



## Artistic License

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*Art is the product or process of deliberately arranging items (often with symbolic significance) in a way that influences and affects one or more of the senses, emotions and intellect.* - Wikipedia

### 1 – Introduction

A few years ago I wrote an essay titled Just say Yes. The purpose of this essay was to provide an answer to a question myself and other fine art photographers are asked repeatedly: do you manipulate your work? In this essay I proposed that rather than argue endlessly and often fruitlessly about why we 'manipulate', we could simply answer 'yes.' Doing so answered the question and made the point that manipulation was an essential aspect of our work.

The purpose of the present essay is not to go back over this subject since I covered it extensively already. Instead, my purpose is to cover something that I did not address in my previous essay and that is the reasons why we manipulate. The point that I want to make is that we do not manipulate just because we feel like it. Rather, we manipulate because manipulation is how we express our artistic license. In other words, manipulation is a fundamental aspect of art. In fact, we could say that manipulation is art, or conversely, that art is manipulation.

This concept is present in the word art itself. Art is the prefix of words such as artifice or artificial. These words point to the transformation created by the artist when going from reality to art. Art is not real. Art is an artifice, an invention, the product of the imagination and the creativity of the artist. In short, expecting art to faithfully duplicate reality is a misconception, a misunderstanding of the very purpose of art.

The expression 'artistic license' says it all. Artists are granted a license to manipulate reality. This license consists of a large amount of freedom they can use to express themselves, to demonstrate their vision and share their emotions. However, one has to know how to use this artistic license. What is it exactly? How do you use it? How far can you go with it?



This photograph is a collage of three horizontal images taken with a super wide angle lens. I could not have created this image with a single capture. After stitching, I distorted the image to enlarge the foreground rock and also to increase the height of the Watchman, the mountain peak at the center top of the image, and make it more dominant and impressive. I often say that if the National Park Service wanted to use my images in their brochures or displays they would first have to agree that my images would not show what people can see by themselves in the park.

## 2 – Different Purposes

Photography has many purposes and this is at the root of the confusion some people experience in regards to the purpose of fine art photography. Photography can be used to create a visual record of documents and objects, it can be used as evidence in forensic investigations and in scientific research, it can be used to record weddings, to create portraits, to photograph products, architecture or fashion, to create art, and for a multitude of other uses. Many of these uses are documentary in nature and have no use for artistic license because the goal is to record objects, events and locations in a factual manner.

For example photographs used in forensic investigations, police work, court proceedings or scientific research are held to the highest standard of truth and accuracy in their depiction of the subject. To have value these photographs must be devoid of any kind of artistic interpretation and manipulation. When creating these photographs the goal is to create a visual record in which the role of the photographer is limited to pressing the shutter. In fact, in some instances the photographer is bypassed altogether and a machine is used to take the photograph. This is the case in scientific recording when microscopes or other imaging devices are used.

Product, fashion and architectural photography are not held to the same rigid standards as forensic and scientific

photography. However, product, fashion and architectural photography must still represent the subject faithfully. Because these photographs are often used in advertising, it is essential that the audience recognizes the subject depicted in the images. If the colors, shapes and other significant attributes of the subject are altered beyond recognition, the advertising will be ineffective because potential buyers will not be able to identify the product. Therefore, while a certain artistic input is called for, there is a limit as to what the photographer can do. Usually, this means using lighting, composition and location as variables to express a personal style. Beyond that, things like changing colors or altering the shape of the products dramatically are simply out of the question.

Wedding and portrait photography do call for a certain amount of artistic license. In fact, clients select a specific wedding or portrait photographer largely because of his personal style. This personal style, which is the implementation of artistic license in the work of a specific photographer, is what makes a photographer stand out among other photographers. It is an important aspect of salability and therefore of commercial success.

However, this personal style can only go so far. Here too, just like with product, fashion and architectural photography, the subject, the people photographed, must be recognizable. The bride's gown has to be white (or whatever color it is in reality), the wedding participants have to be recognizable, and the people who sat for their portrait have to be shown in such a way that they are pleasing to look at. In other words, clients must be shown in a positive way. They must look good! Artistic license has its place in this type of photography, but it faces severe limitations. Go beyond these limitations after being hired and you will not be paid. Go regularly beyond these limitations and no one will hire you.

Many of the conflicts and difficulties that photographers experience come from not having clearly defined the purpose of their work. For example, if you want to submit your work to travel magazines, creating images that faithfully represent reality is important. Magazine readers want to see images that realistically depict the places they plan to visit. They are not interested in artistic interpretations. On the other hand, if you create realistic images it will be challenging to develop a personal style because artistic interpretation is one of the most significant ways of making your work unique. Some artists do succeed in 'straddling the fence' by finding a way to be faithful to reality while using a certain amount of artistic license. However, while this approach is satisfying to some for others it falls short of allowing them to use artistic license to its full potential.



The knot-like appearance of this stream on the Death Valley Playa is what caused me to take this photograph. However, back in my studio I realized that there were other streams that interfered with the visual knot-like effect. I therefore



decided to clone and heal these unwanted streams until I was left with the image I saw in my mind's eye when I took the photograph. While this image no longer shows what was really there, I consider it to be believable in the sense that it shows something that could exist. Plus, it is certainly far more visually captivating than what was actually there. The problem with reality is that it is often far too real. I use artistic license to make reality less real and more dream-like.

### 3 – No Contract

These different purposes, and the limitations they come with, contrast sharply with the purpose and 'limitations' of fine art photography. I write 'limitations' because in fine art photography there are none. In fact, one of the purposes of fine art photography, which is similar to that of other fine arts, is to remove limitations so that the artist is free to create whatever he or she wishes to create.

This is possible because of the absence of a contract between the artist and his clients. I am asked frequently if I consider the selling potential of a photograph in the field, at the time of capture. I don't because I don't need to. Unlike a wedding, portrait, product, fashion or other commercial photographer, I do not work under the umbrella of a contract that calls for the creation of specific photographs.

While a product, wedding, portrait, fashion etc. photographer enters into a contract with a client prior to taking the photograph and must create photographs that meet his client's desires, a fine art photographer creates images and looks for clients afterwards. The two processes, when it comes to selling, are inverted. While a product, wedding, etc. photographer is paid because he fulfilled his client's request, a fine art photographer is paid because he expressed something unique that interested buyers relate to emotionally.

### 4 – Expression, Not Documentation

There are also significant differences in regards to the goals of fine art photography. While the goal of most types of photography is to document reality, with or without creative license, the goal of fine art photography is to provide an outlet for the creative expression of the artist.

As a fine artist I have little interest in documenting reality as it is around me. I see reality everyday and the last thing I want to do is to create reality-like images to hang on my walls. If I want reality all I need to do is look out of the window. Therefore, when I create art my goal is to create something other than reality. My goal is to express myself without much concern for whether or not what I am depicting in my photographs is real or not real. In fact, when asked about this aspect of my work, I tell customers that if it turns out that the photograph they are purchasing from me is 100% real they will get their money back. I use this tongue in cheek remark to remind clients that this is art and that art is about the artist's view of the world, not about reality. Reality is there for the taking. My clients can capture it just as well as I can. But at the same time, reality is boring. There is simply nothing unique or original about it. What is original is interpreting reality and creating expressive images that depict a personal view of the world. Only by doing so can the artist make use of artistic license.



This image of Canyon de Chelly is a collage of two horizontal photographs taken with a short telephoto lens. After stitching I realized that the arrangement of trees that constitute the main interest of the image was not pleasing to me. Some trees were located too close to each other, and one tree touched the right edge of the image. I therefore decided to clone, remove and relocate the offending trees until I created an arrangement that I found to be visually satisfying.

## **5 – No Right And Wrong**

In art there is no right and wrong. Art is up to the artist, his emotions and his inspiration. To be 'right' a work of art only needs to meet the artist's taste and expectations. Furthermore, if art is 'wrong' if somehow the piece does not 'work' there is no penalty. At worst, the audience will dislike it. In all likeness, some will dislike it while others will like it. This is because art is a matter of personal taste and opinion and in art opinions are always polarized. People tend to like or dislike a work of art. They don't see shades of grey. Instead, they take black and white positions. This is because art is emotional, both on the the artist's side and on the audience's side.

Unlike a machine, art does not have to "work" the way a bridge, a car, or some other engineered device has to work. If a bridge is not designed properly it may collapse or suffer some other form of structural failure. In art, failure is of an aesthetic nature, not of a practical nature. Failure in art is in the eye of the beholder. If art fails, nobody gets hurt.

This is why scientists, engineers and others who practice a technical profession before turning their attention to art often find creating art challenging. Their training taught them that to be successful in their profession they need to create things that work, things that are properly engineered, things that have been tested and that are known to stand up to the task for which they were engineered. Fine art is artistic sensibility combined with technical precision. While they excel at technical precision, they find including artistic sensibility in their work a challenge.

Tires, to take but one example, are designed to reach a specific speed, carry a specific weight, and withstand a specific amount of heat and lateral forces among other constraints. Tires are designed with specific cars in mind and different tires are used on different types of cars. For example, the construction of a tire designed for a Ford Econoline passenger van is radically different than the construction of a tire designed for a Bugatti Veyron.

Mounting the van tires on the Veyron is asking for trouble. Most likely they would not fit. However, if we can somehow make them fit, before the Veyron reaches its maximum speed the tires will explode or come off the rim, creating an engineering disaster. On the other hand, if the proper tires are used on the Veyron, no such thing will happen. This is because Michelin, the manufacturer of the Veyron tires, has engineered tires specifically for that car. The tires have been designed to withstand the specific forces, heat, weight and speed created by the Veyron. They have been tested to specifications that exceed the actual forces imposed by the car at maximum speed. Unless a catastrophic failure caused by an external element (debris on the road for example) occurs, the tires will perform the job they were designed to perform to perfection. In fact, they will be performing under their maximum abilities because they have been over-engineered and can withstand forces higher than what the car can impose on them.

There are no such concerns in art. If art fails no one gets hurt. Tire failure on a Bugatti Veyron traveling at maximum speed will result in total destruction of the vehicle and possibly death of the driver. Artistic failure with a work of art will only result in negative reviews or with a displeased audience, if that much. In fact, if you are not well known, it is likely that no one will notice. Because what constitutes good art is a matter of personal taste, what may be an artistic failure to some may be an artistic success to others. In art, unlike in tires, bridges, or other types of engineering, no one gets physically hurt. Only egos maybe bruised, and even then not always and if so not necessarily for a long time. Art is the domain of freedom. Art is where one can take risks without exposing themselves to physical harm.

## **6 - Your Art Is About You**

Art is about yourself, not about others. What you do in your art is controlled by you, not by outside forces. Art is not subject to rules and regulations the way other professions are.

For this reason it is important that you create work that pleases you. As long as you create art to please others, what you are trying to do is impress these other people. The minute you create art with the goal of pleasing yourself, you start to work towards impressing yourself. At that time your goal becomes to express what you feel, who you are and how you perceive the world. You no longer care if someone will be impressed or will like what you are doing. This is when you begin to use creative license to its full potential.



In this image, an horizontal collage of two images, I purposefully tuned the color palette towards a collection of mauve tones. The original colors clashed with each other and were visually underwhelming. Shifting colors towards a mauve palette, together with some warping and stretching of the foreground elements, allowed me to create an image that is visually coherent in terms of both colors and shapes.

## 7 - Answers

Art is a question to which there are many answers. You are the one who decides what the correct answers are. No one else has the right, or the authority, to find those answers for you. The test of art is not whether your work is right or wrong. The test of art is whether your work is unique to you or not and whether it expresses the emotions you want to share with your audience.

To find accurate answers you need to decide what you consider to be acceptable and unacceptable in your work. By doing this you will define a space where you are free to create what you want.

However, this space will have boundaries. Those boundaries are set by what you decide you will and will not do. All artists have to do that. By deciding to do cubism, Picasso decided to not do Realism. By deciding to do Minimalism, Jasper Johns decided not to do Hyper Realism. There is no way out of this process. If you do not set boundaries, you will be doing 'whatever' and 'whatever' will not lead to the creation of a body of work unique to you. Instead, 'whatever' will lead to "whatever".

Following this process will, gradually, lead to the development of a personal style. This will happen through the development of an artistic space defined by your personal taste and preferences, by what you decide to show and not show in your work, and by what you want to focus on or ignore. This artistic space is where you are free to express what you want.

## 8 – Content And Meaning

Artistic license extends to the content of your work. Your vision, what you decide to show to your audience, is entirely up to you. Regardless of what you do there will be people who, based on what you show in your work, will consider your



work to qualify or not qualify as being fine art. The point to keep in mind is that the content and the meaning of your work are part of artistic license and as such are fully under your control.

When considering content as one of the aspects of artistic license it is important to know that there are 'fashion trends' in art. For example a number of high end galleries and museums tend to favor a postmodern, socially critical and relatively negative content. This is, for example, in opposition to my work which is focused on exploring natural beauty, positive in its message and not containing postmodern references. I could easily have taken a more 'fashion oriented' approach and decided to create images of nature that focus on ugliness and negativity and that contain postmodern references. In fact, if you look at contemporary French art and culture, doing so would be expected of me since I am originally from France and have extensive knowledge of postmodernism having read just about every author who published on this subject while I worked on my PhD. The fact I chose not to go in this direction is a personal decision rather than a cultural shortcoming.

What this implies is that here too you will encounter people who like and dislike what you do. Continuing with my personal approach to landscape photography, while some consider 'beauty' to be a qualifier for fine art, others consider it a disqualifier. The same holds true for postmodernist content as well as for political, negative, positive, social commentary and any other content. Ruling out specific content has an adverse effect on artistic license. If we ruled out 'beauty' as a qualifier for fine art, we would by the same token rule out Impressionism as a valid art movement. What a shame that would be. Beauty is an essential component of art, even though a number of people today consider it to be a disqualifier.

Clearly what content the artist decides to feature needs to be based on the artist's inspiration, personal taste, philosophy, message, vision and so on. There will, and there are, massive differences between artists in this regard. These differences are one of the main attractions of art. More importantly, the choices you make in this regard are fully part of your artistic license.

Using meaning as a qualifier for fine art is even more superficial than using content. What is meaningful to some is meaningless to others. For example, some find Cubism totally devoid of meaning while others consider Cubism to be one of the most important movements of the 20th century and consider Cezanne, whose painting *Maisons a l'Estaque* (1908) is at the origin of the term Cubism, to be one of most important artists of the 20th century.

## 9 – Conclusion

When you purchased your camera and decided to use it for the purpose of creating art you gave yourself license to do what you like and to have fun with it. In other words, you gave yourself artistic license to do what you like. Unless you are under contract and have to please a client, use your artistic license to have fun with your work. This is your money, your time and your efforts and if you are not doing what you like something is not going right. Remember that in art you can never please everyone, so let others think what they may. There will always people who will praise what you do as long as your work expresses what you feel and is unique to you.

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**Alain Briot** creates fine art photographs, teaches workshops and offers DVD tutorials on composition, conversion, optimization, printing and marketing photographs. Alain is also the author of *Mastering Landscape Photography*, *Mastering Photographic Composition, Creativity and Personal Style* and *Marketing Fine Art Photography*. All 3 books are available from Amazon and other bookstores as well from Alain's website.

You can find more information about Alain's work, writings and tutorials as well as subscribe to Alain's Free Monthly Newsletter on his website at <http://www.beautiful-landscape.com> To subscribe simply go to <http://www.beautiful-landscape.com> and click on the Subscribe link at the top of the page. You will have access to over 40 free essays by Alain, in PDF format, immediately after subscribing.

Alain welcomes your comments on this essay as well as on his other essays. You can reach Alain directly by emailing him at [alain@beautiful-landscape.com](mailto:alain@beautiful-landscape.com).

Comment posted by Stan Rose on 01/04/12 at 3:31 pm

As always, Alain, a thoughtful article and an important subject.

I understand your viewpoint, but I believe you have left out an important aspect of landscape photography, its historical connection to conservationist efforts, for example the creation of our National Parks. It is the demonstration of the natural beauty that exists in reality, not in our dreams, that has driven many landscape photographers (including myself) to pursue their passion for the art. I believe there is art in seeing as well as art in creating, and the former takes precedence when it comes to the goal I just mentioned. If others want to create dreams, fine, but that is why I advocate disclosure, or at least the proper context, so there's no confusion in the viewers mind.

*If I want reality all I need to do is look out of the window.*

When I look out my window i see smoke stacks, power lines, roads, etc. That's what most of us see. Which is why it's important to remind us as a species that where we came from still exists, if we are willing to protect it.

If we distort reality, we run the risk that our audience will no longer care about the subject we represent. If it's not real, why should they care?

*reality is boring.*

I don't think so. Im sorry you feel that way.

*There is simply nothing unique or original about it*

I disagree. If i am the only person to see a sunset from a particular location, it is unique. No one else saw it, and it will never occur again. Why then would i want to distort what i just witnessed? I want to recreate it as faithfully as I can, to share that experience and unique view. It's still art, in my opinion, because I am seeing it in an individual way.

Thank you for another compelling article.



**Stan Rose**

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Registered on 09/15/05, 711 Posts, 14609 Comments



Comment posted by Alain Briot on 01/04/12 at 11:48 pm

Stan,

I'm not talking only about landscape photography. I may need to add this to the essay so there's no misunderstanding. You say it yourself: "When I look out my window i see smoke stacks, power lines, roads, etc. That's what most of us see. " This is partly why I say reality is boring, even if for me it goes way beyond seeing something that's displeasing.

"If it's not real, why should they care?" For the same reasons people care about art movements that do not represent reality. Surrealism, Cubism, Fauvism, etc. are popular movements even though they are not about representing reality. To some extent, Impressionism is not about representing reality but rather is about presenting an impression of reality. Photography has had a large following of practitioners who made it a point to represent reality faithfully, but then again when that reality is presented in black and white, or with a contrast ratio much higher than what we see with our eyes, or with extensive darkroom or digital adjustments, even though no removal of objects or distortion of the image were performed, one can question how real that reality is. In fact, Susan Sontag in "On Photography" makes the point that photography is by nature surrealist, not realistic, and she is talking about straight photography. Again, here too we are not talking just about landscapes which makes me think I need to make that clear in the essay.

The reference to the conservation movement is interesting and a valid point. Personally, what started me doing landscape photography was not the desire to raise awareness about the importance to protect nature but instead the desire to create art that expressed natural beauty. There's plenty of photographers out there who are doing a fantastic job of bringing awareness to nature conservation and I let them take on that responsibility. Personally, my goal is to express myself and provide my audience with images that convey a vision of nature not available elsewhere.



In that way I am distancing myself from the main direction taken by landscape photography and getting closer to non-photographic art medium such as painting. This is a personal decision based on the fact that not all art has to be representational. In fact, most art is not representational.

To conclude I need to point out that your comments demonstrate that you missed the whole idea behind this essay which is that artistic license gives the artist -me in this instance- the freedom to do whatever he pleases. Who cares if I am not following the conservation movement, or if some people lose interest in my work because it is not 'real'. What matters is that I am doing what I love, that I create work that is unique. The fact that I have a large following of collectors who purchase my work and enable me to make a very good living doing what I love makes it even more enjoyable. As I say several times in the essay, there will be always some who like what you do and some who critique what you do.

Alain



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Registered on 09/08/05, 0 Posts, 1 Comments



Comment posted by Stan Rose on 01/05/12 at 12:07 pm

Ok, thanks for the response, Alain. I hear you and certainly understand you. All I am saying is that with freedom comes responsibility. Just as a license requires responsibility. I personally believe that all of us who use the natural world as our subject need to be cognizant of the very real threat that is under. If it disappears, all those beautiful photos you take really will be just a figment of your imagination, cause they will no longer exist in nature. I'm concerned that if 'artistic license' is seen as a race to see who can manipulate the most, then the public might lose interest in the subject it supposedly represents.



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Registered on 09/15/05, 711 Posts, 14609 Comments



Comment posted by Alain Briot on 01/05/12 at 5:48 pm

Stan, You made your goal to represent nature faithfully so that your work stands as a record of nature as it really is. That's great and that is your artistic license. However, you can't ask everyone who photographs nature to do the same. There are many reasons why one creates images of nature, nature conservation being only one of them. Alain



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Registered on 09/08/05, 0 Posts, 1 Comments



Comment posted by Bill Caldwell on 01/07/12 at 09:26 am

Alain, I love your article and I think you hit the nail on the head--it depends on the purpose that your using that particular photo for!

Registered on 10/10/11, 14 Posts, 74 Comments



Comment posted by Alain Briot on 01/07/12 at 1:54 pm

Thank you Bill. Yes, purpose defines the direction you take for your photography. Glad you enjoyed the essay. Alain

Alain Briot

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