

# Pornographic art - a case from definitions

Simon Fokt

University of St Andrews, UK

sf343@st-andrews.ac.uk

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## **Abstract**

On the whole, neither those who hold that pornography can never be art nor their opponents specify what they actually mean by ‘art’, even though it seems natural that their conclusions should vary depending on how the concept is understood. This paper offers a ‘definitional crossword’ and confronts some definitions of pornography with the currently most well-established definitions of art. My discussion shows that following any of the modern definitions entails that at least some pornography not only can be, but actually is, art.

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The recent heated discussion on whether pornography can be art is surprisingly lacking in specificity (see: Kieran 2001; Levinson 2005; Uidhir 2009; Maes 2009, 2011a,b). Most authors are at best vague when it comes to defining what they actually mean by ‘pornography’, and virtually nobody specifies what they mean by ‘art’. While it might be interesting to discuss whether pornography can be art, based only on some common sense (implicit) understandings of those terms, it would be desirable to find out whether the arguments put forward work with the explicit definitions developed by philosophers of art. This article attempts to check whether there is anything in the definitions of pornography offered in the discussion to preclude it from being art, according to the most successful definitions of art.

The underlying idea is that arguments which exclude pornography from the category of art fail because they implicitly wrongly define art. Most arguments say that pornography cannot be art because it is not  $F$  and art is definitely  $F$  (e.g., ‘aesthetically interesting’, ‘imaginative’, ‘interested in subjects not objects’, etc.). Sadly, in most cases such  $F$ s are not seriously treated as distinctive or necessary properties of art by any definition, and for good reason – usually because they would make the definitions vastly overinclusive.

## 1 What is pornography?

The definitions of pornography I will focus on are those widely discussed in recent literature. Importantly, I will not discuss those definitions which are advocated by authors who do not hold the exclusivist thesis, e.g. Gracyk’s definition involving the ‘pornographic attitude’ (Gracyk 1987). Similarly, I will forego discussing definitions which were already recognised as normative, i.e. those which simply stipulate that pornography is devoid of artistic or aesthetic value. I follow Hans Maes here in thinking that ‘a philosophical enquiry into the artistic status (or aesthetic dimension) of pornography should start with a value-neutral

characterisation of pornography [or the] debate about whether or not pornography can be art would simply be a non-starter' (Maes 2011b: 391).

Several of the criteria that are used to differentiate pornography from art consider the content of given works – or in practice, what is represented in those works. The most often cited criterion (if not one that is limited merely to the work's content) is probably the idea that, while art is about subjects, pornography is about objects, or that pornography objectifies its subjects.<sup>1</sup> Susan Sontag recognises that 'in this notion of the annihilation of the subject we have perhaps the only serious criterion for distinguishing between erotic literature or films or paintings which are art and those which (for want of a better word) one has to call pornography' (Sontag 2009a: 26)<sup>2</sup>. This criterion is later picked up by other authors, notably Roger Scruton, who writes that 'in distinguishing the erotic and the pornographic, it seems to me, we are really distinguishing two kinds of interest: interest in the sexual subject and interest in the sexual object' (Scruton 2005: 12; cf. Scruton 2009: 149, 2006: 154).

In this spirit, one could define pornography as follows:

(P1) For all  $x$ ,  $x$  is pornography iff  $x$  represents sexual activities the participants of which are objectified.

Another definition of pornography, which is not as often used by the exclusivists, but which is perhaps the most popular working definition accepted by most authors, is the one favoured by the Committee on Obscenity and Film Censorship and formulated by Bernard Williams. It combines two features – the content of the representation (which is supposed

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<sup>1</sup>While other criteria might be given, for the purpose of my argument, any definition which concerns the somehow pornographic *content* of a work will work – thus for the sake of simplicity I stop on objectification; a separate criticism of content-focused definitions is found in Gracyk (1987: 104f.). Also, objectification must not only be about content - definitions may mention 'being intended to be objectifying', or 'being treated in an objectifying way', or 'promoting objectification' – however in those cases for the purposes of the present discussion they are equivalent to the definitions discussed below.

<sup>2</sup>While this might imply the exclusivity thesis, elsewhere Sontag states that there are rare cases of pornographic literature which are art (Sontag 2009b: 36).

to be sexually explicit), and its function, or intention with which it was made (to sexually arouse the audience). The definition has been formulated as follows:

(P2) For all  $x$ ,  $x$  is pornography iff  $x$  ‘combines two features: it has a certain function or intention, to arouse its audience sexually, and also has a certain content, explicit representations of sexual material (organs, postures, activity, etc.)’ (Williams 1982: 8.2).

Thirdly, Michael Rea’s definition focuses on how a given object or performance is treated, and claims that it is pornographic if it is reasonable to believe that it will be treated as pornography by most of its target audience (Rea 2001: 120). ‘Being treated as pornography’ is the crucial element of this account and the definition analyses it in four points, quoted below. Rea is set to capture several important intuitions and fix problems of other accounts: he formulates a real definition, which allows that of two tokens of the same type one can be pornography and not the other (depending on their contextual properties). He allows that certain sexually explicit materials may not be pornography and some pornography need not be sexually explicit – similarly, that some pornography may not be arousing to some people while some non-pornography may be arousing to others. Although Rea states on numerous occasions that his definition is not meant to be exclusivist,<sup>3</sup> its popularity and the fact that it can be used by the exclusivists require it to be considered as well. To paraphrase Rea’s definition:

(P3) For all  $x$ ,  $x$  is pornography  $\stackrel{df}{=}$  it is reasonable to believe that most of  $x$ ’s target audience will use (or treat)  $x$  as pornography, i.e. as a communicative material (picture, performance, etc.) that the user treats primarily as a source of sexual arousal and does not use because of any belief that the material was intended to foster intimacy between himself/herself and the subject(s) of  $x$ .

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<sup>3</sup>E.g. ‘my definition [...] allows that pornographic material might have serious artistic or literary value’ (Rea 2001: 141); ‘some may (arguably) be examples of good, or at least decent, art or literature’ (ibid.: 121); ‘the most ubiquitous examples of pornography – pictures of the sort found in Playboy and Penthouse – seem clearly to count as art, it is far from obvious that they count as bad art’ (ibid.: 125).

A clearly exclusivist account is developed by Christy Mag Uidhir 2009, who tries to avoid providing definitions of art or pornography. At the same time, he does provide necessity conditions for being either: pornography is said to have an intended purpose of sexually arousing some audience in any way (i.e. the manner in which the purpose is achieved is ‘inspecific’), while art, whenever it does have a purpose, needs to achieve it in a particular way (i.e. its purpose is manner specific). The two are said to be incompatible, and therefore nothing can be art and pornography at the same time.<sup>4</sup> Thus fourthly:

(P4) For all  $x$ ,  $x$  is pornography iff, amongst other things,  $x$  has an intended manner inspecific purpose of sexually arousing some audience.

Finally, a widely discussed method of distinguishing art from pornography has been proposed by Jerrold Levinson (Levinson 2005). The focus is placed entirely on the function of the work, or more accurately, on how the work was intended to be treated or received. Thus, unlike art, pornography is created with the intention to ‘sexually arouse in the interests of sexual release’.<sup>5</sup> Since arousal is best achieved if the audience believes that what is represented is real, the pornographic works are created in such a way as to appear transparent, i.e. without drawing any attention to the medium. Additionally, by succeeding in sexually arousing, a piece of pornography at the same time prevents one from appreciating it aesthetically or artistically; in other words, it is not just difficult, but utterly impossible to appreciate one thing both aesthetically or artistically, and as means for achieving sexual arousal and release.<sup>6</sup> Finally, following all this, pornography can be

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<sup>4</sup>Whether this conclusion follows from Mag Uidhir’s argument is rather dubious, as pointed out by (Maes 2011a: 55-7); my discussion will show that even if the structure of this argument were valid, it can be challenged by denying the premise requiring manner specificity of art’s purpose.

<sup>5</sup>(Levinson 2005: 230); I will not discuss here Levinson’s ideas concerning the difference between sexual arousal and mere stimulation characteristic of erotic art, or the inevitability of sexual release following arousal – enough has been said about that already by (Kieran 2001; Maes 2011b,a). For the purpose of my argument I am happy to grant that Levinson is right in his distinctions.

<sup>6</sup>Interestingly, this point is also made by (Scruton 2009: 160) and hinted at by (Sontag 2009a: 27), but other authors find it rather counterintuitive and tend to think that the two intentions (and functions) need not be exclusive, and that at least it is possible that one can intend  $x$  to be treated as pornography at one time, and attended to it aesthetically at another (cf. Maes 2011b: 393)

contrasted with art as something we use as means for other ends, something (intended to be) treated instrumentally and not appreciated for its own sake (Levinson 2005: 236).

While Levinson does not provide a definition as such, his arguments entail that:

(P5) For all  $x$ ,  $x$  is pornography iff  $x$  was centrally aimed at sexual arousal facilitating sexual release, which necessarily implicates treating representations instrumentally, as wholly transparent (i.e. with no attention to form, medium, etc.), and with no appreciation for their aesthetic or artistic qualities.

I will not discuss the adequacy of any of those definitions – I believe that enough arguments have already been presented by other authors. Instead, I want to focus on the other side of the question. Rather than ask: ‘are those definitions adequate in picking out pornography?’, I will investigate whether, assuming that those definitions *are* adequate, it is possible that at least some of what they pick out is also art *given the definitions of art we have*.

## 2 The definition crossword

Most arguments against the possibility of pornographic art contain some statements about what art is. Sadly, the great majority of those statements have long been discarded as at best unhelpful by philosophers working on defining art. Importantly, anyone who wishes to make an argument of a form ‘ $x$  cannot be a member of class  $A$  because  $x$  is  $F$ ’ implies that being non- $F$  is a necessary condition for belonging to  $A$ . Thus any arguments which characterise pornography as having (or lacking) a certain property, and because of that not being art, entail that all artworks necessarily must not have (or lack) this property, i.e. that this property (or its lack) is somehow distinctive of art.

(P1) says that pornography objectifies and therefore cannot be art, suggesting that the necessary feature of art is that it never objectifies. Thus any definition of art should

say:  $x$  is art iff  $x$  is  $F$  and  $G$  and  $\dots$ , and persons represented in  $x$  are never represented as objects. However, being concerned with what is represented in works, or how it is represented, is precisely what traditional definitions of art were largely criticised for. And it seems that any definition which would return to such an approach is doomed to failure. There are perhaps two more appropriate claims that could be made here: first, as many feminists have argued, the objectifying nature of pornography means it *should not* be art for moral reasons (e.g. because elevating it to the status of art would further encourage objectification of women (see: Assiter 1988: 68; MacKinnon 1993: 109-25; and many others)); second, one can adopt a moralist stance and argue that a dubious moral status may influence the aesthetic properties of the work. Yet neither of those cases seems to impact the objects' arthood – virtually no definitions of art pay any attention to the work's moral value, and while feminists and moralists might have a good normative point with regards to art evaluation, it is at least not obvious that it should have an impact on classification. Furthermore, holding that great art never objectifies seems simply wrong or hugely revisionary – a great deal of the finest and most established artworks depicting nudes, peasants in the field, slaves at work, soldiers at war, etc. seem to not only present their subjects as objects, but to encourage similar objectification.

According to (P2), pornography is sexually explicit and is intended to be (or has the function of being) sexually arousing. Thus any definition of art should exclude the possibility that art is both sexually explicit and intended to be (or has the function of being) sexually arousing. This is remarkably vague. What exactly counts as explicit? Can parts of the work be intended as arousing, but not the whole? Besides, some fetish pornography is not explicit at all, while some religious art in India and some important secular art in ancient Greece and modern Europe surely are. What is more, it is not at all clear that some artworks are not (and were not intended to be) arousing – Egon Schiele's drawings and some of Rubens' paintings are often quoted as examples.

It is somewhat more tricky to deal with Rea's definition, but it seems that were an exclusivist to hold (P3), she should claim at least that  $x$  is art only if it is not reasonable to believe that its target audience will treat  $x$  primarily as a source of sexual arousal. The problem is that while it seems reasonable to consider the context of a work's creation in determining its status, the context of its reception is rarely taken to be relevant to its arthood. To build on Rea's own example case, it seems that even if historians discovered that van Gogh's *A Pair of Shoes* was in fact commissioned by a secret Shoe Fetishist Society of Antwerp, it would not thereby lose its arthood.

Mag Uidhir clearly states what he believes to be a necessary condition for arthood:  $x$  is art iff  $x$  is  $F$  and  $G$  and ..., and if  $x$  has an intended purpose then this purpose is manner specific. Indeed, it seems that if a painting is intended to be aesthetically pleasing, one should better be pleased by the arrangement of shapes and colours, representational content, etc., rather than by the chemical structure of the blue paint, or the way in which the varnish cracked in the upper left corner. However, while this might be common or even standard of art, it is unclear whether it is really necessary. On the contrary, it seems that artworks can have many purposes and many ways to achieve them, and there seem to be examples of artworks which clearly have at least one manner-inspecific purpose: propaganda posters and some religious art aim to convince the audience to adopt a certain ideology and it seems irrelevant to their success whether they do it by drawing attention to their formal features or e.g. thanks to the authority of a person depicted in them.

Levinson would have us believe a number of things are necessary of art. To hold (P5) he would have to argue that artworks necessarily cannot be aimed at sexually arousing the audience, and require contemplation and attention to their aesthetic or artistic features, and draw our attention to their form, medium, etc., *and* are to be appreciated disinterestedly, for their own sake. While the first of those points may be tenable, it seems that the others are not, unless one wants to deny the status of art to, respectively, anti-art and political art, at least some realist painting, photography and cinema which aim at



transparency of the medium, and all art which was not created or meant to be appreciated purely or even mainly for art's sake. Every one of those requirements is problematic, and their conjunction would constitute a definition unable to withstand century-old criticisms.

What, then, would happen if one were to check the above definitions of pornography against definitions of art which are actually advocated at present? Let me examine several of the most respected definitions in turn, in all cases asking two questions: is at least some pornography art?; and can any pornography ever be art? For the purpose of the argument I will use *The Story of O* as an example of a work which seems clearly pornographic on all the definitions of pornography discussed, yet has considerable aesthetic and artistic value, and has been often claimed to be an artwork (see e.g.: Sontag 2009b; Rea 2001; Maes 2011a).

## The institutional theories

There are a number of institutional definitions of art, and for the purpose of this paper I will rely on the most popular one, formulated by George Dickie in his *Art and the Aesthetic*:<sup>7</sup>

A work of art in the classificatory sense is (1) an artifact (2) a set of the aspects of which has had conferred upon it the status of candidate for appreciation by some person or persons acting on behalf of a certain social institution (the artworld) (Dickie 1974: 34).

How does this definition treat pornography? Firstly, it says absolutely nothing about the content of works which pretend to arthood – in fact, the work's content is utterly irrelevant to its status. Thus, were pornography defined as (P1) or (P2) would have it, there is nothing which would prevent it from being art if the institutional definition is right.

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<sup>7</sup>Dickie's later definition, as well as Danto's early artworld theory and institutional definitions by Diffey, Bourdieu or other authors, are equivalent in all aspects relevant to the present enquiry, and need no separate discussion.

Secondly, works can become art in the institutional sense irrespective of what they were intended to be in the first place, and thus whether an image was intended to be arousing or not, or whether it was intended to be arousing in a manner specific or inspecific way is again irrelevant to the question of whether it is art or not. Following this, (P2)'s second conjunct also fails to establish that pornography cannot be art, as does (P4) and (P5)'s intentionality clause.

Similarly, while it may seem that it is how an object is treated that matters for an institutionalist, the definition merely requires that it should have the status of appreciation conferred upon it, not that it should be treated in a non-pornographic way, thus allowing for pornography in the sense of (P3) to be art as well.

Finally, it is unimportant for an institutionalist whether an object is appreciated aesthetically or artistically; in fact, Dickie argues that there is no such thing as aesthetic appreciation at all. In this light, (P5)'s claim that being aroused by pornography prevents one from appreciating it aesthetically or artistically is again irrelevant, as such appreciation is not required for the conferral of the status.

In sum, none of the claims made by exclusivists are even remotely relevant to what makes objects art in the institutional sense. On the contrary, it seems that some pornography can be, and some of it actually is art. It is artifactual in the same way as art, it can have the art-status conferred upon it, and it is not at all impossible that other institutions should overlap with the artworld. Clearly, such social institutions as the state or religion can, so why not the porn-world? Thus such works as *The Story of O* can be treated as examples of works which are pornographic and yet art in virtue of the art status having been conferred upon them by members of the artworld.

## Historicism

Would adding an intentional element such as is present in Levinson's historical definition change something? Historicists defend something of the form:<sup>8</sup>

For all  $x$ ,  $x$  is an art work at  $t \stackrel{def}{=} x$  is an object of which it is true at  $t$  that some person or persons, having the appropriate proprietary right over  $x$ , non-passingly [or: seriously] intends (or intended)  $x$  for regard-as-a-work-of-art, *i.e.* regard in any way (or ways) in which objects in the extension of 'art work' prior to  $t$  are or were correctly (or standardly) regarded.<sup>9</sup>

Once again, any definition of pornography which is focused on its content would fail to establish the exclusiveness thesis, because the historical definition says nothing about the content of the works whatsoever. Moreover, objectification and exploitation are present in many historically established artworks, as pointed out by numerous feminist and Marxist critiques, and thus pornography is actually rather similar to a great deal of past art.

Accepting (P3) offers little more hope for an exclusivist. What matters for Rea is how works are actually treated by their target audience, and how they were intended to be treated is irrelevant (Rea 2001: 133), while what matters for a historicist is the complete opposite: how works were intended to be treated is important while how they are actually treated is not. Since it is perfectly possible that a work should be intended to be regarded as art, yet end up being treated by most people as pornography, there can be pornographic art.

While (P4) does refer to intentions, it does not seem that this should be worrying. The historicists require merely that art should be intended to be regarded in ways similar to past art, which leaves two routes for escaping Mag Uidhir's conclusion: first, it is not at

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<sup>8</sup>Again, the following analysis should be valid for other historical definitions or historical narration theories, such as Noël Carroll's (see: Carroll 1994).

<sup>9</sup>(Levinson 1979: 240); in his 1989: 31, fn 8 Levinson decided to use the term 'seriously' in place of 'non-passingly', and I will follow him in that below.

all clear that all past art which was intended to have a purpose was also intended to have a manner-specific purpose (propaganda art being an example). Accordingly, pornography could be intended to be treated as this art has been treated. Secondly, even if all past art has been so intended, present and future art can change that – provided that a pornographic work will be intended to be treated relatively totally or completely as past art (perhaps even with respect to everything save the manner-inspecific sexual arousal).

Historicists, however, have more to say about the artist's intentions. It seems that since artworks need to be seriously intended to be regarded in a way in which prior artworks were, which, assumingly, was not as a tool for sexual arousal, artworks cannot be pornographic in the sense of (P2) and (P5). But is this really the case? First and foremost, it seems historically inaccurate to state that artworks were never aimed at sexual arousal – all over the world, from Greek vases to Indian sculptures of Khajuraho, to Japanese shengu, to Schiele's drawings, the history of art is full of representations of sex, at least some of which have been intended to be arousing, i.e. were pornographic. Surely these are artworks, and if so, a modern artist is free to create pornographic images which she intends to be regarded in the same way these works were correctly regarded, i.e. with arousal – thus making them art.

What is more, the historical definition would be quite odd if it did not allow artists to intend their works to be regarded somewhat differently from past works – otherwise there could be no significant historical development in art. In fact, Levinson states rather vaguely that works should be intended for regard which is 'relatively complete or total' in comparison to how art has been regarded before, i.e. can be intended to be regarded slightly differently (Levinson 1989: 24). So while historicist definitions might successfully exclude the regular mass-produced pornographic videos which are certainly not intended to be regarded in ways similar enough to how art was regarded, it must fail with somewhat more sophisticated pornography. Works such as *The Story of O* not only can be, but are intended to be, regarded in a way very similar to how past artworks have been regarded. It seems

rather arbitrary to say that e.g. Scriabin's *Le Poème d'extase* is art in virtue of it being intended to be regarded in most ways similar to how romantic music has been regarded, even though it was mainly intended to be treated as a tool for mystical enlightenment and purification of the soul, while at the same time claiming that *The Story of O*, which was intended to be regarded as past literature, is not art, because it was also intended to be arousing. Unless one can give a good argument as to why being arousing suddenly pushes things beyond the line of the 'relatively complete or total' way of being regarded, it seems simply unjustified to exclude the more 'artistic' pornography from the domain of art.

Levinson attempts to provide such an argument, claiming that being aroused by a pornographic work essentially excludes the possibility of appreciating it aesthetically or artistically. But this betrays the spirit of the historical definition itself: it seems to suggest that what makes objects art is not the historical context of their creation or their authors' intentions, but some historically invariable features, e.g. being intended for disinterested aesthetic appreciation. Saying that pornography is impossible to appreciate aesthetically or artistically is very different from saying that it cannot be *regarded in a similar way to past art*. In fact, one of the advantages of the historical definition lies in the fact that it does not specify how art should be *universally* regarded, because it acknowledges that art is regarded differently at different times. This is what makes the definition historical. If one were to forfeit this, historicism would lose its appeal.

Thus to sum up – Levinson's definition of pornography would make pornographic art impossible on his own historical definition of art, if the historical definition entailed that art has to be regarded with attention to the aesthetic and artistic properties or value. Fortunately, Levinson's definition of art does not require anything like this, and thus even on (P5) it does allow for pornographic art to exist.

Pornographic art is not excluded by historicism because, first, the historical definition does not make the content of the work or how the work is actually treated relevant to its status as art. Second, the correct ways of engaging with past art might have already

included sexual arousal or following a work's purpose in a manner-inspecific way. Third, works can be partially intended to be regarded differently from how past art has been regarded, provided that the overall intended way of being regarded is similar enough. Given all this, there is no reason to deny arthood to works such as *The Story of O*, and so pornographic art not only can, but does exist.

## Functionalism

Again, for simplicity's sake, I will limit myself here to discussing the classic version of functionalism advocated by Monroe Beardsley in his 'Redefining Art', which, for the purpose of my analysis, is equivalent to other functional definitions given by, *inter alios*, Nick Zangwill and Gary Iseminger<sup>10</sup>:

(...) an artwork is *either* an arrangement of conditions intended to be capable of affording an experience with marked aesthetic character *or* (incidentally) an arrangement belonging to a class or type of arrangements that is typically intended to have this capacity (Beardsley 1982: 299)

Here the content of the work is not explicitly referred to in the definition, but since the work is required to be capable of affording an aesthetic experience, its content should enable, or at least not prevent it from doing so. However, on (P1) there is still no reason why pornography cannot be art, because there is nothing inherently preventing aesthetic experiences in objectification. Similarly, the sexual explicitness invoked in the first part of (P2) need not be problematic-to quote Maes, even if 'Freud was right when he said that the genital areas in themselves are hardly ever regarded as beautiful, [...] that does not mean that representations of the genital areas cannot be beautiful' (Maes 2011b: 389), and as such provide an aesthetic experience.

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<sup>10</sup>If anything, the definition offered by the latter is only easier to deal with, as surely even some bad pornography can promote aesthetic communication, though likely such which will scorn it (Iseminger 2004: 23).

Secondly, although the requirement for the aesthetic capacities of works to be intended by their authors seems to go against the intention to arouse quoted in (P2), the two need not be exclusive. Neither (P2) nor Beardsley's definition claim that the respective intentions need to be the only ones – and as a matter of fact there are pornographic films whose authors did intend them to be aesthetically pleasing as well (e.g. much fetish pornography, including *The Story of O*), just as there are artworks which were primarily intended to have a non-aesthetic function (e.g. byzantine icons, USSR propaganda posters). Incidentally, were one to follow different functionalist definitions which speak of the aesthetic function directly, rather than of the intentions for a work to have this function, the issue would be resolved similarly – the fact that  $x$  was intended to be arousing, thus satisfying (P2), does not mean that it cannot at the same time actually have an aesthetic function.

The treatment of (P3) and (P4) would be analogous. It could be said that being commonly treated as pornography is (for present purposes) the same as functioning as pornography, and although the quoted definition requires that the work's function is intended (while for Rea, intentions are irrelevant), this may not affect other versions of functionalism. However, as above, the fact that  $x$  has a pornographic function does not mean that it cannot be art in virtue of having an aesthetic function as well, even if it were secondary. A defender of (P4) could claim that having a purpose and having a function are equivalent, and it is important that art has a manner-specific aesthetic function, not the manner-inspecific function of arousing an audience. But again, it is perfectly possible for one object to have both functions and qualify as both art and pornography independently.

Even though (P5) introduces the claim that objects intended to be arousing cannot also be aesthetically pleasing, this need not worry us. For Beardsley it is completely irrelevant whether anyone actually does have an aesthetic experience when looking at a work, as long as this work is (and was intended to be) *capable of* affording such an experience. Beethoven's 9th Symphony would not cease to be an artwork if all humans turned into musical ignoramuses incapable of appreciating it, and similarly *The Story of*

*O* can still be an artwork even if typically people do not appreciate it aesthetically but get aroused instead. Moreover, even if we grant Levinson that one cannot possibly experience Pauline Réage's novel aesthetically *while* using it as pornography, it can still be capable of providing aesthetic experiences at other times (Maes 2011b: 393). And since it is enough for a functionalist that an object is able to perform the aesthetic function, pornographic art is possible. Again, the issue would be resolved parallelly were one to follow a definition which speaks directly about having the aesthetic function rather than being intended to be capable of having it. Having a function does not entail having *exclusively* this one function, or being appreciated for this function at all times. For example, most architecture is more often appreciated for providing a safe and comfortable space to live, pray, work, etc., than for its aesthetic features. Equally, pornography is perfectly capable of having both the arousal and aesthetic functions, and being art in virtue of possessing the latter.

Finally, the second clause in Beardsley's definition seems to defeat all doubts about the possibility of pornography being art – surely pornographic movies belong to the class of movies, pictures to photography, and novels to literature? This part of the definition was designed to deal with cases of uncertain authorial intentions (Beardsley 1982: 305-6). But clearly such cases can also arise in the context of pornographic works. In fact, they do, and works such as Schiele's drawings, Japanese Shunga or ancient Greek vases are all treated as art, even though their subject is clearly pornographic and in some cases they were certainly produced with the intention of being sexually arousing. While this definitely does not mean that all pornography, in virtue of being set in artistic media, is thereby art (similarly, as not all fiction and photography is), at least *some* pornography qualifies as art.

For a functionalist, a pornographic work can be art if it was intended to be capable of providing aesthetic experiences, or, where the authorial intentions are uncertain, it is a member of a class of objects typically created with this intention. The content of the work is irrelevant to its categorization unless it can be shown that it renders the work completely



incapable of providing aesthetic experiences. Similarly irrelevant is the fact that the author might have intended her work to have other functions or that it is treated in other than aesthetic ways, as long as the aesthetic function is also present. Even if it is impossible that a work actually functions as both art and pornography at the same time, pornographic art is still possible if the author intended it to *be capable of* functioning as both, or if it can function as both but at different times. So there seems to be no reason why, on a functionalist definition of art, the sort of pornography which is also intended to afford aesthetic experiences could not be art, and moreover, it seems that some pornography, e.g. *The Story of O*, actually is art.

## The cluster accounts

If the definitions considered so far allowed for debate about the possibility of pornographic art, there can certainly be none for the advocates of any form of disjunctive or cluster definition. Since these accounts hold that no single property can be necessary for being art, pornography cannot be excluded from the domain of artworks just because it lacks a certain property, whatever it may be.

For example, on Richard Kamber's three-step definition pornography certainly can be art, because even if one were to argue that it cannot fulfil the third disjunct of the definition (e.g. cannot have the aesthetic function), it definitely can (1) belong to a genre and (2) have an institutional backing (Kamber 1993: 315). If one were to follow Władysław Tatarkiewicz's definition, one could easily allow for the existence of pornographic art identified as (1) having representational qualities, or (2) being formally interesting, or (3) expressing experiences capable of evoking delight, shock, or other emotions (Tatarkiewicz 1971: 150).

Finally, the most developed cluster account offered by Berys Gaut similarly would have no problems in allowing for pornographic art.<sup>11</sup> Clearly at least some pornography

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<sup>11</sup>(Gaut 2000). In my discussion I depend on the particular cluster of criteria quoted by Gaut, even though Gaut himself does not want to defend it specifically. However, since the existing set seems at least roughly adequate and has not been seriously challenged, and adding new criteria might only help my case,

can possess several of the criteria cited by Gaut, e.g. being expressive of an emotion, presenting an individual point of view, being original, being a product of a high degree of skill, belonging to an established artistic form. Further, some good pornography such as *The Story of O*, can possess positive aesthetic properties, be formally complex and coherent, and be (partially) intended as an artwork. It seems perfectly reasonable to think that any work which satisfies the above set of criteria should be art. Importantly, the fact that a work may have some other properties (e.g. being sexually explicit or aimed at arousal) is simply irrelevant to its arthood, because the cluster account allows neither single necessary, nor defeating properties.

## Other definitions

The above selection certainly does not exhaust the list of definitions of art currently defended. However, these four seem to be the frontrunners in the present discussion, and thus a representative sample to establish a case.

Many of the other definitions are in fact a modification or an eclectic combination of these theories, and as such they are susceptible to the same or very similar criticisms. For example, Robert Stecker offers a historical-functionalist account: an object is art if it either belongs to an art form which is central at the time of classification, and was intended to perform this form's function by a competent author; or it belonged to a form which was central at the time of its creation and similarly was intended to fulfil the functions of that form by a competent author; or it achieves excellence in fulfilling a function of any of the art forms central at the time of classification (Stecker 1990: 271).

As can be expected, an eclectic view based on definitions which allow for pornographic art also allows for pornographic art; if anything, it makes it less problematic. The objectifying or explicit content of pornography is irrelevant, as even if it could prevent works from

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I do not think this is problematic. What is more, another disjunctive theory offered by Denis Dutton confirms Gaut's choice by listing a very similar set of criteria (Dutton 2000: 233-5).

achieving excellence in fulfilling any functions of any art form, pornography usually belongs to central forms (literature, film, photography), and thus it is enough that it is *intended* to perform any such function; failure in achieving excellence would merely make it mediocre art. The actual treatment of a work is also irrelevant, as a work treated as pornography can be intended to have art-relevant functions, and any work can achieve excellence in any art form regardless of how it is treated. As to the requirements of intentionality and functionality present in (P2), (P4) and (P5), a historical functionalist does not in any way restrict the functions a work can fulfil; as long as it is intended to fulfil functions standard for art forms at the time either of creation or classification, the author can intend it to have whatever other functions he wishes alongside.

Furthermore, historical functionalism not only makes pornographic art possible-it even allows that it could become a major art form, and that virtually all pornography produced at present could become art. It is possible that at some future time eliciting sexual arousal could become an important function of some art forms. In this case pornographic works of the present which are intended to fulfil this function would, by the first part of the definition, *post factum* acquire art-status.

Admittedly, there are definitions which are not just a combination or modification of the four listed above. However, it would be impossible to discuss every single theory of art in one paper, and a cursory overview of some other accounts suggests that it might be hard to find one which would not allow for pornographic art. To give one example, Arthur Danto's account states that  $x$  is an artwork if (i)  $x$  is about something and (ii)  $x$  embodies its meaning (Danto 1998: 195). However, here neither the content nor the treatment, nor intentional or functional characteristics of objects seem to have any bearing on their status as art. In fact, as Noël Carroll has argued (Carroll 1997: 387), this might be a major problem of this definition, because as it stands, it seems to allow for virtually any cultural artifact to be art. Since pornographic movies, pictures, novels and performances are certainly cultural artifacts, there is nothing that would prevent them from being art

as well. Danto's attempt to save his theory by distinguishing fine art from commercial art (Danto 2000: 135) only seems to further complicate the issue. Surely even an average pornographic movie has representational character and embodies its meaning. Following this, it seems that all pornography should be treated at least as commercial art, while some better pornography can join the fine arts pantheon.<sup>12</sup>

### 3 Pornographic art

On all the above definitions, pornography can be, and some of it actually is, art. Importantly, it can belong to the category of art *simpliciter* – not some sort of intermediate category of pornographic art, or artistic pornography, or anything like that. It can be art in the very central sense of the word.

This leads to two conclusions: either (1) pornographic art can and does exist, or (2) all of the currently most seriously treated definitions of art are wrong. It seems to me that throwing away all the best definitions of art we have simply because we do not want pornography to be art, is unreasonable. Moreover, arguing that, since all the above definitions allow for pornographic art, they cannot be right, may lead one dangerously close to accepting a normative stance, which would effectively answer a completely different question – whether pornography *should be* art.

Perhaps, then, the definitions of art we use are simply incomplete? Perhaps they should be modified so that they include such necessary conditions as those implicitly pointed at in definitions of pornography? One must surely see the futility of such a project – as I argued above, all of the discussed properties the possession of which would become necessary for anything to be art are highly questionable. Were it necessary for all art to treat the persons it portrays as subjects, a large portion of allegorical literature and nude portraits would not be art. Were it necessary that art be not explicit or intended to arouse, at least some

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<sup>12</sup>Danto himself definitely thought that pornographic fine art is possible, (see: Danto 2002: 51).

nude portraits, and definitely some well known Greek vases, Khajuraho sculptures and shengu pictures, could not be art. The status of the same objects would be called into question were it necessary that art should not be treated by its target audience primarily as a source of sexual arousal. Finally, if all art were necessarily aimed at aesthetic experience and opaque, a significant portion of anti-art, political and religious art, etc. would not be art either. An important aim of the quest for a definition of art has been to ensure that such a definition would not be overly exclusive, or that it would include all things which intuitively are art. Accepting any of the above conditions would constitute a huge step backward in this journey.

What might seem to be a solution to the dilemma is simple scepticism – it is not at all uncommon, after all, to be sceptical about virtually all definitions of art, or even to explicitly argue that art cannot be defined. However, while such a stance is understandable, it would not serve the present discussion, simply because adopting it would compel one to be equally sceptical about the implicit statements about art present in some definitions of pornography. One would have to doubt whether all art has to treat the persons it portrays as subjects, whether art cannot be sexually explicit, whether it has to be aimed at aesthetic experience rather than sexual arousal, and so on. One may lose the explicit proof that pornographic art is possible, but neither would one have any reason to think it is impossible. Such scepticism would be far from a confirmation of the exclusivist thesis, and there would be little intellectual gain in adopting it.

Were one, however, to follow any of the definitions of art discussed above, one would have to accept the possibility, and likely also the actual existence, of pornographic art. While particular definitions would differ in determining which pornographic works exactly qualify as art, they all allow for *some* to be art. Given any of the modern definitions of art, at least some pornography can be and is art.<sup>13</sup>

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