

● Rudd disgusted ● Police seize child photos ● Censorship outrage

# Art obscenity charges

Josephine Tovey, Les Kennedy and Jonathan Dart

THE art world has denounced a "dark day in Australian culture" after police seized up to 21 photographs of naked child models and said they would lay charges over an exhibition by the renowned artist Bill Henson.

While the Prime Minister described the works as "revolting" and devoid of artistic merit, the art community and former models for the artist defended Henson, rejecting the accusation that his works are pornographic.

At 3pm yesterday police announced charges would be laid under both the NSW and Commonwealth Crimes acts for publishing an indecent article. The NSW action could involve the hung photos and promotional material, and the Commonwealth action involves catalogue images on the internet.

It was unclear whether Henson or people from the Roslyn Oxley9 gallery in Paddington, which published several of the controversial images on its website and on promotional material, would be charged. Both Henson and the gallery owner, Roslyn Oxley, went to ground yesterday. Henson is understood to be distressed.

In dramatic scenes police took his pictures in packing cases to a truck outside the gallery. The Rose Bay police commander, Superintendent Allan Sicard, told media there: "This morning police have attended the gallery and executed a search warrant and seized several items depicting a child under the age of 16 years of age in a sexual context."

The photos involve a girl and boy, believed to be 13 and 12.

The Herald understands that previous Henson works are also being examined by police. Henson has been producing similar works for years without police intervention, and they have been

## WHAT THEY SAID



KEVIN RUDD Prime Minister

'I find them absolutely revolting ... let's just allow kids to be kids.'



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'We haven't seen a spectacle like this since Portnoy's Complaint ... in 1969.'

## EDITORIAL

As individuals we may ... reject his work, declare it unsuccessful, or find it tasteless or repugnant. But as a society we should pause before reacting to it with police raids and criminal charges.

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exhibited and lauded worldwide, as long ago as the 1995 Venice Biennale. But police raided the gallery on Thursday night following a complaint from Hetty Johnston, of the child sexual assault advocacy group Bravehearts.

"I did make a complaint yesterday, absolutely," Ms Johnston said. "I asked them to prosecute, both the gallery and the photographer, but I'd like to see the parents as well looked into. What parent in

their right mind would allow their 12- or 13-year-old to strip off naked and display themselves all over the internet? That's not in the interests of the child. What's happening here is that the arts community have felt that they've been able to get away with this under the guise of art for a number of years, and I think this is the community drawing a line in the sand and saying, 'Enough's enough'."

Earlier yesterday the gallery released a statement: "After much consideration we have decided to withdraw a number of works from the current Bill Henson exhibition that have attracted controversy. The current show, without the said works, will be reopened for viewing in coming days."

The Herald revealed details of the exhibition on Thursday, following an early viewing. The photographs of naked children comprised about a third of the

exhibition. Most were taken from the waist up, though the genitals of the girl are visible in one image.

Politicians, including Kevin Rudd, condemned the exhibition, and talkback radio lines ran hot.

"I find them absolutely revolting," Mr Rudd told the Nine Network. "Whatever the artistic view of the merits of that sort of stuff - frankly, I don't think there are any - just allow kids to be kids."

But the prominent gallery

owner Anna Schwartz said: "It's a dark day for Australian culture in my view. It is an indictment of a culture when an artist of the integrity and stature of Bill Henson isn't free to show his work."

Although Henson could not be reached yesterday, he told the Herald this week he chose to work with children at the beginning of puberty because they were "half in childhood, half in the adult world" and this "creates a floating world



Controversial ... a detail of one of the photographs in the exhibition.



Henson ... distressed.

## Triumph of the philistines



BILL HENSON must bitterly regret his decision to use a photograph of a pubescent, bare-breasted girl on the invitation card for his exhibition at Roslyn Oxley9 Gallery. Little more than three years after breaking all records for a photography exhibition at the Art Gallery of NSW and the National Gallery of Victoria and 13 years after being the official Australian representative at the Venice Biennale, he stands on the brink of prosecution for the work that has brought him worldwide fame.

To the rest of the world Henson is not simply one of Australia's best-known artists - he is the undisputed Numero Uno. No other contemporary Australian artist in any medium enjoys such an exalted reputation or has a more devoted market. And Henson is - first and foremost - an artist rather than a photographer. His pictures are dark and edgy, but it would be foolish to write them off as "pornography".

Pornography, as I understand it, is a form that revels in its own sordidness. It is a commercial product made for the sole purpose of titillation. Yet even Henson's

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No show ... police supervise the removal of Bill Henson's photographs from the Roslyn Oxley9 Gallery, Paddington. Photo: Sahlan Hayes



matter - pictures of naked children and adolescents - was always controversial.

This week, the day before police raided his latest exhibition, Henson was asked again why he kept returning to such contentious material.

"It's the most effective vehicle for expressing ideas about humanity and vulnerability and our sense of ourselves living inside our bodies and our bodies in space," he said.

Henson was born in east Melbourne in 1955. As a child he sketched and made models out of clay, but it was a collection of his paintings that earned him a place at Prahran Art School.

Once enrolled he devoted himself to photography. "I came to understand I could do more with a camera," he said.

Success came quickly. After appearing in a group show in 1974, the artist held his first solo exhibition at the National Gallery of Victoria.

In 1978 he had an exhibition of pictures at a Melbourne gallery, run by Joyce Evans, that included images of "naked teenage girls with menstrual blood".

For Ms Evans, Henson had "an ability to express those feelings which children who have been victimised experience".

"I have always respected Bill's work as a master of expressing feeling," she said.

tation soared when he was given free hand to photograph the Paris Opera. Five years later he represented Australia at the Venice Biennale with photographs which one journalist described as "depictions of wasted teenagers who seemed to be having sex, photographed at night before a towering alpine backdrop".

Judy Annear, the Art Gallery of NSW's senior curator, photography, disagrees with that interpretation. "I don't recall seeing simulated sex," said Ms Annear, who curated a retrospective of Henson's work at the gallery.

"There are elements in the work from time to time that I can understand people taking a step away from. But I look at great works from the Renaissance - crucifixions and torture that the saints suffered - and I step away. It doesn't stop me looking at a work and considering its aesthetic.

"In the end it's only a representation. We're not being asked to agree or approve. We live in a democracy and it's very important that people can say what they believe and that people understand there is a field of opinion. Art, artists and curators wouldn't be doing their jobs otherwise."

Ms Annear said the gallery had not received a single complaint about the Henson retrospective even though it attracted 65,000 visitors. The show later transferred to the National Gallery of



Always controversial ... Bill Henson at the Roslyn Oxley9 Gallery. He is regarded as one of Australia's leading contemporary artists. Photo: Adam Hollingworth

Victoria in Melbourne where it broke attendance records.

The catalogue of the show, *Mnemosyne*, sells for more than \$600 on eBay.

Isobel Crombie, the Victorian

gallery's senior curator of photography, defended Henson yesterday. "I have known Bill Henson through much of my professional career," she said. "I regard him as an artist of high integrity and ex-

ceptional talent, and this is recognised by curators worldwide."

Ms Annear said she would never have worked with Henson if there was any concern about his motives or work practices. "I

know that the families are always involved."

The art critic and TV presenter Andrew Frost said Henson's pictures were clearly not child pornography. He said the artist's

prosecution would lead artists and galleries to censor themselves. "How can an artist have any freedom to express themselves if someone somewhere might take it the wrong way?"

under the age of 16 years in a sexual context.'

Superintendent Allan Sicard, Rose Bay police

'When we did a major retrospective of Bill's work ... 65,000 people saw that show in Sydney and we had not one single complaint.'

Judy Annear, senior curator of photography at the Art Gallery of NSW



'Henson's ... images are veritable symphonies of decadence and beauty, of squalor and opulence, of mysterious darkness and ominous light, of quiet obsession and subversive ecstasy.'

Edmund Capon, director, Art Gallery of NSW, 2005

'You can call it anything you want, but at the end of the day, these are images of naked adolescents.'

Hetty Johnston, activist from Bravehearts

'Whatever the artistic view of the merits of that sort of stuff - frankly I don't think there are any - just allow kids to be kids.'

Kevin Rudd

'This photographic exhibition ... violates the things for which we stand as Australians and indeed as parents.'

Brendan Nelson Federal Opposition Leader

## COMMENT

# They could sell tickets for this farce



DAVID MARR

ROLL up, roll up. Get your tickets now. Bookings will be coming in from round the world: Australia is putting art back in the dock. What a spectacle it will be: prosecutors thundering; experts talking Caravaggio and Mapplethorpe; defence counsel declaring Bill Henson the greatest thing since Titian picked up a brush.

I hope, for his sake, forthcoming star witness Superintendent Allan Sicard of the Rose Bay police, who impounded the photographs, will be better prepared than the hapless Detective Vogelsang of the Adelaide plodders who prosecuted Ern Malley's hoax poetry so famously, so pointlessly, so long ago. His clumsiness lives in legend.

We haven't seen a spectacle like this since *Portnoy's Complaint* was prosecuted across Australia in 1969. Moralists, columnists, politicians, cops, headmistresses, magistrates, priests and juries

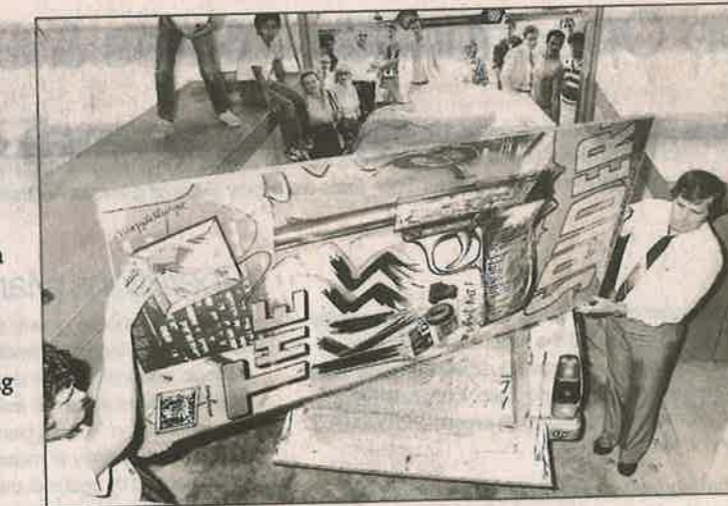
united in declaring the book obscene. But they couldn't make the charge stick in Sydney.

Bill Deane was counsel for the defence, and what a fine performance he gave. I was an articulated clerk, lugging books and shepherding witnesses at the trial, and I listened in awe to the future governor-general lay it on thick. He made the book sound more moral than *Candide* and funnier than *Catch-22*.

Portnoy's liberation was virtually the end of book banning in this country. Film censorship was dramatically relaxed - though the forces of decency would fight a rearguard action that sees Pasolini's *Salo* still banned in Australia today. And the police kept visiting - that's the technical term - exhibitions.

Goulburn Police Academy must still be teaching this technique. Scaring the living daylight out of organisers usually works all on its own to shut exhibitions down. And the best time to pounce is just before the opening - when the work is on the walls but the public hasn't had a chance to make up its own mind.

Police visited Roslyn Oxley's old gallery in 1982 but instead of joining the chorus attacking the work of painter Juan Davila, the



Censored ... police returning Davila's painting. Photo: Robert Pearce

## The best time to pounce is just before the opening.

premier, Neville Wran, called off the cops, declaring "I do not think art has got anything to do with the vice squad".

But that was then. We are more squeamish now - and police visiting exhibitions is all the rage. A couple of weeks ago in Leichhardt an exhibition about

Palestine's troubles was closed down. Now they've shut the Oxleys' new Paddington gallery as Henson's melodramatic and rather creepy panoramas were about to go on sale.

The Oxleys won't be a pushover. They have almost endless resources to fight the charges. But the process will be batter them and - win or lose - humiliate Bill Henson. Perhaps that's the point of it all.

And still, pedophiles will go about their evil work undeterred by this bizarre circus.

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detractors must admit that his photographs are ineffably beautiful. They portray the human figure as fragile and mysterious - in the same way that he transforms the twilight world of the suburbs. His subjects are no longer children, but not yet adults. They are caught between night and day, between freedom and responsibility. Why are they naked? Well, Truth is naked.

The public threshold for outrage is notoriously low, while the art world's taste for challenging and "subversive" work is insatiable. This has led many artists to actively seek out sensation and scandal - but Bill Henson is not of this persuasion. He obtains the full co-operation of his subjects and their families, many of whom have remained friends. Few Australian artists are so articulate or well-read, few have such a genuinely philosophical turn of mind. The worst charge that could be levelled at Henson is that he is an aesthete - with the ability to make anything at all seem beautiful.

It is not surprising that many people are shocked and disturbed by images of naked adolescents, but according to the dealer, Roslyn Oxley, the current exhibition was actually less confronting than some of Henson's previous shows at the gallery. There is no denying that it was less confronting - and far

## It's a triumph of the philistines



Truth is naked ... one of the pictures from the Henson exhibition.

less public - than the massive retrospectives of 2005 that packed out the state galleries. After ignoring Henson for decades the self-appointed guardians of public morality are suddenly burning with rage. So what happens now? Are Henson's works to be purged from public collections and burnt? Are his books to be pulped?

Every individual will have different ideas about where to draw the line that separates art from pornography. Every person will have different ideas about the limits of art. The tragedy of this case is that it is a moral panic generated and fed by a mass media that have recently thrilled audiences with the serious case of

Milton Orkopoulos and the utterly frivolous one of Miley Cyrus. The politicians have been dragged into the fray but I suspect there is not a single one of them who will stand up for Bill Henson. When the mob bays for blood the emperors point their thumbs to the ground.

This case has the potential to drag on for many months in the courts, giving the world a ring-side view of the narrowness of our minds, and the philistinism of those who revel in the idea of a successful artist being brought down to the most base level.

It is a case where "victims" will have to be manufactured by a paternalistic culture, while hypocrites reach for their loud-speakers.