

## NEWS US & Americas

# When is nude too rude?

Growth in "revenge porn" legislation could criminalise artists and institutions working with naked images

### ART AND LAW

**New York.** The recent media coverage of leaked nude images of celebrities, such as the actress Jennifer Lawrence, has drawn attention to US legislation regarding sexual privacy in the digital era. But these bills do not protect artists who portray nudity in their work, according to cultural organisations and civil-rights advocates who say that the issue is pitting women's rights campaigners against artists and privacy against free speech.

Over the past year, at least 28 states have introduced legislation restricting various forms of non-consensual pornography, including "upskirt" and "downblouse" photos, as well as so-called "revenge porn" on the internet. Meanwhile, Jackie Speier, a California congresswoman, is drafting a federal bill that she hopes to introduce next year.

"For an issue that was barely on the public's radar two years ago, this is an impressively large-scale response," says Mary Anne Franks, an associate professor at the University of Miami School of Law, who is co-writing the federal bill and also advised Maria Miller, the former UK culture secretary, on similar legislation.

The proposed bill could include exemptions for artists, but several of the existing state laws have been written more broadly. According to Carol Squiers, a curator at the International Center of Photography in New York, some suspect that this is an attempt by lawmakers to promote "another agenda, and that is to erase images that politicians and the people who support them don't like". As examples of exhibitions that could be at risk under some of the new laws, she

**"The cases here involve non-consensual images of young women"**

points to the centre's 2005 Larry Clark retrospective, as well as this year's Jeff Koons show at the Whitney Museum of American Art, New York, which featured nude images of the artist and his ex-wife. Squiers says that the "culture wars" of the late 1980s are an example of anti-pornography activism gone wrong. In 1989, the Corcoran Gallery of Art in Washington, DC, cancelled a Robert Mapplethorpe retrospective, and the next year, Cincinnati's Contemporary Arts Center faced obscenity charges for mounting it.



Exhibitions of works by artists such as Jeff Koons (above) and Diane Arbus could fall foul of the US's new sexual privacy laws

making of images is a dangerous step, as such restrictions are often deployed against those most likely to need protection or understanding, such as artists and political dissidents, the cases under consideration mostly involve non-consensual images of young women – a group always vulnerable to predatory behaviour".

She argues that privacy laws could go even further in protecting non-consensual photography, sexualised or not. "Street photographers make exhibitions, reputations and money from turning others into 'victims' of their camera," Rosler says. "Those unable to escape such photographic attention are often poor people, street people and homeless people."

The state of Texas takes a different view. "The camera is essentially the photographer's pen and paintbrush," wrote Judge Sharon Keller when she struck down a law banning covert photography in September. A person's intent to create images "is entitled to the same First Amendment protection as the photographs and visual recordings themselves", she wrote.

There are already laws to protect other forms of private information, however – so why not sexual privacy? Mary Anne Franks says: "While I'm sure

there's an artist out there who would argue that making an exhibit of individuals' private medical records would be 'artistic', I haven't seen any protests by the ACLU or the art community about HIPAA [Health Insurance Portability and Accountability Act] laws."

Rachel Corbett

### Artist drops plans to show Lawrence nudes

The artist Xvala cancelled his plans to exhibit life-sized prints of the nude photographs hacked from the phone of the actress Jennifer Lawrence (below) at a Florida gallery last month. The actress's lawyer threatened to "prosecute anyone who posts the stolen photos", but Xvala – who pasted posters of leaked nudes of the actress Scarlett Johansson on the streets of Los Angeles in 2011 – says he simply had a change of heart. R.C.



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