



14: peace

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Art is Not Above the Law

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In western democracies legislative shifts occur in response to changing societal views and values. Over time – together with media coverage of varying controversies and scandals which occur intermittently in countries like New Zealand and Australia – they provide the basis for a topography of communal mores, shared opinions and local approaches to what are often broader international issues.

Unsurprisingly, art is neither immune to, nor beyond, being part of the mix. The law impinges on the display of art in public art galleries in several ways, beginning with the everyday agreements we make to borrow, lend, pack and transport works of art. Agreements to purchase new items for gallery collections may come with conditions attached, perhaps in relation to their display. The law is relevant to collections policies, and will have an impact on related de-accessioning and disposal policies, if these are ever countenanced. In addition, gallery staff need to be aware of customs legislation, in connection to importing works purchased and works for temporary exhibition.¹ New Zealand is behind most countries in not yet having a law to cover immunity from seizure with reference to international loans (Australian gallery directors are agitating strongly and collectively for this). And, of course, technological advances change so speedily that relevant legislation as well as a public gallery's standard forms and work practices need to be reviewed and refreshed constantly. In practical terms, it can become time-consuming to mediate differing understandings of the law within the same institution, as well as with lenders and copyright holders.

In art galleries health and safety risks quite often need to be negotiated within a given display. Within days of its unveiling in the Tate Modern's Turbine Hall on 12 October 2010, for instance, Ai Weiwei's carpet of 100 million painted porcelain *Sunflower seeds*, over which the public had been invited to walk was closed amidst concerns that the dust created by the enthusiastic interaction of multiple visitors might exacerbate asthma. At the same time, closer to home at Christchurch Art Gallery Te Puna o Waiwhetu, a number of visitors found it difficult to negotiate their way around a large cylindrical work in the foyer by Andrew Drummond, *Viewing Device, Counter-Rotating* (2008-10), shown during and after a large-scale exhibition of his work, 'Observation/Action/Reflection' (see figure 1).²



Figure 1. Andrew Drummond, *Viewing Device, Counter Rotating* (2008-10). Steel, air-control systems, coatings, electroplated aluminium. Collection of the artist. Photographed in Christchurch Art Gallery foyer. Photographer: John Colлие. Reproduced with permission.

There is also a range of related semi-legal issues, perhaps more properly described as ethical, which arise in the treatment of art, including the negotiations and agreements resulting from the now customary iwi and whanau consultations associated with the borrowing, display, labelling and contextualisation of *tāonga* and traditional portraits of Māori subjects.³

But it is with regard to censorship – including that which is self-imposed – that art gallery directors most often walk on a tightrope, our judgements sometimes mediating colliding public values and perhaps also reflecting the levels of our confidence in the reliability and

assuredness of key sources of funding, public or private, at the time a given decision is made.⁴

When I first worked in art galleries in New Zealand some twenty-five years ago, works of visual art were not specifically included within censorship laws – which applied to book and sound recordings – but they are now.⁵ This is not to say there were not art controversies, nor cases that made their way to court in earlier times – there were. But my overall impression now is that greater accountability within the public sector at an operational level, combined with a greater sensitivity to risk on a range of levels, has had the perhaps unintended effect of making art galleries and museums in this country a shade or two more conservative and cautious. It may not be a major shift in the broader scheme of things, with more time no doubt needed to adequately judge this. But none of us in the cultural sector operates outside a sometimes politically-charged funding context; none of us operates beyond a legal framework. And, as we all know, there is nothing like a major scandal or controversy to promote attitudinal change – or to solidify a conservative stance within a given community.

In practical terms, however, the law can be thought of as a ‘touch-stone,’ a reflection of community standards within a democratic system, its consideration becoming part of basic risk management in an exhibiting gallery.⁶ Whereas in the past a given gallery could exhibit work and respond to audience feedback, it is now incumbent on us to anticipate public responses and prepare staff and appropriate governance or boards of management for what may happen.⁷ For, while gallery staff may be aware of the crucial importance of the context for exhibitions and for specific images within them, it may not be taken as read that this is enough when there’s a complaint. The title of a recent largely collections-based exhibition at Christchurch Art Gallery, ‘The Naked and the Nude,’ was itself notice of content and senior curator Justin Paton’s light-hearted sign at the entrance (‘The Naked and the Nude contains, well, nakedness and nudity. We advise discretion’) provided further candid warning. But this did not stop a few objections to the gathering together of historical and contemporary examples of one of the key subjects of art history.

In this context, it is worth recalling one of the more extreme instances of audience reaction to nudity in New Zealand, to Andrew Drummond's *Crucifixion*, a performance presented at the Canterbury Society of Arts Gallery in Christchurch (renamed CoCA in 1996) at the preview of 'Platforms' in March 1978 (see figure 2). Along with fourteen other artists, Drummond had been invited by director Nola Barron to prepare works for the Arts Festival exhibition using a wooden platform. Drummond chose a St Andrew's cross from the three available shapes; it was something he'd used before, and it linked him to his namesake saint. There was a single performance, with documentation available in the gallery for a two-week period.



Figure 2. Andrew Drummond, *Crucifixion* (1978), performed at the CSA Gallery, Christchurch as part of 'Platforms', a 1978 Christchurch Arts Festival exhibition. Photographer: Paul Johns. Reproduced with permission.

In summary, the artist was fixed to the diagonally-shaped cross, his body on display while a latex skin formed on it. The performance took place in a theatrically-darkened space, with Drummond donning a gas mask (both to reduce the risk of ammonia poisoning and to depersonalise the act). He was linked to an ECG machine to record his physical and emotional well-being throughout the 45-50 minute ordeal. The discarded latex skin was then laid on the cross and shown alongside ten documentary polaroid photographs taken by fellow artist Paul Johns, and other leftovers from the performance. Effectively, the artist's body became the site of a transformational experiment and a machine-like extension of his human persona; the presentation was a creatively-recorded remnant of the physical body.

Crucifixion was concerned with exploring ideas of life and death, and life after death. While, in making it, Drummond became the first performance artist in New Zealand to go naked in public, *Crucifixion* did not focus attention on questions of sexuality. The artist's nakedness was practical and, while offering a nod to Christ's and St Andrew's crucifixions, the point was spiritual or metaphysical, rather than sexual.

In an audience of about forty, however, was a young couple with a child. Mr and Mrs Bastion were shocked by the artist's nudity and complained to the police, leading to Andrew Drummond being charged with indecency under Section 3(d) of the Police Offences Act 1927, the only time to my knowledge that a visual artist in New Zealand has been charged under this Act in the course of their work.

In his written judgement in August 1978, the judge described the performance as 'ill-mannered, in bad taste, crude and offensive,' but dismissed the case. Central to his decision was the complainants' evidence that the main cause of their offence was the display of Drummond's 'private parts.' They insisted that they would report nudity on the beach as well and the judge concluded that they were 'unduly sensitive and not representative of present day community standards.' However, I have often wondered how the case might have proceeded if they had been more offended by the religious aspects of the work.

I was firmly reminded of the longstanding personal impact of this event when Christchurch Art Gallery mounted a largely retrospective solo exhibition of the artist's work in 2010 and produced a substantial publication along with it.⁸ For not only were all Drummond's subsequent performances enacted in private (and what remains are stills of, for example, the Ngauranga Gorge series), but some thirty years later, the artist was not keen to have *Crucifixion* included in any form in the exhibition or the publication. He feels he gained something of an 'odd-ball' status as a result of reaction to this work, and it was a reputation he wanted to lay to rest. Persuaded that – like a range of other controversies – it was part of our collective cultural history, as well as his own, he agreed to its inclusion and is pleased to have done so, sensing that it is now dealt with.

At the time this exhibition catalogue was produced, however, I allowed myself to muse about whether or not a gallery like ours would host such a performance now in a context where the law has changed from requiring the *artist* to defend a charge of showing 'offensive material' to a more specific definition of what is objectionable and a legal context in which the gallery is viewed as 'publisher' of art shown. And, if performed today in the broader context of nudity and sexualised images circulating via the internet, would it have met with a different reaction? Perhaps such performances were of their time? Perhaps a metropolitan gallery wouldn't play host to them in any event? How might we justify it to our funding base of local ratepayers then or now?

Interestingly also, grateful as we are for all avenues of continuing public support for the arts, it is notable that the Arts Council of New Zealand (Creative New Zealand Toi Aotearoa) would be a good deal *less enabled* by its statement of intent and by the greater transparency and accountability built into its planning processes to move quickly to support an individual artist through a court case as a matter of principle than its predecessor, the Queen Elizabeth II Arts Council of New Zealand, was in 1978.⁹

As public galleries have become more popular – and as visitor numbers reign supreme among other key measures in the funding stakes – there are consequential adjustments made in relation to the public's appetite for and tolerance of art which pushes moral, sexual and gender boundaries. While freedom of expression exists, to the extent that artists are generally free to make work they choose to make, this intrinsically individual right does not neatly extend to others who might show the work in question. As I realise increasingly in a leadership position in the cultural sector, the issues to be taken into account shift at each stage. Conviction and doubt can and do co-exist in relation to various decisions.

Becoming aware of, and reflecting on, our cultural history is a necessary starting point for assessing individual and institutional risks and responsibilities. Staff involvement in the preparation of a public education programme that tackles issues raised by the art head-on, a robust media strategy, and ensuring front-of-house staff and visitor guides are conversant about what is displayed and why, are all crucial.

To return to the 1970s, there were other instances of art outrage and I have reviewed elsewhere public reactions to Fiona Clark's photographs of transvestites in a touring exhibition 'The active eye.'¹⁰ Here, the hand-written texts, as much as the images themselves, provoked viewer discomfort, each uniquely and forcefully asserting the presence of these real people who were different. Various public reactions caused different responses in galleries taking the show, with some, including the Auckland City Art Gallery, withdrawing from taking the exhibition – a move mirrored by the National Gallery of Australia's director Brian Kennedy in late 1999 when he withdrew from showing the Royal Academy London's exhibition 'Sensations,' following controversy about the exhibition in London and, more particularly, in the Brooklyn Museum of Fine Arts.¹¹

In 1995, however, City Gallery Wellington prepared itself well by taking account of international reactions to Robert Mapplethorpe when it showed his work throughout its centrally-located spaces. Censorship legislation in New Zealand had by now changed to ensure visual art was subject to the same limitations on freedom of expression as other creative endeavours. And – perhaps *because* changes were relatively recent – the Gallery worked with the chief censor, customs and key stakeholders to ensure awareness of the exhibition and its contents.¹² An age restriction (R18) was imposed on the exhibition, following a ruling pertaining to the accompanying book, but nothing was withdrawn from public view. Mapplethorpe's *X portfolio* (1977-78) was shown in full.¹³

In contrast, the Museum of New Zealand Te Papa Tongarewa was much less adequately prepared when it showed 'Pictura Britannica' in February 1998, and was ambushed by a backlash of public opinion only three weeks after the new museum had opened its doors. There were several disturbing and socially revealing images in 'Pictura Britannica,' but most local attention instead focussed on Tania Kovats's *Virgin in a condom* (1994), and also on Sam Taylor-Wood's *Wrecked* (1996).

In particular, viewers (and non-viewers alike) found the proximity of the sexual and the sacred in *Virgin in a condom* intolerable and judged the work indecent. (In fact, fewer than 9,000 people actually saw the exhibition, but some 30,000 signed a petition for its removal in the wake of countless reproductions of *Virgin* in the news media.) It was impossible to explain that this devotional image, shrouded in what was read as a symbol of active sexuality, may have been anything other than a deliberate act of blasphemy on the part of the artist and – worse still – the institution.¹⁴

A motion to censure Te Papa was proposed by Napier MP Geoff Braybrooke, who said he believed Parliament had the right to demand exhibitions be removed from the museum, "...if taxpayers thought them offensive, because the taxpayer had spent millions of dollars on the museum."¹⁵ The *Evening Post* article headline for this story, 'Whoever pays the piper calls the tune' – a direct quotation from Braybrooke, reinforced his point. Fortunately for Te Papa, Solicitor-General John McGrath QC, quickly determined that the museum would not be prosecuted for exhibiting the works, and considered it inappropriate for the controversy to be resolved by the criminal justice process.¹⁶

There was considerable reiteration of Te Papa's function to provide a forum for the debate of differing perspectives in its own defence. Tellingly, however, no-one in the museum asserted the artist's right to make work which was not acceptable to the public, as Nola Barron had done in support of Andrew Drummond's *Crucifixion* at the Canterbury Society of Arts Gallery twenty years earlier.

And, as a matter of fact, public response to this show seems to have had a profound and lasting effect on the programming of this museum. No major group exhibition of contemporary art, either from New Zealand or from abroad, has featured in its programme since. It was as if both aspects of the official Pakeha name of the institution 'Museum' and 'of New Zealand' were reinforced with popular acclaim within weeks of the opening of Te Papa. Further, the new museum's all-inclusive rhetoric (Our Place) was taken to reinforce the public's licence to object when something offended them.

My final case-study follows the staging of an exhibition of Christine Webster's work 'Provocations' in Christchurch Art Gallery in 2010. Selected by curator Anne Kirker, it was a survey which also showed very recent work, some of which was still in production at the time the exhibition and publication was devised. Included in the selection were a selection of nine images from the *Black Carnival* series conceived while Webster – now resident in the UK – was in Dunedin some twenty years ago on a Frances Hodgkins fellowship and was enjoying considerable support for her work as an artist. It is pertinent to review response to this early work in the context of final decisions made in 2010.

In 1993-94 a much larger selection from the *Black Carnival* series was seen at Dunedin Public Art Gallery, the Robert McDougall Art Gallery Annex in Christchurch, and at City Gallery Wellington without much adverse comment. But there was a marked contrast in the local media when *Black*

Carnival went to Hamilton. There Russ Rimmington, an elected city councillor and chair of the Waikato Museum of Art and History's operations committee (a position which enabled him early access to the show) labelled it pornographic two days before the Hamilton opening in July. He claimed:

I've got a mind as broad as a Roman sewer, but this is just sleaze – it's worse than pornographic magazines like *Playboy* or *Cleo*.¹⁷

Along with those who protested against 'Pictura Britannica' at Te Papa some four years later, Rimmington and another councillor who joined his demand for a justification of the Waikato Museum's purpose, and threatened to have the show closed down, asserted that *Black Carnival* was out of line with "the image our [publicly-funded] museum should be presenting."¹⁸

Webster acknowledges the darker side to her work, but rejects any connection with pornography. In her view, "Porn is all about power and these figures are in possession of their own sexuality – there is no passivity or exploitation."¹⁹ I found this perspective helpful to cite in response to the two or three written complaints about her work in 'Provocations' in 2010.



Figure 3. Christine Webster, *Mika: Kai Tahu* (1994). Cibachrome photograph. Collection of Christchurch Art Gallery Te Puna o Waiwhetu, purchased 1995. Reproduced with permission.

In fact, when the new Christchurch Art Gallery Te Puna o Waiwhetu was opened in May 2003, a work by Webster from the gallery's collection showing the male Māori entertainer, Mika, dressed only in boots and a brassiere with false breasts, *Mika: kai tahu* (see figure 3) caused some concern. It seemed, to the woman who complained about the opening display by writing to *The Press*, that confronting the photograph of Mika was almost the same as being exposed to by a real person.²⁰

Webster's assessment is that her images in which nakedness and cross-dressing and religion are combined have proved consistently to be the most challenging and the most often challenged.²¹ But Webster insists that, while she set out to question conventions and taboos, her prime interest in this particular series was to present the "carnival of the 90s." In her opinion, people's reactions to images of nudity and cross-dressing may be more an "indication of their [lack of] security with their own sexuality" than anything else.²²

This brings me to a moment which remains uppermost in my mind as I think through the mediating role of the gallery staff in relation to changing law and the roles of censorship. For, as director, I declined to show (I excluded) a version

of Christine Webster's most recently finished video work from *Provocations*. The survey exhibition was proposed and selected by Anne Kirker, a Brisbane-based New Zealand curator and a long-time supporter of women's art, who was keen to update her writing about Webster's work. As often happens in a current survey, the artist had wanted to include her latest work, *Rapport* (see figure 4).

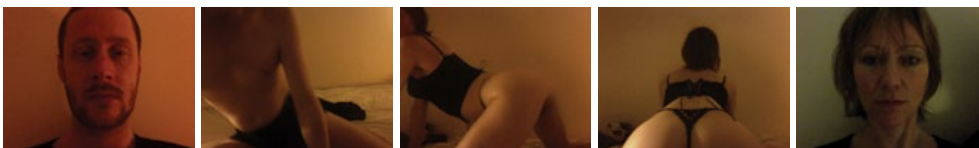


Figure 4. Christine Webster, *Rapport* (2010). Webcam stills. Collection of the artist. Reproduced with permission.

Some of our more observant visitors may have noticed there was an entry in the publication which accompanied the exhibition with webcam images which were not those that were screened.²³ Although in broad terms we knew what the work was about, the artist was too late finishing it for curatorial pre-review. Eventually sent to us by email, it was downloaded and sent to the Office of Film & Literature Classification where – in keeping with current legislation which requires all moving images to be classified prior to public viewing other than in a private residence – it was to be rated on our behalf. The Gallery had considered what signage should be placed at the entrance to ‘Provocations,’ pre-warned council managers and even the local police.

However, when I came to view the eight to nine minute video myself, I was quite clear about the decision. It was not because I couldn’t imagine a long-distance Skype relationship providing fulfilment for the couple involved, nor that I couldn’t imagine this might be a topic of art, but rather because this video seemed still raw and unresolved. So, while (to return to the artist’s words), “these figures [were] in possession of their own sexuality – [and] there was no passivity or exploitation”, I found it challenging to separate art, erotica and pornography in this instance.

I’d lectured on art, sexuality and censorship for some eight years at Victoria University of Wellington and previously also published on the management of controversies by galleries in New Zealand and Australia. But, while I’d always asserted with huge confidence that: ‘If it’s art, it’s not pornography,’ the clarity of this long-held view was undermined by the immediacy and, I suspect also, the medium of this new work.²⁴ For the first time in many years, I found it difficult to distinguish and determine just where those imagined boundaries might have been.

Crucially, I also considered that this version of *Rapport* did not have the gloss and imaginative sensibility on which her best work is reliant (the low resolution internet video nature of the original material no doubt contributing to this effect). It was hard to justify the need to station an extra visitor host by the entrance to the area where this work would screen to reassure ourselves as ‘publisher’ of this piece that it was not accessible to those under a certain age without supervision, and that questions from the public could be answered.

While the specific judgement to exclude the work was made in consultation with other staff, the curator and the artist, I found myself still juggling questions. Was I being prudent or prudish in making this over-riding decision, however? Is there a difference between ‘exclusion’ and ‘censorship’ in this context?²⁵ How much was the decision to do with the sexualised nature of the material and how much was it a curatorial decision based on quality?

I have little doubt Christine Webster will work up this strand of enquiry further and this version of *Rapport* will appear in some form in a public place in due course, but in this situation, I was left aware of how my sensibilities were overlaid by a realisation that included the legal framework surrounding the public exhibition of images in New Zealand. Christchurch Art Gallery would unquestionably have been the publisher of this work and, whilst tested on many occasions, art in a public context was not above and beyond the law. Indeed, there was a sense in which I felt ‘protected’ as well as potentially ‘exposed’ in this situation.

As it was, there was no enmity, public or otherwise, with either the curator or the artist as we agreed this work could get in the way of a more measured reception of the exhibition as a whole. Instead a shorter, simpler, version from a series of Skyped-sex sessions which Webster brought with her was shown – with audio track available on headphones (and a number of our visitors found this quite challenging enough).

Exhibitions change and life moves on, but a pertinent quotation hovered as I prepared and first presented these thoughts for a paper at the 2010 Art and Law symposium at the Dunedin School of Art:

One of the artist's and the humanist's great values to society is the mirror of self-examination which they raise so that society can become aware of its shortcomings as well as its strengths. However, modes of expression are not static but are constantly evolving.²⁶

From the US Senate Report on the establishment of national endowments for both the arts and humanities in 1965, this is cited on the page facing Elizabeth C. Childs' introduction to her 1997 publication, *Suspended License: Censorship and the Visual Arts*.

It provides a fitting end note for us as law, and as art history and theory academics, for practitioners aligned to both fields – as well as for members of the public actively engaged in these ideas. How much we evolve, how much we show the mirror of self-examination, and how much we run ahead of public taste and changing laws is always a professional judgement – one which is only occasionally debated (much less resolved) within the justice system.

But when art enters the legal framework, when its subject matter becomes a subject for public discussion, it can and surely does provide us with a precise cultural moment to dissect and to ponder our image in the 'mirror of self-examination'.

- 1 Because the cultural sector is rarely consulted with regard to possible unintended effects of new legislation, this may be after new legislation is passed. Recently, for example, Christchurch Art Gallery became aware of a change to customs legislation, designed to ensure GST was more systematically paid at the point of import, only as final arrangements were being made to transport the NGV Melbourne touring exhibition 'Ron Mueck: sculptures' from Brisbane to Christchurch, its final venue, in 2010. This legislation had not taken into account the impact on galleries and museums importing not-for-sale cultural property into New Zealand on a temporary basis for specific exhibition.
- 2 Curated by Jennifer Hay, this exhibition was at Christchurch Art Gallery Te Puna o Waiwhetu from 14 May-5 September 2010. This sculpture, and another by Drummond in the art gallery's foyer, *Counter Rotating Earthing Device* (2000), illustrated in the accompanying publication, Jennifer Hay, et al., *Andrew Drummond: Observation/Action/Reflection* (Christchurch: Christchurch Art Gallery, 2010). They were removed from display following the gallery being used as the national centre for civil defence after the Canterbury earthquake of 22 February 2011.
- 3 See Conal McCarthy, *Museums and Māori: Heritage Professional, Indigenous Collections, Current Practices* (Wellington: Te Papa Press, 2011), for an up-to-date record and analysis of these, including within the art museum context.
- 4 This paper draws on and seeks to update two others I have written on censorship and the display of art in public situations: "Exhibiting sexuality in Aotearoa New Zealand 1975-2000", in Allison Kirkman, and Pat Maloney, *Sexuality down under: Social and Historical Perspectives* (Dunedin: Otago University Press, 2005), 214-236 and 288-296 (notes) and 'Museum as provocateur – art galleries and controversy,' *Australian and New Zealand Journal of Art*, vol 4, no 2, 2003 and vol 5, no 1, 2004, 57-75.
- 5 The former Indecent Publications Tribunal dealt only with book and sound recordings (see Jim and Mary Barr, *When art hits the headlines* (Wellington: National Art Gallery, 1987), for several examples of controversy before the time of publication). The legislation was amended in 1993; since then, gallery directors have become more aware of the prudence of consulting the Office of Film and Literature Classification before making potentially 'objectionable' art available within exhibitions which they host, to protect themselves and their institutions in advance of possible complaints.
- 6 Equally when a work of art is banned or seized, a legal defence is hampered without an intelligent institutional defence of the work and the decision to exhibit it, made within an understanding of current legislation. I am grateful to Shane Simpson of Simpsons Solicitors Sydney, who reinforced this and the following footnote on reading a draft of this essay.

- 7 This is crucial. Directors and other key staff need to ensure that all who may be called on to participate in the defence of the gallery and the decisions it makes are informed and do not feel ambushed by discussion of them in public. In these situations, as Simpson – himself a director of cultural institutions – points out, “...surprise often inflicts the worst casualties.” Shane Simpson, email to the author, 8 May 2011.
- 8 Jennifer Hay, et al., *Andrew Drummond*, 2010.
- 9 Recognising the landmark nature of this as a test case for artists at the time, the then chair of the QEII Arts Council of New Zealand, Hamish Keith, arranged for this body to meet Drummond’s legal costs. Interestingly, Drummond also indicated in a 2003 interview that such assistance would be less likely now to be funded from the public purse. Damian Skinner, unpublished interview with Andrew Drummond, 10 July 2003, Museum of New Zealand Te Papa Tongarewa archives.
- 10 See Jenny Harper, ‘Exhibiting sexuality,’ 2005, 216-220.
- 11 See Jenny Harper, ‘Museum as provocateur,’ 2003-04, 57-75 (esp. fn 15, 73).
- 12 The current Films, Videos, and Publications Classification Act was passed in 1993; it amalgamated the previously separate treatment of film and video and ensured their classification was overseen by the same body. Amendments made in 2005 included images of self harm and highly offensive language within the meaning of objectionable within the Act (Part 1, section 3). While the character of a given publication, including its merit, artistic, social and cultural, etc. is able to be taken into account (Part 1, section 3.4.c), the Act does not exclude works of art from consideration, whereas the Indecent Publications Act 1963 seemed to do so, by directing the Tribunal not to classify as indecent any book or sound recording (videos were not then in wide public circulation) where its publication “would be in the interests of art, literature, science, or learning and would be for the public good.” See also Paul Christoffel, *Censored: A short history of censorship in New Zealand* (Wellington: Department of Internal Affairs, 1989), 25.
- 13 The R18 age restriction was strictly enforced, with the fact that ‘wee Willie,’ a nine-day old babe in arms, had been restricted from entry into the exhibition with his mother, reported widely, even in Australia (see *The Australian*, 20 December 1995, 15).
- 14 Discussion of this work at the time uncovered a thin veneer of racist conjecture about whether or not the same treatment would be meted out to a Māori tiki in this newly-established inclusive bi-cultural context. See, ‘Not my place,’ letters to the editor, *Evening Post*, 4 April 1998; see also ‘Treated differently,’ letters to the editor, *Dominion Post*, 30 December 2002, B4; Michael Laws’s recent and similarly unsympathetic column, ‘It’s Madonna in the condom’, *Sunday Star-Times*, 23 January 2011, A8; and Anthony Hubbard, ‘Right to infuriate a flag we bear,’ *Sunday Star-Times*, 8 May 2011, A16, to see evidence of how pervasive and long-lasting reportage of this sentiment has been within New Zealand.
- 15 Jeremy Kirk, ‘Parliament to consider “offensive” exhibits,’ *Evening Post*, 20 March 1998.
- 16 Bernadette Courtney and Emily Simpson, ‘Museum and Catholics hold talks,’ *Dominion*, 4 April 1998.
- 17 ‘Erotic art exhibit already under fire,’ *Waikato Times*, 22 July 1994. Rimmington was also cited in Karen Holdom, ‘Now the Carnival is Overt. Is it art or pornography?’, *Sunday*, 31 July 1994, Yes section, 10.
- 18 ‘Controversial show goes on,’ *Otago Daily times*, 27 July 1994. In past accounts, I have suggested that, since the exhibition did open, an adequate response must have been provided by then director, Bruce Robinson, who – like Webster – no longer lives in New Zealand. However, in a 21 February 2011 conversation with him, it appears Rimmington was complicit in the Waikato Museum’s somewhat risqué promotional campaign for ‘Black Carnival,’ and this accounts for the lack of a public rebuttal by Robinson as director at the time. This incident now becomes an interesting example of ‘Museum as provocateur,’ and one I would have analysed differently in my 2003-04 article, had I been aware of this explanation at the time.
- 19 Christine Webster, interviewed by Damian Skinner, 5 September 2003, Museum of New Zealand Te Papa Tongarewa archives.
- 20 Jo Cotton, letter to *The Press* editor, 28 May 2003, A6; see also Kim Knight, ‘Exposed: Why this photo has caused a furore,’ *Sunday Star-Times*, 17 Aug 2003, A6.
- 21 This view aligns with the public response to Tania Kovats’ *Virgin in a condom* shown at Te Papa in 1998.
- 22 Guy Grant, ‘Nudes not porn show says artist’, *Christchurch Star*, 24 May 1995.
- 23 Anne Kirker, *Provocations: The work of Christine Webster*, Christchurch: Christchurch Art Gallery, 2010, 79.
- 24 The imagination profoundly affects reception and acceptance (or not) of particular works as is shown again and again. Sometimes frankly descriptive titles (such as Tania Kovats’s *Virgin in a condom* and André Serrano’s *Piss Christ* (1987) promote rejection in some quarters, but most often it is the photographic media of photography, film, and video – and now internet video imagery – that are likely to create debate. Robert Mapplethorpe’s and, in Australia recently also, Bill Henson’s photographs cause fierce debate, not only because of their at times youthful subjects, but because photography (notwithstanding photo-shopped techniques) is known to have real subjects whose vulnerability is exposed in addition to their bodies.
- 25 I have come to think that a reasonable distinction can be made between individual works debated internally and included or excluded from a given exhibition prior to its opening, and (taking the opening as the moment of ‘publication’) decisions which are made to intervene or withdraw works after an exhibition opens. The latter can

be seen as censorship, with its unfortunate undertones in the context of a given gallery's sometimes hard-won independence and support for the freedom of expression of others, especially visual artists. The National Gallery of Australia exposed itself to ridicule and accusations of censorship in relation to its response to 'Sensation' in 1999. In this case, the Gallery accepted and advertised that it was included on the tour of 'Sensation' after its initial showing at the Royal Academy in London – at which point the nature and content of the exhibition were or should have been fully known – but withdrew some six months later following its reception at the Brooklyn Museum of Art.

- 26 [US] Senate Report on establishment of the NEA and NEH, 1965, cited in Elizabeth C. Childs, *Suspended License: Censorship and the Visual Arts* (Seattle and London: University of Washington Press, 1997), 2.