

ONE DAY SCULPTURE

A NEW ZEALAND-WIDE SERIES OF TEMPORARY PUBLIC ARTWORKS

ZARA STANHOPE**THE RISKS OF IGNORING
CURATORIAL
COLLABORATION.
A CASE STUDY.**

This paper addresses the risks of ignoring the curator/artist collaborative relationship in an environment in which contemporary creative practice struggles to achieve public acceptance or social value. Using a case to illustrate the benefits of artist and curator collaboration in negotiating, and successfully addressing, the risks of censorship of contemporary art in the current atmosphere, I suggest the necessity and benefits of curatorial responsibility in instigating and maintaining productive artist/curator collaboration.

The paper arose from a questioning of the conditions that may be driving the perception of an increasing divide between different modes of curatorial practice. These ‘two worlds’ of curating apparent in the field of contemporary art are the separate realities of the independent curator as distinct from the institutional curator. This divide is evident in expressions of negativity and disparagement often voiced by freelance curators toward the perceived role of the institutional museum or gallery curator. In what is a generally collegiate profession in a politicised industry, this perceived gulf between positions within, and external to, institutions is being voiced in terms that go beyond differences in philosophy or methodology; with almost the tenor of the clear divisions of an apartheid in the lack of respect for the other.

Is this fragmentation of a profession a false dichotomy, and does it contribute toward the potential for public derision of contemporary art? Curators, whether working on small or ‘blockbuster’ projects, and with or without the support of teams of other professionals, generally direct their efforts toward the optimal realisation or exhibition of artists’ works or other project outcomes, while keeping the associated stakeholders happy. Any form of curatorial practice requires communication, negotiation and compromise (let alone ‘can-do’ or savvy, streetwise problem-solving abilities), whether occurring within institutional programs or being undertaken by individuals working independently in public or social spaces. Dialogue and listening, and the establishment of support by the curator to enable mutual rapport would seem to be essential elements or aspirations of professional work practice today, and hence attributes and practices shared across a profession.

Not to foster a productive working relationship is risky in today’s conditions – the lack of understanding and of empathy for contemporary art and hence mature discussion of contemporary culture—and the resulting environment of censorship and threats to artistic freedom that have recently occurred in the public domain. The galleries, media and social spaces where the confiscation of photographs by established artist Bill Henson raised a largely reactive and unintelligent debate, where new funding conditions have consequently been imposed, and where subsequent threats of police investigation of photographs by other artists continues to loom, all are contexts that can benefit from informed curatorial engagement.

Yet, apart from a few individuals, arts professionals have not contributed to fostering accessible or convincing arguments for contemporary art in public dialogues, as this and previous episodes, including the closure of a window space in Melbourne several years ago (in relation to a deliberately provocative pro-Palestinian artwork by a young artist and subsequent lobbying and media coverage), and the Andre Serrano *Piss Christ* debacle in 1997 attest.¹ Why this lack of advocacy and does it contribute to the current of public disregard for new forms of art? I suggest now is the time to privilege the means of achieving productive collaboration that respects creative autonomy and audiences, and not further dismantle the nature of professional roles through the semantic dissecting of definitions of role descriptions according to minute variations in practice.

Does the root of the issue lie in the compatibility between artistic autonomy and curatorial collaboration?

To suggest one definitive model for relationship between curators and artists would not be helpful, as the breadth required would mean a model so general as to dilute its

usefulness. There must be as many individual ways of working together as there are cultural projects, each with its own particular requirements.

One difficulty in establishing the curator/ artist relationship is the relatively recent arrival of the role of the curator, and hence its underdeveloped and shifting characteristics compared to the role of the artist. The profession of the curator continues to evolve from its conception during the era of the establishment of museums and from the functions of private connoisseurs, patrons and collectors who undertook serious custodianship, research and exhibition of cultural materials without professional education. With art museums initially focused on the development of a history and canon, only in recent decades have museums and art spaces dedicated to exhibiting and selling new art, or supporting its presence in the public domain arisen. With the aims of these spaces now ranging from the presentation and fostering of practice, the provision of studios, and the generation of innovative thinking, around practice, not only the professions and the academy but also art institutions are continually attempting to catch up with the cultures that lead their programs.

This context does not excuse the under-theorised role of the curator. However, perhaps increasingly institutional forms of thinking and work processes are generating instrumental differences as creative practice evolves. This may partly account for the flight of more independent curators away from institutions and explain the preferences for independent practitioners to increasingly be referred to as 'facilitators' or even 'orchestrators'. Such terms deliberately downplay unequal power relations, and convey implicit 'DIY' overtones, avoiding the hierarchical and

Operating on a one-to-one level protects the individual curator from any aspersions of management or officialdom. The 'facilitator' trades on the utopian presumption of appropriate and high quality artistic content and audience acumen. This type of curatorial practice is not required to address critical reflection but can settle for an indeterminate idea of its particular contribution or relations.

I raise these points only as part of the larger question: how can curators act to contribute toward the continued enabling of 'spaces of encounter', as Nicolas Bourriaud or Okwui Enwezor have described and activated? The discussion of roles and responsibilities will be an empty conversation if it continues along the divisions of 'us and them', which is essentialising, condescending and non-productive. On the other hand, since the arrival of postmodernism, the question of who speaks, with what authority and for whom, is fundamental.

In addressing the challenges of working together as artist and curator that we face in the devaluing and dismantling of the maturity of our culture, I now want to offer the case of productive collaborative behaviour in a recent example of art under threat in the public domain.

A space of encounter: Platform Artists Group Inc., Melbourne.

I am Chair of an Advisory Board currently being established for Platform Artists Group Inc., a modestly scaled artist-focused organisation, or artist-run-initiative that displays contemporary art in public spaces in Melbourne. For the last twenty years, Platform has, under various artist managers, exhibited contemporary art in display areas in pedestrian rail underpasses, which is consequently, seen by thousands of people each week. At present, Platform organises monthly exhibition programs in sixteen display cases, and several other street level displays in the area of Degraes Street, inner Melbourne.

Platform is staffed by a program director (employed 2 days a week), an administrator (paid one day per week) and a gallery manager (paid one day per week) with volunteer assistance. It has also recently achieved state and national funding for programs, publications and employing an emerging part time curator. Platform runs late night openings and produces other related events such as publications. The organisation is primarily responsible to the department of Arts and Culture, within the City of Melbourne, and the City real estate office. As all Platform's display areas are in the public domain—preventing the controlled viewing of art—its annual program is required to be presented in advance to the City of Melbourne Public Arts Manager. The director of Platform, Din Heagney, is an artist, editor and writer, and is the designated curator for Platform's program.

Within hours of the installation of the main March 2009 exhibition *Resisting Subversion of Subversive Resistance*—four young activist artists working with ideas of resistance and styles of propaganda—Platform and the City of Melbourne were taking telephone complaints from the Anti-Deformation Commission (a Melbourne Jewish Lobby Group B'nai B'rith), *Jewish News* and Connex (the Melbourne train contractor) asking for one of the one of twelve exhibits in *Resisting Subversion*, by Van Thanh Rudd, to be removed. The work in question by Van Rudd, *Economy of Movement—A Piece of Palestine*, referred to Connex's parent company, Veolia, undertaking illegal activity on the West Bank.

The director of Platform, Din Heagney, went into action, as did staff at the City. Platform informed the artist, and the together they put together information

supporting Van's statement with material that was already in the public domain. Platform's gallery manager covered the text elements of Van's work and installed a statement explaining that the work was under review by the City of Melbourne's *Protocol on Artworks* Panel as a result of threats and lobbying by corporations and interest groups. No other comment was made. Covering the work was also felt to be necessary while Heagney sought legal opinion as to whether anyone involved with the exhibition or Platform could be sued. Van was not particularly happy about Platform covering his installation but agreed to it.

Amongst other calls to various offices and workplaces, the Anti-Deformation Commission executive officer paid the Platform offices a personal visit, indicating their intention to shut Platform down. Connex rang Platform with the information that they would be preparing a lawsuit against the organisation. Their dispute with the work was over the colour and font Van used in his text panels, claiming it mimicked their corporate trademark. On the question of any similarity between Van's text and that of the Connex logo, Van stated that the blue, which did not match Connex's colour, referenced the Israeli flag. The font was sans serif, too common to warrant the issue of breach of copyright as it is in use by thousands of corporations.

The City of Melbourne went into immediate action, invoking a new and as-yet untried process, the City's *Protocol on Artworks*. Where issues of 'concern, complaint or controversy' over artworks that receive funding and/or are in City operated sites' arise, the Protocol requires the assembling of a panel who independently assess the situation and offer a conclusion within twenty-four hours. The Protocol assesses the art work's consistency with public standards (of decency, morality and propriety) allowing for context, and considers content in terms of the legal G-rating classifications for films and computer games that require low levels of violence, mild sex scenes, mild language, only discreetly implied drug use, and nudity. That is, they assess whether the art work breaches any law. The panel is also charged with deciding whether the Protocol requires the Council take any action in regard to the work, such as its removal or public statements in regard to the subject.

While this was enacted, Van and the Platform director put together information on the Connex/ Veolia debate that indicated the issue had been in public realm for some time: numerous web references discussed the company's participation in the building of a tramway in the Occupied Palestinian Territories, and the current human rights contraventions attending to these illegal settlements in annexed Palestinian East Jerusalem. The director also sought legal opinion from Gretje Baars (Diakonia), a human rights and international law expert who led the Swedish law suit against

Veolia and who is now advising other governments. Reports indicated that Veolia is finding itself excluded from city transport contract negotiations in many counties Europe, including England, Holland and Sweden for its connection with the illegal tramway.

There were added complications: Connex Melbourne is the Veolia corporation's largest international operation, and during that same month their contract was up for renewal; and the Victorian Minister for the Arts is also the state Minister for Public Transport. Hence Platform's director made a report to the Minister's office and briefed their media adviser.

During these events, the Platform director expressed his support for the artist's freedom of expression, and for the work 'as a legitimate critique as part of a larger exhibition by artist-activists who are challenging a wide range of political, social, economic and environmental issues in the exhibition.' He had previously informed the City of Melbourne Public Arts Manager that the work would be highly charged politically and provocative in nature, and Heagney now defended the exhibition to the City based on the solid reputation of the participating artists and their contribution in encouraging broader public debate on political issues. While offering full cooperation to all parties, he also requested there be accountability to the artist, project organiser and public in the instance that the work should be removed to avoid censorship. His grounds for the defense of the work ultimately lay in freedom of speech according to the recent Victorian Charter for Human Rights and Responsibilities and the High Court of Australia's ruling on Freedom of Speech (1992).²

Within twenty four hours, and one day prior to the opening of the exhibition, the City Protocol Panel found no grounds to prohibit the display of Van's work in the public domain, but noted an 'arms length' relationship with Platform. Most importantly, the Panel acknowledged the potential concerns that might be raised by the work but considered them insufficient to override the freedom of expression principle articulated in the state's Victorian Charter of Human Rights and Responsibilities. The City would undertake their own communications with the public, and held that the legal compliance remained the responsibility of Platform and the artist.

As the legal ramifications fell on Platform, the director continued to seek legal advice on the issue of breaching Connex's copyright, which was taking time, as it needed to be a pro bono expert opinion. Three law firms offered their assistance then withdrew it after they acknowledged conflict of interest (i.e. they either had provided previous legal representation to Connex, or they were advised not to assist by lobby groups or

senior partners with vested interests in Connex. Meanwhile, Van's work had continued to be covered, and the artist was rightfully becoming increasingly frustrated. At this point he suggested that he elect a spokesperson from a Palestinian human rights group to speak on his behalf to the media. The director's response was to ask Van to reconsider, as this action may be perceived to be inflammatory and also to remind Van of his own claim that the work should speak for itself. Platform prepared a public statement presenting Van's installation in terms of the overall exhibition and arts activism (not singling out any one work) and support for *Resisting Subversion of Subversive Resistance* in the general context of freedom of expression.

An additional reason for the director not encouraging Van to start a separate dialogue with the media was to protect the artist, and avoid a media sensation in regard to Van's family connection to the Prime Minister that he predicted would cloud the issue.³ He felt caution was appropriate to also avoid the potential of the artist being conscripted for the causes of other groups including anti-Veolia campaigners.

Throughout the process, the director had remained adamant that Van's work would be seen in its entirety from the opening through the exhibition, regardless of any legal outcome, and that he and Van should both attend the opening to take the first opportunity to talk to any media. Heagney had continued to reiterate to the artist his personal and total support of the work, and to ask for Van's patience during the steps he was taking to ensure the rightful presentation of his work. Van Rudd on his part stood by the artist's right to have the opinion presented in his art and indicated that he would not have made the work if he thought the implications were beyond his resources. The City, while supportive, could only urge the director to take the time required in order to make a well-informed decision and to carefully assess the respective potential impacts, particularly legal ones, on all parties involved.

Conclusion

Nothing further was heard from any of the complainants, whose concerns were acknowledged as regarding cultural and political sensitivities, or who as corporations could not sue for defamation. Van's work was the subject of a report in the daily newspaper, *The Age*, fronted with a headline directed to his prime ministerial connection, and in which Connex was reported as denying making any complaints.

International lawyers confirmed that Veolia/Connex does have activities in the West Bank (including Jerusalem) such as building the light railway to Pisgat Zeev and operating a waste dump for Israeli waste in the west bank, which are considered illegal in international law. Din Heagney at Platform found legal support in PILCH,

the Public Interest Law Clearing House, set up by the government to represent not for profit groups in public cases, who were willing to defend Platform in any actions against the organisation. Van Thanh Rudd was pleased with the outcome but was justified in being frustrated at the work having been covered for several days. Overall, the artist's creative intention was respected, and his symbolic protest raised the dialogue he had desired.

The state and federal funding bodies acknowledged Platform for giving advance advice of a potential dilemma and the professional handling the episode. The City of Melbourne had worked through its first test case of the 'Protocol on Artworks' strategy, and was positive about the process and Platform's professionalism.

This complex scenario comprised an absence of rules, and a nebulous territory for young art workers without the benefit of a model or remedial theory that could be applied. However, working together as curator/ director and artist achieved conditions of political awareness that allowed art to freely operate. Curator and artist, while not sharing perspectives, behaved with respect for each other's positions. The director worked diligently to support the artist's right to exhibit challenging work, by providing an informed understanding of context (not only the site but also of the content, background, artist's rights, stakeholder's positions, moral responsibilities, legal risks etc), while leading his organisation, staff and working on behalf of all the artists as equals in this exhibition.

Overall, a willingness to listen, a sense of modesty and of professionalism and taking responsibility was shown by both artist and director as they felt their way through the nuances and challenges of the situation. Working together admits a shared responsibility for the preservation of creative freedom of speech, and contributes toward ensuring a place for art and its critical discourse in the minds of a mature society.

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NOTES

1. In 1997 an Andre Serrano retrospective at the National Gallery of Victoria was closed after an attempt at a Supreme Court injunction by Catholic Archbishop of

Melbourne Dr George Pell who believed the work, *Piss Christ* was blasphemous, and a violent attack directed at Serrano's image by youths.

2. The High Court of Australia's ruling on Freedom of Speech (1992): 'In 1992, however, the High Court of Australia held that a right to freedom of expression, in so far as public and political discussion were concerned, was implied in the Constitution. This right was thought to be an essential requirement of democratic and representative government and thus implied into the Australian Constitution, which had established such a system of government. Subsequent cases have made determinations on the scope of this implied freedom. It has been found to extend to the publication of material: discussing government and political matters generally... '

3. Van Thanh Rudd is the nephew of Prime Minister Kevin Rudd, and this connection has appeared in previous media reports on Van's activist artwork. The article mentioned the previous censoring of a painting by Van comprising a stencil of Ronald McDonald setting fire to a Buddhist monk with the Olympic Torch, in protest against China's human rights abuses. This work was part of a group traveling exhibition to Hanoi, Vietnam, organised by the City of Melbourne.

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