer in turn increased the chairman's prerogative to veto funding and in 1990 rejected four grants for performing artists, three of whom were openly homosexual. The four artists; Karen Finley, Holly Hughes, John Fleck and Tim Muller, all deal with gender and sexuality in a provocative manner.

A new danger of complete abolition of the NEA very nearly came to pass in the late months of 1990, but the move was shelved due to accepted 'reforms' within the art world. Arts supporters were often willing to expunge what they imagined to be limited sexual content in order to protect the larger project of the endowment.

Congressional liberals finally agreed on a bill extending the life of the NEA for a further three years. The 'purity pledge' was dropped following recommendations from an independent commission appointed to look into the endowment they had decided that the NEA should not be involved in deciding what constitutes legal obscenity, this was the job of the courts. However, the bill was amended to include the provision that any grant recipient convicted of violating obscenity or child pornography laws must return the money awarded to the NEA.

In effect the NEA is passing the (questionable) responsibility of censoring art onto the obscenity courts, which may result in the increased legal assaults by obscenity courts on the work of artists.

Moralist Attacks on the Arts

The internal restraints of the NEA funding potentially offensive art, are largely due to the attacks of the moralist right wing. Jesse Helms and the American Family Association launched scathing assaults on the distribution of taxpayers money on worthless and obscene art. It was a single letter from Reverend Donald Wildmon (head of the A.F.A.) referring to NEA funding of Andres Serrano's Piss Christ that generated the current censorship campaign.

Wildmon also launched an attack on the endowment's funding of the artist David Wojnorowicz. Wojnorowicz, in an exhibiton titled Tongues of Flame was unfortunate to have his catalogue spotted by Wildmon. Wildmon was outraged that tax dollars had paid for a catalogue with 14 images of sex. He was further astounded as Wajnorowicz was an admitted homosexual. But Wildmon had proof of a NEA transgression which he did not hesitate to communicate to his peers. He mailed the information to 100 Christian TV stations, 1,000 christian radio stations, 32,000 christian leaders and 178,000 pastors. The parcels were carefully marked 'Warning, extremely offensive material enclosed'.⁹

In return, Wojnorowicz took Wildmon to court for defamation of character in June 1990. Wajnorowicz makes no secret that he is a highly visible aids activist and has made art directly about homosexuality. The sexually explicit representations in his work he regards as necessary references to reprimand society's ignorance and rejection of gay rights and society's inability to confront AIDS. He attacked Cardinal O'Connor for his avoidance of the AIDS issue claiming the Cardinal prefers 'Coffins to Condoms'.¹⁰



Fig 3. David Wojnarowicz, 'Water'
1987

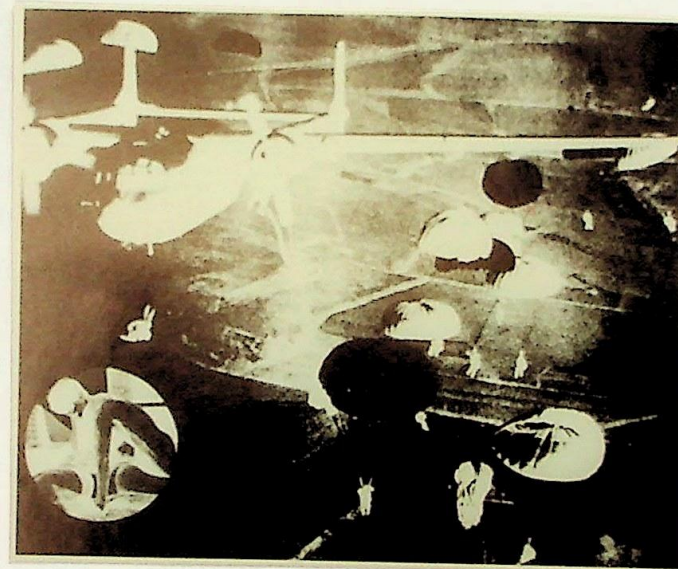


Fig 4. David Wojnarowicz, 'SEX Series',
1989

The sexually explicit imagery utilized by Wojnorowicz was clearly taken out of context from the artistic statement being expressed by the artist, but also from the context of the works of art involved. Wildmon had merely taken details from Wojnorowicz's paintings and condemned them out of context from the artistic statement being expressed by the artist, but also from the context of the works of art involved. Wildmon had merely taken details from Wojnorowicz's paintings and condemned them out of context of the entire work. The resulting judgement favoured Wojnorowicz. But another court case was underway that was directly related to the Tongues of Flame exhibition by Wojnarowicz. A lawsuit from the right wing was filed in Washington by the Rutherford institution, a non-profit legal services organisation, on behalf of David Fordyce who was described as a lawyer and 'devout christian from Los Angeles'. This time however, the suit was filed against the NEA. It disputed the \$15,000 endowment grant to Univ. Galleries of Illinois state for the exhibition Tongues of Flame by Wojnarowicz. The suit claimed that the endowment violated the constitution by displaying 'open and notorious hostility towards religion'. ¹¹ It also accused the NEA of supporting 'a message of hate and animosity toward institutionalised religion'. ¹² It violates the first amendment's provisions for seperation of church and state and the suit asks for a permanent injunction prohibiting the endowment from 'funding, sponsoring and endorsing works which promote blasphemous and religious hatred'. ¹³

Again the first amendment contradicts itself on freedom of expression. Wajnarowicz in order to make a statement on society's attitudes to both his civil rights and physical well-being must attack those who are endangering his freedom. In this case, a religion which is protected by the first amendment is his oppressor.

This is only one attempt by moralist conservatives to change the structure of the NEA. By attacking the endowment for the arts for blasphemy and alleged sexually obscene content, they (the moralists) are shifting attacks on art which are difficult to justify, towards the government's alleged responsibility for guarding the nation's morals. The U.S. government has accepted this accusation and is replying with its own attack on the Arts.

The Mapplethorpe Case

Controversial artist Robert Mapplethorpe has suffered many assaults on his work due to its explicit nature and often questionable accounts of sado-masochistic homosexuality. The art world accepts him as an innovative and exemplary provocative photographer and respects his uncompromising viewpoints relating to society's homophobia. Therefore, people were shocked when Robert Mapplethorpe's exhibition in Cincinnati was raided by the Vice Squad. The Contemporary Arts Centre and its director Dennis Barrie, were indicted by a grand jury and criminally charged with pandering obscenity and showing minors in a state of nudity. No American art museum or official had ever before been criminally prosecuted for exhibition contents.

Although the public at large is still unsure about Modern art, it has maintained a freedom until now from outright censorship and receives only the ridicule of philistines. As we have seen, governmental interference in art is on the increase and the Mapplethorpe case was an example of the rapid moves towards controlled art. Many issues of freedom of expression and artistic subversiveness were hinged on the verdict of this case.

The judge declared that although the 50 year old Kunsthalle was an art gallery, it was not a museum and thus entitled to less protection under the law. Seven offending photographs were taken again out of the context of the whole exhibition and were judged on their own (de) merits.



Fig 5. Robert Mapplethorpe, 'Man in Polyester Suit', 1983

The case for the defence was further endangered by the controlled selection of the jury. They were specifically selected to represent the ordinary individual who had little or no interest in high culture. Only one member of the jury had a college degree and none had recently visited an art gallery. This apparently unbiased selection resulted in a jury with no interest in art, that were expected to judge whether or not Mapplethorpe's work had artistic merit.

The Miller versus California ruling of 1973 does not protect obscenity if it lacks serious literary, artistic, political or scientific value. The case for the defence thus was proving Mapplethorpe's work did have artistic merit. Defence lawyers H.Louis Sirkin and Mar. D. Mesibon brought six art experts to the witness stand to testify that the work in question was indeed art. The prosecutor, F.H. Prouty attempted to dismiss their testimonies because they were 'art people' and see pictures differently, strictly from one point of view (the formal).

However, Prouty could not successfully prove that the work was devoid of serious artistic merit and only successfully achieved an attack on elitism. The jury were satisfied that the work did indeed have artistic merit and although they did not like Mapplethorpe's representations agreed that art did not have to be pretty to be worthwhile.



Fig. 6. Robert Mapplethorpe,
'Marty and Veronica' 1982

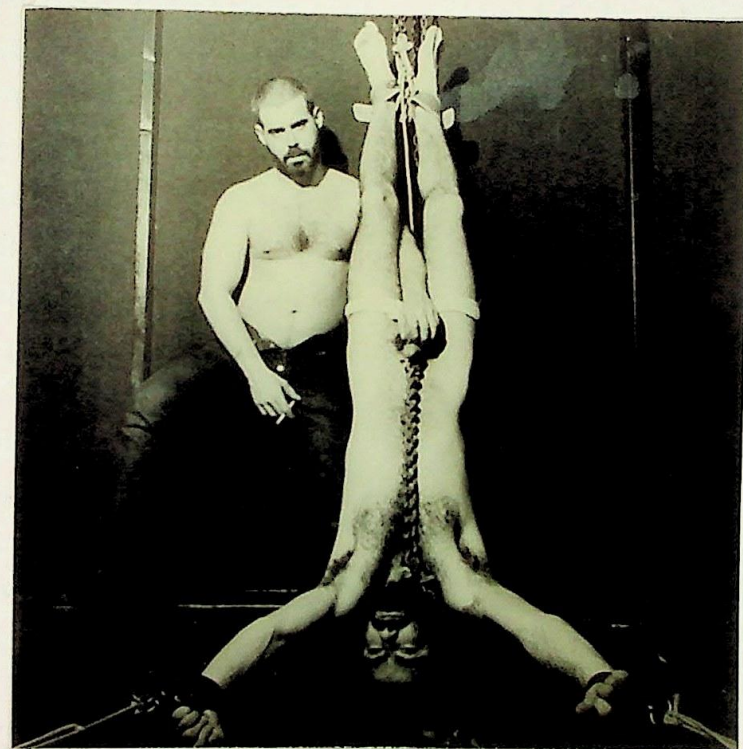


Fig. 7. Robert Mapplethorpe,
'Elliot and Dominic' 1979

The resulting verdict was not guilty on all counts. If the work was judged purely obscene the museum could have received a \$5,000 fine on each count, the director a \$1,000 fine and six months imprisonment on each count. However, on a broader scale, a guilty verdict could have sparked a massive assault on all potentially offensive works of art and would have caused serious reverberations within the art world.

CONCLUSION

What conclusions can we draw? One cannot but be concerned about the increasing controls applied to the expression of the artist. Opposing an artist's viewpoint that runs contrary to the civil rights of any social grouping is an important expression of freedom but outright censorship of the work serves no gain other than the blinkering of society. However, in our condemnation of censorship of art, we become hypocritical in our stance regarding censorship of pornography. It is far easier for us to accept that pornography does not serve in developing society. We can read pornography as an uneducated attack on women. There is little to support any argument for pornography, so there is also little argument supporting its exemption from censorship. In attacking porn with a view to protecting women's civil rights, we disregard the freedom of expression that is expressly reserved for the artist.

We do generally ignore attacks on women, homosexuals, racial minorities and children in works of art in preference to appreciation of the work's artistic merit. But in assessing the similarities between pornography and pornographic art, we have to incorporate the questions that define what constitutes an attack on civil rights.

Pornography, through it's primary obsessions with arousing the male libido, simultaneously launches attacks on the civil rights of women. Pornography inferiorises women and encourages an oppression of their legitimate entitlements within society. Through pornography's insistence on male dominance and female subservience, it supports society's acceptance of patriarchal ideology, an ideology that gains from women's placement in restricted designated class roles.

It is difficult to prove that pornography directly causes men to rape and assault women, but it definitely provides an atmosphere which promotes male violence against women. The ideological attack of pornography on women is thus proven, but it's affect on society is due to it's successful distribution in all areas of society. Pornographic magazines can be found in every newspaper store in the U.S. Pornographic books and films are widespread. Porn capitalises on the base instincts and sexual depravity of it's consumers. It's subsequent popularity helps to further spread it's ritualistic discourse on the subjugation of women. The point I am making is that pornography successfully attacks the rights of women only through the widespread distribution of it's unfounded principle. Women are suffering sexual attacks and gender stereotyping because of pornography's power to command the views of society.



Fig. 8. Helmut Newton,
'In the Powder Rooms at Regines'
1975

The artist cannot aim to dominate society's incoming information in the way that the mass media does. Even works of art that use a large amount of pornographic references have little chance of creating widespread misogyny. This is a problematic argument in so far as it protects pornographic ideology in the 'elitist' environment of the art world. But, it can be supported by the discussion of context in Chapter I. Artists, through the language of paint, sculpture, literature, etc., may express views on pornography, rape and child abuse without necessarily endorsing these vices. Artists might also use obscene representations to comment on the acceptance by society of the same disturbing vices. And if indeed the artist is endorsing views that run contrary to civil rights, he is asserting his individual response and expression and not the capital concerns of the pornography industry.

Besides, the artist is a member of the society which is subjected to all forms of obscenity. If, due to experience, an artist has developed particular reasoning on sexual or class politics, there is no reason why these experiences should not be expressed. Susan Sontag writes that artists '... take up positions on the frontiers of consciousness¹' and 'his job is inventing trophies of his experiences, objects and gestures'.² There is no reason why artist's should be required to distance themselves from their obsessions when it comes to creating their art. Experiences are not pornographic, only images and representations are.

Offensive material may well appear under such an argument, but it is important that such work does not receive censorship as it forms part of an important investigation into the human psyche.



Fig. 9. Allen Jones, 'Sale, Save'
1972



Fig. 10. Allen Jones, 'Table Sculpture'
1969

Obscenity as a concept, must be discarded. Because of it's lack of definition, it is often applied to material that does not offend any social community. Work should no longer be attacked because it is deemed obscene (without a clear explanation why) but because it offends the civil rights of certain individuals or of society's health on the whole. By clearly outlining why a certain work offends civil rights, we can begin to educate the masses with a view to enabling them to choose by freedom, not to accept or express dangerous ideas. This will eventually cause a natural separation between art and eroticism on the one hand, and pornography on the other.

Banning pornography would not lead to the successful eradication of patriarchal oppression within society. Pornography is only one element of male power; a graphic assertion. Pornography is banned in Ireland (although it can still be found) but the subjugation of women is all too obvious in the nation's experience and is particularly enforced by the role of the church. Through a less prudish education, pornography may begin to loose it's vice-like grip on the minds of all males.

By illustrating how pornography exploits it's consumer, as well as women, males may reject pornography through their own free choice.

Unless politicians and those responsible for creating and enforcing laws are educated not to discriminate against minority and oppressed groups, laws designed to protect society may be used against these groups.

The legal approach to obscenity and pornography assumes that representations have meanings which are independent of the context in which they were produced. This causes art to be subjected to the obscenity charges and accusations that are occurring today. An artist cannot titillate his audience or offend them without raising the question of why he is doing it. Pornography has one aim, to arouse men and silence women. Pornography in art can have many aims which may include the above, but are we to sacrifice the greater intention of artistic merit because of the unpleasant mode of expression utilised?

There are no grounds for the censorship of art. Even patently offensive art is valuable in assessing the subliminal attitudes that exist beneath our comfortable mode of life. Censorship acts, if they must take place in combating any dangerous expression, must again only silence material that launches a serious threat to the freedom of any individual, regardless of their race, age, gender or sexual preferences. Freedom of the individual is the most important issue in a democratic society and censoring works of art, denies us the freedom of enjoying, assessing and criticising our most important form of culture.

APPENDIX

Excerpts from the Minneapolis Ordinance.

- (i) Special findings on pornography: The council finds that pornography is central in creating and maintaining civil inequalities of the sexes. Pornography is a systematic practice of exploitation and subordination based on sex which differentially harms women. The Bigotry and contempt it promotes with the acts of aggression it fosters, harm women's opportunities for equality of rights in employment, education, property rights, public accomodation and public services; create public harassment and private designation; promote injury and degradation such as rape, battery and prostitution and inhibit just enforcement of laws against these arts; contribute significantly to restricting women from full exercise of citizenship and participation in public life, including in Neighbourhoods; damage relations between the sexes; and undermine women's equal exercise of rights to speech and action guaranteed to all citizens under the constitution of the United States and the state of Minnesota.
- (gg) Pornography. Pornography is a form of discrimination on the basis of sex.
- (1) Pornography is the sexually explicit subordination of women, graphically depicted, whether in pictures or in words that also includes one or more of the following:
 - (i) women are presented as delumanized sexual objects, things or commodities; or
 - (ii) women are presented as sexual objects who enjoy pain or humiliation; or
 - (iii) women are presented as sexual objects who experience pleasure in being raped; or
 - (iv) women are presented as sexual objects tied up or cut up or mutilated or bruised or physically hurt; or

- (v) women are presented in postures of sexual submission; (or sexual servility, including by inviting penetration);
- (vi) women's body parts - including but not limited to vaginas, breasts and buttocks are exhibited, such that women are reduced to those parts; or
- (vii) women are presented as whores by nature; or
- (viii) women are presented being penetrated by objects or animals; or
- (ix) women are presented in scenarios of degradation, injury, abasement, torture, shown as filthy or inferior, bleeding, bruised or hurt in a context that makes these conditions sexual.

2. The use of men, children or transsexuals in the place of women in pornography for the purposes of ... this statute.

Source: Feminism and Censorship:

The Current Debate

Prism Press 1988

NOTES

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Chapter 1

1. Catherine Lizen: 'Sex and Censorship the Political Implications'. Feminism and Censorship: The Current Debate - Prism Press 1988 (p. 42).
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