Sensitive Content & Nudity

Clients and models sometime inquire about our policies on creating nude, erotic, violent, or other potentially sensitive or adult content. I've tried to answer the typical questions here, but if you can't find the info you were looking for please contact me to discuss it.   --Jeff

Q: "I think I want to try creating some images in a style that would require some degree of nudity and/or sensuality. Can you do that sort of work?"

A: As an artist I consider myself open-minded, and rest assured you can discuss just about any creative idea or question you may have, confidentially and without offending me. However, my answer to this depends on the intent of the photo shoot. I have no interest in creating "cheesy porn", or what would be considered legally 'obscene'. Granted, those are subjective terms. Suffice it to say that I reserve the right to refuse work that I believe fits those descriptions and/or would jeopardize my professional reputation. However, if the intent is artistic and professional the answer is almost always "yes", you can commission me for work that includes nudity or other sensitive content. Fine art images, intimate portraiture, thematic images, and elegant glamour/boudoir are examples of genres that may appropriately use some degree of nudity. In such cases, great care is taken to respect your security, privacy, and discretion -- before, during, and after your photo session. Likewise, since my artistic and professional reputations are also at stake, clients are asked to agree to certain conditions with respect to the appropriate use of any sensitive images we create.

Q: "If we do a shoot, would I be commissioning *you* or would AI be hiring *me?*"

A: Either is certainly possible, depending on the situation and the intended use for the images. AI specializes in portraiture, fine art, and publicity work, but we occasionally do commercial or advertising work. So we'd typically work one of these three ways:

1. You can commission AI to create portraits or personal art images specifically for your private use. In this case, our standard creation fees and print prices usually apply.
2. We may collaborate on a purely artistic endeavor or test shoot, in which case AI would technically be hiring you as a model and would retain ownership of the images. Payment would depend upon agreement; in cases where the project is mutually beneficial to AI and the model(s) it may be some sort of in-kind arrangements such as TFCD (model's time in exchange for digital images and permission from AI to use them in some manner, such as for a model's portfolio).
3. In other cases, a third party may have commissioned AI to create images for a specific artistic or commercial purpose such as a gallery display or fashion publication. In these cases, a signed agreement will be required to verify everyone understands and agrees to the nature of the images and their acceptable use.

Q: "I'm concerned about privacy and use of my images. What are my options?"

A: We absolutely respect clients' and models' privacy before, during, and after photo sessions. For details please see the [AI privacy policy](#) and the Content Rating below, or contact Jeff. To summarize: we do not release your personal information without your permission; your photo session can be completely private; and, you will have "veto power" over the use or display of any images that may be sensitive in nature. For even greater discretion, you can select our Privacy Plus policy. In that case, details and images related to your session are available only to you and the photographer, unless specifically approved by you and the photographer for sharing with anyone else.

Q: "But nudity is pornographic and illegal…right?"

A: Some people firmly believe that any nudity or sensuality in a photograph, in any context, automatically makes that image pornographic. I'm not out to change anyone's beliefs, but that interpretation seems unfortunate. (What does it say about us as a race if we can only associate the human body with "unwholesome filth"?) More to the point, neither U.S. nor Maryland law (nor a few thousand years of art history) assume that the fact a subject is partly or fully nude makes an image pornographic or obscene. Instead those distinctions depend on the *way* the subject is depicted, and the apparent *intention* of the image. Generally speaking, for an image to be legally classified as pornographic it must contain "lascivious display of the genitals" and/or explicit depiction of sexual acts. To further be considered legally 'obscene' (and thus illegal in many cases), it must also be 1) entirely prurient in nature, AND 2) patently offensive according to community standards with respect to sexual matters, AND 3) have utterly no social value (i.e. has no artistic, expressive, or informational merit).

The other dynamic affecting the legality question is the intended use of the images. For example, an image that would be illegal to display in a public gallery or website might be perfectly legal in the context of personal portraiture or art kept in the private domain. If in doubt, ask. I'm no lawyer, but I can usually help determine appropriate measures to assure your project and images are not legally risky for either of us.

Q: "What about YOUR limits -- how can I tell what is OK to ask AI to create? "

A: If you mean how explicit or "sexy" *your* images can be, it's generally up to you to draw that line based on what you want the images to express and your personal comfort zone. I am a professional, working for the client – not the other way around. Therefore I try not to impose strict 'moral limits' based on my personal tastes. However, I reserve the right to assure that any assignments accepted by Ardent Images:
  • do not invite legal scrutiny or risk (in either the creation or use of the images),
  • are handled appropriately to avoid damage to my (or anyone else's) reputation,
  • do not associate me or A.I. with work that may deter other prospective clients,
  • are in no way exploitative, disrespectful, or degrading to anyone involved,
  • respect human dignity and are created in a non-coercive, deliberate manner,
  • stay within what I deem appropriate from my artistic and professional approaches.
In general, that is determined by things like pose, expression, lighting, perspective, and visual emphasis. For more specific guidelines, AI policies on sensitive content are tied to the following adapted version of an Internet content rating system (ICRA).

Rating Level	Description of Potentially Sensitive Content	Ardent Images Policy	Minimum AI Privacy Level
0	Nudity: none shown or implied in any context; attire accepted anywhere (U.S.)	Permissible For Any AI Assignments	Standard
	Contact: no intimate or sexual contact depicted or implied in any context		
	Violence: No injury, torture, killing, assault/rape, or blood and dismemberment of humans, animals or fantasy characters (including animation) in any context.		
1	Nudity: Implied (but not actual) partial nudity and/or moderately revealing attire. No buttocks, breasts or genitals visible in any context. Example: swimwear, lingerie, etc that would be acceptable in appropriate public contexts.	Permissible For Any AI Assignments	Standard
	Contact: No passionate kissing, obscured/implied/explicit sexual acts or touching, erections, or erotica in any context. May contain mild intimate contact of a non-erotic nature such as in the context of affection for family or friends.		
	Violence: No injury, torture, killing, assault/rape, or blood and dismemberment of humans, animals or fantasy characters (including animation) in any context.		
2	Nudity: Partial (or full-but-modest) nudity portrayed with non-provocative pose, composition, and emphasis. Bare buttocks and/or breasts in artistic or photojournalistic contexts only; no genitals in any context. Example: intimate portrait or abstract depiction of the torso or body.	Permissible For Any AI Assignments	Enhanced
	Contact: No obscured/implied/explicit sexual acts, visible sexual touching, erections, or erotica in any context. May contain touching or kissing of an affectionate or mildly romantic nature, but only in a non-erotic context.	Permissible For Any AI Assignments	Enhanced
	Violence: Implied/obscured injury, torture, killing or blood/dismemberment of fantasy characters only in artistic or storytelling context. None of aforementioned of humans or animals, or any sexual assault/rape, in any context.	OK With Precautions	Enhanced
3	Nudity: Tastefully portrayed full nudity (no suggestive posing or composition). Bare buttocks and/or breasts in any context; genitals only in artistic or non-erotic photojournalistic context. Example: fine art or thematic figure study.	OK With Precautions	Enhanced
	Contact: Passionate kissing or in any context. Obscured/implied sexual acts, mild sexual touching in an artistic context. No explicit sexual content in any context.	OK With Precautions	Privacy Plus
	Violence: Injury, torture, killing or blood and dismemberment of fantasy characters only in artistic or storytelling context. Of the aforementioned, only implied/obscured in the case of humans or animals. No sexual assault or rape.	OK With Precautions	Privacy Plus
4	Nudity: Unrestricted nudity of any kind; may be considered suggestive but without emphasizing lascivious or lewd display of the genitals. Example: glamour nude images, mild erotic art, intimate boudoir portraits.	OK With Precautions (Age 18+)	Privacy Plus
	Contact: Obscured or implied sexual acts, visible sexual touching, and passionate kissing in any context. Explicit sexual content or erotica in artistic context only.	With Strict Precautions (Record of Age 18+ Required)	Privacy Plus
	Violence: Injury, torture, killing or blood and dismemberment of fantasy characters in any context. That of humans or animals in artistic or storytelling context only. Implied/obscured sexual assault in storytelling context only.	With Strict Precautions (Age 18+)	Privacy Plus
5	Nudity: Nudity of any degree that includes posing and/or compositions of a graphically sexual / erotic nature. Example: graphic nude emphasizing genitals.	Depends on Assignment and Strict Precautions (Record of Age 18+ Required)	Privacy Plus
	Contact: Unrestricted (legal) sexual touching or acts of any kind, depicted graphically (but not legally "obscene"). Example: sexually explicit images.		
	Violence: unrestricted violence of any kind in any context, including assault/rape.		
+	Any content that is illegal (e.g. legally 'obscene'), exploitative, devoid of artistic or journalistic merit, and/or intended for inappropriate use.	**Never** Permissible	n/a

Q: "Are there different policies for different types of subjects or people?"

A: When the above guidelines are followed, additional catch-all restrictions are not usually necessary. However, "the devil is in the details" so each photo session must be designed to be appropriate for the specific subject(s). For example, an intimate portrait of a child or preteen would not be designed the same way as a boudoir session might be for an adult, even if the overall style was similar. Ratings 0 through 3 are suitable and legal for any subject, if photographed appropriately. Ardent Images requires a permission form signed by a parent or legal guardian for <u>any</u> photography sessions which include underage subjects. Subjects in Rating Level 4 or 5 images must be at least 18 years of age, with proof of age records on file.

Q: "What types of photography might use nudity appropriately?"

A: Some examples of photography in which tasteful nudity is sometimes used tastefully:

- Fine art figure, dance, or physique/fitness photography (using the body to create dramatic shapes, textures, etc; portraying the beauty, grace, and strength of the human form)
- Artistic expression project to convey an emotion or concept (e.g. purity, solitude, intimacy, strength), or in the context of depicting an artistic theme (e.g. angels, faeries, etc.)
- Intimate portraiture, fashion, glamour, or tasteful "boudoir" photography

Q: "I don't like most pictures of myself. What if these pictures turn out bad?"

A: Most people have not taken the time to have a personal, professional photo session and have only seen themselves in mass-production school portraits and the like. Your session with AI is different. Each session is custom designed, and with as much artistic creativity as you are willing to invest. Keep in mind that *our* reputation for professionalism and high quality images is also at stake, and this is a business built upon reputation, referrals, and repeat business. So we work hard to earn and keep the trust of our clients – before, during, and *after* the photo shoot. My portraits and artwork seem to leave even our most self-conscious clients feeling good about the way they look in the images. However, as mentioned above and in the AI Privacy Policy, you have additional control over any images that may be sensitive in nature. You need not worry about anyone else seeing images you want to keep private.

Q: "Are there special considerations or preparations I should know about for a good session & results?"

A: Please see our document, Session Guidelines which includes some instructions for things to keep in mind prior to your shoot. You may also want to check out our detailed Privacy Policy which allows you to protect your identity and restrict use of your images.

Q: "What if I want to produce images depicting violence or gore, horror, etc?"

A: This is usually feasible, but as with other images I reserve the right to limit or reject a project that I feel has no redeeming artistic quality or which may damage my professional reputation. I do not like 'pointless violence' so if you just want to see how disgusting or shocking of an image you can make, I'm probably not the best photographer for you. But if the images you have in mind have a valuable context, are expressing or stating something relevant, or attempt to tell a visual story with some depth, then I'd be glad to discuss the possibilities with you.