

Penniless Portraiture

Artists Sophie Calle and Vito Acconci have taken photographs of people in public spaces without their knowledge.¹ The artists have profited from the sale of these portraits to galleries, collectors, and museums. These institutions have, in turn, also profited from reselling the photographs and displaying them in exhibitions. All the while, the subjects of these photographs have not received a penny from the sale of their likenesses. With this art, people and institutions are profiting from displaying subjects who are unpaid.

Commercials are inextricably used for market purposes. They are created and shown with the express purpose of selling products. Like the portraits, people and institutions profit from commercials. The subjects used in commercials, however, are compensated for their work and from their depiction. Actors, and arguably the rest of society, would be in opposition if commercials used their subjects' depictions for profit without any compensation. Such a move would likely be considered theft, unfair, and unethical business practice

Conversely, for-profit news channels display the likenesses of people in their stories everyday without payment. From video footage of crowded streets, the interiors of malls and sporting events, to public recordings of passersby, newsreels extensively depict people who are not paid for their appearances. This form of content is central to the workings of news stations and, therefore, is required for them to profit. The content strategy employed by news channels is seldom questioned in common discourse and is typically accepted as fair practice.

Art is often seen as existing in a different arena than the media produced for commercials or news broadcasts in the public consciousness. Despite this, the art world operates in a similar fashion and, in the case of Calle and Acconci, can lead to profit for those that make and sell the work and nothing for those the work depicts. On one hand, entering a public space may entail agreeing to be photographed. The artist's choice to put that work on the market may then be considered morally permissible. However, because the subject is fundamental to the art's existence--and therefore, its sale--it may be that the depicted persons are morally entitled to some form of compensation.

DISCUSSION QUESTIONS

1. Is it ethical for artists and art institutions to profit from the sale of work that depicts subjects who are not compensated?
2. What differentiates the production and dissemination of art from that of commercial content or news broadcasts, for example?
3. Do the uncompensated subjects of portraiture have grounds to complain about exploitation? Why or why not?

¹ <https://hyperallergic.com/305869/following-sophie-calle/>

