

Notes and Fragments

WHY PORNOGRAPHY CAN'T BE ART

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WHEN CULTURAL PUNDITS, MEMBERS of Congress, and New York City mayors exclaim “That’s not art, it’s pornography!” they mean something quite exclusionary, namely, *if pornography, then not art*. Typically, such exclusion gets predicated on some supposed essential moral or aesthetic value difference between pornography and art that is controversial at best. The goal of this article isn’t to attack or defend value-based exclusionary claims but rather to offer a value-neutral option. I argue that, while pornography and art may be able to share contents and aims,¹ pornography and art are essentially related to contents and aims in a way that makes it impossible for something to be both pornography and art.

I

Responsibly making claims about whether or not something can be both art and pornography would seem to depend on there being relatively robust notions of both art and pornography to which to appeal. Such appeals, however, make any exclusionary claim hostage to the merits and demerits of the particular full-fledged theories of art and pornography. I adopt a far less troublesome strategy. I merely invoke a few plausible necessary conditions for something’s being pornography and for something’s being art, then show that these are mutually exclusive. My argument is as follows:

- (1) If something is pornography, then that something has the purpose of sexual arousal (of some audience).
- (2) If something is pornography, then that something has the purpose of sexual arousal and *that* purpose is *manner inspecific*.
- (3) If something is art, then if that something has a purpose, then that purpose is *manner specific*.
- (4) If something is art, then if that something has the purpose of sexual arousal, then that purpose is *manner specific*.
- (5) A purpose cannot be both manner specific and manner inspecific.
- (6) Therefore, if something is pornography, then it is not art.

I do not claim that pornography has only the purpose of sexual arousal or even that the purpose of sexual arousal is primary; nor do I claim that other purposes of pornography, should it have them, are manner inspecific. Also, I do not claim that art has a purpose; I claim only that if art has a purpose, then that purpose is manner specific. Should it turn out that art is a purposeless enterprise then the exclusion claim comes free of charge. My argument targets those, like myself, who think that the pornography/art debate is interesting precisely because both pornography and art can have the purpose of sexual arousal. The crucial difference, I argue, is that the purpose of sexual arousal is manner inspecific for pornography but manner specific for art.

Manner specificity I take to be the following: for a purpose to be manner specific is for a purpose to be essentially constituted both by an action (or state of affairs) and a manner, such that the purpose is to perform that action (or bring about that state of affairs) in that particular manner. Failure to do so constitutes failure to satisfy/fulfill the purpose, that is, a manner specific purpose is satisfied only if the state of affairs is brought about in the prescribed manner. For a purpose to be manner inspecific is just for it not to be manner specific. That is, for manner inspecific purposes, failure to bring about the state of affairs in the prescribed manner does not constitute failure to satisfy the purpose. Note that I am not arguing that manner inspecific purposes lack prescribed manners. I suppose that all or most purposes have prescribed manners associated with them, and I suppose that, most of the time, purposes get satisfied in the manner prescribed. The key distinction is

that for manner specific purposes, the prescribed manner is essentially constitutive of the purpose, and this makes all the difference.

Lastly, I assume that both pornography and art have intentional components, that is, both pornography and art are intention-dependent. Given this, I assume that purpose-talk is talk of intended purposes. Although value-neutral, my argument remains consistent with claims about essential value differences between art and pornography—I just happen to think that there are none.² I offer those with intuitions about the mutual exclusivity of art and pornography a refuge from controversial value claims (e.g., the essential immorality of pornography or the essential positive aesthetic value of art). For those committed to value differences, I at least show that the exclusion of pornography from art is over-determined. Once again, my argument does not appeal to any purported definition of art or pornography.³ I make no sufficiency claims about either what it is for something to be pornography or about what it is for something to be art. I suggest only two exceedingly plausible necessary conditions. I leave it up to the reader to consider what a complete account of pornography may be.

II

Prima facie, a necessary condition for something's being pornography is the purpose of sexual arousal—that's what pornography does and what it is supposed to do, sexually arouse its audience. I assume then that the purpose of sexual arousal is a substantive necessary condition for something's being pornography. To illustrate this, consider the following cases:

- (1) A security camera just so happens to record a couple having sexual intercourse.
- (2) In order to study sexual behavior, a psychology department records a couple having sexual intercourse.

Assume that the video recordings in (1) and (2) are visually indistinguishable from prototypical pornography such that absent any information about their individual causal histories, we would think them in fact prototypical pornography. While these recordings may in fact sexually arouse the viewer, clearly this isn't a purpose of (1) and (2), so (1) and (2) aren't pornography.

Perhaps being pornography is akin to being a garden shovel, in that the notion of *design for a purpose* is an essential feature. Garden shovels, minimally, are objects designed for the purpose of digging holes in the earth. No matter how well my hand may dig holes, my hand isn't a garden shovel. While I can use my hand as I would a garden shovel, my hand isn't thereby a garden shovel—my hand is being used as a garden shovel. Similarly, naturally occurring rock faces may resemble acts of sexual intercourse and may be sexually arousing in virtue of that resemblance, but naturally occurring rock faces cannot be pornography. Of course, pornography may have additional purposes other than sexual arousal of its audience, but whatever else pornography may be and whatever purposes pornography may have, a necessary purpose of pornography is the sexual arousal of its audience. To be sure, failure to have sexual arousal as a purpose doesn't entail failure to sexually arouse, but failure to have the purpose of sexual arousal does entail failure to be pornography.

III

In addition to the purpose of sexual arousal, must pornography be sexually explicit? The connection between sexual arousal and sexual explicitness seems purely contingent, that is, it seems purely contingent whether or not sexual explicitness positively relates (or relates at all) to sexual arousal. Pornographers then are in the business of sexually explicit representations insofar as this contingent connection holds. In fact, some pornography is anything but sexually explicit—pornography directed at bondage fetishists need not be explicit sexually to arouse sexually. Consider a world where sexually explicit representations (or even sexually suggestive ones) sexually arouse no one. This world may nevertheless contain pornography. To be sure, if imported into our world, its failure would be unsurprising, but why think that makes it not pornography? It just so happens that in our world, in the main, explicit depictions of the act of sex arouse us sexually. It could be the case, however, that explicit depictions of sexual acts never arouse us sexually (e.g., those with certain object fetishes: shoes, stuffed animals, the smell of linoleum). Denying this entails denying that we mean the same thing by “sexually explicit” in “that anatomy book is sexually explicit” and “that pornography is sexually explicit” (even though the former may never arouse its audience sexually and the latter almost always does). So, while most actual pornography employs the prescribed

manner of depicting *sexually* explicit representations in order to satisfy the purpose of sexual arousal, it needn't. Moreover, even when it does, it does so manner inspecifically. No particular manner of depiction is essential to something's being pornography.

Echoing the above (at least in spirit), Jerrold Levinson argues for the following distinction between erotic art and pornography, claiming:

. . . pornography makes no credible appeal to viewers to consider the mode and means of depiction, as opposed merely to what is depicted; pornography, unlike art of any kind, is wholly transparent in both aim and effect.⁴

Should the connection fail between a certain manner and sexual arousal (e.g., explicit representations of sexual acts and sexual arousal) pornographers would turn to a manner re-establishing a connection with sexual arousal, whatever that manner may be (photos of shoes, swatches of velvet, early colonial furniture). Pornography doesn't even require for its success that the audience recognize, for example, the picture *as* a picture of a couple having sex. Not even this minimal recognition of manner is needed for pornography to satisfy its purpose. The sexual arousal of the audience *simpliciter* matters rather than the manner in which the arousal is brought about. This is precisely what it means to be manner inspecific.

A problem with Levinson's view is that he bases pornography's exclusion from art on reception exclusivity rather than purpose exclusivity. Levinson claims that pornography "essentially excludes attention to form/vehicle/medium/manner" while art "essentially involves attention to form . . ."⁵ Levinson's view entails the dubious claim that pornography cannot coherently direct attention to the manner of depiction. Consider that some pornography (what Levinson calls 'artful pornography') targets an audience that demands higher production values, at least some attention to style, coherent and interesting stories, or minimally, a degradation-free depiction. Levinson's view entails that such an audience is "cognitively atypical" (at least for men) and that the strategy of artful pornography is 'generally self-defeating' (likely contrary to the opinions of its audience). My view entails no such claims. *Pace* Levinson, my view allows for pornography to encourage and invite such reception and attention; I claim only that *the success or failure of such attention and reception essentially contributes nothing toward either a thing's being pornography or a thing's being successful pornography*. Broadly construed,

Levinson's appeals to reception exclusivity entail purpose exclusivity, but I show that we needn't hold the art/pornography debate hostage to the notions of coherent (or proper) objects of attention and methods of reception as they relate to sexual arousal. My view simply appeals to the notion of purposes *simpliciter*. Purposes are either manner specific or manner inspecific, so "transparency" in this sense entails only that the manner is not essentially constitutive of pornography, and that is all that is needed.

IV

Reflect on the difference between Jeff Koons's artwork *Red Butt* (a photograph of Koons having anal sex with his wife) and a similar looking page from *Penthouse*. Imagine that both have the purpose of sexually arousing the viewer. Sexual arousal of the viewer *simpliciter* matters to *Penthouse*, but Koons's *Red Butt*, at least minimally, requires sexual arousal largely in virtue of recognizing that *Red Butt* depicts *a sexual act involving Jeff Koons*.⁶ Should both photographs sexually arouse the viewer merely due to the woman's blond hair or her shiny, gold pumps (or even perhaps due to the lighting), the purpose of the *Penthouse* spread would be satisfied, the purpose of *Red Butt* would not. Part and parcel of understanding *Red Butt* is recognizing that it depicts a sexual act involving Jeff Koons and Cicciolina, his famously attractive and libidinous then-wife. Failure to do so precludes satisfaction of the purpose of the work.

The relation between art and pornography is much like the relation between art and advertising. Advertising's aim is to get the audience to purchase or use the featured product or service (or at least to engender in the audience the disposition to do so). Furthermore, this purpose of advertising looks to be a paradigmatic example of a manner inspecific purpose. Some advertisements employ the manner of featuring the product to demonstrate its value to the purchaser—"Here are Brillo pads, observe how well they clean your kitchen!" More often than not, however, the manner employed is wholly unrelated to the product the consumer is enjoined to purchase—"Observe the scantily clad, sexy models driving expensive sports cars. Buy Brillo pads!" The advertisers aren't deeply mistaken about the relationship of sexy models and sports cars to the cleaning power of Brillo pads; they merely prescribe a manner they think disposes the audience to buy the product whatever that product may be. Advertising aims to make the audience more likely to

buy the product *simpli*ter—whether or not the aim gets achieved in the prescribed way doesn't matter.

In making the art/advertising distinction, Jerry Fodor makes a similar claim:

. . . in the ad case, the intention is *primarily* just that they should have their effect upon the audience. The reflexive intention (viz. the intention that the effect be brought about by the audience's recognition that the ad is intended to bring it about) is merely secondary.⁷

A compelling picture emerges from the comparison of pornography with advertising: both are manner inspecific. Art, however, is manner specific, or as Fodor argues,

I take the moral to be that the intention that the reflexive condition be satisfied is *primary* in the case of an artwork but only *secondary* in the case of the ad. In so far as a thing is not primarily intended to satisfy the reflexive condition, it is not intended to be an artwork. (Fodor, p. 49)

Fodor suggests here that the artist intends the audience to see the work as intended to have a certain interpretation (or minimally to see the work as intended to be the sort of thing that has an interpretation), whereas the advertisers just intend the audience to purchase the product or service, for some product or service, as chosen by the client (e.g., buy Brillo or switch to AT&T). The advertisement succeeds only if it gets the audience to purchase the product or service. An analogous claim holds for pornography.

Real-world pornographers and advertisers are gainfully employed insofar as they are adept at figuring out what turns us on both sexually and as consumers. There could be, however, lucky advertisers and felicitous pornographers, successfully satisfying the purpose of advertising and pornography despite or even contrary to the prescribed manner. For example, imagine Smith intends for the audience to be disposed to buy Brillo pads, and she thinks the best way to do this is to demonstrate to the audience how well Brillo pads clean filthy pots. As it turns out, no one is in fact so disposed in virtue of this demonstration. Lucky for Smith, the spokesperson for Brillo looks sufficiently like a certain celebrity, such that the audience, wanting to emulate that celebrity, becomes disposed to buy Brillo. This advertisement, despite Smith's best efforts, is a huge success. Moreover, it very well could be the case that all of Smith's advertisements turn out to be wildly successful despite and contrary to

all of the manners Smith prescribes, which let's further imagine make no sense whatsoever. Lucky for Smith, her advertisements can succeed despite her best/worst efforts.

Both literally and figuratively, artists and artworks are not so lucky. Robert Motherwell's *At Five in the Afternoon* would fail were the audience to link together bullfighting and the Spanish Civil War only because of some strange photochemical property of the paint. Gabriel Garcia Lorca's poem *Lament for Ignacio Sanchez Mejias*, if it is to count as successful, cannot evoke sadness, silence, and loss only in virtue of some cognitive trick involving how the font looks or perhaps because the sadness felt by the audience is for the wounded bull rather than for Ignacio. Furthermore, it wouldn't be implausible to suggest that were a work to fail in such a way, the work would then also fail to be art. In contrast to this, one simply could not plausibly maintain that works of advertising and pornography that similarly fail also then fail to be advertisements or pornography. Again, I dare not suggest that all there is to being art is making the manner essentially constitutive. I do claim that, at least minimally, art is manner specific.

V

Perhaps since the phrase "pornographic art" gets used in an ostensibly meaningful way, this suggests an extensional overlap of pornography and art. For this to have any weight, we have to first flesh out a general framework for something's being pornographic—what is it for an *F* to be a *pornographic F*? Is something being both pornography and an *F* necessary for its being a pornographic *F*? Sufficient? Both? The aforementioned security-camera recording is not pornography, but I suppose it could be decidedly pornographic (maybe even naturally occurring rock faces can be pornographic). Likewise, a particularly inept bit of pornography may be decidedly unpornographic—pornography can be unpornographic.

Why is "pornographic art" worrisome in the first place? When we call something "artistic pornography" I doubt we mean that it is both art and pornography. Rather, to call something "artistic pornography" is merely to say that the thing is highly aestheticized/stylized pornography or pornography with interesting formal features. When we call something "pornographic art" I suppose that we mean that the artwork is *like* pornography, that is, displays characteristics typical of actual-world pornography—being sexually explicit, indecent, obscene, even

objectifying or degrading. Being informed that the thing I just called “artistic pornography” is not, in fact, art, isn’t a semantic correction. Likewise, being informed that the thing I just called “pornographic art” isn’t pornography isn’t a semantic correction, even though it may well be the case that typically things that are both pornography and *F* are pornographic *F*s.

To be sure, there are cases of “pornographic *F*s” in which the object is both pornography and an *F* (e.g., “pornographic movies” and “pornographic magazines”), but “pornographic art” is not such an example. Consider the following sentences:

- (1) “This pornographic magazine is decidedly unpornographic.”
- (2) “This romantic comedy is decidedly unromantic.”

Contrasted with:

- (3) “This pornographic art is decidedly unpornographic.”
- (4) “This romantic gesture is decidedly unromantic.”

Levinson wants to explain away “pornographic art” in terms of a strong and a weak sense of “pornographic” (“EAPP,” p. 235), but clearly the above shows, not a strong and weak sense, but two distinct functions being performed. Sentences (1) and (2) make sense because the “pornographic” and “romantic” perform different functions in the same sentence—first to indicate what purpose the thing has or what features the thing was intended to have and second to indicate what (salient) features the thing in fact has or doesn’t have. Sentences (3) and (4) are awkward because only the second function is being performed; as such, they tell us that their respective things both have and do not have certain features. To be sure, “pornographic art” is a meaningful phrase, but obviously its natural reading doesn’t suggest extensional overlap.

VI

Imagine that Andres Serrano’s artwork *TriumFish* (a photograph of a masturbating, half-nude woman dressed in a nun’s habit) wasn’t well received by the artworld. Serrano, in desperation for money, could have sold his photo to *Penthouse*. While *TriumFish* could be used by *Penthouse* to sexually arouse its readership, this doesn’t make it both art and pornography anymore than throwing *The Polish Rider* onto the fire makes *The Polish Rider* both an artwork and kindling, or using *The Thinker* to

weigh down my hot air balloon makes *The Thinker* both an artwork and ballast. For example, Marcel Duchamp's *In Advance of the Broken Arm* looks well-suited to be used as a snow shovel precisely because it is physically composed of an actual snow shovel, but this doesn't make *In Advance of the Broken Arm* both an artwork and a snow shovel. Similarly, Serrano's *TriumFish* may be well-suited to be used as pornography because of its graphic sexual content, but this doesn't make *TriumFish* both art and pornography. This shouldn't be controversial. Advertisers employ artworks (e.g., *Absolut* Vodka) but this doesn't mean that result is both an advertisement and an artwork. Artists employ advertisements (e.g., Richard Prince's *Untitled (Cowboy)* and Andy Warhol's *Brillo Boxes*), but this doesn't mean that the result is both an artwork and an advertisement. Artists may also employ pornography (e.g., Chris Ofili's *The Holy Virgin Mary*), but this doesn't mean that the result is both an artwork and pornography.

Finally, my view supports and is supported by basic intuitions and positions regarding co-location of objects and object/person distinctions. I do not argue for such positions (though they are quite common in the philosophy of art); I simply want to suggest that those who hold such views should find my position amicable. For example, consider the claim that Duchamp's *Fountain* is co-located with a urinal but *Fountain* is not a urinal. *Fountain* was designed to rankle art critics while the urinal was designed to be a receptacle for urine. Jeff Koons's *Moses* (1985) and a Nike poster advertisement featuring NBA star Moses Malone are co-located, but *Moses* is not an advertisement for Nike. Koons's *Moses* is a clever bit of appropriationist art while the Nike poster is hackneyed and lifeless bit of advertising. Let's imagine an artist, in reaction to my project, decides to appropriate as art a *Penthouse* spread. She cleverly titles this bit of appropriationist art, *This is Pornography*, and features this artwork in her gallery exhibition. I think it obvious that *This is Pornography* is not both art and pornography but rather an artwork co-located with a bit of pornography—a work no more metaphysically troublesome than Duchamp's *Fountain*. Furthermore, in virtue of the particular bit of pornography the artist employed, *This is Pornography* may be exceedingly pornographic and may be used to great effect as pornography, but *This Is Pornography* is not pornography (though perhaps a 21st century, inverted version of *The Treachery of Images*—"Ceci n'est pas une pornographie").

Artists and pornographers attempting to create something that is both art and pornography, attempt the impossible. Can pornography

be art or can art be pornography? Neither. Of course, I don't expect my view to radically alter the public debate or sway congressional committees and NEA boards, since a pornographic artwork may nevertheless inherit the problems and worries typically had by pornography, especially when the art is co-located with a bit of actual pornography. My view does, however, change the philosophical landscape by providing a value-neutral exclusion, paving the way for perhaps more apt questions about the relationship between art and pornography.

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1. Matthew Kieran makes this claim in "Pornographic Art," *Philosophy and Literature* 25 (2001): 31–45 and in his book *Revealing Art: Why Art Matters* (London: Routledge, 2005), pp. 151–66.
2. For an elegant defense of the position that art is value-neutral see Stephen Davies, "Essential Distinction for Art Theorists," *Art and Essence*, ed. Stephen Davies and Ananta Sukla (Westport, Connecticut: Praeger, 2003), pp. 3–16.
3. Being true that p is a necessary condition on knowing that p . I needn't have already worked out a definition of knowledge to get the conclusion if false that p , then one can't know that p .
4. Jerrold Levinson, "Erotic Art," *Routledge Encyclopedia of Philosophy*, ed. Edward Craig (London: Routledge, 1999). Levinson also claims (wrongly, I think) that necessarily, pornography is degrading and objectifying.
5. Levinson, "Erotic Art and Pornographic Pictures," *Philosophy and Literature* 29 (2005): 228–40; hereafter abbreviated "EAPP."
6. Note that the point of many of the *Made in Heaven* photographs is that they are posed and shot in much the same way as the photos found in *Penthouse* (ignoring the difference in scale). See *Jeff Koons: Pictures: 1980–2002*, ed. Thomas Kellein (New York: Distributed Art Publishers, 2002), pp. 58–63.
7. Jerry Fodor, "Déjà vu all over again: How Danto's Aesthetics Recapitulates the Philosophy of Mind," *Danto and his Critics*, ed. Mark Rollins (Blackwell, 1993), p. 49; Fodor's italics.