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**THE ARTIST IS A THIEF:
A BOOK REVIEW**

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Stephen Gray

The Artist Is A Thief.

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Stephen Gray is a writer and law lecturer who has been living in Darwin since 1989. He started out writing formal legal pieces about how copyright law had unsuccessfully sought to accommodate Aboriginal art.¹ Such work led him to further investigate the philosophical questions underlying the legal issues affecting both traditional² and urban Indigenous people.³ Gray has also explored matters of bioprospecting in relation to Indigenous biological resources.⁴ He has investigated the introduction of a label of authenticity into Australia.⁵ Gray has also published a number of articles about other legal issues affecting Indigenous people. He has explored such topics as native title, customary law, alternative dispute resolution, and criminal law.

Gray has recently been awarded The Australian/ Vogel Literary Award for his novel *The Artist is a Thief*. He was inspired to write a book after being sent out to a community on a possible copyright claim as part of his job in the law faculty of Northern Territory University:

"I wrote an academic article and then a more philosophical piece talking about the copyright act and the way it doesn't really protect traditional artists who have a very different view of the place of their art. The pieces were interesting, but I felt there was something more there that needed a fictional expression as well."⁶

¹ S. Gray, "Wheeling, Dealing and Deconstruction: Aboriginal Art and the Land Post-Mabo" (1993) 3 (63) *Aboriginal Law Bulletin* 10; S. Gray, "Aboriginal Designs and Copyright: Can the Australian Common Law Expand to Meet Aboriginal Demands?" in *The Happy Couple: Law and Literature*. (J. Turner and P. Williams, eds, 1994), p. 241; and S. Gray, "Enlightenment or Dreaming? Attempting to Reconcile Aboriginal Art and European Law" (1995) 2 *Arts and Entertainment Law Review* 18.

² S. Gray, "Squatting in Red Dust: Non-Aboriginal Law's Construction of the 'Traditional' Aboriginal Artist" (1996) 14 (2) *Law in Context* 29.

³ S. Gray, "Black Enough? Urban and Non-Traditional Aboriginal Art and Proposed Legislative Protection for Aboriginal Art" (1996) 7 (3) *Culture and Policy* 29.

⁴ S. Gray, "Vampires Round the Campfire: Indigenous Intellectual Property Rights and Patent Laws" (1997) 22 (2) *Alternative Law Journal* 60.

⁵ S. Gray, "X-Ray Wallabies and Mickey Mouse: The Commodification of the 'Authentic' In Aboriginal Art" (2000) 159 *Overland* 124

⁶ S. Hayes, "There's Faking It And Making It", *The Sydney Morning Herald*, 11 October 2000.

It is ironic that such a self-conscious and sophisticated meditation upon appropriation and authenticity should win The Australian/ Vogel Literary Award. The inaugural award in 1980 was won by Paul Radley, who later revealed his books were mostly written by his uncle, and in 1993 it was won by Helen Demidenko, aka Darville, who had lied about her Ukrainian background and family history.

In *The Artist Is A Thief*, Gray tells the fictional story of Margaret Thatcher Gandarrwuy, an internationally famous Aboriginal artist from the Mission Hole Community in the Northern Territory. Her works command high prices - until a new painting of hers is unveiled at the opening of an Aboriginal art award in Darwin. Two characters gossip about the controversy:

"The painting had been vandalised. One knife slash down the middle, and one horizontal, just like a cross. And above the cross was sprayed a slogan in red paint. It must have taken a good ten or fifteen minutes alone to do all that".

"What was the slogan?"

"The artist is a thief."

"The artist is a thief?"

"Well, that's what most people thought it looked like. The writing was pretty crude, and obviously done in a hurry. It's a reference to a well-known post-modernist idea, you see. It means something like there's no such thing as an original work any more. Everything's been stolen from somewhere else. Or maybe it was racist. Some people said the vertical and horizontal slashes were meant to be a swastika, or even a cross. Or it could have been someone quite different, and the words were just a blind".⁷

The ensuing artistic and political furore calls into question the reputation of the artist Margaret Thatcher Gandarrwuy. Rumours abound that she does not paint traditional work; that the stories she paints are not from her country; and that other artists do all the hard work for her.

The narrator Jean-Loupe Fauve is an accountant sent to the Mission Hole Community to investigate the allegations surrounding Margaret Thatcher Gandarrwuy's work. Gray observes that being a financial consultant is a creative profession: "It was the accountants, these days, who needed more imagination than the bridge builders. They were the courtiers, the artists, the dreamers and jokers of the post-modern world - even if their dreams were just signs, columns of figures on a

⁷ S. Gray, *The Artist Is A Thief* (2001), p. 50-51.

computer-generated page".⁸

The art dealer Guy Randhawa is the Rasputin of the piece. Stephen Gray describes this intermediary: "There was a sense in which Randhawa had created Margaret Thatcher Gandarrwuy. He had created her image, after all, and virtually everything that was known about her in the non-Aboriginal art world had come through him. Randhawa considered himself to be Margaret Thatcher Gandarrwuy's spokesperson, her amanuensis, the mouthpiece through which she communicated her culture to the world. Had he begun to create her paintings as well?".⁹

Gray draws upon a range of controversies over the appropriation of Indigenous artistic works and cultural property. One of the characters, Sally Galilee, vents her outrage at the culture of theft and plunder:

"Aboriginal art's been stolen and reproduced on carpets and T-shirts and teatowels and placemats. I'm surprised there's no dunny paper with Aboriginal designs. White artists get applauded for pinching our sacred images. At every roadside stall in northern Australia you can see mass-produced didgeridoos made by Swedish hippies who think they're doing us a favour, promoting our culture. Meanwhile your so-called high art critics are still debating about whether our work is art or craft, whether we belong in art gallery or the ethnological section of the museum, whether we're eligible for a prize in the abstract art section of a European festival where half the entrants are 'inspired' by our designs. Our best artists are selling their works for forty dollars to scrounge up money for a meal. And we're the ones who get accused of fraud!".¹⁰

Gray responds to the string of copyright cases concerning Indigenous art - such as the Dollar Bills case,¹¹ the Carpets case,¹² and the *Bulun Bulun* decision.¹³ He also taps into scandals over fake Aboriginal art and literature - such as the Elizabeth Durack paintings, the Wongar persona, and the Marlo Morgan books.

Gray claims that disputes over culture appropriation are riddles, enigmas, mysteries. They cannot be easily explained by artistic theory, definitively resolved by legal adjudication, or summed up by the media. Gray shows that one of the few ways to capture the elusive debate over cultural appropriation is to turn to fiction and

⁸ *ibid.*, p. 21.

⁹ *ibid.*, p. 233.

¹⁰ *ibid.*, p. 56-57.

¹¹ *Yumbulul v Reserve Bank of Australia* (1991) IPR 481.

¹² *Milpurrruru v Indofurn Pty Ltd* (1994) 54 FCR 240.

¹³ *Bulun Bulun and Milpurrruru v R & T Textiles Pty Ltd* (1998) 41 IPR 513.

imaginative writing. His book represents one of the most thoughtful commentaries written on the subject of intellectual property and Indigenous culture.