

# Difference or Dissent? Curating Indigenous Women's Artworks in Government-commissioned Public Art

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## ABSTRACT

The state government of Queensland, Australia, established a significant public-art commissioning policy 'Art Built-in' (1999–2007), which evolved into the 'art + place' fund (2007–2012). This paper analyzes two significant government commissioned permanent public art projects from the curator's point of view: the Brisbane Magistrates Court (2002–2004) and the Queen Elizabeth II Courts of Law (2008–2012). In particular, this paper considers the commissioning process and reception of works by two Indigenous women artists, Fiona Foley and Mirdidingkingathi Juwarnda Sally Gabori, exploring the links between difference and democracy, critical engagement and visibility, the commissioning process and the artworks' political reception in the media. Rather than art that is located outdoors, public art can be seen as art that activates the public sphere. Difference democrats view genuine public space as an immersive arena of unrepressed conflict where consensus is not possible without domination and exclusion.

**Keywords:** Public art, Government commissioned public art, Curating, Difference, Indigenous women artists

## 1. INTRODUCTION

Fifteen years ago, the Queensland Government in Australia introduced Art Built-in (AB-i), through which two per cent of the budget of any new government building over AU\$ 250,000 (US\$ 234,915) was to be expended on public art. Following a review, AB-i was replaced in 2007 by a new government scheme—‘art + place’—to commission both temporary and permanent public art in Queensland. Rather than an ongoing automatic two per cent commitment to commissioning integrated public art, ‘art + place’ was a AU\$ 12 million (US\$ 11,27 million) fund to be spent over three years on temporary and permanent public art. An application process similar to other state funding models was employed, whereby selected projects were funded by Arts Queensland with decisions made by a panel of experts. Not-for-profit arts organizations, arts festivals, and local council and state government could apply without a cap, and private companies could apply for up to AU\$ 25,000 (US\$ 23,492) for artists’ fees. Another significant change in the new model was that artists were no longer required to reside in Queensland.

In the first budget of the newly elected Queensland Government in September 2012, ‘art + place’ was discontinued amidst significant cuts to the arts sector. Throughout its lifespan, government-commissioned public art in Queensland was criticized for producing art for the lowest common denominator, literally misshapen art distorted by a committee process (Butler, 2003, p. 1). This paper considers the role of difference in public-art commissions. When difference appears in the public sphere and is unseen or unwelcome, the question arises whether the mere appearance of difference is seen as dissent.

One of the greatest misconceptions around public art, especially works commissioned within a government context, is the expectation that it will be

liked by everyone (Phillips, 1988, p. 95). Unfortunately, in attempting to please everyone – to uphold supposedly public values – public artworks typically suffer from being at best harmonious, palatable, abstract, simplistically symbolic, and at worst, illustrative of official views or generally unnoticeable. Generally, the aim of government-commissioned public art has been to represent government and is consequently not focused on freedom of artistic expression. Therefore, the artists’ views often remain hidden or unarticulated.

Most Australian government-commissioned art collections or important sites include work by Indigenous artists. The mosaic by leading Papunya artist Michael Nelson Jagamarra in the forecourt of the new Parliament House is an example of this<sup>1</sup>. Indeed, because of the history of government relations with Indigenous Australians, the government is compelled to include Indigenous artists in any official cultural representations, including public art commissions. Paradoxically, this obligation parallels a desire to commission artworks that are sanitized and uncritical—especially in regard to authority<sup>2</sup>.

This paper traces and analyzes the process of commissioning and the reception of public artworks made by Indigenous Australian women artists Fiona Foley and Mirdidingkingathi Jumarnda Sally Gabori. The content of these artists’ works respectively refer to Aboriginal history and country, and were for two significant government-commissioned permanent public art projects commissioned by the Justice and Attorney General (JAG), Queensland Government; the first was the new Brisbane Magistrates Court (BMC), completed in 2004, and the second the Queen Elizabeth II Courts of Law (QEICOL), the new supreme court, completed in 2012. I was appointed as a curator for both of these projects. Before discussing the projects in detail, it is worth outlining certain elements related to Indigenous artworks.

<sup>1</sup> The mosaic is based on Jagamarra’s painting *Possum and Wallaby Dreaming* (1985), which describes a gathering of a large group of people from the kangaroo, wallaby and goanna ancestors. The website states: “The architects, ... felt that a site-specific work by an Indigenous artist would recognise the unique relationship of Aboriginal cultures with the land.” An image of the artwork can be accessed at “Parliament of Australia, Parliament House Art Collection”, “Forecourt Mosaic”, [http://www.aph.gov.au/Visit\\_Parliament/Parliament\\_House\\_Art\\_Collection/Architectural\\_Commissions/Forecourt\\_mosaic](http://www.aph.gov.au/Visit_Parliament/Parliament_House_Art_Collection/Architectural_Commissions/Forecourt_mosaic).

It is especially important that Indigenous Australians are acknowledged as the original inhabitants of Australia, and one of the most significant ways this can be accomplished is through commissioning public art. Cultural protocols are intrinsic to commissioning Indigenous art, and extensive guidelines are in place (Australia Council for the Arts, 2007). Briefly put, for Aboriginal and Torres Strait Islander people, cultural protocol is focused on respecting Indigenous heritage and cultural sensitivity. As stated in the Australia Council for the Arts' guide on cultural protocols, Indigenous Australians have a strong link to 'country' because of a totality of life and spirit that they have for the land that they and their ancestors inhabited. The guidelines quote Deborah Bird Rose in explaining what country means: "People talk about country in the same way that they would talk about a person... country is a living entity with a yesterday, today and tomorrow, with a consciousness, and a will toward life. Because of this richness, country is home, and peace; nourishment for body, mind, and spirit; heart's ease" (Bird Rose, 1996, cited in Australia Council for the Arts, 2007).

## 2. BRISBANE MAGISTRATES COURT

Of the fourteen artists commissioned for the BMC, three were Indigenous women—Fiona Foley, Judy Watson, and Lilla Watson<sup>3</sup>. Born in Maryborough, Queensland, Fiona Foley is of Badtjala heritage. Her minimalist artworks' relate to land and often include botanical and historical references in an environmental setting. Foley's works explore dialogues between past and present in Indigenous cultural expression. At AU\$ 250,000, Foley's work at the BMC, *Witnessing to silence*, was allocated the largest budget and is located in a significant external position<sup>4</sup>. Its site symbolically forms the 'common ground' that exists between the people's public forum at Emma Miller Place opposite and

the Magistrates Court, which is the people's court or 'court of the common man.'

According to the official publication that accompanied the opening of the BMC, *Witnessing to silence* focuses on the eternal forces of nature, change and regeneration as a reminder that nature is one of the dominant forces that can govern human's lives. The two columns of dark ash and white granite reference natural laws' dichotomous yet regenerating relationship between fire and flood. The artwork emphasizes that there is a natural balance between the two seemingly opposing forces (Queensland Government, 2004). What follows is an account of the context of the BMC public art commission and the issues surrounding the political response to the hidden metaphor contained in *Witnessing to silence*.

Courts are emotionally charged and high-security venues. Given this unique context, it was obvious that JAG would be resistant to artistic content that might be seen as challenging or critical as opposed to harmonious. The AU\$ 1.7 million (US\$ 1.6 million) budget for the BMC artworks (the largest public art project budget to date) created more commissioning freedom but also higher scrutiny. The commissioning process was further complicated in June 2002, just two months after my appointment as curator, when Chief Magistrate Diane Fingleton was gaoled. Even though Fingleton appealed and was eventually released, this fiasco reveals why a JAG public servant might be extremely nervous regarding the potential ramifications of commissioning controversial public art. I believe the behaviour of the JAG public servants charged with commissioning the public art was considerably affected by the background of controversy surrounding the gaoling of their Chief Magistrate. For example, days after the gaoling of Fingleton, the JAG insisted on two representatives attending the first 'cull' of

<sup>2</sup> With colonial invasion in 1788 and the continued massacre and attack of Aboriginal and Torres Strait Islander people, over 20,000 perished by Federation in 1901. There are many issues that continue to deprive, disadvantage and threaten Aboriginal and Torres Strait Islander people today. 'Native title rights and interests', 'Indigenous land rights', 'The Stolen Generation' 'Deaths in Custody' are the key issues that affect Indigenous Australians today.

<sup>3</sup> The fourteen artists and designers commissioned on BMC were Eugene Carchesio, Sebastian Di Mauro, Marian Drew, Fiona Foley, Barbara Heath, Jude Kentish, Guy Parmenter, Freya Pinney, Bruce Reynolds, Sandra Selig, Dan Templeman, Judy Watson, Lilla Watson, and Judith Wright.

the artists' Expressions of Interest (EOIs). Furthermore, none of the EOI material was able to be viewed prior to the curator, project manager, and client viewing, and all exclusions required extensive justification. Never before or since have I heard of two client representatives being present during this process.

Further, I believe that the JAG public servants' nervousness was exacerbated by Rex Butler's 2001 newspaper article about the hidden metaphor in a recently commissioned public artwork. In his article, Butler proposed that Scott Redford's new artwork, *Automatic for the people*, was a reference to homosexual content unseen by the heteronormative eye of the government commissioners (Butler, 2001, p. 7)<sup>5</sup>.

As the curator, I aimed to form a curatorial rationale that would strategically protect the integrity of the artists' practices. To avoid perverting the artists' concepts, both extrinsically (by the public art committee) and intrinsically (where the artist unknowingly alters their work to please the client), the curatorial framework of 'process art' was chosen. It provided an appropriate metaphor for the legal process of the JAG while embracing non-traditional media. The major concept of process art is that the artistic outcome, like the outcome of the legal system, is the consequence of a set of actions. This created a vital escape from typical Law Courts commissions that include austere symbols of state authority, such as statues of liberty, scales of justice and crests, or abstract artworks that predictably reference a balance of two opposing sides. By using the process framework, artists could freely express themselves conceptually within the briefing parameters. JAG was comfortable with the curatorial rationale because it used concepts that reflected aspects of the legal process, such as evidence and consequence. Additionally, the

curatorial rationale provided the opportunity to use innovative non-traditional media in a permanent context, such as neoprene, textiles, collage in concrete, photograms and suspended tensioned threads. Unlike the usual public-art commissioning process, where one artist's work is selected through a competitive process, in the BMC, direct commission provided a commitment to each of the selected artists.

Foley was one of a couple of artists who was asked to develop their concept design further to physically use more of the site<sup>6</sup>. Foley's initial concept was two semi-circular stone benches—one black, one white—positioned on either side of a central circle, in which two pillars (again, one white, the other with black ash) would be placed. Foley evolved the design as requested, and made two circles, one on either side of the site. One circle contained a cluster of laminated ash-faced pillars and the other contained a grouping of misting bronze lotus lilies. The two circles were joined by a line inscribed with text. The JAG representatives were concerned that the circles joined by the line looked like 'manacles', although I interpreted the 'dumbbell' image as being drawn from the scales of justice. In her concept design, Foley had explained that one circle represented fire and the other flood, which were seen as two opposing yet balanced forces of nature. Concerns were also raised regarding the text component of the artwork. The text, which was to list place names—said to be places affected by fire and flood—was seen as contributing to what was viewed as a 'memorial effect'. Indeed, many of Foley's artworks might be seen as 'memorials', and this is an important strength of her work: rarely driven by visual seduction alone, it often critiques history. The emphatic JAG concern to avoid upsetting the court's users caused difficulty. In order to proceed, Foley removed the line joining the two circles, thereby dismantling the

<sup>4</sup> Judy Watson is a descendant of the Waanyi people of north-west Queensland. Lilla Watson is a Gangulu woman who grew up on the Dawson River, Central Queensland. Judy Watson's work in the BMC is located in the interior entry and, at AU\$160,000, was allocated the largest budget for internal works. Lilla Watson's work was one of a suite of six sites located on each floor throughout the building—each given a small allocation of AU\$10,000.

<sup>5</sup> Butler wrote about Redford's Roma Street Parklands artwork: "Other highlights of the Parkland include Scott Redford's Rock, a Brancusi-like pile of stainless-steel letters both self-referentially spelling out its own precarious nature and—sssh! don't tell the politicians who are paying for it—in its referencing of the closeted gay actor Rock Hudson, undoubtedly alluding to the nocturnal goings-on in nearby Albert Park."

<sup>6</sup> In most public-art commissioning procedures, there are three contractual phases, with a 'sign off' between each.

manacles image, and broke up the place names, arranging them chequerboard style over the site. While the evolution of Foley's concept in relation to its brief/site responsiveness had caused some initial friction, the process surrounding another artist's artwork might have been much more controversial<sup>7</sup>.

While Foley's explanations of her artwork related to fire and flood, the black-and-white symbolism in the concept could easily be related to Indigenous and white political relations in Australia. This was not viewed as a problem, since the brief and location encouraged a political artwork. Nevertheless, at the time of commissioning, Foley did not offer a political dimension of her concept, nor did she relate it to aspects of the brief that suggested a relationship to the long-term political forum, Emma Miller Place, opposite. As curator, I had advocated for Foley in the key site for a number of reasons, one of them being that she is a critically engaged artist. Later, Foley revealed that the artwork contained a hidden metaphor. In retrospect, it appears that Foley was concerned that there may have been attempts to quash the political content of her artwork and chose not to be forthcoming about the real concept of her artwork during the commissioning process. The artist may have seen the request for further development as interfering, controlling, or, at worst, censoring.

While JAG was more than over-scrutinizing, the BMC produced one of the clearest precedents regarding democratic public space in Queensland public art. Months after the initial response to the new artworks subsided, an article appeared regarding Foley's *Witnessing to silence* in the country's national newspaper, *The Australian*, entitled "Revealed: Message hidden in sculpture." The article claimed that Foley's public artwork had originally been presented as being about fire and flood, but instead it was really about the

murders of Aboriginal people: "Ash, laminated in glass, was at first said to represent bushfires, but is intended to represent a means used to destroy evidence of the murder of Aborigines; by burning the bodies. Bronze lotus lilies, which grow in water in Queensland, represent another way in which the bodies were disposed: by dumping them in freshwater creeks and lagoons" (Cosic, 2005). In the story, subtitled "Rage revealed in urban landscape," Cosic quotes Foley: "I knew that the political environment up here is so sensitive that I couldn't just come out and be upfront about the artwork. I had to couch it in other terminology," Foley told *The Australian*. "All along, I've said that the work is related to fire and floods in Queensland" (Cosic, 2005).

The article details the response of Anna Bligh, then Queensland Minister for the Arts<sup>8</sup>, to Foley's hidden message. As Cosic notes, Bligh maintained that Foley was "'a very talented Queensland artist' whom the Government was pleased to bring to public attention ... 'She is also very passionate about the oppression of Aboriginal people and it is not at all surprising that she would find an expression of that in her work.' ... Ms Bligh said 'a work that encouraged thinking about issues of justice and injustice was appropriate to the site'" (Cosic, 2005).

Apparently, Bligh expected Foley's artwork to be consistent with what she knew of the artist's previous practice. While one would have expected Foley to engage in commentary about justice and injustice in this context, the artist felt that she had to conceal her political message. Given the previously discussed concerns raised regarding the 'memorializing effect' of Foley's concept, it is unsurprising that Foley suspected that the subject matter of Aboriginal massacres may not have been permitted to proceed to fabrication. Through her intervention, Foley also highlighted that none of the all-white committee knew the

<sup>7</sup> While the evolution of Foley's concept in relation to its brief/site responsiveness caused some initial friction, one of Judith Wright's concepts fell victim to a circumstance that was the closest to censorship on the project.

<sup>8</sup> It is worth noting that Anna Bligh went on to be Queensland's Premier.

names of the massacre sites, and took the artist at face value when she said they were place names affected by fire and flood<sup>9</sup>.

The Foley–Bligh hidden metaphor incident created a major precedent for government-commissioned art when Bligh stated in the national press that artists should be open and critically engaged if they wanted to be: “Ms Bligh said she was not concerned about the deception. [Bligh said] ‘I hope her [Foley’s] experience with this work will encourage her to feel she can be as open as she wants in the future’” (Cotic, 2005). However, on a practical level, this open criticality—even about such important topics as Australia’s colonization and the massacre of Aboriginal people—is difficult to achieve, since many public servants in the public-art commissioning process fear controversy, as evidenced in the BMC example. In attempting to avoid controversy in the name of democracy, the cautious public servant seeks to curb artistic expression in favor of more palatable topics so that no one will take offence.

Foley, a critically engaged artist, successfully opened the debate within the public arena regarding the silencing of controversial ideas in artistic practice. Bligh commended the artist’s practice generally, and commented on the appropriateness of *Witnessing to silence* within the public forum of *The Australian*. This was a giant leap forward in overcoming one of public art’s greatest challenges. Foley questioned conservative choices in public art commissioning and the desire for uncritical or harmonious art. Foley never intended to comply because her cause is critical engagement. It could be argued that when Foley’s artwork was embraced by Bligh, to some degree it was silenced by the forces of authority that the artist intended to critique. Because hers is a critical impulse, the artwork is best served by creating controversy. To a degree, the hidden metaphor was deflected from creating controver-

sy (instead, Foley was able to fuel her intended controversy in Claiming Ground, a national public art forum held later that year).

Although I selected Foley because she is a critically engaged artist, as a curator I was not privy to her hidden-metaphor strategy (while I interpreted that the artwork critically focused on Australian race relations). The attempt to generate controversy in both the media and at a national public art conference, however, was where the artwork was critically activated. As a result of this work and its reception, the foundation was laid for better embracing critically engaged art in Queensland government commissioning.

### 3. QUEEN ELIZABETH II COURTS OF LAW

Provided with the opportunity to curate another highly significant public art project, I decided to produce a curatorial rationale that tackled the criticisms of commissioning methodologies in an attempt to curate critically engaged art. As such, the curatorial rationale for the new supreme courts of law focused on unpacking the art-by-committee process and critiquing expectations of art to represent government. I drew upon writings by American public space theorist Rosalyn Deutsche since she has linked theories of democracy to public art. Deutsche’s ideas about public art are extrapolated from a number of theorists who philosophize about the public sphere.

For seminal theorist on public space, Jürgen Habermas, the liberal public sphere was an arena where people put aside their private interests, impartially committed themselves to matters of common concern, and constituted themselves into a public by engaging in rational-critical political discussion (Dahlberg, 2005, p. 113). ‘Difference democrats’<sup>10</sup> are critical of Habermas’s public sphere formation and are vehemently opposed to the idea of consensus being set as the

<sup>9</sup> Later, Foley wrote why it was important to her to make *Witnessing to silence*: “I respond in a number of ways to statements I hear, articles I read or societal ironies I see. In response to a Queensland Art Gallery curator who made the comment that, ‘Australia had been settled peacefully’, ... I dared to ask the question, how many [Aboriginal] massacres took place in this state?” (Foley, 2012)

<sup>10</sup> American critical theorist Nancy Fraser is one of the key ‘difference democrats’ (Fraser, 1991, p. 128).

goal of political communication. They argue that difference is irreducible and that consensus is not possible without domination and exclusion (Dahlberg, 2005, pp. 125-26). For Deutsche, genuine public space, which is by its nature democratic, is an immersive arena of unrepressed conflict. In her book *Evictions: Art and spatial politics* (1998), Deutsche draws on a number of theorists whom I found instrumental in creating a curatorial rationale for the QEICOL. Three key theorists were incorporated in the linking of difference and visibility and their role in relation to democracy and the public sphere: American political scientist Iris Marion Young; German Jewish political theorist Hannah Arendt; and French philosopher Emmanuel Lévinas. Young theorizes the pleasure of difference as the experience of the unfamiliar in a multi-public space; Arendt refers to the public sphere as a space of appearance; and Lévinas elucidates the responsibility for the other.

Young questions the ideal of community, which, in her opinion, is an expression of “a longing for harmony among persons, for consensus and mutual understanding” (Young, cited in Iveson, 1998, pp. 25). The community model seeks to deny divergence or meld difference into a harmonious whole. Young looks beyond the dangers inherent in the homogenous community model to a public space where the unfamiliar is encountered, not excluded or ignored as is suggested in the Habermasian public sphere. Instead, Young proposes a model based on alternative implications of a politics of difference by “envisioning an ideal of city life as a being together of strangers in openness to group difference” (Young, cited in Iveson, 1998, p. 27). Young presents the excitement, unfamiliarity and novelty of difference in a positive light, in contrast to the more closed interiority of community values that are known and familiar: “In the ideal of community, people feel affirmed because those with whom they share experiences, perceptions, and goals recognize and are recognized by them; one sees oneself reflected in

others. There is another kind of pleasure, however, in coming to encounter a subjectivity, a set of meanings, that is different, unfamiliar” (Young, cited in Iveson, 1998, p. 28).

According to Deutsche, if we are to consider visual art within the public sphere, “public art” can be defined in an entirely different way from art that is located outdoors. She references Arendt and Lévinas to embed the intrinsic relationship between difference and democracy. In establishing the foundation of difference with visibility in the public sphere, Arendt’s views on difference and the public sphere are valuable in establishing the connection between the visual in relation to publicness: “...the public sphere is the space of appearances where people are acting and speaking together. The space where I appear to others” (Arendt, cited in Deutsche et al., 2005).

Following Arendt, the public sphere is where one has the right to appear and “to be exposed to the appearance of others” (Deutsche et al., 2005). For Lévinas, the “‘face-to-face’ encounter between ‘the Self’ and ‘the Other’ creates a responsibility for ‘the Other’ in ‘the Self.’” The face calls ‘the Self’ into question and summons ‘the Self’ to respond (Morgan, 2011, p. 80). For Lévinas, “The face opens the primordial discourse whose first word is obligation, which no ‘interiority’ permits avoiding. . . . The will is free to assume this responsibility in whatever sense it likes; it is not free to refuse this responsibility itself; it is not free to ignore the meaningful world into which the face of the Other has introduced it” (Lévinas, 1969, pp. 201, 218-19). For Lévinas, the very meaning of being a social subject is to be ‘for-the-Other’ (Beavers, 1995). The visible presence of ‘the Other’ demands a response. Thus, Lévinas claims that visible presence is responsibility, or the ability to respond (Beavers, 1995).

While there are various theories of encountering difference at play, at the heart of the public

artworks created for the QEICOL is that freedom of artistic expression – as a different perspective – is a meaningful signifier of active democratic values. The question of difference or dissent is present in the context of commissioning Indigenous art since Indigenous Australians are still oppressed and their way of being is not understood by the dominant white culture. Thus, the argument proposed in the QEICOL curatorial rationale is that public art is seen as opening up a space within the public sphere where difference can be seen and experienced. Furthermore, critical art should not be perceived as disagreeable and an entity that should be excluded from the public sphere. Instead, critical art should be seen as indicating that society is still capable of critical action and should not only be included but also encouraged by government within the public sphere.

Subsequently, the core of the curatorial rationale was that the public artworks embraced difference. The three women artists commissioned – Yayoi Kusama, Mirdidingkingathi Juwarnda Sally Gabori, and Gemma Smith – are all from significantly different cultural backgrounds. The following discussion focuses on the Attorney General's response to Gabori's artwork. A Kaiadilt Elder, Gabori commenced painting in 2005 while in her eighties. With an absence of traditional visual form, she created her own visual language to portray her beloved country, Bentinck Island.

By positioning Gabori's work in the Banco Court, the ceremonial court, the aim is to celebrate and remind people of different perspectives and different ways of seeing. To the unversed, this artwork initially appears to be simply an abstract painting. In actuality, it represents Gabori's country—Bentinck Island. This tiny remote island in the Gulf of Carpentaria is where Gabori and the Kaiadilt people lived a pre-contact life up until the 1940s<sup>11</sup>. The substance and purpose of this painting, *Dibirdibi country*, is to sustain Gabori's

memory in the heart and imagination. It reveals places that are rich with experiential and ancestral history for Gabori. The painting shows four profoundly significant places. The grey shape on the left hand side shows the fig trees near the beach where her mother and several other members of her family were born, the yellow shape at the top right of center depicts the beach where her mother's father was born, the pink area is the sea inhabited by dugong where her brother, an acclaimed hunter, wrestled and captured dugong, and the black and white shape on the top right represents the billabong filled with fresh water and water lilies.

The different ways of seeing that underpin the inclusion of Gabori's artwork within the courts is emphasized by a memorable comment made by Professor Nicholas Evans: "A common phrase used by Kaiadilt elders is muthaa miburida ngad, literally 'many eye me,' but rendered more idiomatically as 'my eyes have seen much.' Acute observation of nature is needed to survive as a hunter-gatherer. And Kaiadilt culture, like other Indigenous Australian cultures, instils a close knowledge of place, mediated by strong emotional attachments that form the basis of Kaiadilt cosmology" (Evans, 2005, p. 13).

One of the other extraordinary attributes of the Kaiadilt people Evans remarks upon is their spiritual celebration of humble places. Although these places are subdued and mostly unseen, they are sacred and are the source of Kaiadilt creation stories (Evans, 2005, p. 13). Gabori has spent a lifetime learning to see the smallest details of her country emotionally and spiritually, and this is expressed in her paintings. The subject matter of Gabori's paintings is unseen, and it is through her painting of her country that its appearance as difference in the public sphere is brought about.

In March 2012, with the commissions on the verge of being completed and the courts being

<sup>11</sup> According to Nicholas Evans, when Sally and the Kaiadilt were forced to leave her country, the ensuing trauma was said to be so great that for several years, no children were born or survived, damaging the transmission of language (Evans, 2005).



opened, the Queensland government changed hands. Just prior to the official opening of the new courts, a newspaper article appeared where the newly commissioned artworks were criticized by the new Attorney General Jarrod Bleijie: “Mr Bleijie said he was warned to expect a shock when he first saw the Gabori. ‘And I was,’ he said. He said he was a ‘traditionalist’ and did not see the works as value for money. Workers at the site agreed, likening the Gabori picture—images of her homeland in the Gulf of Carpentaria—to a series of smudges” (Houghton, 2012).

In applying his uninformed Western eye to an Indigenous image, Bleijie made the mistake of reading the image as abstract art because he does not see what is contained in the image as representation. As such, his comment that he is a traditionalist becomes unwittingly ironic. As a politician in the arena of justice, it is surprising that Bleijie is unaware of his misunderstanding. Compared to the more politically sophisticated response provided by Bligh to Foley’s hidden metaphor, Bleijie reveals himself as being unable to see difference, let alone the validity of difference in the public sphere.

#### 4. CONCLUSION

Through Art Built-in and ‘art + place’, the Queensland government evolved in commissioning public art from official illustrations of government and history to artworks that express difference in the public sphere. Interestingly, the strategy of Foley’s hidden metaphor delayed the appearance of the other. Befittingly, her subject matter is about what is unseen and remains hidden – the massacre of Aboriginal people. The critical content was camouflaged until it was finally uncloaked, appearing as what it actually was and the artwork was completed in the public sphere of the media. By contrast, Gabori is not a strategic critically engaged artist like Foley. Yet, her artwork about unseen Indigenous country appears at the center of the government’s ceremonial court, a position provided by the public

art team and the judiciary. Sadly, the appearance of Gabori’s view of country is ‘shocking’ because Bleijie perceives it as a disappointment; however, he does not see it as dissent. More favorably, Bligh saw Foley’s critically dissenting artwork as “not at all surprising.” It appears that now, more than ever, the critical appearance of difference, especially by Aboriginal and Torres Strait Islander artists, is vital. I am reminded of Lévinas’s words: “[the will] is not free to ignore the meaningful world into which the face of the Other has introduced it” (Lévinas, 1969, p. 201).

It seems only appropriate to conclude this discussion with Foley’s words. In a recent article, in a section headed “Systematic Erasure,” she makes a specific call for the expression of difference and acknowledgment of Indigenous people in public space: “The foundation of Australian culture must begin with including the aesthetic of Aboriginal and Torres Strait Islander peoples. If their art and presence is nowhere to be seen in designated cultural spaces, then the commissioning of public art by international artists only adds another layer to the erasure of Australia’s Indigenous people” (Foley, 2012)<sup>12</sup>.

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<sup>12</sup> This article was written in response to the commissioning of Michael Parakowhai – a Māori artist from New Zealand – to create a work outside of Brisbane’s Queensland Art Gallery/Gallery of Modern Art (QAGOMA) instead of an Australian Indigenous artist

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