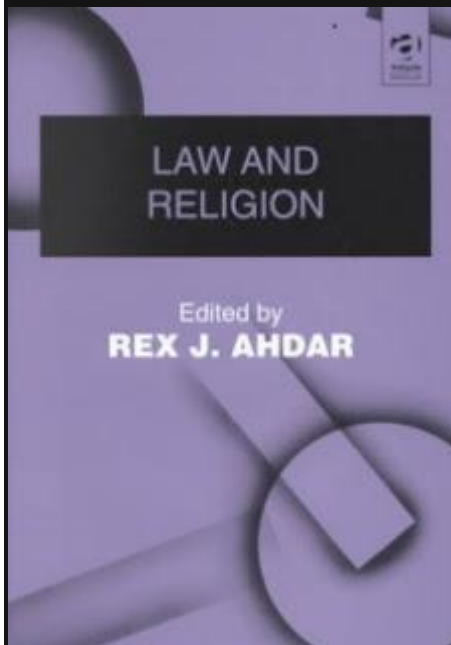


## "Art, Expression and the Offended Believer"

Reid Mortensen, "Art, Expression and the Offended Believer" in Rex J. Ahdar, ed., *Law and Religion* (Aldershot: Ashgate, 2000).



Reid Mortensen's "Art, Expression and the Offended Believer" examines the most famous Australian prosecution for blasphemy, the 1997 "Piss Christ" case.

The first portion of the essay goes behind the opinion of Justice Harper to present interesting background to what prompted the litigation. For example, Archbishop Pell (the plaintiff who initiated the private prosecution) made various attempts to keep Serrano's artwork from being displayed and, when it came to initiating a lawsuit, other religious bodies which supported Pell in principle refrained from joining him.

The middle portion of the essay is a brief overview of blasphemy law and the problems it poses. One aspect of the discussion especially worth paying attention to is the question of how broad of a context should allegedly blasphemous material be examined in. For "Piss Christ", for example, should it be considered on its own, in the context of Serrano's statements about it, in the context of the gallery's entire display of his work, in the context of modern art generally, or otherwise? Similar issues could presumably arise regarding written blasphemy, when questions of whether the material should be viewed in isolation or considered as a small piece of an author's larger body of work may arise.

The third portion of the essay is, to my mind, the most thought-provoking. Apart from legal considerations, what are the ethical responsibilities of publicly-funded art galleries? Mortensen notes "as a public institution, the NGV [National Gallery of Victoria] was bound by principles of accountability to the broader Victorian community that a private institution could disregard." (p. 191) Mortensen goes on to state that accountability in this context "requires that real and serious consideration be given to the interests of the whole public and that the institution consult more thoroughly when it is aware that its actions will scandalize parts of the citizenry." (p. 191-92) He then suggests that the NGV would have been unlikely to make the same decision if a religious body other than Christians were to be the subject of offense, and that it "should not have so lightly dismissed the concerns of offended believers." (p. 193)

Consideration of the ethical responsibilities of publicly-funded arts institutions is almost universally absent from the literature on blasphemy, and in this respect the essay makes an important contribution to the field. That being said, I'm not convinced that the ethical responsibilities of publicly-funded galleries are necessarily different in kind than that of privately-funded ones. They share certain ethical responsibilities: for example, ensuring that artwork is used with permission. However, their primary mission is to curate and display art that, in their expert opinion, they consider to be of the highest possible quality. Considerations of who may be offended is not their responsibility, as one of

the fundamental purposes of much art is to provoke. Publicly-funded galleries are ultimately responsible to taxpayers, but accountability need not take the form of avoiding offense when higher priorities are at stake. Now, the NGV may have been guilty of hypocrisy if it were willing to offend Christians but not other segments of the community when art as good or better than Serrano's were available to display. But this would be a problem of institutional cowardice, not of accountability.