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## ART CREATION AND HUMAN REPRODUCTION

Freedom allows you to do what you want,  
and the greater application of instrumental reason  
gets you more of what you want, whatever that is.

— Charles TAYLOR (1991, 21)

The following paper is an analysis of performance *IMMACULATE* by Casey Jenkins. The performance presents an act of artist's self-insemination with semen from a donor. *IMMACULATE* prompts the author to ask question if it is morally acceptable to perform auto-fertilization as an art itself. The article is divided into four sections. First, describe the idea and the context of *IMMACULATE*. In the second section, the author consider if the artist's actions are pretended and when they may be authentic. The third section discusses the artist's action in the context of intentional blurring of boundaries between real life and world of art and the artist and the audience suspension between ethical and aesthetic norms. In the fourth part the author discuss critically objections against *IMMACULATE* that have ethical significance. Moreover, exemplifies problems with interpretation performance art in the context of traditional aesthetic categories like "artwork," as well as problems with identification of an artwork and recognition of art boundaries in spatial-durational, institutional and moral dimension. The article is based on the assumption that art is not autonomous. Thus, the author shows appreciation to the the moral dimension of an artist's freedom and responsibility for taken actions supporting the view that the value of art is not dominant over the human.

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TRANSFORMATIVE PERFORMANCE *IMMACULATE*:  
OVERVIEW

Casey Jenkins 41-year old Melbourne artist started her performance *IMMACULATE* during coronavirus pandemic 2020 with the support of arts organisation—Vitalstatistix Adhocracy fostering development of new art and performance. *IMMACULATE* is entangled with a series of ethical problems in the context of reproductive and parenting rights and its limits. It recalls issues of socio-political conditions of living potential parents that do not fit into the ideal of heteronormativity. The performance exposes the existing problems facing single and queer parents due to social taboo. Artist has been live streaming the act of self-insemination exploring experience of queer reproduction as an alternative of traditional and heteronormative parenting model. The personal experience incorporated into the realm of art is intended to be repeated during every month ovulation until conception. Jenkins, already a mother of a child, desires and hopes to have another baby conceived without intercourse with a man and bring it up without a father. Thus, she called her performance *IMMACULATE* alluding to Christian dogma of Immaculate Conception of Virgin Mary. She challenges heteronormative family model that excludes queer reproduction seen as an aberration.<sup>1</sup> She aims to turn into reality her artistic and parenting vision and to challenge social conventions and bigoted convictions creating “a sanctuary for reflection on non-hetero [sexual] reproduction.”<sup>2</sup> She expressed clearly her artistic goal:

By inviting audience to witness an intimate moment of queer creation, solitary and unembellished, I am inviting them to insert their judgements on the validity of my experience. My hope is that, as hypocritical and bigoted judgements do not thrive in open air, they'll wither outside the safe shield of taboo and allow attitudinal transformations to take root.<sup>3</sup>

Jenkins emphasises that her performance has cognitive and transformative character. She seems to provoke ethical debate amongst audiences to rethink and verify their beliefs about possible ways of reproduction, procreative and parenting rights. She hopes for acceptance and understanding of her decisions.

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<sup>1</sup> *IMMACULATE*, accessed September 23, 2020, <https://casey-jenkins.com/works/immaculate/>.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

## PRETENCE AND AUTHENTICITY

Jenkins is not on the stage where theatrical conventions apply. She is performing as herself in a private place. However, how can one be sure if she uses real semen as she claims? Although it is live streaming no one is physically present with the artist to verify ovulation. Access to her room is possible only via camera. Medium may cause illusion. Ultimately we do not know if she goes through the motions of self-inseminating and creates fiction so characteristic for artwork. Not always the action of the artist identifies with what the performance shows. This is a common problem of boundary between pretence and reality of an artist's actions.

The English word "act" has ambiguous meaning that indicates doing something for a particular purpose in everyday life as well as performing a part in a play. Hence "[i]t may be the essence of sincerity—the commitment of the self to a line of action for ethical motives perhaps to achieve »personal truth«, or it may be the essence of pretence—when one »plays a part« in order to conceal or dissimulate" (TURNER 1982, 102).

In *IMMACULATE*, actually, there are premises leading to the conclusion that the artist is not pretending during self-insemination. In the context of Jenkins performance audience mostly trust that she is acting truly, not pretending, and her personal life goal overlaps with artistic one. The process of conception—whether successful or not—is supposed to be subordinated to artistic purposes according to the performer's project. Jenkins built a trust that her act is real by direct speech to the audience. She has already ovulated two times. On the video *Cycle 1* she informed the audience that "the donor has been spooked by a torrent of abuse, and he is afraid that he will be targeted next with good reason and he has decided to not process today" (*IMMACULATE, Cycle 1*). Thus, she could not perform self-insemination. Instead of that, Jenkins reminded audience that if they are adults they control by themselves their own bodies and choices. She added "It's a pity that you want to control mine as well" (*IMMACULATE, Cycle 1*). This remark emphasizes women's moral autonomy—ability to govern her body, and to decide about the way that art and family are created. In other words, she tries to preserve boundaries of her freedom. Perhaps one can also consider the hypothesis that the artist aspires to authenticity. Throughout *IMMACULATE* she realizes her moral-parental choice and artistic decision. Categories of human agency and responsibility, especially in their moral sense, apply in here. A child is a possible effect of self-insemination and art. If a baby is con-

ceived, he or she will face the consequences of previous decisions and actions of parents. *Cycle 1* live-stream gave Jenkins an opportunity to reveal her intentions, feelings, and beliefs and define meaning of the project:

This work was to document and illustrate the hope and simple wonder of a perfectly legal and common process of attempting to conceive a child in the way which is happiest for my family which is without the man. [...] My family like billions around the world is not deficient because it does not have a man... My family is beautiful, my family is strong, and whether you like it or not my family is growing. I will continue to try to have a child. I will continue to proudly document my experience and express myself throughout the process because there is nothing shameful in how I create my family. (*IMMACULATE, Cycle 1*)

In the following quote a phenomenon of shame is understood as appearing in the context of stigmatization of a deviant group and “device to bolster public morality” (NUSSBAUM 2004, 223).

On the day of *Cycle 2* a donor delivered a condom filled out with semen to the artist’s gate following Stage 4 lockdown rules. “You might just witness the moment of conception” (*IMMACULATE, Cycle 2*) or “to consider moments of misconception” (*IMMACULATE, Cycle 2*)—she said and once again resisted criticism saying “I am creating this work and I am creating this family” (*IMMACULATE, Cycle 2*) and “In the frame of my creation there is only hope” (*IMMACULATE, Cycle 2*). Afterwards, Jenkins disappeared for a few seconds then moved on the sofa to lie on and support legs on the wall. Artist inserted the sperm using a needleless syringe and stayed in this position around 20 minutes. The act itself was quiet and purely technical. Only title *IMMACULATE* was flashing on the wall with strobe light.

Going back to the first mentioned meaning of the word ‘act’ may I note that it was a crucial ideal for Polish artist and theatre theorist Jerzy Grotowski who claimed that the performer is a man of action, not a man who plays someone else (GROTOWSKI 1999, *Performer*, 214). In fact, not pretending is hallmark of performance art and could be interpreted as a way to release a theatre from the image of artist-deceiver that has been preserved in culture since Plato’s times (see KAWALEC 2013a, 13–14). However, not pretending, from Grotowski’s perspective, was never trivialised just to be an explicitly real act. Anna Kawalec, writing about aesthetic of theatre, comments Grotowski’s ideal as following:

[p]retence, play, falsehood in the conception of the Polish artist, do not concern theatrical means of expression, do not relate at all do the nature of theatre. Falsification is

an antonym of the authenticity of the actor as person. These are categories from the plane of philosophical anthropology whereas they express human's moral attitude. Purely aesthetic categories are not able to explain an authentic attitude, a false answer of actor, a cognition, understanding, and choice-making, they are not able to get to grips with truth of "confession" or act of fulfilment of actor as a person. (KAWALEC 2013b, 110)

The problem of an authentic action in the context of art does not have to be contrary to the pretence unless an actor playing a part is not faithful to the personal truth including the truth of moral commitment (see KAWALEC 2013a, 13, 19). Thus, it would be superficial to call an artistic action authentic just because it was real. Kawalec suggests that authenticity of a performer goes beyond the limited aesthetic categories. In Kawalec's interpretation, although the performer becomes authentic through individual work with himself, he never loses from his horizon another person as the right point of reference. The term person is interpreted by Kawalec in the context of Wojtyła's conception of the person.<sup>4</sup> The reference to Wojtyła's personalism suggests, first of all, that the performer needs others to shape her authenticity. Second, it reminds about the respect for any person and considering other person in one's decisions.

Authenticity is directly connected with the freedom of choice because it might be formed only through the choices. However, to define your own authenticity is not enough just to make any choice. It was point of critique made by Charles Taylor who provided an extensive analysis of the contemporary moral ideal of authenticity that in his opinion slides towards moral subjectivism<sup>5</sup>. Taylor critique refers to the problem of value of an individual choice in the perspective of moral horizons. According to Taylor "[t]he affirmation of the power of choice as itself a good to be maximized is a deviant product of the ideal" (TAYLOR 1991, 22). Canadian philosopher explains what it means:

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<sup>4</sup> The anthropological-philosophical conception of the person by Wojtyła was accurately presented by Rocco Buttiglione. He explained that Wojtyła's phenomenological analysis presents person as both a substance (*subiectum*) and a relation. The person may discover and build herself solely through the relations with other humans. The quality of this relation play vital role in the fulfilment of a person's being. See BUTTIGLIONE 1994, 21–22.

<sup>5</sup> Taylor explains: "By this I mean the view that moral positions are not in any way grounded in reason or the nature of things but are ultimately just adopted by each of us because we find ourselves drawn to them. On this view, reason can't adjudicate moral disputes. Of course, you can point out to someone certain consequences of his position he may not have thought about. So the critics of authenticity can point to the possible social and political results of each person seeking self-fulfilment. But if your interlocutor still feels like holding to his original position, nothing further can be said to gainsay him" (TAYLOR 1991, 18).

All options are equally worthy, because they are freely chosen, and it is choice that confers worth. The subjectivist principle underlying soft relativism is at work here. But this implicitly denies the existence of a pre existing horizon of significance, whereby some things are worthwhile and others less so, and still others not at all, quite anterior to choice. (TAYLOR 1991, 37)

Taking into consideration Taylor's suggestions, one can imagine that any witness of performance may ask if an artist's decisions, for instance to self-inseminate in a frame of art and so on, are right and well justified or are they valuable just by the virtue of the artist's choice? The role of witness seems to be important for an artist on her way to authenticity. The artist declared that she invites audience to „insert their judgements.” However, if one can say that relation between the artist and the audience is dialogical, similar to the discovery of the Socratic truth? It might be only if the artist wants to respond before herself. The performer needs witnesses<sup>6</sup> to be creative (KAWALEC 2013b, 110)<sup>7</sup> in building herself to become authentic as an artist and as a human.<sup>8</sup>

#### ARTISTIC ACTION AS A PART OF LIFE AND LIFE ACTIVITY AS A PART OF ART

There is ambiguousness with identification of artwork in context of *IMMACULATE*. There are questions whether an artwork is merely illustration (imitation) of self-insemination process or an artwork is purposeful action oriented for a conception of a child. Whether goals of art and life are fully independent realities or not? One of the possible interpretations is that, regarding an artist's reproductive life goal, the video could be seen just like a targeted product of an artist. Another one would be that the video could be just a remnant (copy or documentation) of the artist's performance but not the final artistic target. At the same time, live-streaming and recorded video must be treated as an essential medium, the only way that performance is accessible.

<sup>6</sup> Jenkins invites audience to witness her creation which highlights the relational aspect of her art.

<sup>7</sup> In the sense proposed by Kawalec: “Art is false if a man, who is creating it, does not aim to identify the purpose of his life and he does not pursue it. Art is false if an artist — exactly in that sense — is not creative” (KAWALEC 2013a, 19).

<sup>8</sup> Compare with Taylor remarks about human's dialogical relations — TAYLOR 1991, 47–48. See also Wojtyła's conception of a person who can discover herself only in relation with others. WOJTYŁA 1994.

It is already well known that after so-called “performative turn” in arts like theatre, visual arts, music, literature, works of art as product of artist activity, existing independently from creator and recipient, yield to events initiated by artists in which the process of creation itself is displayed and involves the audience. It was a big change of conditions in which art is produced and perceived. Erika Fischer-Lichte explains that as following:

The pivotal point of these processes is no longer the work of art, detached from and independent of its creator and recipient, which arises as an object from the activities of the creator-subject and is entrusted to the perception and interpretation of the recipient-subject. Instead, we are dealing with an event, set in motion and terminated by the actions of all the subjects involved—artists and spectators. Thus the relationship between the material and semiotic status of objects in performance and their use in it has changed. The material status does not merge with the signifier status; rather, the former severs itself from the latter to claim a life of its own. In effect, objects and actions are no longer dependent on the meanings attributed to them. As events that reveal these special characteristics, artistic performance opens up the possibility for all participants to experience a metamorphosis. (FISCHER-LICHTE 2008, 22–23)

Such an event can become real interaction between people where the artist is no longer the only creator, perhaps, just co-author. Audience can interpret the performance as an initiated event dependent not only on an artist but also on a donor. Audience have seen how important is the role of a donor on *Cycle 1* when Jenkins could not perform self-insemination. Audience is involved in *IMMACULATE* while they respond to the artist in comments and emails showing approval, critique or trying to ban performance.

The consequence of mentioned changes is the changed relation between subject and object of creation. Fischer-Lichte considers the relation between subject and object “not as dichotomous but as oscillatory” (FISCHER-LICHTE 2008, 17). Applying this remark to *IMMACULATE*, Jenkins is, at the same time, the subject and object of self-insemination. Although such an event is supposed to be aesthetically analysed, I see reasons to include the moral aspect of a creation in the sense that artist develops herself morally by every deed. It would be consistent with Jenkins’ emphasis of the moral autonomy.

In the light of performativity aesthetic, elaborated by Fischer-Lichte *IMMACULATE* as an artwork is not completely independent from Jenkins as its object and subject. It would be inappropriate to focus just on the video as a right artwork and separate it from physical actions taken by Jenkins. Fischer-Lichte says that:

traditional distinction between the aesthetics of production, work, and reception as three heuristic categories seem questionable, if not obsolete. There no longer exists a work of art, independent of its creator and recipient; instead, we are dealing with an *event* that involves everybody – albeit to different degrees and in different capacities. If “production” and “reception” occur at the same time and place, this renders the parameters developed for a distinct aesthetics of production, work, and reception ineffectual. (FISCHER-LICHTE 2008, 18)

However, Jenkins speaks about her “artwork.” Using this term may connote interpretations common for aestheticism or formalism where the value of artwork depends on formal or aesthetic criterion. The sequence of artist’s actions that aims to the artwork creation is understood simply as technical thus subordinated to specific, aesthetic norms distinguished from ethical norms that are not applicable. Such interpretations sprouted on the ground of Kantian views on morality, especially dichotomy between aesthetic and ethical judgments. In *Critique of Judgment* Kant distinguished moral judgements as different from judgements of taste as purely aesthetic and ruled on no principles.<sup>9</sup> This opens a way to separate the realm of art from human activity. In the context of the discussed performance, such dichotomy seems to collapse. It would be controversial to claim that an artist’s choice to self-inseminate with assistance of a donor is merely a matter of style or aesthetic form, unless one supports a reduced view of morality based on aesthetic and subjectivity. For example, like Foucault did while challenging modernist ethics at the helm of Kant (GARDINER 1996, 27–46).

The decision to conceive a new human is a moral decision involving responsibility for a child. It is not reducible to a technical decision on how to present and perform self-insemination. Ethical aspect of an artist’s creation should not be excluded or neglected if the artist, by sequence of action during performance, pursues her life goals. Her action involves dual norms aesthetic and ethical. If she is able to create and rationally realize a certain conception of (moral) good her art should be a compatible part of it. Looking from an audience perspective, the performance artist involved them into a situation where they are “suspended between the norms and rules of art and everyday life, between aesthetic and ethical imperatives” (FISCHER-LICHTE 2008, 12). Real deeds of the artist engage audience and challenge their sense

<sup>9</sup> “A judgment of taste [...] is merely contemplative, i.e., it is a judgment that is indifferent to the existence of the object: it [considers] the character of the object only by holding it up to our feeling of pleasure and displeasure. Nor is this contemplation, as such, directed to concepts for a judgment of taste is not a cognitive judgment (whether theoretical or practical) and hence is neither based on concepts nor directed to them as purposes.” (KANT 1987, 51).



of what is right and wrong. The audience may feel obligated to react in the form of supportive or critical comment. Some of them may disturb performance due to its moral and customary controversy and disrespect it as an art.

If the acts of artists are their own in the sense of not pretended behaviours why call it art? Primarily, what we call performance does not appear exclusively in the realm of art. To describe the structure of performance, Richard Schechner proposed the term “restored behaviour” that points the distance between self and behaviour which for self is like a role for an actor. Therefore, Schechner explains:

The self can act in/as another; the social or transindividual self is a role or set of roles. Symbolic and reflexive behaviour is the hardening into theatre of social, religious, aesthetic, medical, and educational process. Performance means: never for the first time. It means: for the second to the  $n^{\text{th}}$  time. Performance is “twice-behaved behaviour.” (SCHECHNER 1985, 36)

In the sense mentioned above, not only an artist on the stage restores behaviours but everyone. The difference is that in real life there are no theatrical conventions. Moreover, those acts are intended to be an art and the audience accepts such a convention. Unquestionable role in this process plays the arts institution.

According to Schechner, a choice is an essential characteristic of performance. As he says “restored behaviour involves choices. Animals repeat themselves, and so do the cycles of the moon. But an actor can say no to any action. This question of choice is not easy” (SCHECHNER 1985, 37). This remark opens the problem of human’s freedom in the philosophical-anthropological context. *IMMACULATE* shows an artist who is first of all a creator of her own life especially if she does not create fiction. It makes the relation between moral subject and artistic subject obvious in comparison to traditional perspective where morality and art are relatively autonomous, albeit not entirely independent (MARITAIN 1960).

#### CRITIQUE OF IMMACULATE

Although, ethical criticism of art was not popular amongst philosophers and many saw it as either inapplicable or conceptually unjustified, its value is getting stronger. As Noël Carroll notes “the ethical evaluation of art flourished in the critical estate. Indeed, with regard to topics like racism, sexism,

homophobia, and so on, it may even be the case today that the ethical discussion of art is the dominant approach on offer by most humanistic critics, both academics and literati alike” (CAROLL 2000, 350). Audience judgements of *IMMACULATE* are mostly and explicitly associated with ethical regards or they are not differentiated between moral and aesthetic. Self-insemination performed within a frame of art caused contrary reactions amongst recipients from affirmation and applause to repugnance and criticism. Some of them express love of artwork and consider the Jenkins family beautiful. Others appreciate creativity and consider pushing boundaries of art as a value in itself. However, disgusted witnesses contest if such a conduct is right or acceptable. For example: “the live streaming of the insemination that is repugnant because it commodifies human beings” or: “I’m a donor-conceived person, and I think this is dehumanizing and offensive to the child you hope to conceive.”<sup>10</sup> Quotations point out dehumanisation and commoditization of a human being. Both of them, like many other negative comments, imply reduction of human value. The third objection—offence to the child, actually could be seen as a consequence of reduction of a human being value. However, a child as long as does not exist cannot take offence unlike donor conceived people who witness the performance. Moreover, *IMMACULATE* was live-streamed on a private blog, with clear warning on nudity, bodily fluids. Videos required password for the person to be able to view. Thus, the viewer has a choice of whether to watch or not. Watching performance is a matter of consent for possibility of being offended or shocked.

The controversy relies here on the ethical-aesthetic aspect of action taken by the artist. The self-insemination by Jenkins is perceived by some viewers as repugnant or disgusting probably due to bodily fluids she used or because of exposing genital-area but actually it was not well visible. *IMMACULATE* caused also indignation that is a different emotion than disgust. Martha Nussbaum explains that “[t]he core idea of disgust is that of contamination to the self; the emotion expresses a rejection of a possible contaminant. The core objects of disgust are reminders of mortality and animality, seen as pollutants to the human. Indignation, by contrast, centrally involves the idea of a wrong or a harm” (NUSSBAUM 2004, 99). Indignation may be justified or not thus it requires an argument.

Commoditization argument refers to commercial value of art that possibly can be the object of a business transaction. If self-insemination is performed

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<sup>10</sup> <https://www.facebook.com/CaseyJenkinsArtist>, Catt Jernigan’s comment to the Jenkins post on 14.08.2020.

as an art, might be a source of financial profit for an artist. One can try to argue that in some sense a new human possibly conceived in performance is also commodified as a part of the show. This objection is implausible if a child is not conceived. Perhaps, it would be more reasonably to say that the process of conception is commodified.

Presented form of conception is a purely technical act that makes no difference between two aspects of creation—reproduction and art creation. Whether the artist through fertilization is producing an art or producing a new human being? The answer is not obvious. Performance is going in between the boundaries of art and life. If a newly conceived human is supposed to be a product of artistic activity then a child seems to be objectified through a technical (artistic) process. The argument of objectification is based on two presuppositions. First, the target of artist's actions is an artistic product. Second, presented self-insemination is identified with process of artistic creation. It leads to the conclusion that effect of the process is a new human as a work of art<sup>11</sup>.

In analysis, the artist's explanation of her performance must be also taken into consideration. After Australia Council cut financial support for her work, she said:

Australia Council have grossly and insultingly mischaracterised my artwork as an "act that could result in bringing a new life into the world." As I have repeatedly articulated to Australia Council and as they are well aware I am not trying to conceive as an artwork. I have been trying to conceive for some time and in my artwork *IMMACULATE* I am simply documenting and presenting the perfectly common, legal and ethical process of self-insemination. (*IMMACULATE*)

*IMMACULATE* meets some interpreting problems. In performance art, taken actions are understood as an artistic process. If conception is the final accomplishment of this process one can try to say a child is conceived as an artwork. However, term "artwork" is derived from tradition of aesthetic and might be seen as obsolete in the light of aesthetic of performativity. Thus, if category of artwork does not fit to Jenkins' performance one can say that a child cannot be compared to an artwork because this process does not aim to produce any independent artefact. But Jenkins describe *IMMACULATE* as an artwork. The concept of artwork matches the production of video. Perhaps, one can describe *IMMACULATE* merely as kind of documentary movie and

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<sup>11</sup> Thus, there rises a question for other discussion whether the act of insemination itself may be an art creation?

thereby the artist's conduct in private life will be separated from the video as an artwork and art will keep autonomy. However, such an interpretation is questionable because artist chose convention of the performance art not the form of a documentary movie. In the performance process of self-insemination can be seen at the same time as real action and an aesthetic process of creation according to the scenario. To perform for the audience Jenkins fitted body position, movements and face expression. She provided inscription *IMMACULATE* with light effects. It indicates a situation itself meant to be put on display; the situation itself meant to be a work of art not a child. Nevertheless, the direct consequence of performance is possibly fertilization and development of new human being what is compatible with performativity<sup>12</sup> of art. If a child is conceived his or her status is "an effect of the art performance."

There is also another significant remark that the artist decided to self-inseminate with collaboration and support of an art institution (Vitalstatistix Adhocracy 2020) that was life streaming and promoting *IMMACULATE* (see Vitalstatistix Adhocracy 2020). The art institution has power to transfer performed actions and objects into the art world (DANTO 1964, 571–584). Thus, Jenkins self-insemination is not merely private act in real life; it became an artistic event.

Objectification argument has its weaknesses. It assumes the existence of an offspring but in the performance there was no child; until now there was even no entity that one can discuss if it has the moral status of a person. However, seems that even attempt to inseminate as an art production may be criticised because the process of conception taken together with its goal is subordinated to art itself. It may suggest that art is the value itself superior to the value of a person. Particularly significant in this context are words of Gabriel Marcel that in a distortional relation to another person one treats another like a "means of resonance or an amplifier" (MARCEL 1951, 18). Quoting Marcel, "we might say that the other person is the provisional and as it were accessory medium, through which I can arrive at forming a certain image, or idol of myself; the work of stylisation by which each of us fashions

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<sup>12</sup> Idea of performativity originally comes from the philosophy of language in which John L. Austin proposed neologism "performative" to name linguistic utterances that are not statements but perform actions and do changes in reality. Thus every performative act of speech is constitutive and self-referential it does not express anything except of created reality. Idea of performative acts was assimilated in cultural theory, later became crucial to develop aesthetic of performativity supporting thesis that not only language has transformative power but art as well. See explanation of the performativity concept: FISCHER-LICHTE 2008, 24–29.

this image might be traced step by step” (MARCEL 1951, 18). Although, there is no child yet, insemination in the frame of art and for art purposes expresses depersonalising approach to another person in a general sense. Marcel expresses that as following:

I am possessed of unquestionable privileges which make me the centre of my universe, while other people are either mere obstructions to be removed or circumvented, or else those echoing amplifiers, whose purpose is to foster my self-complacency. I propose to call this illusion moral egocentricity, thus marking clearly how deeply it has become rooted in our very nature. (MARCEL 1951, 19).

Controversy consists in ignoring the value of a person (future child) in artistic decision-making.

Following objections refer to Jenkins’ parental decision that she wants to promote by her performance. They are based on the presupposition that if a child is conceived during performance she or he has human dignity (*The Universal Declaration of Human Rights*, art. 1). As a consequence, the premise of dignity raises arguments concerning the good and rights of the offspring. Including such deliberations seems to be questionable because self-insemination was not successful. Thus, there is no one that may have any rights to be violated. Even if the conception was successful it would be still unjustified to speak about rights of unborn child because “*descriptive term* »unborn child« does not entail any *normative* propositions regarding the moral status of human embryos and foetuses, especially using the language of moral or legal ‘rights.’ The conclusion does not follow, however, that an embryo or foetus thereby fails to have ‘independent moral status’” (EBERL 2008, 44). Arguments related to the rights of a child do not apply directly to what the artist already performed. They refer to the possible consequences of an artist’s decisions in the future if a baby is born. They are part of theoretical debate around the *IMMACULATE*.

The title of performance *IMMACULATE* indicates that Jenkins deliberately excluded the father from relation with the child. Moreover, she wants to deprive the potential child of the knowledge of a biological father that seems to be integral for her/his identity (MEERUM TERWOGT, MEERUM TERWOGT REIJNDERS, and VAN HEKKEN 2002, 257-271). It was main objection between donor conceived people:

As a donor conceived person and a Fine Art graduate, I’m disgusted you have been funded to make this work. I make work about the psychological impact donor conception can have on the individuals conceived. Have you not thought of this?

Being DC can become an identity crisis even though many of us have been raised in loving homes.<sup>13</sup>

Parents have moral parental rights and one of them is to make decisions over many aspects of their child's life. However, potential harm to the offspring as a consequence of a wrong parent decision could be a reason to limit parental right. As harm could be considered violation of a child's interests and rights to know the father and relatives to build its biological and personal identity.<sup>14</sup> Rights and interests of a offspring, obviously only if the child is already born, may collide with the rights and interests of a mother who does not want to reveal biological truth for a reason. It is a subject matter of legal debate especially if "A gap may be said to exist between the recognition of children's rights in international law and the best interests-led duties of parents, wider society 'and science in particular" (DIVER 2014, 147).

The artist as a mother made decision to have another baby and happy family which is understandable. On one hand, it causes empathy among the audience. On the other hand, the audience suggests the artist's decisions to conceive a child with donor assistance within art and to exclude father from the relation with a child are not well-informed so not well justified. Jenkins seems to ignore suggestions of donor conceived people that the knowledge about genetic father is needed. Perhaps, her attitude expresses pride<sup>15</sup> that does not allow understanding. But Jenkins has her own reasons. In her opinion donor conceived children feel "indifferent" about the way of their conception and there is nothing pathological in the existence of children. She defends her choice about donor conception recalling scientific study (ZADEH, ILIOI, JADVA, and GOLOMBOK 2018, 1099–1106). However, the same study says that "[t]he majority of adolescents expressed a desire to either know who the surrogate or donor was, or to meet them" (ZADEH, ILIOI, JADVA, and GOLOMBOK 2018, 1099–1106). Moreover, this study does not elaborate identity prob-

<sup>13</sup> Nikita True comment to the Jenkins' post on 13.08.2020, *Announcing: IMMACULATE a new live-streamed art project*.

<sup>14</sup> Compare article 8. (Protection and preservation of identity) according to *United Nations Convention on the Rights of The Child*: "Every child has the right to an identity. Governments must respect and protect that right, and prevent the child's name, nationality or family relationships from being changed unlawfully." A summary of the *United Nations Convention on the Rights of The Child*.

<sup>15</sup> Category of hubris as a moral category is not commonly used to describe artistic attitudes what seems to be a consequence of autonomistic view of art. However such a view is questionable, and category of hubris seems to relevant in the context of cult of art and artist in western culture as Anna Kawalec proposed. See KAWALEC 2020.

lems in the context of absence of biological father.<sup>16</sup> Finally, there is nothing about the consequences for someone conceived within the art. Her allies suggest that there are opinions about such a conception between donor conceived people and voice of activists cannot be representative.

Although, in the context of *IMMACULATE* one can recall ethical problems like justification of queer reproduction and parenthood, limits of reproductive and parental rights, acceptability conception with donor assistance, moral status of human embryos etc. It may be considered as a supporting value of *IMMACULATE*. Nevertheless, from the perspective of this paper those problems are only linked and not basic. For the purpose of this article the most important question is whether it is morally allowed to inseminate in a frame of art performance? Whether real insemination can be a means of artistic expression? Those questions arise in the light of the artist's freedom as an unlimited and unclear boundary between the course of life and art.

The first issue discussed by philosophers is justification of reproductive rights in general that can be based, for example, in autonomy to self-govern (See DWORKIN 1993), or in interest that people have in giving birth or parenting (See ROBERTSON 1994). The second issue is about the limits of reproductive rights, for example, by the threat of harm to the child. But, in the context of art performance a question is not about limits of artist's reproductive rights, it is a question about the limits of artistic expression that the artist does not recognise. Even if the manner in which a child is conceived during the art performance is harmful for a child it does not restrict artist's reproductive rights unlike artistic expression. Possible harm might be, for example, stigmatization of a child as an effect of art, but there is no evidence that this is a necessary consequence. Arguably, one should leave deliberations about moral harm until there is a child. However, if we exclude from the interpretations and critique of *IMMACULATE* the factual goal of mother's insemination which is new human (not zygote, embryo or foetus) just because it is 'imaginary child' then we mutely agree for art to be blind to human as a point of reference and blind for its own consequences.

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<sup>16</sup> There is only short remark that „[t]he transition from childhood to adolescence has been described as a crucial time for identity formation and the development of personal autonomy. Given that this is also a time of increased understanding of biology and genetic relatedness, adolescence represents a unique developmental stage that may present particular challenges for those conceived through reproductive donation.” ZADEH, ILIOI, JADVA, and GOLOMBOK 2018, 1099–1106.

## CONCLUSION

The article presented analysis and interpretation of *IMMACULATE* in the context of changes in art after so-called performative turn. Consequently, it is not easy to separate the process of art creation from artwork itself. Therefore, *IMMACULATE* is not reduced to documentary video or illustration but it includes the process of its creation that is procreation process. The illustration implies that there is something independent from illustration itself. Then, the illustration is a right artwork unlike depicted act itself or sequence of actions leading to creation of illustration. One can easily imagine an illustration of auto-fertilization made without factual insemination and the threat of argue whether a child was conceived as an artwork. In performance art the person of an artist is becoming an object and a subject of art and live performed acts are considered as an art. Self-insemination is not simply part of artist's life since it has been incorporated into the art world. Performed in front of the camera attempt to conceive a child was neither pretending nor just a scene from life. It was a live streamed and recorded artistic event. Performing self-insemination in the frame of art the artist agrees to accept its consequences, especially conception of a child. Perhaps, it is not clear if a moment of conception may be an inseparable part of the performance by Jenkins. From a biological point of view insemination is a process that lasts longer than 25 minutes video.<sup>17</sup> Albeit, it is not convincing that *IMMACULATE* is an artwork as a product (the video). Thus, it may be understood even as a long term process (repeated every month). Conception is a desirable part of performance as accomplishment of initiated process. In *IMMACULATE* Jenkins radically welds the process of artistic creation with the parenting process of procreation. Both processes are kind of creation but not identical due to their different goals—a new human being and artwork (or other artistic goals). The artist does not differentiate between them using only the term “creation.” Decision to mingle different types of creation leads to the conclusion that a child is an artwork or at least an effect of art. Is it a defect of art construction, misunderstanding of the audience or challenge of art theory?

Making no difference between art creation and child reproduction the artist is exposed for moral critique that she ignores in artistic decision-making value of a new human being. The critique applies even though in performance there is no child or, as Jenkins says, it is only “imaginary future

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<sup>17</sup> See “Stages of prenatal development,” verywellmind, accessed 10.11.2020 <https://www.verywellmind.com/stages-of-prenatal-development-2795073>.



child” (*IMMACULATE, Cycle 1*). Artwork having a defect is not good artwork. Perhaps, *IMMACULATE* is valuable art because it makes experience of queer reproduction visible, supports reproductive rights and provoke ethical debates—but why at cost of real conception? Is it really not possible without that? I suggest that setting such a boundary, on one hand, will be a step for the artist to climb on the top of creative ability. On the other hand, it will be an opportunity to preserve authenticity that does not have to be contradictory with pretending.

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#### ART CREATION AND HUMAN REPRODUCTION

##### S u m m a r y

The article is about performance *IMMACULATE* (2020) by Casey Jenkins focused on problems of queer reproduction. The artist intended to live stream an act of self-insemination every month during ovulation until conception. The author provides critical analysis and interpretation of the performance in the context of pretence and authenticity of the artist's actions. Flowingly, the author discusses deliberate blurring of boundaries between artist's life and art, between human reproduction and artistic creation, and explains the relationship between process of creation and its artwork. Finally, the author discusses possible objections to *IMMACULATE* including issue that a child may

be conceived as an artwork. The core of this controversy starts from welding of art creation and procreation. However, resigning from real insemination does not have to undermine the authenticity of art performance or it can make it even more authentic. The author emphasizes the moral aspect of artistic decision-making either in the context of authenticity of art creation or the relational dimension of art where any artistic action taken towards other humans is significant.

**Keywords:** authenticity; donor conception; reification; limits of artistic expression; offence.

## TWÓRCZOŚĆ ARTYSTYCZNA A REPRODUKCJA CZŁOWIEKA

### Streszczenie

Artykuł dotyczy performansu *Niepokalana* (2020), w którym australijska artystka Casey Jenkins podjęła tematykę queerowej reprodukcji i rodzicielstwa. Artystka zmierzała do samozapłodnienia przy użyciu nasienia od dawcy, transmitując performans na żywo. Proces miał być powtarzany co miesiąc w zależności od dnia owulacji aż do poczęcia. Autorka artykułu dokonuje krytycznej analizy i interpretacji *Niepokalnej* w kontekście udawania i autentyczności działań artystki. Następnie autorka omawia problem zacierania przez artystkę granic pomiędzy jej własnym życiem a sztuką, pomiędzy prokreacją a działaniem artystycznym oraz wyjaśnia związek pomiędzy procesem tworczym a jego wytworem. Finalnie autorka omawia możliwe zastrzeżenia w stosunku do *Niepokalanej*, w tym kwestię poczęcia dziecka jako dzieła sztuki. Sedno kontrowersji tkwi w utożsamieniu procesu tworzenia sztuki i prokreacji. Autorka stawia hipotezę, że rezygnacja z prawdziwej inseminacji nie musi jednak podważać autentyczności performansu, a nawet może wzmocnić jego autentyczność. Autorka artykułu dowartościowuje moralny aspekt decyzji artystycznej, zarówno w perspektywie autentyczności twórczości artystycznej, jak i w kontekście znaczenia działań artystycznych dla człowieka oraz relacji pomiędzy osobą artysty a publicznością.

**Słowa kluczowe:** autentyczność, reifikacja, granice ekspresji artystycznej, obraza, inseminacja nasieniem dawcy.