



Griffith Journal
of Law & Human Dignity

GRIFFITH JOURNAL OF LAW & HUMAN DIGNITY

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**THE ART OF HUMAN DIGNITY AND THE HUMAN DIGNITY OF ART:
EDITORIAL**

Write what you dare not say; dance as if no one is watching; sing like you are in the shower — art lets us express ourselves in ways we cannot otherwise do. With that said, we must ask ourselves, do we truly have the right to freedom of expression? What are the boundaries of this right, and how do these boundaries impact our human dignity as creative beings?

This Issue focuses on the intersection between art and the law. Our *Journal* aims to publish articles that give a voice to those who have been silenced, disenfranchised, or marginalised. It is for this reason we publish academic articles and narratives alike. With this in mind the mission statement for this Special Art Issue is:

Art is integral to being human. Art gives us meaning and challenges us. For some, art is so confronting that they seek to ban or destroy it. In this Special Issue we want to contest the bounds and legality of art to emphasise the human dignity of art and in turn challenge the art of human dignity. What does the regulation of art really say about us as humans?

When we chose the topic of art we soon realised that the scope of the Issue was almost endless. The challenges artists face are not only transnational but also common. In one of our Editors' meetings an editor brought up a recent case where an artist was charged for unauthorised street art. While the topic seemed quite passive at the time I began to notice the volume of news articles and stories where artists were being charged for what appeared to be an overstepping of political power.

It became clear that artists from every background (whether that be street artists, dancers or singers) all experience a similar feeling — oppression. When fostering opportunities for artistic freedom and artistic expression we in turn open the possibility to challenge societal norms. Art can inspire and provoke, it can challenge and motivate. So why then, in a culture that can encourage change

and galvanise communities, is the law oppressing those who can actually make a difference?

I ask myself; why is it that when an artist uses a child in artwork they are charged with possession of child pornography?¹ How is it possible that singing about political opposition can see you thrown in jail?² In what world can the Attorney General commandeer art funding for political control?³ The law is facilitating artistic oppression. The disconnect between art and property rights along with censorship law and obscenity restrictions (to name a few) are handcuffing our art.

This Issue begins with an Australian street artist, Anthony Lister, who recently faced the court system by challenging Queensland's somewhat confusing graffiti laws. Lister's article gives us an introduction of what street art means to him as an artist. He goes on to question that as public people should we not be afforded the right to use our public spaces?

We then hear from a hip hopper who has faced challenges to his human dignity as a lyrical artist through identity misconceptions. L-FRESH the LION, an Australian rapper explains that while hip-hop was established though a climate of oppression and discrimination, that those in the industry itself are some of the worst perpetrators when it comes to conforming to identity standards. Although his identity has been challenged, questioned and at times discouraged he has not bowed down to the pressure of the industry.

Bruce Baer Arnold and Wendy Bonython then ask us to consider the dignity of those depicted in paintings and artistic representations. They make the point that as viewers we owe an ethical duty to those within the painting. Rather than

¹ In Australia, Paul Yore was charged with possession of child pornography. See eg, ABC Arts, 'Pornography Charges Against Paul Yore Dismissed' *ABC News* (online), 7 October 2014 <<http://www.abc.net.au/arts/blog/arts-desk/Artist-Paul-Yore-acquitted-of-pornography-charges-141001/default.htm>>.

² Members from the Russian punk rock band *Pussy Riot* have been jailed for hooliganism. See eg, Sarah Joseph, 'Pussy Riot: A New Chapter in Art Verses Power' on *The Conversation* (31 July 2012) <<http://theconversation.com/pussy-riot-a-new-chapter-in-art-versus-power-8563>>.

³ The 2015 Australian budget suggests George Brandis (Attorney-General) is creating his own art fund to distribute funds as he pleases. See Ben Eltham, 'Budget 2015: George Brandis' Extraordinary Raid of the Australia Council' *The Drum* (online), 13 May 2015 <<http://www.abc.net.au/news/2015-05-13/eltham-brandis-extraordinary-raid-of-the-australia-council/6467534>>.

just lines on a canvas Arnold and Bonython suggest that the representation itself be afforded the respect and reflection it deserves.

Matthew Christian a subway-performing advocate takes us through the last 30 years of legal ambiguity in the New York City transport system. Christian explores the possible risks and opportunities that street performers face when expressing themselves in the tunnels of New York City. He suggests that the current program, Music Underground New York is perhaps a hindrance rather than helpful for those who choose to perform.

Next, Jarrod Wheatley looks at the social advantages to creating artistic programs for community benefit. As the founder and coordinator of Street Art Murals Australia, Wheatley suggests that we shift the debate of street art and graffiti from a legal paradigm to a broader debate about the role and place of public art.

Jay Sanderson and Leanne Wiseman use the case of *William v Bridgeport Music Inc No 13-06004* (CD Cal, 2013) — the District Court decision on copyright infringement for the song Blurred Lines — to illustrate the somewhat “blurred lines” of copyright law in America. The article focuses on subconscious copying as being both illicit and impressive at the same time. It touches on legal doctrine as well as theoretical perspectives that consider the artist’s dignity in claiming subconscious copying.

Next, Crisp an international street artist who has chosen to reside in Bogota, Columbia because of the lenient graffiti laws, shares his different experiences of painting worldwide. He argues that while complete legalisation of street art will not likely fix the problem that Bogota’s approach has provided the graffiti community with a suitable middle ground.

Adam Jardine takes us into the world of gaming by questioning how computer games, as an interactive medium, make players complicit in gendered violence. Jardine takes a reflective and very personal approach to the article in describing his personal discomfort as a player with how women and girls are represented in these games.

The Issue finishes with an article that leaves us questioning, who should have the right to determine what goes on our public spaces? Karen Crawley argues that a zero-tolerance approach and harsh legal remedies are counterproductive in addressing the so called “graffiti problem”. She explains how street artists and graffiti writers have a different relationship with cities than that of the traditional property owner. This article (and further this Issue) leave us thinking perhaps we have something to learn from these artists — perhaps we can learn how art teaches us something different about otherwise naturalised and accepted forms of social behaviour.

While each author draws from their own personal experience and has their own personal argument, there is one predominant theme that is shared among each article. That is — art is a part of our personality and a part of our human experience, our author’s all share the view that while art liberates; the law restricts. Not one of our authors wrote with enmity or reprisal but rather with a tone of hope. Hope that perhaps we can open the discussion to government, advocates, academics and artists alike. Hope that one day the law can reflect that art is a part of our human dignity and that our human dignity is a part of art.

FELICIA LAL

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