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## Framing the black body

### **Abstract**

Black Letter Law - the basic principles of law embodied in the statutes and in the court records of a particular jurisdiction.

Black Letter Law - a display of the works of three artists held at the Law School of the University of Sydney from October 22 to November 11, 1997.

# ***Framing the Black Body***

## ***Joel Butler***

*Black Letter Law* - the basic principles of law embodied in the statutes and in the court records of a particular jurisdiction.

*Blak Letter Law* - a display of the works of three artists held at the Law School of the University of Sydney from October 22 to November 11, 1997.

## ***The Exhibition***

Using sophisticated strategies of intervention and disruption, *Blak Letter Law* aims to undermine malevolent colonial narratives embedded in the law and register the particular experiences of Aboriginal peoples living at the intersection of “white” culture and “blak” culture (University of Sydney 1997: 2)

This claim is premised, in large part, not on any message conveyed in the works of the artists alone, but on the presence and positioning of the works within the space of the Law School.

A claim of ‘disruption’ is problematic. The exhibition, far from being a disruption of the space of the law, or even of the Law Library, formed part of a remodelling of the power of the Law over and around the black body. In constructing the exhibition, the Law and its agents structured the works of the

artists into its unfolding narrative. In the same way the Law currently acts to incorporate the black body into a wider narrative. The Law Library in its treatment of the artists works in *blak letter law*, and the Law in its treatment of black bodies as subjects to the Law, has not yielded any of its power.

### ***The Display***

The black body rarely presents itself to the white man. Instead the black body is presented *by* the white *to* the white. Initially, the black body was projected in the role of primitive savage, as shocking or titillating circus exhibit and as then anthropological specimen. With time, this presentation, initially the provenance of the private entrepreneur and entertainer, became 'authorised:'

...institutions, including educational facilities, were the first to interpret and represent aboriginal culture to the wider community, and they did so within a non-threatening environment. That is, scientific practitioners and the general public were provided with legitimate 'looking' spaces. The information and objects were contained within 'safe' accessible locations, and were non-threatening to the wider community (Alberts 1996: 16).

With *Blak Letter Law*, the Law Faculty carries on this tradition. The exhibition occasioned little physical disruption to the space or the functions of the Library. The exhibition spaces were removed from the used spaces of the Library, and were generally open to view only to those who *chose to look*, or those who inadvertently glimpsed the works at the far end of a long row of legal books.

The presence of the works in the 'white' milieu of the library can be likened to the display of the black female body at social occasions in the early history of the United States:

She is there to entertain guests with the naked image of Otherness. They are not to look at her as a whole human being. They are to notice only certain parts... [T]he black women whose naked bodies were displayed for whites at social functions had no presence. They were reduced to mere spectacle... (hooks 1992:62)

In the same way, the presence of the works in the Library, launched in an appropriate 'social' occasion with champagne and food, were there primarily to entertain. The spaces where the works had been situated were accessible but not intrusive and, most of all, safe for its primary audience; the law student.

### ***A Temporary Presence***

The wall upon which the works had a temporary presence, had prior to the exhibition held portraits of 'early notaries in the law school'. The Law Library had given 'generous support and assistance' in the temporary 'disruption' of its space to enable the exhibition (University of Sydney 1997:2). Two of the three 'faded portraits of honoured legal forefathers' on the (ironically white) wall were removed to make way for a black cardboard backdrop which constituted the exhibition space.

The curator suggested that the removal of the portraits was an "extremely powerful" symbolic gesture.

Rearranging the Law Library in this manner conveys a sense that the black letter approach to law, represented by the displaced portraits of ermined justices, is the relic of another era in desperate need of revitalisation. (Coatsworth 1997:7)

He claimed that the exhibition

refuses to be assimilated into the existing educative practices of the Law School because the stories told by these indigenous artists inevitably contradict the received wisdom that echoes throughout the Law School. (Coatesworth 1997: 7)

The actual physical disruption of the Law School space, and of its schedule, was minimal. So too was any symbolic disruption. The Law School has for some time incorporated discussions about indigenous law into the curriculum. The exhibition was allowed to occur *precisely* because such issues are being assimilated into the 'existing educative practices of the Law School,' and into the discourse of the Law generally.

There is a movement in contemporary legal criticism that seeks to idealise 'black thought', in the same way that certain early writers romanticised the black's body as inviolate and noble;

. whereas we hold (and may live) a philosophy of abstract propositions, attained by someone standing professionally outside 'life' and treating it as an object of contemplation and inquiry, the blackfellow holds his philosophy in mythology, attained as a social product of an indefinitely ancient past, and proceeds to live it out 'in life.' (Stanner 1979: 29-30)

Thus idealised, the critic can extrapolate an ideal form of 'black law' which is generally more 'in ba280ul, and consequently more *just* than traditional 'black letter law;'

The tenor of the judgements in [*Mabo*] not to mention that of current Aboriginal-European relations in Australia, is a call for a new language which will be able to accommodate insights of both Aboriginal and European Law. In the search for this new language, generalisations of the type made by Stanner [above] may be a useful guide. So too, is the hint that the effort of understanding is primarily one of imagination... (Gray 1995:23)

It is not within the scope of this paper to determine whether or not such discourses as that of Gray 'further the black cause' (whatever that may be). What is important is that such discourses are not new to legal criticism, and are aspects (if not major or determinative ones) of the white legal tradition. They are consequently also part of the 'educative practice of the Law School.' The presence of the exhibition in the Law School does not disrupt the symbolic space of white discourse, instead, it is *utilised* to illustrate one particular strand of this discourse.

The Law Student must not approach the exhibition of the black(s) works in order to view it as a wholly constituted story of an individual black body. Instead, the works illustrate an objective 'other' that exists already within the white legal discourse as a part of the pattern and paradigm that is the 'whole of the law'.

It does not really matter that the works of the exhibition tell a 'blak' story, they could equally have told a story on behalf of any of a number of minority discourses that the law must work to incorporate.

### ***The Framing of the Blak Body***

The space constructed for the exhibition, by the Law School, mirrors the space constructed within the Law for the black body. It is allowed a presence only if such a presence is minimally disruptive and affirms or supports a status quo. The law will allow native title so long as pastoralists and miners do not have their title (or space and ability to conduct business - white man's business) disrupted. The law may allow special protection of aboriginal traditional images, according to traditional law, provided they do not challenge existing

copyright laws. In the same way, indigenous issues will be incorporated into the curriculum, but only if they do not disrupt the teaching of 'black letter law' only if they 'fit' into the existing discourse. And in the same way the Law Library will host a black art display only if it does not disrupt the day-to-day operation of the Library.

The temporal process of the exhibition holds little promise for the black body. A few old pictures were replaced by a few black works for a few days, and at the end of that time the pictures were taken down and packed away and the walls were, for a short while - empty - a sort of *muros nullius* reflecting a colonial (non-)representation of the physical land at colonisation. These works (bodies) were on the inside for a short time, but they were nonetheless contained: in the dock of the court, in a cell, simply, by the law.

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