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# Court orders destruction of Aboriginal spirit statue

By Erin Parke in Broome

Updated Fri Jun 24, 2011 2:03pm AEST



Vesna Tenodi (left) pictured in front of the Wandjina sculpture causing the controversy (Audience Submitted)

- [Map: Broome 6725](#)

A New South Wales court has ruled a stone sculpture of a Kimberley Aboriginal spirit figure must be pulled down.

The Wandjina spirit is sacred to three Aboriginal clans in the West Kimberley and its public depiction is deeply offensive to them.

That did not stop artist Vesna Tenodi from erecting an 8.5-tonne sculpture of the Wandjina outside her Blue Mountains art gallery, west of Sydney.

Earlier this year she appealed against a decision by the local council to pull it down.

But a New South Wales court yesterday ruled against her, ordering its removal.

Traditional owner Gordon Smith junior travelled to Sydney for the hearing.

"I'm very happy with the ruling. It shouldn't have happened in the first place," he said.

Ms Tenodi declined to comment until she had read the ruling.

**Tags:** [arts-and-entertainment](#), [sculpture](#), [indigenous](#), [indigenous-culture](#), [religion-and-beliefs](#), [australia](#), [nsw](#), [penrith-2750](#), [sydney-2000](#), [wa](#), [broome-6725](#)

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## Comments (81)

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- **ABC (Moderator):**

24 Jun 2011 7:38:26am

What's your take on the court's ruling?

[Agree](#) (0) [Alert moderator](#)

- **jeremy:**

24 Jun 2011 7:55:24am

Hhmm, while I sympathise with the clans I fear that the ruling impinges upon the artists right to free speech, if the statue is on private property. While I'm not sure whether freedom of speech is a chartered right in Australia I believe individuals have a right to express themselves in non violent ways however disturbing the message.

[Agree](#) (1) [Alert moderator](#)

- **Kieran:**

24 Jun 2011 8:22:28am

This is not an artists "freedom of speech", she appropriated traditional art forms and used it to sell goods.

Add to this that speech is not protected here in Australia. There is no such thing as "freedom of speech" here, thus why we were able to have sedition laws passed.

Whether you believe that people have the right to express themselves or not is beside the fact that the image of a traditional deity is not part of speech.

[Agree](#) (1) [Alert moderator](#)

- **LDA:**

24 Jun 2011 8:38:35am

There is a legal right to freedom of speech (association, expression,) in Australia. I believe it was upheld in the High Court. As the court doesn't create law it must have concluded it already existed.

If this is a matter of freedom of expression I am opposed to the ruling, if it is also about planning approval I guess that would be a different issue.

[Agree](#) (2) [Alert moderator](#)

- **ian:**

24 Jun 2011 11:25:08am

When discussing the legal perspective regarding any issue, it is important to consider the common law in addition to prevailing legislative provisions. Freedom of speech is an embedded right in common law. The decisions and judgments of all courts create precedent law upon which future matters before other courts may be bound.

[Agree](#) (0) [Alert moderator](#)

- **Azrael:**

24 Jun 2011 11:42:10am

1. That wasn't a general right to free speech upheld by the High Court, but rather a limited one to freedom of POLITICAL speech. I.e. if it is likely to be relevant to democratic elections then it is protected. General speech is not protected, and I doubt that this statute is likely to be fundamental to any upcoming election debate.

2. That judgement was passed by a more human-rights concerned and interventionist High Court than what we currently have, and in particular was led by Kirby and Gaudron, who are no longer on the Court.

[Agree](#) (0) [Alert moderator](#)

- **Dugong:**

24 Jun 2011 11:00:50am

"the image of a traditional deity is not part of speech."

Tricky position, that one. Therefore all images of Jesus/Buddha et al should be destroyed? People sell buddha statues in garden centres cross Australia - should they be destroyed?

The story doesn't state if the artist themselves is Aboriginal.

I find it a bit bizarre that if I, as an artist, create an (as yet) unsold work of art (and it should be noted that the artwork does not appear to denigrate the deity involved, but is merely a representation of them), I could be ordered to destroy it. That seems very much an invasion of my free speech.

[Agree](#) (0) [Alert moderator](#)

- **DW:**

24 Jun 2011 9:45:18am

Simply amazing that you and many others believe that Australians have a right to free speech. Show me where this is enshrined in our law or bill of rights, it isn't.

I agree that it should be taken down. It is just like not depicting Muhammad out of respect for Muslims.

[Agree](#) (0) [Alert moderator](#)

- **chalkie:**

24 Jun 2011 10:20:39am

Precisely the problem: this will be interpreted, rightly or wrongly, as either a general right for any religion to control representations of its religious ideas, images or concepts (goodbye 'Piss Christ' etc, and think of the control the Scientologists will want to exercise)

OR it will be an Aboriginal only entitlement, with questions raised about why only one ethnic group deserves this race-based right when others do not.

[Agree](#) (2) [Alert moderator](#)

- **fred:**

24 Jun 2011 10:24:47am

Shows how ignorant and uninformed some people are.  
Australia does not have a bill of rights.

[Agree](#) (0) [Alert moderator](#)

▪ **DW:**

24 Jun 2011 11:19:10am

fred, that is exactly my point we do not have a bill of  
rights thus freedom of speech cannot be enshined in if.

Ignorant hey???

[Agree](#) (0) [Alert moderator](#)

▪ **jonh2o:**

24 Jun 2011 10:47:48am

Mmmmm, I wonder if there would be this much uproar if it  
was a depiction of Jesus? We have had this debate before  
(remember the crucifix in urine) and we had a resounding  
backlash of 'Art is Art' !

But then again Australia has shown about as much courage as a  
fly, and decided that non-confrantation is a much better path  
than a consistant message.

[Agree](#) (0) [Alert moderator](#)

○ **Tom:**

24 Jun 2011 7:56:42am

There's not enough information here; was the artist breaking any laws?  
I assume the judge had the power to make the order. Because if not  
then the court had no right to mess with the artist's art/property.

[Agree](#) (2) [Alert moderator](#)

○ **Anth:**

24 Jun 2011 7:57:06am

Gosh this is a hard one.

On the one hand I can certainly see why the indigenous people

mounted this action. If the depiction of a sacred spirit is offensive to them, then the only moral and ethical thing they could do to respect that spirit is to try to have the statue removed.

On the other hand, sometimes it is the role of art to be challenging and even offensive. Remember the sculpture piece "P\*ss Christ" a few years ago, for instance? Or the furore in Holland about whether it was lawful for cartoonists to visually depict the prophet Mohammed, which is held to be disrespectful and sinful by Islam? Art is not necessarily bad just because it is offensive.

If the art work was intentionally offensive, and its intention was to denigrate Aboriginal people, then certainly it should have been removed. If it was an attempt at reconciliation gone awry, an attempt to communicate the majesty and sense of spirit of Wandjina, then the case is harder to argue.

I understand the concerns of the Indigenous people ... but I wouldn't want a general rule that art was not allowed if it offended people.

Complicated. No easy answers. I'd hate to have been in the judge's seat.

[Agree](#) (1) [Alert moderator](#)

o **Seon:**

24 Jun 2011 8:19:01am

I disagree with it. What happened to free speech and freedom of expression? So now if one group finds art offensive it can be censored? Just horrible.

[Agree](#) (1) [Alert moderator](#)

▪ **Not My Real Name:**

24 Jun 2011 9:25:27am

As an artist, I agree with the decision. The idea that art is all about free expression is a bit of a Western cultural myth. Art is far more important than that. It should be an important part of our social life. As such, it must be an integral part of the real world. There is a place for being confrontatory but our freedoms to say what we want are limited by law in ways which are meant to benefit society as a whole. That is why we have rules about slander and so on. Art can't be treated any differently without making it pretty irrelevant to who we are and how we live- which is just what a lot of contemporary art sadly is.

The artist in this case has been singularly insensitive to the calls of local aboriginal people to have this statue removed and it has finally come to a court case. It would have been far better if she had done something more sensitive much earlier, but as far as I understand the case, she has been working from the European 'art must be free and untrammelled to be truly art' paradigm, so has not been willing to compromise.

However, I'm left confused (again) by the ABC's poor reporting here. The title claims the statue is to be destroyed yet the article merely says it has to be pulled down. Does the court ruling say the statue needs to be destroyed or not?

[Agree](#) (1) [Alert moderator](#)

- **din:**

24 Jun 2011 12:04:09pm

local ? its to be shown outside her gallery in NSW, but the people who are complaining are in WA. That doesnt sound 'local' to me.

[Agree](#) (0) [Alert moderator](#)

- **DSMatthews:**

24 Jun 2011 8:24:50am

The action is symbolic, yet futile as any google image search for "Wandjina street-art" will show. If these people really are that offended by depictions of the Wandjina they had better break out the solvent and scrubbing brushes because the image is everywhere.

[Agree](#) (1) [Alert moderator](#)

- **Rob:**

24 Jun 2011 9:27:20am

To make an informed comment, you'd need to know the wording of the ruling. On the face of it, it seems a little odd - religious iconography is always contentious. Christians could quite legitimately claim to be deeply offended by artistic imagery that involves the cross; Muslims by the depiction of the crucifix; Buddhists by use of the Buddha's image as a household ornament you can buy in hardware stores to put next to your 52-inch TV.

[Agree](#) (0) [Alert moderator](#)

○ **din:**

24 Jun 2011 9:36:44am

sounds a bit rough. I would let it be shown in NSW.

three aboriginal clans in the kimberleys prefer that a spirit figure not be shown as a physical image. But an art gallery in NSW has a sculpture of this spirit.

as someone else has posted, I also remember the piss christ, and how some catholics were offended by it, but it was allowed to be shown in public. The law should be consistent.

if art works that offend catholics are allowed, i dont see why we shouldnt allow this art work to be shown.

I would remove it from the front, and place it elsewhere. See if we can rule that it shouldnt be shown in the kimberlys. Once its moved, then I would have a note warning people that continuing the part would lead to an art work that can be considered offensive to some. So if you would be offended, then u wont c it, but if its ok with u, then u can visit it.

but i wouldnt force for it 2 b destroyed

[Agree](#) (0) [Alert moderator](#)

○ **larry underwood:**

24 Jun 2011 12:00:11pm

This statue is in a public place (ie, OUTSIDE the gallery) and it is offensive to certain Aboriginal religious groups. If it had been a public sculpture that was equivalently offensive to Christians it would have been pulled down without much question.

[Agree](#) (0) [Alert moderator](#)

○ **KaH:**

24 Jun 2011 12:00:51pm

People do some research before posting - this is an on-going issue and it appears some civil requests have gone unheeded prior going to court.

I could not find the actual ruling however there seems to be deliberate use of fake Indigenous art and cultural views being used to profit

through business their own take on some of them.

From what I have read, the court ruling seems to be acceptable.

[Agree](#) (0) [Alert moderator](#)

- **Greymalkin:**

24 Jun 2011 12:03:56pm

The court's ruling is a reflection of the truly abhorrent state of affairs in Australia in regard to censorship.

It is even more disgusting when considering that it is effectively another example of religious interest groups imposing their will on our society.

[Agree](#) (0) [Alert moderator](#)

- **George:**

24 Jun 2011 12:06:01pm

I thought the courts were places of substantiated evidence? Once again they have ruled in favour of made up stuff. We can safely say no evidence was presented to the court that a spirit did exist within the statue. The courts once again are terrified of the religious lobby and where the law might head if faiths are required to present the same levels of evidence as other court applicants.

[Agree](#) (0) [Alert moderator](#)

- **Adam:**

24 Jun 2011 7:57:07am

I'd like to see the court's reasons, but if a very small group of citizens are offended by an ancient statue - can the courts destroy any statue?

[Agree](#) (0) [Alert moderator](#)

- **Stevie-Ray:**

24 Jun 2011 11:24:47am

It's not an ancient statue, but an ancient sacred image that the artist has used to create a new statue to represent her false claims of connection to this particular indigenous culture, a misrepresentation that the artist is using for commercial gain!

The indigenous groups involved began with a polite request to the artist to remove the statue from prominent public view, which she stubbornly refused to do.

[Agree](#) (0) [Alert moderator](#)

- **Sunny:**

24 Jun 2011 7:58:55am

Agree with the Court. Absolutely.

[Agree](#) (0) [Alert moderator](#)

- **B Todd:**

24 Jun 2011 8:01:23am

The headline of this bit reads that the statue will be destroyed. I disagree with destruction of the artwork, though the Council does have the right to control how and if it is displayed in public spaces. While I respect aboriginal peoples, I would no sooner agree with the destruction of an icon aboriginals don't like than I would with any other religious group demanding the destruction of an image or icon sacred to their faith. One does not have the right not to be offended.

Mind, the right to create iconography which may offend doesn't mean one should do so. If one offends, one should rightfully bear the brunt of criticism for causing offence.

[Agree](#) (1) [Alert moderator](#)

- **Spinner:**

24 Jun 2011 8:08:15am

Respect the feelings of others.

[Agree](#) (0) [Alert moderator](#)

- **ABC 4 ALP:**

24 Jun 2011 9:14:28am

Agree.

The feelings of the artist should have been respected.

[Agree](#) (1) [Alert moderator](#)

- **JasonJ:**

24 Jun 2011 9:54:03am

That's a nice sentiment for day-to-day getting along with people, but (thankfully) it has no basis in law. Because if you think about it, you REALLY do not want your life to be legally bound by others feelings, no matter how strongly felt.

[Agree](#) (0) [Alert moderator](#)

- **Dugong:**

24 Jun 2011 11:08:31am

...and don't display the statue in public, but inside the building, surrounded by a screen, with a disclaimer.

[Agree](#) (0) [Alert moderator](#)

- **KD:**

24 Jun 2011 8:12:12am

I think it's the right decision. I've never been a fan of the "but it's art" defence to things which are simply meant to upset people. Anyone who knows even a smidgin about Aboriginal spiritual beliefs and the Wandjina spirit knows the taboo about depicting that spirit. So why do it? To upset and offend. That's not art, that's just being a jerk to get attention.

[Agree](#) (0) [Alert moderator](#)

- **Margaret:**

24 Jun 2011 8:14:27am

This is a bit odd. I have three Wandjina bark paintings, made and sold by Kimberly Aboriginal artists. Bark paintings are generally considered to be not an original Aboriginal art form (cf body painting and sand painting). What makes sculpture so very different?

[Agree](#) (1) [Alert moderator](#)

- **ABC 4 ALP:**

24 Jun 2011 9:16:52am

The artist didn't buy it from the Kimberly folk. They didn't make money from it.

[Agree](#) (0) [Alert moderator](#)

- **GG:**

24 Jun 2011 10:32:01am

If Aboriginal artists make money off it that makes it ok?

I'm confused...

[Agree](#) (0) [Alert moderator](#)

- **Chookman:**

24 Jun 2011 8:18:44am

A constant theme on ABC forums is about respect of the laws and in relation to people from other cultures not respecting laws. In this case the laws of the original landowners were broken, the judgement is totally correct.

[Agree](#) (0) [Alert moderator](#)

- **JasonJ:**

24 Jun 2011 9:41:26am

What "laws" would they be then?

[Agree](#) (0) [Alert moderator](#)

- **Ford:**

24 Jun 2011 11:52:26am

Where are these laws enshrined?

Last time I checked Parliament made laws, not unelected indigenous elders.

And if they are "indigenous" laws...a judge representing the Australian courts has no place enforcing them without legislative backing.

The judgement may have some legal basis, but this is not made clear in the article and, prima facie, the decision was simply wrong. I suspect it's more likely the decision was made due to some obscure council by-law.

[Agree](#) (0) [Alert moderator](#)

- **Rob:**

24 Jun 2011 8:31:29am

I'm sick of religious and spiritual views dominating people's reactions and behaviour, especially when they are based on superstition. Aboriginal art motifs are quickly becoming so damn precious while on the other hand it is perfectly ok for indigenous artists to include Western 'white' motifs (and methods of painting and sculpture) in their work. As an artist myself I feel that this is one area where you have a better chance of success if you have a drop of aboriginal blood in your veins than if you don't. Whilst they demand copyright over aboriginal themes as a group, they help themselves to anything that white artists have to offer. Even putting a few white dots on your painting might be breaking precious taboo. This is absurd.

While I hold the deepest feelings for indigenous people and what they have suffered from the white 'invasion' I also feel that superstition is not useful to anyone, and an artist should be able to freely make statements about any religious or spiritual subject and not have to worship 'holy cows.' If art is continually restrained it is no longer art.

It seems that art is being censored from all directions in Australia these days, our galleries have become innocuous environments that pander to any complaint voiced by any group for whatever reason.

[Agree](#) (4) [Alert moderator](#)

- o **loggy:**

24 Jun 2011 9:59:58am

Sorry but all that comes across from your post is small-minded bitterness. Do you also think that it would be okay to depict images of the prophet Mohammed? Maybe you would like to see statues of Hitler outside of people's 'galleries'. There is a line in a decent society and we need to be reminded where it is it seems.

[Agree](#) (0) [Alert moderator](#)

- **Rob:**

24 Jun 2011 10:28:07am

It would be perfectly OK to depict images of Mohammed and even Hitler. Why not? You accuse me of small minded bitterness but hey how small minded are you if you cannot allow images of these two to be displayed. Wow, what arrogance. If you believe in Mohammed then I do not wish stop you, but as far as I am concerned he may never even have existed. The trouble with most religions is that the doctrine and dogma make anyone who thinks differently a heretic = No capacity for change. Fundamentalists are the most bitter people in the world.

I don't see why we have to pander to superstitions held by those who believe in them, that is point I am making, no other.

[Agree](#) (1) [Alert moderator](#)

- **Not My Real Name:**

24 Jun 2011 11:16:25am

Sorry Rob, but your views on art, indigenous culture, Fundamentalists and so on seem to be as 'superstitious' as anything else you are labelling with that word. In other words they don't seem to be based on a careful observation of how the world actually is but are generated by various untested prejudices.

The issue in this case isn't the use of an Aboriginal 'motif'. The concept of a motif is a Western cultural one and doesn't directly relate to Aboriginal culture. The concerns of the people who have complained about this statue relate more to cultural issues which aren't directly artistic (of course in most traditional cultures the Western division between 'art' and other areas of life is totally unknown).

Similarly, the idea that art is no longer art if it is restrained is rather culturally biased. Some of the greatest art in the world has arisen out of situations of great restraint. It is one of the ironies of art that it works better when there are restrictions imposed on it- whether these come from the outside or from the medium or the choices of the artist themselves. That is what drives the creative impulse.

The issue of political freedom is quite a different issue.

I don't know about 'Fundamentalists are the most bitter people in the world.' Have you actually met someone who calls themselves a Fundamentalist? I never have. Who exactly are you talking about?

[Agree](#) (0) [Alert moderator](#)

- **David W:**

24 Jun 2011 8:31:49am

It is outrageous and wrong.

Courts have no place acting as censors or art critics.

I am sorry if people are offended but a lot of people were offended by Madonna dancing deliciously in a mock church just as people were offended by Martin Luther, Martin Luther King and even JC (H)imself.

A persons offence, no matter how sincere, and there is no doubt many of the critics of the Danish cartoonists were sincere, just as many might think the cartoons themselves lacked any artistic merit, should never be a basis for banning or removing art or an attempt at it.

[Agree](#) (1) [Alert moderator](#)

- o **Kieran:**

24 Jun 2011 8:44:56am

Actually, the courts DO have a place acting as censors. This, however, is not censorship. This is stopping the appropriation of traditional art to benefit a business.

[Agree](#) (0) [Alert moderator](#)

- **JasonJ:**

24 Jun 2011 9:43:42am

And what business has a court doing that?

Traditional art, being, well, TRADITIONAL, has no owner. Everyone is free to do as they will with it. As can be seen by, for example, two thousand years worth of Christian imagery.

And so far as can be determined, the artist wasn't attempting to make money from it.

[Agree](#) (0) [Alert moderator](#)

- **Frank:**

24 Jun 2011 11:16:20am

No, if it were stopping appropriation then there would have to be a trademark on the image or its likeness. There was none mentioned in the ruling so you can be pretty sure there isn't one.

On the other hand the statue is given automatic copyright protection under Australian law.

The courts can only make a ruling on law. So they are not using either trademark or copyright here.

The courts ruled on the fact that Tenodi did not make a development application for the sculpture for a property that contains a building of heritage.

So even though the cultural appropriateness of the sculpture is an issue for the public to discuss it has absolutely nothing to do with the court case.

[Agree](#) (0) [Alert moderator](#)

- **JasonJ:**

24 Jun 2011 12:03:29pm

"The courts ruled on the fact that Tenodi did not make a development application for the sculpture for a property that contains a building of heritage."

Now THAT changes everything about this report.

Why did the ABC not report this? Why did the "journalist" choose to make it a sensationalist piece by omitting such a vital fact?

[Agree](#) (0) [Alert moderator](#)

- **Hoju:**

24 Jun 2011 8:50:35am

Yet Christian Churches are told to mind their own business when artists depict Christ covered in urine and faeces...

Of course, we all know what happens when artists do anything regarding the Islamic faith.

[Agree](#) (2) [Alert moderator](#)

- **Mr Burns:**

24 Jun 2011 8:58:39am

The devil will be in the detail of the court ruling as to why it must be pulled down but at first glance I am appalled that our society would require someone to destroy a work of art. We all expressed our support of Swedish publishers to publish a certain caricature but here we are in Australia doing the opposite. Appalled.

[Agree](#) (0) [Alert moderator](#)

- **loggy:**

24 Jun 2011 10:04:04am

Mr Burns. I'm afraid you do not speak for me. Who is "we all"?

[Agree](#) (0) [Alert moderator](#)

- **Bazza:**

24 Jun 2011 9:09:46am

Remember the statue of Liz and Phil by the lake Burley Griffin in Canberra. Sitting nude on a park bench. They caused physical encounters, publicity plus, vandalism and you name it. Not a court to be seen anywhere.

Eventually removed because of vandalism. The royalists were deeply offended but nobody responded

[Agree](#) (0) [Alert moderator](#)

- **Pat:**

24 Jun 2011 9:10:56am

I totally understand that for some people this will be a case about censorship of the artist's expression, or the intrusion of the courts into the private or commercial sphere.

But I can't help but think the artist's insensitivity here is either a deliberate provocation to cynically get attention and generate more profits, or simple cultural incompetence.

Many of us non-indigenous folk have seen these sacred images and been moved by them. Nonetheless, many of us have become increasingly aware of traditional owner's spiritual reasons for regarding these images as non-public.

Sure, we're the strong and rich ones, and we can do whatever we like. I personally welcome the fact that the law wasn't on 'our' side this time.

Whichever way you look at the outcome of this case, the underlying factors remain the same: unless we're indigenous ourselves, then we/our ancestors are part of the structural violence that began with the brutal dispossession of the original people of this land and have continued to mercilessly pillage it for our own ends.

There is something arrogant in being part of that conquest and needing to flaunt the victory even more by insisting on 'our' right to display 'our'

promotional images in front of 'our' commercial ventures. Using someone else's culture to increase your own profits and calling it reconciliatory is deeply saddening. As a previous poster has mentioned, it is about respecting other people's feelings. Is that so hard to do?

[Agree](#) (2) [Alert moderator](#)

- **Matty T:**

24 Jun 2011 9:28:03am

It is a freedom of expression, but seriously, do we really have a freedom of expression and speech in this country. We are very lucky in comparison to nearly every other country in the world, but we still do not have freedom of expression or speech in the genuine and true sense. These things going through the court are marterialistic, spiritual it may be, significant it may be yet its still materialistic. Instead of worrying the injustice or justice of the judges ruling, lets look at the underlying factors to the ruling (Do we have freedom?)

[Agree](#) (0) [Alert moderator](#)

- **Frances:**

24 Jun 2011 9:28:20am

This is just as stupid as the destruction of the giant stone Buddha. Just put it inside somewhere where those who want to look can. Or put up a screen so it cannot be viewed from the street.

[Agree](#) (0) [Alert moderator](#)

- **lily boot:**

24 Jun 2011 10:03:42am

Very different situation - the Taliban destroyed the Buddhas of Bamiyan declaring that they were offensive to their Islamic faith - so to follow this example, the Australian court would have been ruling on the right of Christians (just an example) to have the statue of an Aboriginal deity removed because it offended their Christian faith or vice versas - Indigenous people demanding the removal of Christian iconography. However, I do agree with all the other comments regarding the apparent one rule for some faiths, one rule for others. It seems that it is perfectly okay for the symbols of Christianity to be appropriated by artists from all over the world in all manner of form, but the symbols of other faiths are taboo. That's just plain silly and very precious.

[Agree](#) (0) [Alert moderator](#)

- **Geoff Hills:**

24 Jun 2011 9:30:09am

All men are equal under the law, no matter how wealthy or powerful.

[Agree](#) (0) [Alert moderator](#)

- **Reason:**

24 Jun 2011 9:30:50am

Being offended by stuff is a real art form.

[Agree](#) (0) [Alert moderator](#)

- **JasonJ:**

24 Jun 2011 9:37:01am

Well, unless there's a lot more to this than reported, it appears that a court has ordered the destruction of private property on the grounds of nothing more than it offending someone's sensibilities. No crime is involved, no breach of copyright or trademark, just personal offence. Which is no basis for any ruling (or even action to begin with).

What next? If I display an inverted cross, which as a twisted symbol of Christianity used by satanists would be offensive to Christians, could Christians demand (and get) its removal? What about a sculpture labelled as Mohammed? We all know how offensive that is to Muslims.

Hell, how about I demand the destruction of any and all publicly displayed religious items, given the vast offence I take from any form of religion?

You can be as offended as you like by something, but that gives you no right to do anything about it.

Now, unless there's some sort of council by-law not being mentioned here, this would appear to be a gross injustice, a travesty concocted by a court vastly over-reaching itself.

But if it turns out that this is a simple council planning matter, though, then what the hell is the ABC doing running the story like this? It makes it a travesty concocted by idiot journalists desperate for attention.

[Agree](#) (0) [Alert moderator](#)

- **Tom Reakes:**

24 Jun 2011 9:40:53am

There are double standards here. A so called "artist" can depict a crucifix in urine with impugntiy, then give it a blasphemous title and that all seems acceptable. But, this statute..? Surely, there is respect somewhere for peoples' beliefs? Whilst individuals may be disrespectful shouldn't our society disdain that attitude and uphold integrity?

[Agree](#) (0) [Alert moderator](#)

- **chas:**

24 Jun 2011 9:52:10am

I wonder if the responses would have been so sympathetic to cultural and religious sensitivity if it had been Muslims who had objected to an image? Given the commercialism of aboriginal art and the use of sacred images this seems a bit over the top. Like others, what was the courts role and under what law was it ordered to be removed?

[Agree](#) (0) [Alert moderator](#)

- **Saalik:**

24 Jun 2011 10:01:46am

This is too stupid for words. It is ok in Australia to abuse non indigenous peoples' religious beliefs but if you are an aborigine 'specisl treatment'. We pander to a group of people who use 'sacred' and 'traditional' and 'racist' in every second sentence top get their way. I don't feel guilty for something that happened over 200 years ago and NO ONE will make me.

[Agree](#) (0) [Alert moderator](#)

- **PW:**

24 Jun 2011 10:05:07am

Interesting on two points:  
The story has been filed from Broome (in WA) and is about a NSW's court decision. With no real detail about what the court ruled on.  
And in 2006, Mabel King, who was described as a renowned Aboriginal artist died. Her work was famous for depicting Wandjina. The National Gallery of Victoria has four of her pieces.

This story has too little detail to understand what is going on and seems to reek of double standards (it's ok for one woman to profit from her art, because of her race, and not for another - for the same reason).

[Agree](#) (0) [Alert moderator](#)

- **Daniel Lazaroo:**

24 Jun 2011 10:07:54am

It is not the sculpture that is offensive. There is nothing offensive about clay or stone or brick or glue or paint or whatever constitutes this or any other sculpture.

The offensiveness of this sculpture exists within the minds of the people who are offended by it. They create the meaning of offense because they hold on to the belief that this physical representation is offensive.

Was the artist being offensive? Did she intend to create offense by enacting this sculpture? I think not. But it was, in all likelihood, unwise of her to create an art piece of a spiritual figure from someone else's spiritual tradition without first considering or consulting individuals from that community.

It's a very different scenario than the cartoons of Prophet Mohammad, when the cartoon itself was intended to be offensive - that's what made the author of that cartoon think it was funny, he intended to be offensive. I believe this artist thought differently - I believe that she used her artwork and skill to venerate a being, as other artists have done throughout history, as a sign of her appreciation for the beauty or marvelousness of this being.

So on one hand, I think that if people are offended by a physical object (that represents a spiritual being), they should take a long hard look at themselves and realise that they are offended by mere stone and that the representation was not likely done to offend them anyway. On the other hand, the artist should have done her homework and realised that people get upset when you do something that break their traditional laws/customs.

I think the sculpture should be removed, but not necessarily destroyed - the artist should at least be allowed to keep it, assuming that she feels proud of her work and wants to. But perhaps this is not the right time to publically display it.

[Agree](#) (0) [Alert moderator](#)

- **Firzen:**

24 Jun 2011 10:31:27am

Did the court order a statue be pulled down \*on private property\* because a group of people found it offensive?

That is disgusting.

[Agree](#) (0) [Alert moderator](#)

- **dadethan:**

24 Jun 2011 10:34:45am

If the thing is a spirit, how does anyone know what it looks like? It's like saying that the Christian God is an old man with a grey beard and no one's ever seen him or her.

[Agree](#) (0) [Alert moderator](#)

- **Agemegos:**

24 Jun 2011 10:40:12am

Wow! Now we can't say in public anything that might be offensive to anyone's religion?

That's going to be ... different. Because every religion is blasphemy to some other religion. Any mention of the "son of God", for instance, is horrible blasphemy to our Jewish and Muslim citizens. The claim that there is no God but Allah is blasphemy to Hindus. Catholics and Lutherans object to saying a doxology at the end of the Lord's Prayer. If this principle be actually followed there must be a vast silence about religion in the public sphere. It'll be different.

[Agree](#) (0) [Alert moderator](#)

- **rjk:**

24 Jun 2011 10:43:05am

If the main crux of the argument is that the public depiction of a sacred spirit in the form of a sculpture was deeply offensive to a particular sect of people, then why wasn't it offensive at the 2000 Sydney Olympic games when a 35 meter high sculpture of the same spirit was erected for the opening ceremony?

[Agree](#) (0) [Alert moderator](#)

- **nobauhaus:**

24 Jun 2011 11:12:41am

It probably was.

[Agree](#) (0) [Alert moderator](#)

- **Rob:**

24 Jun 2011 11:13:52am

Excellent point

[Agree](#) (0) [Alert moderator](#)

- **Biserka Phipps:**

24 Jun 2011 11:06:31am

I am pleased about court ruling the removal of sculpture that is offending Aborigines. We should all put a effort at not unnecessarily offending Aborigines. Because of the past history of offenses. Positive discrimination should be applied.

[Agree](#) (0) [Alert moderator](#)

- **JasonJ:**

24 Jun 2011 12:05:45pm

Bollocks.

NO discrimination should be applied, and that means in either direction. Either discrimination is wrong, and is wrong in all forms, or it isn't. You cannot have acceptable degrees of discrimination.

[Agree](#) (0) [Alert moderator](#)

- **nobauhaus:**

24 Jun 2011 11:08:18am

A lot of people here have argued that we don't have a right not to be offended. I agree, however I think an important point that so many here seem to have missed is that this sculpture was being offensive on these peoples' land (at least the way I see it), outside a gallery that profits from tourists buying its pseudo-Aboriginal artwork. Now I know that people here have argued that its completely within anyone's rights to make art in any style they wish but its not hard to understand that someone coming into your cultural and spiritual homeland, copying your style of art, selling it for a profit that otherwise could have been yours, and then erecting a huge sculpture of a figure that you hold to be spiritually significant and are uncomfortable seeing in a physical form could make you bitter enough to try everything within your rights to get that sculpture taken down. I'm not one to give much esteem to religious taboos and I have to admit I don't understand this taboo any more than I do Christian or Islamic ones.

I think Andres Serrano had every right to show Piss Christ, however I would draw the line at this being displayed in a Church, or setting up shop in the Vatican and selling little plastic replicas. I trust that the court wouldn't have given the order to take the sculpture down if it wasn't within the law. But this

isn't really my point. My point is that Vesna Tenodi is not someone who should be vigorously defended or held up as a champion for free speech.

[Agree](#) (0) [Alert moderator](#)

- **JohnS:**

24 Jun 2011 11:10:59am

If the story is accurate as far as it goes (and how likely is that?), the decision should surely be overturned on appeal. Generic images of Wandjina are not trademarked or copyrighted, and anybody can see what they look like on the web or in the library (remember those?), so there is no secret, and nothing has been stolen or infringed by the artist.

Though people deserve respect (by default at least), religions do not. Does the Catholic church have a legal right to stop any person from displaying the crucifix or printing the Bible (or continuing to live)? - I'd say obviously not (though it took a long series of European wars to sort-of settle the question). No more do Kimberley aboriginals, with that famous deep connection to 'their land' (in the Kimberley) have a right to control expression in NSW.

[Agree](#) (0) [Alert moderator](#)

- **Dan:**

24 Jun 2011 11:15:28am

I remember the Wandjina spirit was depicted by a massive art work during the olympic games opening ceremony in sydney....doesn't get much more public than that! Was offence taken at the time? And of course, the Wandjina is depicted in many rock art paintings in the Kimberly. I'm not saying I agree or disagree with the ruling on the limited information provided by the article, but it does seem somewhat strange at first glance.

[Agree](#) (0) [Alert moderator](#)

- **Kevin:**

24 Jun 2011 11:19:57am

The issues of cultural trespass in Australia are challenging and difficult for all artists, and not always fair or well explored. On the one hand, the Aboriginal people want all of Australia to take their spiritual traditions seriously. Fair enough, there's nothing wrong with that. But it is not possible to do that if artists are denied access to the meanings behind the symbols. As a result, Aboriginal culture will remain without formal expression, and misunderstood by any mainstream populations.

In this case it is not explained whether the artist has replicated an existing

image or whether she has interpreted an idea of her own as image and used that to represent what she might understand of the culture.

In the former, it may well be argued that she has appropriated cultural property; in the latter however, the interpretation is hers and she is and must be free to interpret any culture and its portrayal as she sees fit. This is the only way a culture will survive, and I think that is what the cultural gatekeepers are failing to understand.

The third issue that goes unspoken, is one of authenticity. We, as a wider community (black and white) are unable to verify the authenticity of much of what passes as Indigenous cultural heritage. We are told that the culture is embedded in stories that are handed down in an oral and behavioural practice and we should accept them as authentic when an elder of a group tells them.

Given that culture is contained within language, food, iconography and mores, it seems improbable to me, when a great deal of the language of different Aboriginal people has been lost, that the stories can remain intact. In the process of telling and retelling, we are not to know how an image is interpreted differently by one teller to another.

In this regard, it is just as viable to a contemporary community for a spiritual symbol to be interpreted by any member of the community as any other. Debate of course can ensue regarding that interpretation, and through the debate a wider understanding of the symbol's cultural significance will emerge. But to simply cut off such interpretation will do no more than bury understanding, and that is not the way for a culturally rich and diverse community.

[Agree](#) (0) [Alert moderator](#)

- **Rebecca:**

24 Jun 2011 11:22:56am

OK, what I don't understand is this...If the artist (or any artist) feels the need to make a work of art depicting something that is sacred to other people, then how can they do that work of art justice if it doesn't respect the beliefs of those people? After all, the power of the subject only exists because of the power of the belief in it. If an artist wants to disrespect these relationships, then they have undermined their own validity.

[Agree](#) (0) [Alert moderator](#)

- **Zeddy:**

24 Jun 2011 11:27:13am

It's on the other side of the continent, and way out of the cultural context of the Kimberley Aboriginals.

I think they may be overreacting just a twinge, perhaps making themselves upset just for the drama of it.

[Agree](#) (0) [Alert moderator](#)

- **Bendaddy:**

24 Jun 2011 11:31:52am

I think it's very important to show respect to the original inhabitants of the land. However if the art is on private property then what right does the court have have to demolish the artwork?

[Agree](#) (0) [Alert moderator](#)

- **Jack McBride:**

24 Jun 2011 11:48:33am

...you'd think they would have more pressing issues to deal with, other than a statue in the frontyard of a building in the mountains of NSW. And if there can be no representations of this spirit then how does anyone know what the spirit looks like? Isn't it then just somebody's interpretation of what the spirit may look like...to them. It seems to me that there are a lot of people willing to go to the wall over their feelings, but not over their health and welfare. Priorities people, then complain about somebody's art.

[Agree](#) (0) [Alert moderator](#)

- **WoodGnome:**

24 Jun 2011 11:59:48am

I have a number of questions.

- 1/. Is Vesna Tenodi from either of the three Kimberley Clans?
- 2/. Did she interact with them before it was decided she would make an image of the Spirit to be displayed to the public?
- 3/. Is Vesna willing to donate the sculpture to the Kimberley to appease the Clans?

There is much more to the story that we have been presented with. If the Artist was not of the clans, then it may be construed that she has sort of stolen the sacred image. This may be highly offending to the three Kimberley Clans peoples. If this is so, then the stature should be removed (not necessarily destroyed). If the Artist was of the CLans, and did not have permission, then is the Artist willing to donate the statue to appease the offense to the clans? There may need to be a deeper level of discussion between the Artist and the Clans to appease the offense, but it may well be negotiated as to the ability to make such Art, but to display it in a more culturally sensitive manner.

Just think of Uluru. The Local Country would prefer that others do not climb Uluru as it is a place of their Spirits. They understand the desires to climb pieces of geography, so have not placed a ban on the climbing. This was a negotiated position.

There is much more to this story and to come out of this story. Please Aunty, keep us up to date with information.

[Agree](#) (0) [Alert moderator](#)