



art & obscenity

KERSTIN MEY

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Art and Obscenity

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Kerstin Mey

I.B. TAURIS
LONDON · NEW YORK

Published in 2007 by I.B.Tauris & Co Ltd
6 Salem Road, London W2 4BU
175 Fifth Avenue, New York NY 10010
www.ibtauris.com

In the United States of America and in Canada distributed by
Palgrave Macmillan, a division of St Martin's Press
175 Fifth Avenue, New York NY 10010

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PB ISBN 978 1 84511 235 6
HB ISBN 978 1 84511 234 9

A full CIP record for this book is available from the British Library
A full CIP record for this book is available from the Library of Congress

Library of Congress catalog card: available

Typeset in Agfa Rotis by Steve Tribe, Andover
Printed and bound in Great Britain by TJ International, Padstow

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Acknowledgements

It was Susan Lawson, contemporary arts editor at I.B.Tauris, whose initial idea and invitation brought this project about. Her unfaltering trust in my ability to critically discuss the operations of obscenity in contemporary art, her sympathetic support and rigorous editing have been invaluable for the realisation of this book. My debt to Susan Lawson is immense. Likewise I am very grateful to Steve Tribe for his astute copy-editing.

The research for this book was made possible by a research grant from the British Academy that enabled me to venture beyond the UK to look for and compile material on obscenity in different cultural contexts.

I am grateful for the assistance I have received from the librarian at the Museum of Modern Art in New York, and from Morag Henderson, at the library Duncan of Jordanstone College of Art and Design, University of Dundee in the tracing of significant and at times inconspicuous cultural resources for the discussion of the obscene.

Short-term study leave granted by Fine Art Research of the School of Fine Art, Duncan of Jordanstone College of Art and Design, University of Dundee; and by the Research Institute Art and Design, and by Interface: Centre for Research in Arts, Technologies and Design, both of the School of Art and Design, University of Ulster, has enabled me to progress with the book at crucial points in time.

As the subject matter required me to draw on a wide range of cultural resources, some of them beyond my immediate area of competence, I used colleagues, students and conferences to test out my ideas and arguments. I would like to thank all of them but in particular Jonathan Robertson, Suzanna Chan, the MFA students at the School of Art and Design, University of Ulster, and Yvonne Spielmann, Meike Kroenke and students at the Media Research Institute, Hochschule der Künste Braunschweig, as well as Barbara Petschan.

Alison Rowley's acute and perceptive comments have been instrumental for thinking through the cultural and social implications of obscene representations particularly in terms of the gaze, and gender and class inscriptions.

Without Chérie Driver, the book would have had hardly any illustrations. I am entirely grateful to her for the tireless research, acquisition and annotation of the visual material for this publication as well as for reading and commenting perceptively and encouragingly on the first draft of this manuscript.

I would also like to thank all the artists represented in this book and their dealers and/or representing organisations for their generous support in terms of making images available and in giving permission for their reproduction here.

Last but by far not least, I am deeply indebted to Stephen and Rupert Benjamin for being there for me when the going got tough, for their lavish patience and all the time and space to think they have given over to me to write this book. Without them I could not have done it.

Introduction

Lust is always criminal.

Peter Gorsen¹

The 1995 portrait of the Moors murderer Myra Hindley by British painter Marcus Harvey produced from numerous children's handprints caused outrage when it was put on public display at the Royal Academy in London in 1997 as part of the exhibition *Sensation: Young British Artists from the Saatchi Collection*. When the show went to the Brooklyn Museum in New York in 1999, Chris Ofili's *The Holy Virgin Mary* (1996) and many other seemingly 'bestly' and 'blasphemous' works sparked political and religious outrage there, as well as iconoclastic impulses: the urge to damage or destroy images. Not only is the 1998 Turner Prize winner's Virgin rendered in an abstracted and sparkingly decorative and cartoon-like fashion as a black woman, but the painting is also adorned with clippings of pornographic details and was propped up on two clumps of elephant dung, one labelled Virgin and the other Mary. Some religious believers regarded the picture as highly obscene. Since then, quite a few more feathers have been ruffled by contemporary artists. Many of Tate Modern's recent Turner Prize exhibitions have stirred up considerable controversy. Tracey Emin's *My Bed* (1998–1999) in 1999 and the Chapman brothers' *Insult to Injury, Sex and Death* in 2003 are perhaps the most prominent cases that have scandalised British society because of their explicit sexual and/or excessively violent overtones. But then, provocation and shock have been part and parcel of western art from the modern period onwards – testing, pushing and expanding the established aesthetic parameters closely linked to intellectual, religious, ethical and legal concerns of the time.

And it is more than just the realm of art that has been pervaded and affected by images and objects that cause offence. Recently, the public exposure of photographs and

video footage of American and British soldiers torturing and thus deeply humiliating Iraqi detainees in newspapers, on television and the Internet was compared to sadomasochist porn.²

Obscenity and pornography look like birds of a feather, though they are not fully congruent. Like a cuckoo, they roost in the boughs of art and the undergrowth of the plantation that is culture. More or less camouflaged, notions of obscenity permeate – to a greater or lesser degree – the sites of cultural production and consumption of contemporary society, especially where these intersect with society's ethical imperatives and legal frameworks.

What actually is obscenity? Obscenity is a valorising cultural category of relatively recent origins that is applied to representations to denote, generally speaking, their indecent and vulgar, dirty and lewd, gross and vile and thus morally corrupting and potentially illicit character. The obscene then functions as the other of the aesthetic, where it intersects with moral standards and the law.

Obscenity does not reside in the content-form dialectics of the cultural product per se, whether it is an artwork or a press photograph, but in the discursive context, that is in the way it is discussed publicly, in relation to its production, circulation and reception. No object or event is obscene in itself. Obscenity is an argument about the qualities, public exposure and traffic of an object or event. It is an evaluation of its effects. As an argument, obscenity is closely bound up with the segregation between high and low culture and their modes of production, and the private/public dichotomies that lie at the foundations of bourgeois society. As a cultural category, the obscene emerged with the establishment of means of mass reproduction of texts and images, and therefore their increased promulgation and accessibility in the public arena (and the perceived need for their regulation).

As all arguments do, the obscene depends on the concrete circumstances in which it is developed and fought out. Like the aesthetic – to adopt a common phrase – obscenity lies in the eye of the beholder. And as obscenity is not restricted to the visual domain but concerns literature, poetry and pop music, for instance, notions of the obscene are developed as a matter of interpretation and agreement in relation to respective cultural domains, the dominant value systems in society and its underlying social, political, economic and technological conditions.

Obscenity as the 'dark' side of established cultural categories has been employed in practices of representation as a potent instrument of transgression and resistance against dominant social norms and hierarchies, and oppressive regimes of discipline and control. As the other of art it is inextricably linked to the functions of the latter. Art has come to serve as a projection screen for ideas, thoughts and processes, and no longer performs as a window onto the world, a microcosm that represents the macrocosm outside itself. It exists as a potent experimental field with fluid and dynamic parameters within the public domain. Those parameters are defined by elaborate and layered discursive networks, channels of public mediation and debate that – like a spider – ensnare art. The discourses of art history

and art criticism, public and private art collections, art education, art theory and the media keep it suspended and elevated in the aesthetic sphere. Yet, as social practice, art does not exist in an ivory tower, rather it is osmotically embedded and enmeshed in the cultural make-up of society at large.

With the immense mobility and fluidity of images across different cultural territories due to the accelerated production and circulation of images by the new digital (multi)media technologies, art has not only become more exposed and visible, though this may sound like a contradiction in terms; it also competes with huge increase of images produced in other cultural domains. Its influence on other cultural productions may have increased too, but so has its own permeability for visual material and effects that have their origin in other cultural areas such as film, advertisement, animation, the World Wide Web, fashion and the decor of every day life. In fact, the rapid advance of imaging, and information and communication technologies has blurred and eroded previously relatively stable delineations of cultural domains, their constitutive discursive networks and social control with the help of legal instruments. All this has impacted on the power of images, on their economies and mechanisms, on the way they are disseminated, consumed and regulated, how they function as means of communication and knowledge production.

What, then, is this book about? It is not a book that seeks to determine and establish the meaning of obscenity in relation to visual art production or the workings of censorship. The former would require, first, the impossible task of also defining 'art' as an opposite of obscenity. Yet to attempt an essentialist definition of art and its manifestations is an extremely treacherous affair, particularly in the complex and dynamic contemporary situation. Secondly, it would necessitate the (momentary) abstraction of the operational and dynamical terms of the obscene and the aesthetic from those critical factors that constitute the pragmatic environment in which they enfold their meaning and potential.

This book aims to trace central arguments and decisive aspects that mark the relationship between art and obscenity in the West from a contemporary perspective. The terrain for this thematic enquiry is the cultural situation of global capitalism that suggests that there are very few cultural limits and taboos left intact that can still be transgressed or resisted. Instead, almost any area and aspect of culture has been commodified – not least sex and violence – incorporated into the mainstream, aestheticised, appropriated and thus neutralised. And this includes to a large extent apparent countercultural currents and gestures of dissent.

Drawing on a selection of examples from across recent and contemporary western visual arts and engaging in a close reading of aesthetic strategies, the chapters map out the complex territory in which the obscene operates vis-à-vis the aesthetic. It considers the codes, conventions and technological and media aspects of visual or multimedia representation as factors that exert a significant influence on the modes of production and consumption, and on the cultural circulation of still and moving images, of authorship and agency. Those historical and cultural media conditions inform what is judged to be situated within or out of the bounds of the aesthetic, and how that in turn shapes the

understanding of the category of the obscene, its applications and their repercussions for the parameters of art.

Implicit in the following discussions of visual art practices that have been regarded to be (too) graphic, carnal, crude or smutty, and thus potentially morally corrupting and in need of regulation or prohibition, are theoretical reflections and ideological currents in which the aesthetic-obscene relation is meandering and entangled.

The format of this publication dictates an exploration of the relation between art and obscenity in a concentrated and compact manner by looking at key aspects and moments. A complete overview of that extensive field is beyond its scope. And, as art and obscenity are relational categories informed by subjective judgements, so is this text. My views as author are inevitably present in the theoretical perspectives employed, in the particular (audio)visual works and debates I have chosen to engage with and my critical stance in relation to them. Yet, it is hoped that this book will open up new and other vistas for thought and debate on how the aesthetic and the obscene are incessantly rewritten through vibrant, fluid and hybrid cultural practices through dynamic conditions and rules of representation.

Chapter 1

'I Know It When I See It'

On the definition and history of the category of the obscene

After having immured themselves with everything that was best able to satisfy the senses through lust ... the plan was to have described to them, in the greatest detail and in due order, every one of debauchery's extravagances, all its divagations, all its ramifications, all its contingencies ... There is simply no conceiving degree to which man varies them when his imagination grows inflamed.

Marquise de Sade'

Let's begin with the question: what is obscene? Generally speaking, obscene signifies something that offends or outrages, because it defies accepted standards of decency, civility or modesty. Obscenity is connected to feelings of repulsion and disgust. Within the context of the law, it is regarded as something that has the tendency to morally corrupt or deprave.

The obscene has often been used synonymously with the pornographic and in close alignment with indecency. Yet, crucially, there are significant differences between obscenity and pornography. 'Obscenity' covers a far broader area than sexually explicit and alluring representations seeking to gratify the desires of the flesh that come under the term of pornography. 'It is also applied to the unacceptable horrors of everyday life: the obscenity of war, poverty, wealth, racism, murder ... obscenity most often connotes excess, violence and transgression.'²

There is an important link between obscenity and taboo. Anchored in the prevalent historical notion of public morality and cultural customs, every society places certain areas of human practice and modes of conduct off-limits, marking them as forbidden and guarding

them vigilantly as taboos. Enforced social prohibition applies particularly but not exclusively to matters of sexual engagement: incest, i.e. the sexual intercourse between very close relatives such as brother and sister; paedophilia, the sexual abuse of children; necrophilia, the sexual interaction with dead bodies. Transgressions of such taboos, which also include cannibalism, are considered obscene in the sense of abhorrent, repugnant and objectionable.

The term 'obscene' has been linked to the Greek term *ob skene* ('off stage'), as violent acts in Greek theatre were committed away from the eyes of the audience: offstage, behind the scenes. Descending into the Latin *obscensus* in the sixteenth century, this sense was kept alive, coming to mean that something should be kept 'out of public view'.³ Then, it was mainly used in a legal context to describe expressions that deviate from prevalent norms especially of 'sexual morality'; and it was applied as a characteristic particularly when obscene representations were employed as a means to criticise religious and/or political authority, for instance, in the context of carnival and caricature. Only in 1857 did the term enter the authoritative *Oxford English Dictionary*.

Definitions, connotations and pragmatic applications of the term have differed over time and still vary in and between cultures, communities and amongst individuals. The varying use of the term obscenity and the criteria for its definition in the history of western culture reveal important aspects of the changing concept(s) and attitudes beneath it. As a value category its common associations with the 'off-the-scene', with social norms, manners and customs, with official culture or art and jurisdiction prove equally significant.

In relation to the offstage, or off-the-scene, obscenity came to cover those aspects of cultural (life) practices and processes that should remain hidden from public view like sexual intercourse, urination and defecation. Expressing an aesthetic aversion – the horrible and repulsive – its concept is inextricably linked to the gradual emergence of a private-public dichotomy as a feature of a developing bourgeois society and the onset of modernity in the fifteenth century. It is interwoven with the establishment of a historically dynamic, socially and culturally defined faceted sense of shame and modesty related to bodily functions and sexual matters. Those evolving norms of social conduct and their display were highly inflected by hegemonic gender and racial relations and informed by the morals of the time.⁴ There is an 'aesthetic alliance of the culturally and historically defined sense of shame with the ideal of beauty – the uninhibited representation offends the shame and soils the beautiful', as Georges Bataille, the French writer, anthropologist and philosopher, has argued with regard to the transgressiveness of the erotic act.⁵ The exclusion of sexuality from aesthetics is anchored in the Cartesian split between body and mind that has been confounding for western thought for centuries. It is undeniable that the Church had an intensely formative and long-lasting influence on this constellation in the Judaeo-Christian societies in and beyond Western Europe. For the emerging and established bourgeois culture there, 'just-sublimation' and aestheticisation gained primacy, at least officially, rather than an unqualified permission of sensual pleasures and carnal lust. But then, capitalist culture, as the German philosopher Marx so aptly analysed, is fundamentally defined by double standards.

Walter Kendrick, an American specialist in English Literature, observes that obscenity as a cultural phenomenon and discursive category concurs with the emergence of the 'secret museum' in the late eighteenth and early nineteenth centuries, i.e. those hidden archives of material barred from free public access, be it indexes of restricted material or 'uncatalogued holdings' or locked rooms. It lies at the centre of the regulation of cultural consumption on socially defined moral and legal grounds. The British Lord Chief Justice, Sir Alexander Cockburn, proclaimed in 1868:

I think the test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall.⁶

In terms of its performative dimension, i.e. in the way it 'works' in the use of language, the obscene does not only denote act(ion)s or objects that 'inspire disgust' and moral depravation. The term does not merely signify that something is shifted beyond the accepted social and cultural norms for the articulations of carnal desires, and libidinal drives – those psychic and emotional energies that are associated with instinctual biological energies. The term obscenity is itself constituted through the performance of public/legal/cultural discourse around those objects and actions in tandem with gradually emerging and expanding, and increasingly sophisticated, mass-communication and information networks: print media, broadcasting, and the Internet.

The obscene in the context of official jurisdiction is located in the field of cultural representation, be it text, visual, audiovisual or multimedia material. More precisely, it is situated at the interface of the domains of the aesthetic, the legal and the moral, and it is constructed through the public debates and mediations of these value systems. In other words, nothing is obscene *per se*. Like the aesthetic, the moral and the legal, the obscene essentially is a value judgement and a cultural category produced through processes of reification. In such a process, an abstract value-inflected idea becomes attached to or embodied in a concrete object/act/event, which, in turn, functions as a precedent, benchmark or test case for the application of the concept to other objects/acts/events.

Throughout its history, however, attempts to establish a clear, watertight and consensual definition of the obscene and what it entails have constantly encountered immense difficulties. The popular statement 'I know it when I see it' conveys a standard attitude in this regard. As received opinion, it has verbally informed judgments in legal cases, where the charge of obscenity has been levelled at objects or acts (and its initiators, producers or exhibitors); and, with that charge, demands for the enforcement or challenge of official censorship measures have been raised. Yet, only in 1964 was it set down in writing for the first time, when US Supreme Court Associate Justice Potter Stewart included this sentiment in his 'concurrence' on a particular disputed motion picture film in a censorship court case, admitting, "‘Hard-core pornography’ was hard to define, but ... ‘I know it when I see it’".⁷

This brief remark, on the basis of which the film in question was acquitted, summarises aptly the contested territory and dynamics that are the hallmark of the obscene.

The French philosopher, Michel Foucault, has demonstrated that the process of categorisation is inextricably linked to power and control. It works in the interest of those who impose distinctions and the values these promote and affirm. In the first volume of his unfinished project *The History of Sexuality*, he describes the processes through which sexuality has entered public speech from the Enlightenment period onward:

There was a steady proliferation of discourses concerned with sex – specific discourses, different from one another both by their form and by their object: a discursive ferment that gathered momentum from the eighteenth century onward.⁸

Foucault emphasises that licit as well as illicit discourses were on the increase at that time. Whilst the ‘tightening up of the rules of decorum likely did produce, as a countereffect, a valorization and intensification of indecent speech’, it is important to note that the ‘discourses concerning sex in the field of exercise of power itself’ multiplied:

an institutional incitement to speak about it [sex], and to do so more and more; a determination on the part of the agencies of power to hear it spoken about, and to cause it to speak through explicit articulation and endlessly accumulated detail.⁹

In Foucault’s view, such an incitement was provided through the Catholic ‘confessions of the flesh’. In the twentieth century, other forms of discourse and knowledge production, such as psychoanalysis, fuelled this development. Whilst the language for those kinds of reporting on sexual desires and behaviour became increasingly refined and veiled, the scope of depiction expanded significantly too. What the Church had begun was continued by the sciences – psychology, biology, medicine and economics too. Sexuality became not only more and more regulated and controlled through public discourse(s), it also became pathologised – all that in order to impose a form of sexuality in support of a functioning social system.¹⁰ In other words, the category of the obscene is not at all innocent or neutral. It has been subject to political interests and instrumentalisation for the purpose of maintaining or contesting social power and control by social (and religious) group(s), prompting and justifying the device and application of censorship measures. These measures are administered to monitor and suppress cultural practices, expressions and discourses deemed deviant, perverse and pathological, and therefore morally corrupting and potentially socially dangerous or destabilising.

For western society, Foucault attests a gradual substitution of discourses and knowledge produced on sexuality based on elements of erotic arts. *Ars erotica*, that is the self-reflective, autotelic art to induce pleasure ‘understood as a practice and accumulated by

experience', was superseded by a *scientia sexualis*, a science of sexuality.¹¹ The latter can be understood as 'procedures for telling the truth of sex which are geared to a form of knowledge-power strictly opposed to the art of initiations and the masterful secret'.¹² In a civilisation that did not endow itself with a developed, if any, *ars erotica* – unlike other cultures such as China or India – sex(uality) became increasingly exposed to interrogation, interpretation and medicalisation. This included an implantation of sexual perversions for practices outside the accepted heterosexual norm, and varied forms of repression anchored in the establishment of truth(s) values, rather than emotional and physical excitement and fulfilment.¹³

Definitions of the obscene are informed by an assessment of its projected damaging effects on the recipients of actions or objects. The German writer and philosopher Ludwig Marcuse, who concentrates his discussion of the obscene on the pornographic, pronounces that those effects are not just detrimental physiological stimulations, but also 'unhealthy' incentives to the imagination.¹⁴ Such an approach, however, raises the question of who is making that judgement for whom here. Certain social groups were considered to be morally vulnerable and in need of legal protection from the smutty and excessive through the obscenity laws that emerged during the mid nineteenth century across Europe, followed by the USA towards the end of that century. They came from those social sections that were in the process of gaining wider access to and participation in cultural consumption (and production) due to a democratisation of culture: women and the lower classes.¹⁵ The democratisation of culture was founded on advances in industrial production and, in particular, on the new means. Moving on from the fifteenth-century Gutenberg press and forms of manual reproductions such as the wood, engraving or etching to photography and lithography in the nineteenth century enabled a more labour- and cost-efficient mechanical mass reproduction of texts and images, and thus fuelled their broader and 'promiscuous' circulation and accessibility. As Kendrick observes: 'There has never been a society – until our own – in which all representations were available equally to any observer at any time.'¹⁶ This situation produced a greater need for the regulation and control of all representations through a number of interrelated mechanism, including censorship, policies for the funding of art and culture, interventions into the market, etc.

The democratisation of culture has been bound up with an amplification of the cultural divide between high art and popular/folk culture, with the gulf between cultural elitism and mass production/consumption. The modern concept of obscenity is intertwined with the advances in mass reproduction, information and communication. It has assumed a divisive role as a separating force between different areas of culture. It also functions as a gauging support for the polarisations between erotic arts and pornography, high and popular culture, cultural industry and autonomous, elitist art. This dividing function has remained intact despite the growing fluidity and mobility of visual images and objects between different cultural domains such as fine arts and graphic design or advertising, video art and video games, mainstream and independent or art-house film, for example.