

Censorship in the U.S. or Fear and Loathing of the Arts

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Sometimes I need to be reminded that there was a time, not all that long ago, when elected officials were not afraid to support the arts, when they realized that there was value in the work of artists who were inclined toward cultural critique rather than market share. When it didn't seem treasonous or blasphemous to believe art and artists were valuable to American culture for their insights and willingness to take risks. When it wasn't treasonous or blasphemous for artists to be involved with contentious ideas no matter how unpopular and antagonistic they might be. When artists could make work without fear of home invasion, detention, arrest, or lengthy and expensive legal battles to prove they aren't perverts or terrorists. When artists didn't have to consult a lawyer to make sure what they were planning wouldn't place them in legal jeopardy. But that was then, and this is emphatically and abysmally now.

I used to feel protected in my academic environment. I thought we were in a battle with the encroaching anti-intellectualism of religious and political conservatism over "dangerous ideas" that some people were just too repressed to consider. I thought the point of being in an institution of higher learning was to be involved in spirited and far-ranging discussions engaging those dangerous ideological and intellectual ideas – ideas that provide stimulation for students and colleagues alike. That was such romanticized, wishful thinking. It's a battle for control.

Under the convenient cover of being the final arbiters of "quality," the National Council on the Arts (NCA) succumbed to conservative threats to cut National Endowment for the Arts (NEA) funding by flagging three photography applicants (peer-panel approved) for the 1994 funding period and revoking their grants. Andres Serrano and Merry Alpern were two of the artists; I was the third. In October of that same year, I made a formal request to speak to the National Council on the Arts during one of their quarterly sessions but was denied that request by Jane Alexander who was then the Director of the NEA. I then went to Washington anyway and distributed a statement to the NCA and the press. Here is that statement:

In 1965, the year Congress created the NEA, it declared: "It is the intent of the committee that in the administration of this act there be given the fullest attention to freedom of artistic and humanistic expression. One of the artists' and humanists' great values to society is the mirror of self expression which they can raise so that society can become aware of its short comings as well as its strengths."

Great efforts have always been made to interpret the Constitution accurately and in the spirit in which it was written. It is curious that the wisdom inherent in the original NEA guidelines, similar to that of the Constitution, has been forgotten or ignored. There is great irony in this original Congressional imperative for the National Endowment for the Arts. In the past 5 years, artists have replaced communism as the primary threat to American culture and values. No longer seen as a philosophically valued resource, artists have been demonized for doing exactly what the NEA was established to support. In holding up the mirror in which American society can see itself reflected, artists have become the messengers who are blamed for the content of the message.

A month before his assassination in 1963, John Kennedy spoke of the artist's role in society at the dedication of the Robert Frost Library. In his speech Kennedy's said: "The men who create power make an indispensable contribution to the nation's greatness, but the men who question power make a contribution just as indispensable. ... When power leads man toward arrogance, poetry reminds him of his limitations. When power narrows the areas of man's concern, poetry reminds him of the richness and diversity of his existence. When power corrupts, poetry cleanses for art establishes the basic human truths which must serve as the touchstones of our judgment. The artist however faithful to his personal vision of reality becomes the last champion of the individual mind and sensibility against an intrusive society and an officious state." Kennedy also said, "If sometimes our great artists have been the most critical of our society it is because their sensitivity and their concern for justice, which must motivate any true artist, makes them aware that our nation falls short of its highest potential. I see little of more importance to the future of our country and our civilization than full recognition of the place of the artist. If art is to nourish the roots of our culture, society must set the artist free to follow his vision wherever it takes him." The great paradox in Kennedy's speech was and still is that artists who are supported by government also need protection from government.

Even more ironic is the following quote from one of the most conservative presidents of our time, Ronald Reagan: "Artists stretch the limits of understanding. They express ideas that are sometimes unpopular. In an atmosphere of liberty, artists and patrons are free to think the unthinkable and create the audacious.... Where there's liberty, art succeeds. In societies that are not free, art dies."

Over the past 5 years, the NEA has tried to justify itself to the kind of bigots who have always been the opponents of the creative imagination. The political right has undermined the confidence of American culture in its artists as it misunderstands, misrepresents, and monitors artistic production. The uninformed and radically conservative voice of the far right has become the standard by which art is being judged. To combat its conservative opponents, the NEA strategy has changed from detecting obscenity to disputing quality and artistic merit, a seemingly more tolerable but more difficult measure to contest.

Quality is a historically specific notion which is constantly changing. Pretentious standards of quality and excellence have been used to keep the canon pure and free from contamination by women, people of color, and sexual minorities. The fact that the NCA is comprised of members, very few of whom have connections to contemporary art, particularly photography, video/film, or performance, makes upholding this dubious norm extremely problematic. Because of this, the individual members of the Council can base their judgments only on personal taste or political expediency, not on any informed sense of currency within any of the numerous disciplines they are asked to judge. The issue is how artistic quality and excellence is to be determined and by whom. But moreover, while the debate appears to surface over questions of artistic excellence, the ideological stakes are not as readily apparent. What needs to be discussed are the issues in the work. The arguments about artistic excellence are deflecting attention from the real matter of disturbing content.

Artists whose work addresses critical social issues may affront or make us uneasy but this is imperative when combating complacency, social injustice, repression, control and censorship of American culture. In the past, the grants given to difficult, challenging art that had the potential to offend or shock, were an acknowledgment that provocative art was essential to the vitality of American art as a whole. If the arts are harnessed to political agendas, art will only be allowed to reflect those political agendas.

As one of the artists whose work was rejected by the National Council on the Arts, I would like to say that the most recent cuts to the NEA budget and the subsequent reorganization of the Endowment's granting structure is a thinly veiled attempt at eliminating the most potentially political and controversial programs, and the most experimental and challenging work by artists rarely seen in mainstream and traditionally established art venues. In an attempt to forestall right wing criticism, the Congress and NEA have become complicit in this conservative agenda to control cultural production and thought. This is not an issue of censorship per se. As many have noted, no one is telling artists they can't make work. It is rather a matter of regulating access and dialogue about difficult social matters. It is a reflection of a cowardly Congress and a subservient government agency, both of which find it easier to hide behind platitudes about some disingenuous American ideal rather than defend the rights to which both the Constitution and the original NEA mandate aspire. After all, "If artists have freedom of expression soon every American will want it."

I spent two days in Washington at the NCA meeting, met and spoke with seven Council members, and did interviews with several newspapers. David Mendoza, director of the National Campaign for Freedom of Expression who had been in contact daily since the announcement in early August, was a constant companion and source of information and support throughout the two days of meetings. The NCFE retained a group of pro bono attorneys for our legal representation, but unlike the original NEA Four in 1989 (Karen Finley, Holly Hughes, Tim Miller and John Fleck), who had won their case on the grounds that the decision to revoke their grants was based on political considerations and not artistic merit, our lawsuit, after six months of gathering transcripts and documents, was dropped due to a fail-safe measure instituted by Congress in 1990 to guarantee there would not be a repeat of the NEA Four case. That measure gave the NCA final adjudication on all grants, superseding even the Director. As I mentioned in my statement, the grants were officially rejected because the work allegedly was lacking in "artistic merit."

So, call my work pornographic (which many have done), or too sexually explicit (which others have done), or say you don't like it, but don't say it lacks artistic merit. I was angry, and oddly enough not because I had lost \$20,000. I was angry because the very people who were appointed to carry out the mandate of the NEA were the people who succumbed to conservative pressure and either did nothing or joined in to make sure these fellowships were not funded. The "protectors" had become censors. It was one of many in a long line of betrayals that has left American artists and culture the least governmentally supported in all the industrialized countries of the world.

People have asked many times if my work changed because of the grant reversal. It actually *did* change – it became even more explicit and perhaps deliberately more provocative. I became more interested in the extreme, in pornography as a site for exploring the dramas of class, power, and pleasure. Ironically over the past 25 years since I

began working with sexual imagery, particularly the male body, my work has often been called pornographic simply because of nudity or the hint of an erection. I know the primary reason my fellowship was denied had to do with the assumption that the public would see my work as pornographic. (In no way could my work before 1994 be categorized as pornographic, except by those who think that any representation of sexuality is pornographic.)

My definition of pornography is this: Sexually explicit or fetishistically charged imagery, still or time-based, in which the consensual acts being depicted are intended for the sexual arousal and/or masturbatory pleasure of the viewer. If the subject of the image or video is not consenting and/or is not of legal age, an illegal act has taken place. Because consent is at the core of my theory about pornography, my definition then excludes criminal acts such as children being sexualized or molested, rape, violent abuse, murder (snuff), etc., all being non-consensual acts, the representations of which are generally included within the category of pornography. Because the act is criminal, I do not consider the representation of the act itself to be pornography even though sexual arousal may be the intent of images or video tapes of the acts.

Art and pornography are two (theoretically) separate realms; art is intended to make you think, whereas porn urges you to action. I suppose those aims could be reversed, but it seems more likely that porn would make you think long before art would make you horny. Even if the artist/photographer 'got off' creating what ever it is s/he creates as a work of art, both artists and audiences seem to be overly enthusiastic about denying art's pornographic (i.e. masturbatory) potential.

In my belligerence and non-acquiescence to the standard I felt I would have to adhere to in order to find further funding for my work, my reaction was, "If you think this is pornographic, I'll show you pornography!" The revocation actually gave me an odd sense of freedom to push my own limits and explore the areas of pornography and sexuality that I hadn't considered prior to 1994. My work also shifted from photography to interdisciplinary work that included performance and video, the media along with photography that had been used in all the work that had either been de-funded by the NEA or vilified for other reasons in Congress and the Senate. These are the media of greatest "realness," an attribute that provides the greatest potential for offense.

Let me clarify something that has been an easy criticism of my work: I don't do things to be shocking or controversial just for the sake of shock and controversy. There has to be a reason why an idea or an image has the potential to shock or become controversial in the first place, and it's those culturally specific irritations that truly fascinate me. A perfect example is the male nude, or more precisely, male genitals. For some, the naked male body is still met with as much trepidation and anxiety as in 1978 when three well-respected (male) art critics made pronouncements about the exhibition "The Male Nude" at the Marcuse Pfeifer Gallery in New York. "When is a nude not a nude?" asked John Ashbury in his review in New York Magazine. His answer: "When it is male. Nude women seem to be in their natural state; men, for some reason, merely look undressed." Ben Lifson writing for the liberal, ultra-hip (at the time) Village Voice wrote: "The show is hopeless... A man's body doesn't lend itself to abstraction like a woman's." And Gene Thornton of the New York Times moaned "...there is something to be said for pre-World War I prudery about the unclothed human body... when the unclothed human body is a man." He went on to say, "There is something disconcerting about the sight of a man's naked body being presented primarily as a sexual object." Of course, this only made it more exciting for me to keep exploring the territory while I was in grad school and long after.

The attitude voiced by those critics has changed to a certain extent within the art world, but the art world is not representative of the rest of the culture, and it is now a vocal contingent of "the rest of the culture" that tends to dictate the manner in which images are semiotically understood. Meaning shifts and the level of significance that meaning carries depends on how conservative or how liberal the political climate happens to be (as when what was once accepted as a representation of childhood innocence becomes a condemned image of potential pedophilic enjoyment).

Censorship is offered to the public in the name of safety. In the U.S., censorship is promoted as a way of protecting the public, particularly women and children. Most at risk are photographic images ranging from pornography to fine art; even snapshot images of children made by parents and family members become suspect. The sexual hysteria of the last quarter of the 20th century not surprisingly continues into the 21st. Despite the fact that studies have shown no causal link between pornography and violent crime, a fundamental misunderstanding of images, particularly photographic images, has been at the core of censorious actions. Doesn't anyone realize the image is *not* the thing?

I recently unearthed a photograph from a series of portraits I made, the subjects of which were a friend and his two sons, aged 7 and 9, when I was in my first year of graduate school. It was 1978. All three were nude. The first time I exhibited the series was in an outdoor, one night show on Central Avenue in Albuquerque. Within an hour of the opening, a group of Baptists had gathered in front of my work chanting, "pornography is sin." A half hour after that the police and a news crew were there as well. Apparently someone had called both after an argument that turned into a shoving match had started between myself and a rather substantial redheaded woman from the church group. The incident was on the news that night and was followed the next day by a newspaper article.

Today one would immediately think the group was incensed over what would possibly be considered child pornography. But they were upset more by the nudity than the ages of two of the models. Of particular concern were the male genitalia. That photograph was exhibited several more times in various shows over the next few years, mostly without incident. When I came across that print, I lifted the mat and found a note that had been there for at least 25 years. It read:

- Please shoot this twice -
- 1) the full image, as wide as necessary, and
 - 2) cropped above the genitalia

I have a vague recollection that it was being shot for a catalogue and the printer was offended by the image, refusing to print it with genitals visible. In this particular case, the photographing of nude children was not really the problem. People might have been uncomfortable with a picture of a naked child, but the discomfort only ever seemed to be with male children. Adult males, of course, are even more offensive to the general public; their lewd, indecent "parts" are all the more pronounced and obvious. The aversion to the male sex organ is ubiquitous in this culture and it's a powerful aversion. Some things never change.

But the semiotics of photographic representations of children - the meaning of the body of a child - has changed profoundly both as a cultural narrative and as a legal battlefield. The protection of children is a tried and true diversionary societal cathartic and is more emotionally and politically charged than ever.

It is entirely another matter to realize that what *is* actually child pornography to a pedophile differs substantially from what mainstream society would imagine. More than 20 years ago, a group of convicted child molesters were shown a large collection of images and their physical reaction was noted. The "winner" of most sexual arousal was time and time again the picture of the Coppertone baby with her pants being pulled down by her dog exposing her untanned bottom. That was the most "effective" child porn. The Coppertone example is interesting because it underscores the fact that despite all efforts to rid the world of child porn, there will always be a way for pedophiles to get off

The NEA battle, as well as more current "wars" against obscenity and child pornography, are absolutely symptomatic of the much larger problem American society has with sexuality. Something other than political expediency is being served by declarations about sexual "filth". Pornography has never been an accepted form of visual pleasure even though its widespread use attests to its infiltration of the collective and hypocritical American psyche. It continues to be a hot topic among academics and it has certainly been the most debated feminist issue of the past three decades. In an academic environment it conflates two opposing realms - the intellect and the erogenous zones - high art and low culture.

Pornography occupies a precarious position as both a subject of academic study and as the single most vilified form of image making. Pornography is vulgar, messy, equivocal. A suspicion of deviance is always associated with both the makers and its viewers. The disruptive power of pornography, attacked by liberals and conservatives alike, embodies so many cultural fears, and a look at what is unthinkable in American society uncovers some very deep anxieties, particularly about normalcy and perversion.

Since 1994, I've called most of my work pornographic for two reasons. When I don't, I can always be sure someone else will. When I do, the term becomes an unstable signifier. What does it mean for a woman in her 50s, a professor, a teacher of theory, a feminist, to do this? Or maybe I become the unstable signifier. Either way, I like playing with the vulgar, with the low class, lowbrow, vernacular language of traditional porn. I like to watch what happens when private language and action enters the public domain, when vernacular "pornographic" vocabulary is presented with cultural analysis, when everything we believe about political correctness is subverted by the uncontrollable, perhaps unexpected, urges produced in everyone by porn. I'm interested in recuperating pornography and playing with its social mark of disgrace.

From 1994 through 1997, I began to use the vernacular language and sounds of mainstream porn as text and audio in my work, my topical lectures for conferences, and in my writing. I made very few photographs, but the ones I made were usually accompanied by pornographic text I had written. This period, although not unproductive (I had five one-person shows among another dozen invitational group shows), was filled more with invited lectures about my work and or presentations about censorship (20 in three and a half years) than a great deal of new work. I did a number of collaborative performances, a lot of writing, and started to work more seriously with video, but it wasn't until a sabbatical in 1998 that a new sense of clarity appeared. Looking back on it, the NEA revocation created a three year distraction that resulted in a complete reassessment of what I was doing and what I wanted to do. In 1999 I completed "Steven X and Barbara C," an 18 minute video that may not have been created had it not been for the NEA's action.

Another turning point occurred in 2000 when I was asked to be the keynote speaker at a national photography conference on voyeurism. I negotiated an honorarium and submitted an abstract for the conference agenda. My proposal was a talk about the video, "Steven X

and Barbara C," in which the viewer must assume a position somewhere between witness, confessor, and voyeur. A man and a woman are two talking heads on the screen at all times; while one talks, the other is in freeze-frame. Two socially unacceptable narratives are recounted - a sexual encounter that a twelve year old girl initiates, and the betrayal of the supposed "pedophile," (a 40 year old man) by the artist who reveals his identity to the audience over his explicit admonishment not to. The viewer is asked to consider which act is more pernicious. The viewer is also confronted with questions about the sexual agency of adolescent girls. There are no other visual images, just the man and woman who tell exactly the same story with their own personal embellishments.

Three days after I emailed the abstract I was informed that the invitation was being withdrawn, ostensibly because board members felt there would be "no interest" in the subject. It was later revealed that some members of the organizing committee were offended because they were parents and they didn't want to alienate the membership by offending them in the same way. The next day, when my anger was a bit more under control, I proposed to come to the conference without honorarium and present the work. This request was also denied. A week later I received a call informing me that the board had rethought the decision and was willing to let me present the talk, but without honorarium and as simply one of the artist lectures on the schedule. I spoke in the same time slot I would have occupied as a keynote speaker. The honorarium isn't the issue here. The issue is that a small number of people (who, not surprisingly, had never seen the video) had decided simply from the description that it was inappropriate for the rest of the membership to see in a conference on voyeurism. This is an ironic instance of the art world imitating the real world, and I can only laugh at the absurdity.

Obviously this is again *not* an instance of censorship per se; I showed the tape and talked about the issues to a smaller and more select audience than would have attended the keynote. Sadly, on a smaller scale, it was a repeat of the NEA de-funding. I asked then, as now, "Who makes the decisions for what you can and cannot see? If controversial subjects can't be discussed in an academic environment, where can they be discussed?" Increasingly, the list grows longer of who prevents the public from seeing controversial work, with the players coming from the religious right, the government, profit-inspired gallery owners and publishers, state or city dependant self-censoring museums and universities who fear withdrawal of funding or public reprisal. There are few venues left that are not affected by financial support from donors or state/federal subsidies. There is even danger for artist-run spaces that are not financially indebted to donors to be shut down if there is a complaint about what they are showing.

With the pieties of the right ringing in one ear and the self-righteousness and hypocrisies of both the art world and academia in the other, I made the decision in 2000, not long after the voyeurism conference, to open an internet porn site with a friend from California. Being artists who both had some experience with censorship made this venture, from the beginning, a political undertaking rather than a business venture. He was the webmaster, I was the content provider, and the models were lesbians, dykes, butches, femmes, trannie boys and gender queers of infinite variation. From January 2001 until February 2004, I shot a scene each week, produced approximately 150 videos and over 13,000 images that were extracted as stills from the videos. The site was www.ssspread.com.

People repeatedly asked if this was now my art. My answer was emphatically, no. Even though I'm an artist, and the manner in which I composed and shot things was certainly affected by my visual training, I was never interested in claiming this was art; art takes a lot longer to make. My work was called pornography for over 20 years in order to dismiss and marginalize its sexual content. In this case, it wasn't pornography contaminating my

art. Instead the art seemed like it might contaminate the porn. I was determined to make porn, pure and simple. But I also wanted to make a point about sexuality, gender, role-playing, and extremes of pleasure. Art is a rather flaccid way of making that kind of statement.

Although I do believe that every visual utterance can be ascribed a political meaning, only certain art is intended to be "political," and unfortunately in a market-driven art world, the "political" work that happens to be seen in art venues is usually a commodity with a message to the converted. I have nothing against any of that, it just seems that making "a political statement" and having it hang in a gallery, museum or a wealthy collector's home is a statement of political impotence. The only way for artists to really be "political" and have any chance of making a difference or creating social change (if that's the intent of the work), is to become activists and do work in the public realm. This is not to say that "controversial" and "edgy" work should not remain in an art context. That's exactly where it needs to be, and that's where it's hard to find it these days - the politically "converted" are not always willing to accept a message that is otherwise socially problematic.

Making pornography, which many would not consider political, became a politicized gesture especially because I was not in any way "under the radar." I very deliberately used my own name on the sight, in interviews, was credited as myself on videos we produced, and I gave academic lectures about pornography. I felt strongly that if this was to be the kind of statement that made a difference of any kind, I wasn't going to hide my identity behind a clever pseudonym as do most of those in the industry, straight, gay, lesbian or queer. Fear of the contamination of "one's good name" by association with pornography seems an admission of guilt for having committed a crime, and neither making nor using nor acting in it is a crime.

Porn isn't politically correct - never has been and most likely never will be. Political correctness has become an intellectual prison within which an extremely limited dialogue can take place, and in fact where monologues and diatribes are usually the discursive practice. Embracing the need to objectify and be objectified, to fetishize and be fetishized, to play the willing victim as well as the victimizer, opens up a mine field that is difficult to traverse, but it is a more intellectually provocative and honest terrain from which to understand who we are as complex sexual beings.

Looking back after 3 years of making porn for ssspread, what I found more fascinating than anything else was also the biggest difference between straight and queer porn, and that was the bodies. The bodies of queer porn are insubordinate, disobedient, unruly, insurgent and anarchistic. Why? Because they don't play by the visual rules of mainstream porn. Queer bodies create a world of difference in the way they enact everything from vanilla sex, to masculinity, to blood sports, to violence.

Academically, queer porn is a magnifying glass in regard to the complexities of gender and I believe it serves a very different purpose as a historical and cultural phenomena than the study of other genres within the greater context of pornography. Power dynamics are subverted, inverted and perverted in queer porn. The very essence of who we think we are as gendered beings is called into question and unmercifully interrogated and then brutally dissected.

Socially concerned work, some of which could be considered controversial, seemed to disappear in 2001 when New York and Washington were attacked. The horror of September 11th created an eerie moratorium on politicized work. For several years after, artists could be heard asking, "Has enough time passed to make work about 9/11? Can we use video of

the planes flying into the towers yet?" Clearly, the artistic restraint evidenced during an extended period of national mourning was based on a kind of political correctness that bows to the anticipation of both public and art world criticism. Only in the last several years has there been evidence of resistance to a hostile political environment.

The politically correct left and the censorious right have one thing in common – a desire for behavior modification. Both are highly effective censors, the PC liberals far more duplicitous in their pronouncements of right and wrong in the name of what is acceptable and correct. Let me be clear about this and say that political correctness was extremely important in drawing attention to many cultural deficiencies that needed to be addressed. How it became a handbook for righteous speech and behavior could be the subject of an entire book. It did, in fact, become the subject of a project finished just prior to writing this paper.

After years of neglect, American academic art culture embraced the less fortunate and sought, in its usual illusory fashion, to protect those who it believes are unable to do so for themselves. It was, and still is, an empty embrace with no real concrete protection, only linguistic and representational rules intended to feign respect. Rather than making any actual change, there is only a correct way to speak and make pictures of non-Caucasians, those of diminished mental capacity, the homeless. Many academics, artists included, seem particularly amenable to this rigid social code and capitulate to it without examining what such rules actually perpetuate.

The correct world requires a certain guardianship of the disenfranchised, among other "less abled" groups. So how are street people (the "homeless") to be represented? This is a question that has provoked arguments among cultural theorists and photography teachers for over 20 years. "Just don't" seems to be the current solution. Although I understand the pitfalls in making a homeless person the subject or object of a photograph, I am disturbed by the regulatory nature of the prohibition and invectives so often employed.

Most problematic for me is the apparent belief that this segment of the population as a group needs special treatment and protection by (and perhaps from) the art world – ostensibly because they are unable to give informed consent about the use of their image. This condescending and infantilizing attitude reflects its counterpart – indifference toward anything other than the theoretical implications of representation. It has become routine to denounce images made of the homeless as exploitive, based on a predictable and unexamined political correctness. It is the very denunciation that reduces palpable humans to nothing more than victims to be scrutinized in academic discussions.

This ethical and aesthetic dilemma provides the subtext of *The Panhandler Project*, a series of photographs and video documentation of 5 male panhandlers from Chicago who I asked to model for me nude, all of whom are homeless and African American. My process was to randomly meet the men on the street and, through discussion, determine if they were willing to participate in the project. The compensation for spending the day with me was \$100, lunch and dinner, new clothing, and a hotel room for the night. The hotel room was the location of the shoot. After the shoot, the model was interviewed and we discussed his reactions to the experience. The man then signed a model release, and was left to spend the night in the hotel. In the morning, I picked him up, paid him in cash, took him to breakfast, and dropped him off wherever he wanted to go. Video documentation took place through the entire photo shoot and into the evening until I left the hotel.

A sexually charged atmosphere permeated each shoot and *The Panhandler Project* is intended to engage the viewer in questioning notions of exploitation, objectification, and

agency as well as the (perhaps) more arguable issues that arise in regard to race, class and the sexualization of the bodies of men who are rarely if ever seen as sexual objects. I'm as interested in the transparency and questioning of my own attitudes and motives in doing this project as I am in attempting to deconstruct the "politically correct" arguments in academia that circumscribe discussions of who can or cannot be the subject or object of whose camera.

Responsibility has always been an important issue in my work as an artist and a teacher. But my attitude and ideas about it have changed greatly. I still feel we all have responsibilities as artists, but over the past dozen years, my motives, strategies and end results have been rethought, reoriented, reinvented. As an artist, my responsibilities are to be accountable for my ideas, to have a clear understanding of what I'm doing, and, in my case, to voice what I believe is "unsayable" in the culture in which I live. What is unspoken reveals society's deepest anxieties. Pornography, more than any other cultural product, seems to embody those anxieties.

But why should a government agency fund me for making work about America's soft underbelly? Because a democracy, if it's truly what it holds itself up to be, should be strong enough to withstand scrutiny and internal criticism. One of the reasons the NEA was established was to flaunt the strength of our democratic ideals in the face of the Soviet Union and communism. Since communism is no longer a threat, the cultural production of artists has gradually come to signify the unpatriotic and the un-American effluvia of liberalism. It is hardly surprising that this has taken place because American culture is now comprised of several generations with no sense of what the arts mean or can be for a society because funding to the arts in public schools has been decimated over the past 35 years. There is no common language in North American society for aesthetic appreciation, critical thinking or visual literacy, all the things an art education would bring to the populace.

The vagueness and misuse of terms used to describe pornography and works of art that have come under attack over the years since 1989 - obscene, lewd, offensive, indecent, disgusting, immoral, prurient - functioned to make it possible to prosecute artists or anyone interested in using sexuality as subject matter. It should be no surprise that only sex related works can be legally obscene. Work that the general public may describe as unethical, immoral, wrong, perverted, horrific, outrageous may be work that is censored by other methods, but it is not labeled obscene.

So, where does that leave the art world? To this day, it has been left struggling to convince juries that everything has "serious artistic value." Taking this approach is arguing from a position of weakness. That said, it is bad strategy and poor argumentative positioning to say a work has merit, or has serious artistic value and therefore shouldn't be censored or shouldn't be considered obscene - a criminal condition. It is enough to say it exists and it should exist, whether it happens to be art or pornography. The challenge, a formidable one, is to now find a way to persuade members of the public to accept this new paradigm.

If Americans could look back to the writings of the early libertarians, they would find a simple message. You (society as "you" or the individual as "you") have no right to control anything I do unless it has some negative impact on you. Avoid for the moment any knee-jerk reactions regarding children or the infirm or insane. Keep the issue between two adults of full legal capacity. The idea of complete individual freedom is almost heretical today.

The heretical construct being proposed is that art and pornography be treated in the same manner. In order to fully appreciate the thrust of the proposal, suppose that *all* art and *all* pornography be allowed to exist, subject only to the stricture that it not negatively affect another citizen directly...an adoption of the libertarian philosophy. There will be no more attempts to define (and winnow into) what constitutes serious works of art. There will be no more attempts to define obscenity – it won't matter if something is "obscene" since society no longer has the right to declare something as obscene and therefore illegal.

In anticipation of the feminist (and more recently Republican) canard regarding the connection between obscenity and violence, I will say this:

Offense does not equal injury or harm. Obscenity (whatever the accuser says it is) may offend, but it does not harm.

And so the argument moves to the supposed connection between pornography and violence, particularly against women. The claim is that viewing pornography leads to rape and other deviant acts in the viewer. It is interesting that the complete lack of dispassionate traditional empirical evidence for this claim hasn't quieted the protestations of those who want all things pornographic to be banned. There are NO legitimate studies that link rape to pornography.¹

The rest of the arguments that obscenity/pornography is injurious are as unsubstantiated and spurious as the first. The common thread of all arguments is that there is somebody somewhere being injured somehow. There is the argument that women who are participants in obscene videos are victims. The simple answer is this - there is no victim where there is consent. If, for the sake of argument, an act is committed against a woman involved in the filming, then the law has already provided a remedy, be it battery, sexual assault, or unlawful restraint. The crime should be the target, not the "obscene" film.

¹ In 1983, feminist Thelma McCormick researched and prepared a report for the Metropolitan Toronto Task Force on Violence Against Women. She found no connection between pornography and "sex crimes" (the punctuation is necessary, since rape and other related crimes are known as crimes of violence, power and control. Sex has nothing to do with rape other than it being the vehicle for the violence.) Studies in what was then West Germany found that the time period when an explosion of sexual material considered by many to be clearly pornographic was a period of decline in the incidence of rape.

Feminists and other groups devoted to reducing the rate of violence against women have examined all the data they can muster. It is the overwhelming consensus that rape and pornography are unrelated. The Applied Research Forum of the National Online Resource Center on Violence Against Women states the position clearly: "If the question about the connection between pornography and violence is constructed simplistically "does pornography cause rape?" the answer is clearly no. ("Pornography and Sexual Violence" July 2004). The Canadian group Women Against Violence Against Women have this statement on their web page: "Reality: Rape is an act of violence; it involves asserting control over another person and taking their power from them. Rapists use a person's sexuality against their will as a weapon. Rapists are not men who cannot control their sexual desires; rape is most often a premeditated crime." The image promoted by anti-pornography groups of lust-crazed men, out of control from watching porn, and intent on raping the next female they see, is simply a creation of their propaganda machines.

Obscenity, by most working definitions, is described as a manifestation of that which offends the average person's sense of modesty or propriety. Secondary definitions range from licentious, to lewd, disgusting or foul. Certain words are considered by some to be obscene because they offend. Public urination is illegal because it offends, at least it offends some people. (No need to mention public defecation since it apparently offends even the deviates among us.) More simply, obscenity is what "we" don't want to see, hear or experience in everyday life. But who are the "we", and how is it "we" come to an agreement as to what we don't want to see?

Then there is the even more ephemeral argument that portraying "deviant" behaviors such as urinating on persons, or engaging in sex with someone who is restrained, or penetrating the vagina of a woman with a whole hand (four fingers is legal), is somehow horribly detrimental to society as a whole. First, there is no evidence that the assertion is valid. Second, even if the assertion were valid, such an abstraction as "detriment to society" is not enough to criminalize the "behavior", the behavior being the visual recording of the action. The very notion of justice is based on a supposition that everything and everybody is treated the same under the law. If obscenity is so dangerous to society, consider the detrimental effect created by a Nascar race.

A typical day at the track will involve mortal danger to the drivers, the possibility of death or mayhem to the crowd, an inordinate amount of public drinking and drunkenness, numerous altercations within the crowd, multiple displays of public nudity usually by drunken teen and 20 something women, tremendous waste of fuel and resources, displays of crass commercialism, injury to the hearing of the attendees from the noise level of the race, illegal gambling on the race, promotion of the cult of personality regarding the drivers. There is nothing positive to be garnered from a Nascar race for society. Yet there are no strident voices trying to ban the races as there are with obscenity.

There are problems that significantly degrade the quality of life - noise pollution, industrial waste, rampant materialism, political corruption, lethargic citizen involvement, inadequate health care, and failing schools. Yet the exaggerated reaction to obscenity is disproportionately greater than the public's reaction to all these significantly more serious injurious issues. The real problems are not addressed; the imagined problems are attacked, putting the focus where it does not belong.

It has long been a criticism of libertarianism that it doesn't deal with those "imagined" problems such as prostitution, illicit drug use, or the spread of obscenity. However, rather than a criticism of weakness, it is an affirmation of strength in a philosophical position that allows the world to exist as it does and will, notwithstanding a millennium of attempts to eradicate human behavior that will never change. Nor should it change. It is a simple proposition. Authority (be it civil or religious) has no right or legitimate interest in controlling a person's behavior under any circumstances other than when a direct effect is had upon another.

My responsibility as an artist is only to myself and to the ideas in my work, no matter how distasteful they may be to viewers. I make art because I can. If you're offended, stop looking. However, as a citizen in a complex culture, my responsibility is much broader than the specificity of that which I take on (or refuse to take on) as an artist. I will not abuse this responsibility because I have a code of ethics that drives my life, and I don't believe that code will allow me to cause anyone harm. I take responsibility for my political incorrectness and I want people to think and engage me in discussion, debate, or argument about my ideas. As an artist I've been trained to question everything, which continually creates new ways of seeing the world. This is often destabilizing but it is ultimately what keeps me

engaged as an academic, a teacher and an artist. I suppose there's an arrogance in thinking I actually have something to say that people should listen to, but we all have a lot of things to say; I just have the privilege of speaking from a platform.

Artists in academia survive on a system of patronage. Martha Rosler said it 20 years ago. We trade in intellectual ideas of varying sorts. We can survive without government funding but we can't survive without academic freedom or with censorship - and the most insidious censorship right now is self-censorship. Bentham's panopticon works - we ARE policing ourselves. In the past when my students asked me if they could do something, I used to tell them, "You can do anything you want. You're in America." It was a sarcastic remark meant to intone that there are no rules in art and they don't need to ask an authority figure what they can and can't do. That question has a different meaning now and requires more than my smug answer.

How has individual freedom become such a "heretical construct"? If the law recognized every person, every artist, every pornographer's right to do whatever it is they do, perhaps the general public might start engaging in conversations about ethics, visual representation, free speech, democracy - about all of the things that have been bastardized over the last 15 or 20 years.

We have gone so far to the other side that we don't even see what a democracy is anymore, what free speech actually is, and what it all could look like as a new cultural agreement. Pendulums swing, and part of my responsibility as an artist and a teacher is to start making it swing in the other direction.