

VISIONS NOT SO SPLENDID: ART, LAW, JUSTICE



Thursday 22 Aug.

12:00 – 4:30 PM

Sir Roland Wilson
Building Lecture Theatre

Centre for Law Art and
the Humanities

Australian
National
University

12:00 – 1:30 *Law and Art in Transition*

Eliza Garnsey, 'The Visual Jurisprudence of Transition'

Maya Broom, 'Incursions of International Law: Representations in Cinema'

1:30 – 2:00 *Light lunch*

2:00 – 4:00 *Representation and Justice*

Rachel Joy, 'The Work of Art in Decolonising Occupied Australia'

Laura Petersen, 'Sites of Restitution: Gerhard Richter and the *Birkenau* Cycle'

Lola Frost, 'Dream Painting and the Deterritorialisation of Democratic Politics'

4:00 – 4:30 *Afternoon tea*

THE VISUAL JURISPRUDENCE OF TRANSITION: ART AT THE CONSTITUTIONAL COURT OF SOUTH AFRICA

[ELIZA GARNSEY](#), BRITISH ACADEMY POST-DOCTORAL FELLOW, UNIVERSITY OF CAMBRIDGE



View of Constitutional Court of South Africa, 2014, photography by Akona Kenqu

The Constitutional Court of South Africa is a unique space by international comparison, not only because it has transformed an infamous penal site, but because it integrates artworks into the fabric of the architecture and houses a large visual art collection developed by and for the Court. The purpose of this paper is to explore how the Court's art collection intervenes in South Africa's transitional justice narrative. I argue that three dominant narratives emerge out of the art collection. These are narratives which recognise people, community, and time as key to the project of justice and democracy in South Africa. Drawing on seven months of participant observation fieldwork at the Court, which included 54 interviews with judges, clerks, staff members, advocates, artists, curators, and visitors, as well as visual and archival research, I conduct visual analyses of artworks by the Bambanani Women's Group, Marlene Dumas, Dumile Feni, David Goldblatt, Judith Mason, Thomas Mulcaire, Sipho Ndlovu, Georgia Papageorge and Sue Williamson. I argue that the three narratives which emerge from the art collection draw attention to how the impossibility of attaining universal justice, is what drives justice practices and the enactment of human

rights for particular people and communities at particular times. This argument is situated within a broader theorisation of the art collection as a new kind of ‘visual jurisprudence’—understood as the philosophy of the visual in law—which, in such close proximity to the Court, inhabits a unique position where the assumptions of justice and what it means to uphold the Constitution in a ‘new’ South Africa can be probed.

*Eliza Garnsey is a British Academy Postdoctoral Fellow in International Relations at the University of Cambridge and a Visiting Fellow at the Centre for Law, Arts and the Humanities, ANU. Her research focuses on art and visual culture in international relations and world politics, particularly in relation to human rights, transitional justice, and conflict. Eliza’s book, entitled *The Justice of Visual Art: Creative State-Building in Times of Political Transition*, is forthcoming with the *Law in Context* series at Cambridge University Press. The book demonstrates that there are aesthetic and creative ways to pursue transitional justice—ways which have the capacity to address identity divisions and exclusions in nations emerging from conflict.*

INCURSIONS OF INTERNATIONAL LAW: SELECTED REPRESENTATIONS IN CINEMA

MAYA BROOM, MONASH UNIVERSITY

International law and international human rights law provide a framework of rights in regards to how States may, or may not, interact with a range of persons; from citizens, enemy combatants as well as prisoners of war. Terrorism is often an area where arguments are put forth in regards to suspending these rights, under the guise of safeguarding global security which in turn strengthens individual State responses to this global threat. Visual mediums such as cinema and the media are fertile platforms with which to extend these arguments, or at the very least impact upon collective views around terrorism. This presentation will provide a brief summary of some aspects of research currently underway in regards to identifying specific incursions of international law and human rights within selected films about the Global War on Terror and also provide some insight into the path taken by the author in regards to interdisciplinary study of terrorism, international law and human rights and screen studies.

Maya Borom is a PhD candidate in Monash University's School of Media, Film and Journalism. Her doctoral research focuses on incursions of international law and human rights in cinematic representations of terrorism. She is currently a Lecturer with a focus on teaching criminology, law and screen studies at various Universities and includes some of her degrees as a Bachelor of Arts (hons), a Bachelor of Laws and a Master of Public and International Law with a specialisation in international criminal law.

THE WORK OF ART IN DECOLONISING OCCUPIED AUSTRALIA

[RACHEL JOY](#)



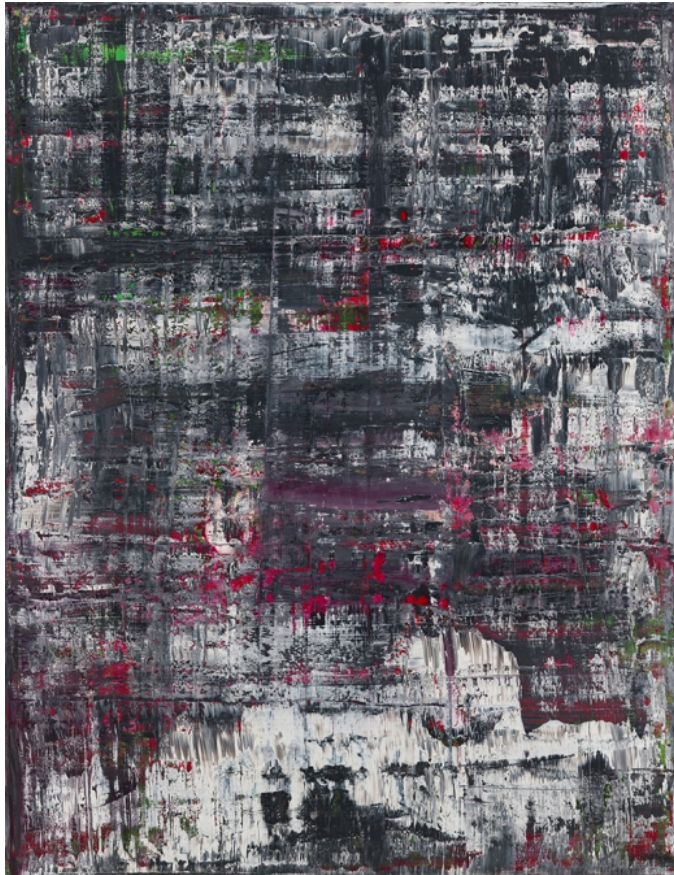
Rachel Joy, Eumeralla Wars (2017). Photo credit Pixels

Art matters when considering society because artworks are cultural productions, which in turn spring from the political. My claim is that visual art can be a sensory provocation towards destabilising occupier subjectivity in Australia on one of many pathways toward settler decolonisation. It asks how an art practice can help facilitate acknowledgement of Indigenous sovereignty and the continuing harm done by contemporary settler society. By engaging with politics of subjectivity and histories of violent dispossession my work engages viewers in a process of emotionally informed thinking driven by their own sensory experiences. They might reflect on their family history, their own subjectivity in relation to others and thus through this very act - change; becoming other than they were. The act of engaging with art does not resolve the problem of decolonising Australia but it can begin a process of reflection, listening and learning that enables change.

Dr Rachel Joy is a Melbourne based visual artist and academic. Her paintings, print works, sculptural practice and writings comment on local and global issues regarding place, identity and history. Trained as an historian before turning to art, Rachel's artworks often reference hidden historical events and offer new ways of understanding them. Rachel has won public art commissions and international residencies and has collaborated with companies of significant renown including Opera Victoria and Snuff Puppets Theatre Company. She is published in books and academic journals and her work has been exhibited at a range of galleries and public spaces internationally and throughout Australia.

SITES OF RESTITUTION: GERHARD RICHTER & THE *BIRKENAU* CYCLE

[LAURA PETERSEN, MELBOURNE LAW SCHOOL](#)



Gerhard Richter, *Birkenau* (2014), oil on canvas 260 x 200 cm

Gerhard Richter, one of Germany's most famous contemporary artists, painted the *Birkenau* cycle in 2014. *Birkenau* consists of four large abstract panels. Richter made the decision to name this cycle *Birkenau* (it was not his first title) and tell the story of their production. Underneath the layers of paint are the outlines of four painted photographs. The images underneath, not visible but present, are based on the four rare photographs smuggled out of the gas chamber at crematorium V of Auschwitz-Birkenau. In 2017, a copy of *Birkenau* was installed in the entrance hall to the *Reichstag*, the German Parliament. In this paper, I share some of my initial thoughts on the *Birkenau* paintings.

I read Richter's artwork through the language of restitution. In doing so, I pay attention Richter's technique of layering paint; I describe it as part of his method of giving an account of restitution, a gesture of 'making again'. In addition, I notice how the ostensible site of the images, the concentration camp Birkenau, is rendered absent, whilst the paintings are now displayed on the threshold to a prominent legal space. I describe the site of the display of *Birkenau* and raise questions regarding the dynamic between the art work, the audience and the legal institution.

Laura's cross-disciplinary research interests combine approaches to jurisprudence with German studies, art and literature. She is a PhD Candidate at the Centre for International Law and Humanities at the Melbourne Law School. Nearing completion, her thesis focuses on the practices of restitution undertaken by jurists, authors and artists in Germany post-WWII. Laura was recently awarded a German research grant to work on her new project on Gerhard Richter and the Reichstag in the faculties of Law and Art History at LMU Munich in 2020.

DREAM PAINTING & THE DE-TERRITORIALISATION OF DEMOCRATIC POLITICS

[LOLA FROST](#), VISITING RESEARCH FELLOW, WAR STUDIES, KINGS COLLEGE LONDON



This paper explores what is at stake in a representational politics and a politics and ethics of aesthetics in contemporary art. As a foray away from the western tradition of sublime landscape painting, the paper draws on the author's own deterritorializing painting practice and ventures into the terrain of Australian Aboriginal art. In doing so the paper sketches how deterritorialising representations and an ethos of dream-painting intersect with the power/knowledge interests of representational democracy.

Lola Frost, from Towards Deep and Radiant Time (2018)

Originally from South Africa, Lola Frost currently lives in the UK. Work from her art exhibitions between 1983 and 1996 can be found in major public collections in South Africa. Solo exhibitions in the UK include, Coming Alive, 2013 (Clerkenwell Gallery), Taking Risks, 2014 (Somerset House); Going South, 2015 (Somerset House) and Living the Fold, 2017 (University of Brighton); Towards Deep and Radiant Time, 2018 (Bush House King's College London).

Her academic career includes a senior lectureship in Art history and Art Theory in the Visual Art Dept DUT, South Africa; PhD from Goldsmiths College, Visual Art Dept in 2007; part time teaching at the Working Men's College in London from 2008 to 2011. She has published articles on politics, ethics and aesthetics; and explored the topic of aesthetic risk during her Leverhulme artist's residency in the Department of War Studies KCL in 2014/15, where she is currently a Visiting Research Fellow.