A recent Australian television documentary, “Art from the Heart?” presented a case for believing that Aboriginal paintings produced for the market could not be authentic. The documentary assumed there was such a thing as Aboriginal art and that this was “traditional” and “spiritual,” but that the items for sale were not genuine art. Four claims were made to show this. First, the paintings in question are not spiritually motivated but were produced for sale and therefore are not traditionally Aboriginal. Second, Aboriginal paintings produced in acrylics, on canvas, or in any other medium that is not traditional, are not authentic. Third, some paintings were not produced by people of Aboriginal descent and are not, therefore, Aboriginal art. And fourth, as some paintings were not produced by the persons who were believed to have produced them, the Aboriginal people who signed them were engaged in the production of fakes. These claims were supposed to lead us to the conclusion that the paintings under question are fakes: in the sense that they are not “traditional Aboriginal art” and in the sense that they are not “art.”

Yet, Aboriginal groups have presented counter-claims that challenge Western philosophical preconceptions about authenticity in painting. They have claimed that works that are “obviously” inauthentic from a Western perspective are in fact authentic. If such claims by Aboriginal groups about authenticity can be sustained, then Aboriginal painting has a significantly different ontological structure than painting in the Western tradition. In this paper, I attempt to articulate this structure.

Aboriginal claims about authenticity seem to rely on some kind of relationship between Aboriginal art and Aboriginal identity. I argue that “traditional” (precontact and present-day) Aboriginal ceremonial designs have the same ontological structure as insignia. The model of Aboriginal art as insignia has significant explanatory power. The ontology of insignia shows that Aboriginal claims about the relationship between their art and their identity can be understood literally, and it organizes a wealth of anthropological detail about the relationship between art, land, and authority. In addition, the ontology of insignia fits with a pattern of Aboriginal judgments about the authenticity of the paintings and practices that have been the subjects of art scandals. If North American indigenous totemic art is also insignia, the argument presented here may also be of interest in the context of debates about North American indigenous art and identity and the authenticity of indigenous art.

This paper is divided into four sections. In the first section, I present a synopsis of the current debate about indigenous or “primitive” art and authenticity and show how my approach differs from the usual approaches. In the second section, I discuss a number of art scandals involving Aboriginal paintings between 1996 and 1999 and articulate the differences between Western and Aboriginal attitudes toward the authenticity of the paintings. In the third section, I develop a model of Aboriginal art as insignia. The insignia model provides different criteria for determining the authenticity of paintings. If I am right about this, the reasons presented in “Art from the Heart?” for believing the paintings to be inauthentic and, therefore, not Aboriginal art are based on false premises. My model is based on tribal Aboriginal culture and is not applicable to all contemporary Aboriginal art. However, as the painters that have been involved in the scandals are from remote communities, it is applica-
ble in this context. In the final section, I apply the criteria for insignia to the paintings involved in the scandals. There I show that the model of Aboriginal art as insignia is consistent with judgments about the authenticity of the artworks in question from an “Aboriginal” perspective, and that these judgments can be justified in terms of an ontological framework.

I. PRIMITIVE ART AND AUTHENTICITY

“Art from the Heart?” drew its conceptual base from a familiar ideological framework well expressed by James Clifford. One axis this framework opposes is the authentic with the inauthentic. Its other axis opposes artistic masterpieces with artifacts. A masterpiece is thought of as ahistorical, transcending the time and place of its creation to speak across cultures. Masterpieces are contrasted with artifacts, corresponding respectively to the categories of “art” and “not-art.” Authentic art is original and individual; inauthentic art (or “not-art”) is reproduced and commercial. Within this framework, “culture” and cultural artifacts are thought of as authentic if they are traditional and collective. Cultural artifacts are inauthentic (“not-culture”) if they are new to that culture, or uncommon. Thus, cultural authenticity implies organic wholeness, or boundaries, to a culture and suggests the possibility of a “pure” culture, “uncontaminated” by external influences. The issues raised in the program may be found in two related debates about art as a cross-cultural activity. The first of these debates is philosophical and anthropological. This debate is about whether “primitive” artifacts are art. In this debate, the criterion for authenticity as art is the meaning of the term art. The criterion for what may be considered an authentic artistic tradition in a non-Western culture acts to limit what Clifford describes as modernism’s tendency toward the appropriation of artifacts as art, but does not undermine the distinction between authentic art and not-art, or authentic culture and not-culture.

The other side in this first debate seeks to undermine the conceptual framework identified by Clifford through an attack on the concepts of authenticity, art, and culture. For example, according to Larry Shiner, the idea of authenticity is not merely an ethnocentric reflection of the modern discourse of fine art; it is also a piece of ideology, an unintended justification of a continuing exploitative power relation. Shiner argues that the “ideology of authenticity” includes three untruths. The first of these is a false understanding of the nature of authenticity as tradition. “Authenticity as tradition” is fleshed out as meaning that the maker of an object works within an inherited local style and technique and for a strictly local, ritual consumption. Tradition cannot be a criterion of authenticity, according to Shiner, because there is a constant cultural and economic exchange between societies. The second untruth involves the creation of a myth—a world of precontact, “unspoiled” natives—manufactured by the systematic reprocessing of images of traditional peoples by anthropologists and art historians. The third untruth is the art/craft distinction and “its allied notions of the spirituality of the artistic vocation and the integrity of stylistic traditions.”

The second of the debates about the authenticity of culture appears in political and jurisprudential contests, for example, claims for the repatriation of cultural property (e.g., the Elgin Marbles), voice appropriation, and the question of whether white people can play the blues. Each of these political debates includes an assertion that art is “essential to” or “constitutive of” or “expressive of” the identity of the group. Thus, the assertions imply the existence of a discrete collective entity, different from other
collective entities. For example, Amiri Baraka considers the blues to be the national voice of African American people. Similarly, former Greek minister for culture Melina Mercouri claimed, “The Marbles are part of a monument to Greek identity, part of our deepest consciousness of the Greek People: our roots, our continuity, our soul.” And Rosemary Coombe has reported that in the cultural appropriation debates in the early 1990s, Canadians were told by First Nation peoples that stories show how a people or culture thinks, and that such stories could not be told by others without endangering the authenticity of First Nation cultural works. Wrongful possession of an artwork or use of an artistic style or motif by an “outsider” is seen as a dilution of the culture and a diminishment of the strength of the collective. Australian Aboriginal people make similar claims. The activist Robert Egginton claims that when non-Aboriginal people use Aboriginal motifs (whether these are visual, narrative, or performance), they misrepresent Aboriginal culture (the Aboriginal way of life). According to Egginton, Aboriginal culture is the last thing that Aboriginal people have left in the palm of their hand “and we need to nurture it and protect it. And we need to make sure that when it is passed on through our generation it is Aboriginal people telling our story our way and it’s not contaminated by non-Aboriginal expressionists.” The concept of authentic culture is fundamental to the sense of collective identity of these groups and to their political aspirations.

While theorists such as Shiner aim to change the power relations inherent in debates about authenticity, the denial of “authentic culture” as a myth may be used to justify a continuation of property relations that indigenous people claim to be exploitative. If authentic cultures do not exist, then claims by indigenous people about the relationship between their art and their identity are also false. And, as these claims also contain arguments for collective ownership of cultural property beyond those provided by Western legislative systems, the denial of authenticity may be used to undermine demands for the reconsideration of intellectual and cultural property rights. In the identity and art debates mentioned above, collective proprietary claims over art have been rejected on the basis that cultures are not “bounded” collective entities. Richard Handler, for example, undermines the arguments for the restitution of cultural property (such as the Elgin Marbles) on the basis that the identity of cultures as organic entities exhibiting boundaries and continuity is a myth. And James Young believes that the amorphous character of cultures makes untenable the suggestion that collectives might own styles.

The history of the “discovery” of Aboriginal art (like many other so-called primitive arts) is a story in which post–Second World War anthropologists and missionaries recognized that the marketing of arts was a way of making money for settlements and a means of asserting the value of Aboriginal culture. The production of art was seen as a sign of the equal status of Aboriginal and Western cultures. Embraced as fine art since the late 1970s and early 1980s, Aboriginal art makes up a market now valued at over 30 million Australian dollars per year. Independently of the art market, Aboriginal peoples have used the display of sacred images and artifacts as part of their political battles for the recognition of their relationship with land.

Aboriginal paintings on canvas, such as those discussed in “Art from the Heart?”, are a relatively new phenomenon. Although some Aboriginal people, for instance the Yolngu people of Arnhem Land, Northern Territory, had and continue to have a tradition of painting secular images on the bark of the walls of their huts, other Aboriginal peoples, for instance central Australian desert peoples, did not. It was the early 1970s before desert ceremonial sand and body designs were being transferred to wooden panels. It was the early 1980s before some outback communities, for example, the Balgo community of North West Australia, were first provided with the opportunity to experiment with acrylic paint. As Howard Morphy points out (although specifically in relation to the Papunya art movement), Western Desert acrylic paintings missed out on the stage of being primitive art altogether; they were never art by metamorphosis.

In discussing contemporary Aboriginal paintings, we are not dealing with the problem of “primitive fakes.” These paintings do not pretend to be ceremonial or traditional objects. Contemporary Aboriginal paintings, produced as paintings for an art market, have no place in tradi-
tional indigenous culture. So we may bracket debates over the authenticity of boomerangs, shields, didgeridoos, and the like from our discussion. The status of these objects as indigenous arts may be contested in terms of whether Aboriginal peoples had art practices and institutions prior to colonization and whether this kind of object was produced as an art within it. The paintings in question are intended to be art within a Western fine arts system. Therefore, though we may still debate whether everything intended to be art is art, we need not be distracted by debates concerning what constitutes an indigenous fine arts practice, whether Aboriginal cultures had one, or whether it included paintings.

This would seem to place Aboriginal paintings outside the context of philosophical debates concerning cultural authenticity, except for the fact that Aboriginal people insist that their art is related to their identity. An aim of this paper is to provide a concrete hypothesis about how this identity relation might be articulated outside the framework of the primitive arts debates. My argument will depend upon traditional Aboriginal practices of painting and design work, irrespective of whether these practices should be called an art form. The ontology of painting I will present asks questions about authenticity at a different level, a level that does not concern the paintings’ status as art. This ontology is equally consistent with the belief that Australian Aboriginal cultures included authentic fine arts practices and the belief that they did not. It is also consistent with the belief that there are no “bounded” cultures. Because the argument presented here is outside the framework of the primitive art debates, the articulation of identity offered will not be subject to the criticism that it rests on a myth. We need a theory that can articulate identity in this way in order to resolve philosophical problems about authenticity in Aboriginal art.

In the second section, to which I now turn, I articulate the difference between Western and Aboriginal judgments concerning authenticity and show that Aboriginal judgments cannot be justified in terms of a Western ontology of painting.

II. SCANDAL, IDENTITY, AND AUTHENTICITY

The Australian arts establishment has constituted Aboriginal painting in its own image. Explicitly, commentators focus on art’s formal qualities and the originality of the creators, but implicitly they assume a particular ontology. This is evident in the Aboriginal arts scandals of the past couple of years, the most dramatic of which have concerned the identity of the artist.

If we define a painting as autographic, we will think that it is the work’s history of production, rather than any particular feature internal to the work, that defines its identity. In particular, the identity of the person who painted a work determines the identity of the work, and a work is said to be authentic only if it was painted by the person purported to have painted it. In accordance with this view, the standard response to the discovery that the person purported to have painted an Aboriginal work (the person who signed the work) is not the person who painted it is to view the work as inauthentic. Turkey Tolson Tjupurrula caused a storm in April 1999 by releasing a statutory declaration saying that he signed works painted by his relatives. Clifford Possum Tjapaltjarri is being investigated for fraud for signing paintings he did not produce. This is sensational stuff, for Clifford Possum is one of the best selling Aboriginal artists in Australia. According to a recent television program, Four Corners, Aboriginal and non-Aboriginal people had worked on some of Clifford Possum’s paintings.

In another case, a non-Aboriginal man, Ray Beamish, painted some of the work attributed to his Aboriginal wife, Kathleen Petyarre, including a work that won Australia’s most prestigious indigenous art prize in 1996. In late 1997, Beamish (by then estranged from Petyarre) appeared on television news proudly showing the dots that he had painted on Storm in Atnangkere Country II, Petyarre’s award-winning work. Beamish’s dots were highly regular in size and spacing, and he compared them to the dots painted by Petyarre, which were less regular in these respects, as proof that he was the real painter. A newspaper reported that Petyarre had said (through her lawyers) that Beamish assisted her to prepare canvases, mark out the canvases, and accurately locate the middle of the canvases. Petyarre had also said that her grandfather had given her the “dreamings” and that only she and her sisters were allowed to paint their stories. The owner of a gallery that sells Petyarre’s paintings said it was completely appropriate (in
Aboriginal cultures) for other people to work on the canvas under Petyarre’s tutelage. Pet-
yarre’s supporters did not deny that Beamish had painted for Petyarre. Rather, they claimed this was culturally appropriate and that the painting was an authentic Petyarre. However, not everyone was of this view. After the Beamish–Petyarre story was made public, the director of the Art Gallery of New South Wales, Edmond Capon, was reported as saying that greater effort should be made to authenticate Aboriginal works of art. For Capon, this seems to involve ensuring that the person whom we recognize as the artist is the person who actually did the painting.

In the Petyarre case, we have a painting that Aboriginal groups consider authentic and that a senior representative of a Western art establishment suggests may be inauthentic. Now consider a case in which paintings are considered inauthentic by Aboriginal groups, while qualifying as authentic from the point of view of Western art practices. Elizabeth Durack, a non-Aboriginal artist who has painted Aboriginal subject matter in an Aboriginal style under the name of an Aboriginal man, Eddie Burrup, has been accused of fraud by the director of the Flinders Art Museum, Doreen Mellor, and the then chairwoman of the National Indigenous Arts Advocacy Association, Kaye Mundine. Some of Durack’s paintings were representations of Aboriginal people; some were representations of Aboriginal spirits. Durack created Burrup with “signs” of authenticity: she provided photos of his land and explained the relevance of land to him in Creole. The accusation of fraud in this instance relates not to whether the paintings were painted by the artist who claims to have painted them, but whether they are “Aboriginal” works. For Durack to be accused of fraudulent behavior in some sense, the adjective “Aboriginal” must be playing more than one role: it must refer to the subject matter and to a particular ethnic or racial background.

From a Western perspective it is not immediately clear what Durack’s crime is. Durack did not use any significant Aboriginal designs, nor abuse copyright laws in any way. Her paintings are original. Moreover, it is an accepted practice in the Western tradition for artists to use a false identity, or pseudonym. The use of a pseudonym allows a person to break social conven-

The judgments concerning the authenticity of the works by Durack, Clifford Possum, Turkey Tolson, and Petyarre are in stark opposition. From a “Western” perspective, the work by Durack is authentic, but the work “by” Possum, Tolson, and Petyarre is not. The Western response can be found in censorious statements such as, “Authorship is authorship and if someone else has painted part or all of a work, it ought to be acknowledged.” These statements are clearly informed by the idea that paintings are autographic. From an “Aboriginal” perspective, on the other hand, the work by Durack is inauthentic, while the work by Possum, Tolson, and Petyarre is authentic. There is no explicit ontological theory underpinning the judgments from the Aboriginal perspective.

Western defenders of the Aboriginal practice of an artist signing paintings that have been painted by other people might argue that many Renaissance studio artists did not always paint
the works they signed and sold under their names. But this defense is inadequate. The art market does not recognize the work of students and employees or other helpers as being of the same stature or equal to the work of a “master.” The art of students or employees is considered less valuable. This view is echoed in philosophical discussions concerning visual art and authenticity. For example, W. E. Kennick defines “a painting from the studio or workshop” of $N$, where $N$ stands for the name of the artist and where $N$ did not do the painting, as a fake $N$. According to Kennick, a fake $N$ “is a painting which is not an original $N$ but which, in a given context, purports—innocently or fraudulently—to be an original $N$.” According to this definition of authenticity, Aboriginal paintings produced by family members or other artists cannot be authentic because the person to whom they are attributed did not paint them. The studio defense understands the practices of Aboriginal artists to be significantly like the practices of Renaissance studio artists. We do not consider these practices fraudulent and they are not subject to moral sanction, yet those works signed by or attributed to the master but not painted by the master are still considered inauthentic. So, if Aboriginal painting practices are significantly like Renaissance studio practices, then the paintings are inauthentic though not fraudulent.

A variation of this defense may be found in modern and postmodern approaches to art. Artists such as Mark Kostabi, for example, do not paint the works they sign. In the 1980s, Mark Kostabi ran a kind of painting factory. Ideas for paintings were put to a committee for consideration. Upon approval by the committee, an artist would execute the painting, and the finished piece would be signed by Kostabi and sold as a Kostabi. Thus, Kostabi violates the conditions for authenticity set out by Kennick. He plays off our intuitions concerning authenticity in painting against our intuitions concerning the presentation of found objects as artworks. For example, if Duchamp’s snow shovel, a found object, is an artwork by Duchamp, then the paintings created by Kostabi’s factory can be artworks by Kostabi. One might argue that the acts of Petyarre, Tolson, or Possum were not significantly different from Kostabi’s presentation of paintings by other people as his own. Yet this defense is also unsatisfactory in relation to Aboriginal paintings produced by family members or other artists. It is unsatisfactory because the possibility of Duchamp or Kostabi creating art in this fashion relies on the artwork’s production within a particular artworld in order to be successful as artistic statements. This context is necessary for some things to count as artworks and distinguishes among otherwise identical acts.

Arthur Danto tells a story that illustrates this. He suggests that in response to a number of neckties that had made their way into the artworld, such as Jim Dine’s *Universal Tie* and John Duff’s *Tie Piece*, Picasso might have decided to exhibit a tie that was painted a uniform blue. After seeing this blue tie in a gallery, a father presented his child with an identical tie, and his child painted it an identical blue. Picasso’s tie was also seen by a forger, who painted an identical tie an identical blue. So we have three identical, blue ties. However, according to Danto, only one of these three ties, that by Picasso, is an artwork. One of the reasons Danto gives for this claim is that only artists can create artworks: that is, what one is matters. But additionally, and just as importantly, there is an audience that is ready to accept Picasso’s tie as an artwork. Danto points out, “Not everything can be an artwork at every time: the artworld must be ready for it.” Cézanne, in his time, could not have presented a painted blue tie as an artwork. Indeed, he could not even present paint as paint, as the Abstract Expressionists did. But Picasso, who presented a toy as a chimpanzee, and made a bull from a bicycle, a goat from a basket, and a Venus from a gas jet, might well have been able to present a tie as an artwork. And, as Danto points out in this story, Picasso used his tie to make a statement that was in response to other members of the artworld, and this statement has a place in art history. In contrast, the forger used a necktie to copy what Picasso did, making no similar artistic statement. And if a child or Cézanne painted a tie blue, the child or Cézanne would simply be making noise.

As in the case of Picasso, we can argue that Kostabi was making a statement in response to a certain kind of definition of authenticity. However, the same cannot be said in defense of Tolson, Possum, or Petyarre. Artworks that are artistic statements can only occur within an art community. The artist needs to be familiar with a particular art-historical context, and, more-
over, the gesture needs to be recognized; that is, the act needs to be transparent or obvious to the audience so that it can be appreciated as a statement. Petyarre, Tolson, and Possum may or may not have been aware of artistic statements such as Kostabi’s, but it does seem to be clear that their actions were not transparent, obvious artistic statements in the above sense. When Possum was questioned about this issue on *Four Corners*, he said that the reason he had signed other people’s paintings was that he was afraid. He did not say, “But that was the point.”

The defenses from studio painting and artistic statements cannot explain or justify Aboriginal artists in this context. The argument from “the studio” is consistent with the idea that the Aboriginal paintings signed by other people are inauthentic, and the argument from “artistic statements” does not seem to apply because the actions were not transparent. We are left with the disagreements concerning authenticity with which we began. We can understand why paintings signed by one person but produced by another are considered inauthentic from the Western perspective; we have yet to understand what justifies claims that they are authentic from an Aboriginal perspective.

The Aboriginal perspective seems to be connected to a number of claims about the relationship between art and Aboriginal identity. These claims do not articulate how art and identity are connected, but the claim that art and identity are connected is clearly expressed. Djon Scott Muldine has been quoted as saying: “Having taken away the land, children and lives, the only thing left is identity through art, and this is now being abused.”37 In the television documentary *Copyrites*, Bunduk Marika claimed, “Stealing Aboriginal imagery is stealing identity, laws, and spirituality.”38 Later in the documentary, she said: “Art and land is very important because it is the identity. It’s what gives me an identification. If I didn’t have those I wouldn’t know who I would be or where I come from. I wouldn’t have any identification of who I am and how I fit into society.” “Art,” she claimed, “is essential to our existence.” Galarruway Yunupingu has claimed that the unauthorized use of Aboriginal motifs is a form of assimilation that will effectively destroy Aboriginal communities: “Every week we find that other non-Aboriginal people are stealing our designs and paintings for decorating T-shirts, dress fabrics, restaurant menus and so on. They are using the same old tactics of assimilation, except this time they are trying to assimilate our culture into their world because it is fashionable in their eyes and will make money. . . . We will survive these attempts to wipe out our peoples. . . . Just as our struggle for land is still strong, so is our fight to maintain and revive our culture, for our land and our culture are indivisible from our lives.”39 If I were to summarize these claims, and many similar claims by Aboriginal people, I would say that Aboriginal communities claim that the appropriation of their art is the appropriation of their identity. It seems to me that, accordingly, they desire to limit the use of their works, to keep control over who uses them and for what purposes.

Clearly, what is needed is a theory that is consistent with Aboriginal claims about the relationship between art and identity and the authenticity of works. Only when we have such a theory can we determine the relative strengths of the opposing claims about authenticity. In the third section, I shall explore the relationship between art and identity in Aboriginal painting. Starting from an observation that Aboriginal art is like insignia in terms of how it is used, I shall argue that the ontological similarities between insignia and Aboriginal art support this observation and illuminate Aboriginal claims about the relationship between their art and their identity.

### III. ABORIGINAL ART AS INSIGNIA

Authenticity concerns the manner in which something proceeds, or is derived, from a reputed source. When we want to know whether something is authentic, we refer to criteria for authenticity. These criteria change according to the object of our enquiry. The same object can be authentic under one description, and not authentic under another. For example, it may turn out that a painting found in my garage is an authentic eighteenth-century painting, but is not an authentic Hogarth. I need to ask different questions again to find out if the painting in my garage is authentic art. There is no simple answer to the question “Is this painting authentic?” We can see from this that a judgment concerning authenticity depends on the nature of the enquiry and the ability of criteria to provide an answer to
the question. I cannot (reliably) answer the question “Is this painting an authentic Hogarth?” if the criterion I use to make a judgment is “must be painted in the eighteenth century.” If we ask the wrong questions, or apply the wrong criteria, we will get the wrong answers. “Art from the Heart?” applied the wrong criteria.

The use of the term “authentic” varies depending on whether we are talking about works we believe to be (1) autographic, (2) works for performance, or (3) institutional objects.40 In these different contexts, different considerations are relevant for establishing what counts as genuine, and when determining that something is authentic, we refer to these different considerations. When we are talking about autographic works, we use the term authentic in the sense that the history of the artwork is what it purports to be. This sense of authenticity applies to paintings, some sculptures, drawings, and so forth. A performance of a work is authentic if it follows all the author’s or composer’s instructions. We could find out that Kyd rather than Shakespeare wrote the play we know as Hamlet, but the authenticity of a performance would be unaffected by such a discovery, because such authenticity concerns the relationship between the performance and the directions for performance, rather than the relationship between the script and the author. An institutional object is authentic or inauthentic depending on whether or not its origin meets certain criteria related to authority. This conception of authenticity is commonly used in dealing with objects such as money, passports, military bars, and the badges of the Order of Australia. The difference between the original and the copy, or the authentic and inauthentic object, is its history of production, but in contrast with the sense as used in relation to autographic works, this is not the sole criterion. We also want to know whether the person or persons who have produced it have the authority to produce it. There is a world of difference between a ten-dollar bill and an exact replica of one. A certain kind of authority is required to produce money. The perfect replica of a ten-dollar bill is not a real or authentic ten-dollar bill, because its production has lacked the necessary authority. Similarly, an exact copy of a passport is not a real passport, and a copy of the Order of Australia is not a real medal.

If we change our perspective and consider the manner of production and social function of Aboriginal designs, rather than their aesthetic properties as paintings, we see that the second and third uses of the term “authenticity” are relevant to Aboriginal ceremonial art. We commonly apply these uses to works for performance and institutional objects. Aboriginal ceremonial art is used in much the same way that a heraldic device is used.41 Moreover, Aboriginal people themselves often make this comparison between their art and various kinds of insignia. For example, the Yuendumu artist Michael Nelson states that the designs he paints on canvas are those used for regalia: “The designs I had learned from corroborees and from traditional ceremonial regalia I had been taught by my uncle, my father and my grandfather. . . . The designs were also painted on shields, usually little shields, sometimes big ones.”42 The term “coat of arms” refers to a design, or heraldic device, used in precisely this way. Aboriginal paintings are like heraldic devices in a further four respects: their identification of families, their association with land, their ontological structure, and their association with patterns of authority.

The first two similarities are fairly straightforward. First, heraldic devices such as family coats of arms are handed down from generation to generation and can reflect individual relations between different members of the family. For example, the arms of the sons of Emperor Frederick II are variants on the arms of Frederick.43 Similarly, Aboriginal designs are handed down from generation to generation. We also have evidence of individuals being identified in terms of how they paint particular designs. The Aboriginal artist Yangarriny Wunungmurra has claimed that anyone could tell that his painting Long-necked freshwater tortoises by the fish trap at Gaanan was by him by the way he drew the tortoise, which was like his signature.44 Similarly, Paddy Lilipiyana paints the wititj (olive python) with the signature element of a split tail.45

Second, heraldic devices, such as the coats of arms of nations, are associated with geographic areas. Take, for example, the Royal Arms of England. When a person bears this coat of arms, we know that they are a member of the English royal family. They are called the Royal Arms of England.
by the Commonwealth government to mark authority and ownership. It therefore signifies that certain territories are controlled by, or the property of, the Commonwealth. Similarly, Aboriginal art identifies people according to their song-line, or the land they come from. Yolngu paintings encode the relationship between people, place, and the ancestral past. Paintings may include figurative elements (for example, goannas, fish, digging sticks, and trees) against a background with cross-hatching and patterning. The figurative elements often represent the wangarr (ancestral beings). The background patterns represent the different clans. The anthropologist Howard Morphy explains the system through the metaphor of the country “cloaked with a tartan of clan designs, each of which is associated with a particular social group and a particular ancestral being.” Hence, a Yolngu painting will show who painted it and associate this person with a geographic area.

The third similarity between heraldic devices and Aboriginal art can be found in their ontological structure. Both heraldic devices and Aboriginal designs are conventionally symbolic as well as pictorial. The meaning of the Royal Arms of England is encoded in the colors used in the design, the animals and other symbols displayed (each of which have a conventional meaning), and the history of these symbols. For example, when Richard the Lion Heart altered his arms in about 1195 after losing his Great Seal during his captivity, his adoption of the three gold leopards on a red field may have been an allusion to his great-grandfather, William the Bastard, conqueror of England. From the fact that an image is symbolic in this sense, rather than simply pictorial, it follows that two different presentations of the image will be considered “the same.”

Nelson Goodman’s concept of syntactic equivalence is useful here. For example, a word is considered to be syntactically equivalent, or the same word, regardless of whether it is hand written or printed in Times New Roman or welded out of metal. All that matters in relation to the identity of the word is sameness of spelling. Pictures do not usually have this feature. A drawing of a painting will be considered significantly different from the painting. The drawing might be considered a new work of art, or a representation of the painting, rather than the same as the painting. Like a word, a heraldic device is a symbol, and it is the same symbol whether it appears carved in stone or in a line drawing or in a painting. Similarly, we know that Aboriginal paintings are symbolic in the sense that a language is symbolic and has conventional meanings. Aboriginal designs are often referred to as a kind of writing. A design painted on the body or sculpted in sand as part of a ceremony is therefore syntactically equivalent to a design painted in acrylic on canvas.

Yet both heraldic devices and Aboriginal art can be contrasted with other symbols in that both heraldic devices and Aboriginal art have “rules for correctness” or “instructions for performance.” This is something like Goodman’s concept of an allographic work, and here I shall extend the term to works that do not have a notational scheme, but could have one. We are familiar with this structure as it applies to music, theatre, and dance. A script for a play or a score for a musical composition has directions for its performance. The performance is not identical with the directions in the script or score: the performance comprises the sounds that are played or the production that is watched, while the directions are the meanings of various marks on scripts and scores. In the case of dances such as ballets, the instructions are verbal and gestural rather than written. In these instances, the instructions or directions for performance are rules for correctness; that is, they are features that a performance must have for the performance to be authentic. This allows us to say that any number of quite different performances are performances of the same play or score. Such performances may all be correct, in that all follow the directions, but they will not be identical because there will be differences in the interpretation of the directions and the level of skill in their production.

Like works for performance, heraldic devices and Aboriginal designs have rules for correctness. The rules for correctness for a coat of arms may be set out visually, in drawings that contain instructions for colors and animals, or they may be set out in writing as in the case of the Australian Coat of Arms, the directions for which are set out in a royal warrant:

Quarterly of six, the first quarter Argent a Cross Gules charged with a Lion passant guardant between each limb a Mullet of eight points Or; the second, of
the first (representing the Constellation of the Southern Cross) ensigned with an Imperial Crown proper; the third of the first, a Maltese Cross of the fourth, surmounted by an Imperial Crown; the fourth of the third, on a Perch wreathed in Vert and Gules, an Australian Piping Strike displayed also proper; the fifth also Or a Swan naiant to the sinister Sable; the last of the first, a Lion passant of the second, the whole within a Bordure Ermine; for the crest a wreath Or and Azure “A Seven pointed Star Or”; and for Supporters “dexter a Kangaroo, sinister an Emu, both proper.”

This description is called the blazon, and is the only binding description of the Arms granted. Any drawing interpreting the blazon that meets these specifications will be an instance of the Arms. This means that the instances need not be identical.

Similar rules structure the way in which Aboriginal designs are produced. These rules are not written down like those for heraldic devices or plays, but are verbal and gestural, like dance and musical performances without scores. Being part of an oral tradition does not imply that the works are any less subject to these constraints. The television documentary Lin Onus: Bridge Between Cultures portrays a senior artist telling a painter to rub out some lines and repaint them because they were “wrong.” This is consistent with Morphy’s finding that for Yolngu artists there may be strict constraints on how designs are interpreted for rituals. According to Morphy, when people criticize the way a clan design has been produced,

It is usually to show how a painting deviates from an established ancestral pattern. The painting is said to be wrong because it is not how the old people used to do it or because it was not the way the artist was taught to do it. In such cases, especially if the critic is a senior man, the criticism is not subject for debate, but a dictum to be followed.

Morphy also describes criticisms of the figurative content of paintings for not meeting an established criteria when, for example, “certain figures are included which should not have been and vice versa.” While there is room for innovation in relation to the portrayal of figurative elements, there are still fixed components of the ancestral designs. For example, the representation of goannas on either side of a hollow log for the Djungguwan ceremony must include certain prescribed components concerning the angle of the goannas’ tails, shellfish in their mouths, and dotted lines on their backs. This is similar to the requirement of certain poses for the animals depicted in the Australian Coat of Arms. Given that tribal Aboriginal paintings and coats of arms can both be identified independently of their history of production in terms of these rules for correctness, the criteria for authenticity that apply to other arts with this structure, such as music and drama, also apply to Aboriginal paintings and coats of arms.

If we understand Aboriginal works as having the same ontological structure as works for performance, then we must accept that the color or composition of the paint may be considered immaterial to the criteria for authenticity. The film version of Shakespeare’s Romeo and Juliet, the one with Leonardo Di Caprio, is authentic in so far as it is consistent with the script, even though Shakespeare never thought of producing his plays as films. Likewise, an insignia is considered the same symbol regardless of whether it is painted in color, or printed in black and white, or carved in stone, or embroidered. This is also the case for tribal Aboriginal paintings: their authenticity requires production according to the instructions, or rules for correctness, rather than specific mediums or colors (unless these are specified in the instructions).

Understanding Aboriginal paintings in terms of instructions, and representations or interpretations of those instructions, enables us to understand different interpretations of the same story or work. For example, different presentations of the Wagilag Sisters story can be understood as original interpretations of the same work, rather than new and therefore inauthentic paintings. In different interpretations of this story, the snake may be presented in different ways and the central iconic elements may be arranged in different configurations. Suppose that a person other than the interpreter of the rules had painted these images, under instruction, or had helped fill in the details. Then we would say that the main artist was not the person who actually painted it, but that the main artist was the interpreter of the instructions or rules for its representation. For example, Paddy Dhatangu rather than Dorothy Djukulul is credited as the main artist for the presentation of the Wagilag story shown in Figure 1. The relation-
ship between the interpreter and the painter is like the relationship between a director and an actor, or a conductor and a musician. And, just as in film the director may also be an actor, in Aboriginal painting the interpreter may also be the painter.

The fourth way in which heraldic devices are like Aboriginal paintings is that both heraldic devices and Aboriginal designs are owned collectively, and their use is authorized in terms of the role an individual plays in the community. Let me provide an example. Margaret Clunies Ross and L. R. Hiatt have reported that in a Gidjingali burial rite, the authority to produce the images associated with the ritual is distinct from the ownership of the images. The deceased’s patriclan is normally the owner of the ground sculptures and totemic patterns; however, these people are unable to execute the representations themselves. The executive role is undertaken by a group of men who qualify because their mothers belong to the clan of the deceased. A third group of men has a supervisory role in the preparations for the ceremony by virtue of the fact that their mothers’ mothers belong to the dead person’s clan. These men supervise and sanction the work of art carried out during the rites. It is not as though anyone in a group can use a design for whatever purposes they wish, simply because they are members of the group. In the Gidjingali ceremony, there is a distinction among the ownership of the designs, the people who authorize and sanction their use, and the people who use them.

An analogous situation can be found in our own relationship with the university communities and other organizations of which we are members. For example, I am a member of the Australian National University. This entitles me to certain privileges of the community. I can identify myself as a member of the university by displaying its insignia. However, I am only entitled to use the insignia in specific ways. I can display it, as one can fly a flag or display the colors of one’s football team as an act of loyalty or sympathy, but I am not entitled to “bear” it or use it in any way that implies I have an official status. Or at least, I cannot use it officially without the authorization of my head of department, and even then I can do it only for specific purposes. The head of department does not own the image, and is in turn only entitled to use it for

specific purposes. She or he is not entitled, for example, to use it for personal mail. The image itself is owned by the university. Not all insignia have this structure; for example, I do not require anyone’s authority to wear a wedding ring. However, many insignia do require such authority. The authority structure suggests that some insignia are institutional objects, and it is this subsection of insignia that I am interested in here.

Institutional insignia are authentic or inauthentic depending on the authority of the person who bears or uses them. This means that, unlike other symbols, insignia are not type-identical merely in terms of syntactic equivalence. For example, consider the inscription of the word “dog” below:

dog, dog, dog.

We might say that this is one word—that is, one type and three tokens of that type. It does not matter what the word looks like, whether I have written the word by hand, or if it is typed in Times New Roman or Helvetica. Nor does it matter if three different people write “dog” once each. The three inscriptions remain one word. Insignia are different. Consider the case with signatures. There may be any number of individuals named John Brown. If three of these individuals were to write their signature below (and each John Brown was to write their name out in full), we would have:


Each signature would look different (this seems analogous to writing dog in Helvetica, Times New Roman, and by hand), but we would not say that we have one signature, nor one type. Rather we would say that we have three different signatures and three different types. Yet the difference between the types does not relate to the way the signatures look, but to their origin. We could say that there were three different signatures even if the three inscriptions looked identical. This is because the origin is the significant factor in determining or establishing what counts as a token of the type. If one of my John Browns signed his name three times, there would be one signature type, and three tokens of that type, even though there may be differences between the inscriptions. Only those signatures signed by a particular person count as instances of the signature, and since these instances are privileged in this way, they are thought of as authentic.

Authenticity, as it relates to insignia, is not related to the way the symbol looks alone, but also to the history of production of the symbol. To be authentic, a sign needs to be produced with the authority of the appropriate person. I say with the authority of the appropriate person rather than produced by that person because insignia do not need to be produced anew each time they are used. Coats of arms on letterheads, for example, are produced by printers and not by the organizations that order them. This can be true of signatures. Many signatures on cheques are printed. The signature on my BA degree is printed. The signatures found on notes of money that declare “This Australian note is legal tender throughout Australia and its territories” are printed. No one rejects these signatures as inauthentic. Their authenticity relates to the authority with which they are produced. Significantly, this means that the condition some philosophers consider necessary for a painting to be authentic, that it is produced by the person we believe to have produced it, is different from the condition necessary for a signature on the painting to be authentic. A signature does not need to be autographic.

So, if Aboriginal art is insignia, we can understand authenticity in terms of the identity of the person who has the right to produce a work: the work is authentic insofar as the person who produces the work (or causes the work to be produced by others) is the person who has the authority or right to produce the work, or to cause the work to be produced. It may so happen that only people with certain genetic or ethnic backgrounds have these rights. This is not so strange a concept: genetics is a consideration for family inheritance, including the inheritance of coats of arms. Alternatively, it may happen that a non-Aboriginal person is given the authority or the rights to produce a work. In the current Australian context, the appropriation of Aboriginal art can be seen as the assumption of a right. If I were to use the coat of arms of a family other than my own, I would be quite literally appropriating, or taking, an identity. Bearing a family coat of arms would be a misrepresentation of my
status in the social order, and possibly (depending on how I used it) fraud.

The analogy between insignia such as heraldic devices and Aboriginal paintings looks fruitful. There seems to be sufficient evidence to develop a case that Aboriginal art is a kind of insignia on the basis of how it is used, what it identifies, and the patterns of authority surrounding its use. One strength of the model of Aboriginal art as insignia is that it has significant explanatory power. It immediately organizes and makes sense of a wealth of detail concerning Aboriginal art, for example, that a person has rights to produce or use an image on the basis of one’s genealogy, that an image is intimately connected with identity, family, and land. Understood as insignia, the claim that the appropriation of art is an appropriation of identity makes perfect sense; it is literally true. When Marika says, “If I didn’t have [art and land] I wouldn’t know who I would be or where I come from. I wouldn’t have any identification of who I am and how I fit into society,” we can understand it. Of course one needs insignia to show who one is and how one fits into society. The Albanian Kosovo refugees who were stripped of their insignia know this. Afterward they could not prove their nationality or their place of residence. They did not have sufficient proof of identity to open a bank account.

A second strength of the model is that it is not static. Not all traditional Aboriginal paintings already exist. Whether works are insignia, and link the identity of a group with an image, depends on their context within a framework of authority relations. New insignia in our own culture are created all the time, just as they are in Aboriginal societies. New insignia are not traditional; they are simply not very old. The rules for production of an existing image are established and changed within these authority structures: “acceptable” changes to designs or interpretations of the designs are determined by people with the authority to make these decisions. If this were not the case, the Australian Coat of Arms could not be produced in black and white (the blazon stipulates specific colors), and the stylistic interpretations could be endless.

So what relation has this ontology of Aboriginal ceremonial designs to Aboriginal acrylics? One thing we might say is that, traditionally, Aboriginal people are concerned with the authenticity of their designs as symbols rather than objects. If these same designs, the same rules for correctness and authority structures, are used in contemporary painting, then Aboriginal paintings can be considered significantly “the same” entities as those produced for ceremonial purposes.

At this point I would like to make a distinction between different kinds of Aboriginal painting. Many contemporary Aboriginal paintings do not restrict themselves to these authorized structures. Hence, I would like to make a distinction between those Aboriginal paintings that operate within this tradition and those that are exploring new directions in terms of subjects. Both groupings are new to Aboriginal culture in the sense that they are produced for the Western art market. And, as both show continuities with the past, both may be said to be within the tradition of Aboriginal painting. However, only one group of paintings has continuity in terms of being the same qua symbols, and it seems appropriate to call this “classical” Aboriginal painting. The word classical seems appropriate both in its reference to time and origin (which Aboriginal people would date back to the time when the landscape was formed) and its adherence to certain forms or rules.

I have provided a model of Aboriginal ceremonial art that is consistent with Aboriginal claims that Aboriginal art is closely bound up with identity. I shall now show that the model I have presented, which assumes that the relevant criteria for authenticity are the authority to produce (or use) a work and compliance with rules for correctness, is also consistent with judgments concerning the authenticity of works from the Aboriginal perspective.

IV. AUTHENTICITY AND ABORIGINAL PAINTING

The authenticity conditions for Aboriginal ceremonial designs are the same as the authenticity conditions for insignia. Therefore, so long as classical Aboriginal paintings are introduced into the market with the appropriate authority, they are also authentic. If Storm in Atnangkere Country II is a classical Aboriginal design, it should be considered an authentic painting by Petyarre in that she (along with her sister) has the authority to produce this painting and that it was her authorization that initiated its produc-
tion. Without her authorization (or that of her sister), Storm in Atnangkere Country II would be inauthentic in the sense that the person who painted it would be stealing or taking Petyarre’s story. The fact that Beamish painted under her direction would not change the fact that it is an authentic work.

So what can be said about Turkey Tolson and Clifford Possum? Are their paintings authentic? The paintings Tolson signed were paintings that he had inherited and for which he was responsible. His daughters produced the paintings that he signed, and he had taught his daughters how to paint them. Tolson might be thought of as something like the director of the paintings. The works would seem to be authentic Tolsons, clearly in the sense of being authorized, and possibly also in the sense of correct interpretations. There seems no reason, yet, to judge the paintings Possum signed to be either authentic or inauthentic according to this model. The Four Corners story did not state whether or not he also owned the paintings that he signed, or whether the paintings were compliant with instructions for their representation. By contrast, Durack’s work is outside the tradition, yet represented as within it. Durack’s paintings have the structure of autographic works rather than insignia. Hers is not, therefore, authentic Aboriginal art in the sense I have developed here. The authenticity conditions that are appropriate to Western painting are inappropriate when applied to classical Aboriginal painting.

I began this paper with a consideration of the accusations of the television documentary “Art from the Heart?” The documentary provided four reasons for believing that the Aboriginal paintings were inauthentic. The first reason was that they were “not spiritual” and produced for sale. The second reason was that Aboriginal paintings produced in acrylics, on canvas, or in any other medium that is not traditional are not authentic. The third reason was that some paintings were not produced by Aboriginal people and were not, therefore, Aboriginal art. And the fourth reason was that some paintings were not produced by the person who was believed to have produced them. I will discuss each of these reasons in turn; however, I wish to leave the first reason till last.

The ontology provided here shows that these reasons are based on a false premise: the premise that Aboriginal painting is autographic. If we recognize that the authenticity conditions that apply to classical Aboriginal art are those we apply to works with instructions for performance, we see that the second reason, concerning medium, ignores the fact that the medium and colors are immaterial to authenticity, unless dictated by the rules for production. Contrary to the third reason, the fact that some paintings were produced by people who are not genetically Aboriginal does not affect their status as authentic. If the criteria for authenticity are that a work meets the rules for production and has the appropriate authority to produce the work, then the race of the producer does not necessarily have an impact on authenticity. Another Aboriginal person, even an Aboriginal from the same tribe or clan, may not have the authority to produce a painting. The fourth reason for believing Aboriginal paintings to be inauthentic, that they may have been painted by someone other than the person who signed the work, ignores the fact that there are rules for the production of classical Aboriginal paintings. An ontological structure in which there are instructions for production privileges the creativity of the interpreter of instructions over the producer of a work. To attribute works not painted by Tolson to him rather than the painter is like identifying a film in terms of its director, or a performance of music in terms of its conductor. There is nothing fraudulent about it, although we might prefer to know who directed and who performed a work.

As Susan McCulloch-Uehlin presented the scandals, it is the difference in the criteria for authenticity in terms of a producer of a work and criteria for authenticity in terms of the authority behind the work that is “causing untold confusion and obfuscation in this . . . art movement,” and she suggested that these practices threaten the integrity of the Aboriginal art industry. I disagree with her that Aboriginal practices threaten the integrity of the industry. The problem is our ontological blinders, not Aboriginal practices. Painting is not necessarily autographic. The reasons that most philosophers believe painting is autographic are historical. Nicholas Wolterstorff states, “Our practice of painting might have been such that painters ordained rules for correctness of instances; but in fact it is not like that.” If the ontology of an art form is based on contingent historical practices,
there is no reason why we should believe that Aboriginal art does not have ordained rules for correctness. Nelson Goodman might also have been prepared to accept that the authenticity conditions for autographic works are inappropriate here. The symbolic nature of Aboriginal painting, and its rules for correctness, would enable Aboriginal work to be considered what Goodman calls allographic. An established art, according to Goodman, becomes allographic "when the classification of objects or events into works is legitimately projected from an antecedent classification and is fully defined, independently of history of production, in terms of a notational system."63 One significant difference between what we normally think of as allographic works and Aboriginal paintings is that the conditions for authenticity of Aboriginal paintings are not entirely independent of their history of production: they require authority. However, the criterion for authenticity in the case of an autographic work is, as I showed above, different from the authenticity condition for an insignia. Aboriginal paintings (along with coats of arms) sit uncomfortably between categories within Goodman’s system.

Nothing I have said so far about the question of the authenticity of Aboriginal paintings provides a reason for believing they are art, or for believing they are not. Being authentic, qua insignia, is distinct from being authentic, qua art. We can imagine an artist painting commercial insignia without authority (and therefore inauthentically), just as many pop artists painted symbols. This pop artist’s paintings would be considered art. If inauthenticity qua insignia is irrelevant to a work’s status qua art, then authenticity must be irrelevant too. It might be argued that in relation to these paintings of insignia that the relevant criterion for authenticity qua art is not to be found in the antecedent practices surrounding insignia but the practice of painting autographic works. This would not provide a counter-argument to my claim that the authenticity of classical Aboriginal painting bears no relevance to whether or not it is art. We cannot make the same move and apply the criterion for autographic painting to classical Aboriginal painting. The relevant criteria for authenticity are determined by antecedent cultural practices. The closest relevant ontology to the Aboriginal paintings that I have been discussing is found in a work for performance (or a work for representation). A performance of a piece of music may be inauthentic and yet be art. The fact that this ontology cannot tell us whether the paintings in question are art is a result of the fact that different kinds of questions about the authenticity of objects will provide different answers. The question of whether something is art cannot be answered by reference to this ontology. The second, third, and fourth reasons for believing the Aboriginal paintings to be inauthentic cannot tell us anything about whether the paintings are art.

Some might think the utility of insignia is an issue here. If Aboriginal designs are insignia, utilitarian objects, could they possibly be art? The categories of insignia and art are not logically incompatible. Whatever the utility of Aboriginal paintings in ritual and ceremonial contexts, in this context of a Western art market, they are not playing a utilitarian role. As Ronald Berndt, one of the anthropologists whose field work in the mid-1940s developed interest in Aboriginal painting, has suggested,

What art means within an Aboriginal society is one thing. What it becomes when it is displayed outside is another: something quite different, whether or not some of its meaning has been conveyed in the process. In a sense we can speak of the visual representations which we call “art” as being active within a traditional context, but passive outside of it. . . . For the world outside that [traditional sociocultural] environment, it is primarily a matter of spectacle.64

Outside a traditional context, Aboriginal painting becomes a spectacle. It illustrates or expresses Aboriginal beliefs, but it is also aestheticized in a new way.65 Consequently, the utility of insignia cannot undermine it as art. What is more, one of the criticisms of the paintings in question was that they were aestheticized, painted in glorious color, on canvas so that they could be hung on a wall and looked at. Whether the paintings produced for socio-religious purposes are art (or what Jerrold Levinson might call an ur-art) is another question altogether.

However, the accusation in “Art from the Heart?” was not that Aboriginal art was not art because it had some utility in Aboriginal culture, but that Aboriginal paintings are not art be-
cause they are not spiritual and are produced for commercial reasons. This was the first reason the program gave for believing Aboriginal art to be inauthentic as art. Let me break this into two parts: “not spiritual” and “reason for production.”

First, if Aboriginal paintings are insignia, then they are symbols. As symbols they must retain something of their meaning across use in different contexts. The Western art market may be a new use for Aboriginal cultural products, but it does not follow from this that the cultural products are not spiritual (and therefore inauthentic) because of a new use to which they are put. As a symbol, the figure of Christ on a cross does not lose its religious meaning simply because it is produced in plastic and sold for profit. It makes no significant difference to its meaning whether it is hung in a home or in a church. Therefore, the difference between a religious symbol that is art and the same religious symbol that is an artifact is not a difference between spiritual and profane meanings, but of something else.

So has this “something else” to do with the fact that the paintings are produced for commercial reasons? There are many reasons one might consider this a dubious criterion for determining whether an object is art. As Shiner has pointed out, this kind of argument contains a double standard. It is as if Western artists did not work for a market, or that sales were not important to them in terms of their economic well being as well as their prestige. But to take up this point is to enter into a different argument, the argument about cultural authenticity and the framework of fine art and authenticity. It cannot be dealt with in terms of this ontology.

This interpretation of Aboriginal art and insignia throws light on Aboriginal claims that the appropriation of art is the appropriation of identity: such Aboriginal claims can be understood literally. As such, it is immune to the critiques of cultural essentialism that have been used to undermine property claims in art. Moreover, the model provides us with a means of distinguishing between claims about the relationship between art and identity. There are limits on how the model may be used to justify claims. If the art of North American indigenous peoples is significantly like that of Australian Aboriginal people (as Durkheim suggests), the argument may be of interest in this context. It does not seem applicable to Greek claims that the Elgin Marbles are their “mana,” nor African American claims for collective ownership of the blues. (I am not suggesting that these claims are necessarily false, merely that if they are to be justified, they require a different argument.)

The model of Aboriginal painting as insignia gives us two new ways of understanding what it means to say that Aboriginal art is authentic. These concern authenticity in the sense of compliance with instructions for their representation and authenticity in terms of authority. By applying these new conceptions of authenticity to the debate, the Aboriginal position in relation to the art scandals can be fully justified.66

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1. Australian Broadcasting Commission (ABC), “Art from the Heart?” Inside Story (May 25, 1999). By the term “Aboriginal” I am referring to Australian Aboriginal peoples. None of the evidence I use is from Torres Strait Islander communities, and I am not subsuming Torres Strait Islanders under this term.


3. Ibid., pp. 195 and 203.


8. Ibid.
9. Ibid.
19. Morphy, *Aboriginal Art*. Bark paintings are exceptions. They have been subject to a process of metamorphosis from tourist art to fine art.
20. While some bark painters, for example Yolngu painters, produced work outside ceremonial contexts, these were not produced for sale prior to contact with anthropologists.
24. The Telstra National Aboriginal and Torres Strait Islander Art Award. A reproduction of the painting may be found in Morphy, *Aboriginal Art*, plate 209.
26. Ibid.
28. In fact there is an argument that the artist’s moral right of attribution includes the right to be known under whatever name an artist chooses. This is explicit in Scandinavian law. See S. Stromholm, “Droit Moral: The International and Comparative Scene from a Scandinavian Viewpoint,” *International Review of Industrial Property and Copyright Law* 14 (1983): 36.
29. I am not suggesting that “authenticity” exhausts the moral considerations of this issue. In addition, Durack entered the work in publicly funded exhibitions organized for the display and promotion of Aboriginal art. Moreover, in statements about his work, “Burrup” presented colonization as a good thing for Aboriginal peoples (see Leon Deutsch, “Aboriginal Art Today,” *Fein Kunst International*, 1996). Durack’s family were among the early pioneer settlers of the Kimberley region and are deeply implicated in the dispossession of Aboriginal land. It would be understandable if some Aboriginal people considered Burrup/Durack’s presentation of the issues as similar to a suggestion that the victim enjoyed it by the perpetrator of the crime. The Deutsch article, Burrup’s statements, and reproductions of the paintings may be found at http://www.ozpages.com/eddieburrup.
30. Jopson and Burke, “Painting Hoax Has Art World Divided.”
31. Ibid.
32. I am not suggesting that only non-Aboriginal people hold this point of view, or that only Aboriginal people hold what I have termed the “Aboriginal” perspective. (Western collectors of Aboriginal art who bought Durack’s paintings because they thought she was an Aboriginal may well believe that Burrup’s paintings are inauthentic.) I have given the different perspectives these names because one seems to be clearly informed by Western art theory, while the other is informed by Aboriginal artistic practices.
36. Ibid., p. 9.
40. Brute facts, for example that water is H2O, might be said to exist independently of human culture and society. In contrast, an institutional fact or object relies on human culture and society to exist. One sense in which it relies on culture and society to exist is that it has a language-like structure, or status function. For example, a line of stones might be a border: that is, the stones signify something about property or nationality. An institutional fact or object exists within a system of constitutive rules. The rules are constitu-
tive because they create the possibility of the fact or object. For example, “checkmate” in chess is an institutional fact. The rules of chess do not regulate an antecedently existing game, but create the possibility of the game, and the move of checkmating an opponent. Similarly, the rules concerning the use of money (including those that govern who produces it, that it is legal tender in a certain territory, etc.) create the possibility of paper or metal disks being “money.” For a more detailed explanation, see J. R. Searle, *The Construction of Social Reality* (London: Penguin, 1995), pp. 27–47.

At the turn of the last century, Emile Durkheim suggested that totems and insignia function in much the same way: “The totem is not merely a name; it is an emblem, a veritable coat-of-arms whose analogies with the arms of heraldry have often been remarked. . . . The nobles of the feudal period carved, engraved and designed in every way their coats-of-arms upon the walls of their castles, their arms, and every sort of object that belonged to them; the blacks of Australia and the Indians of North America do the same things with their totems.” E. Durkheim, *The Elementary Forms of the Religious Life*, 1912, trans. J. W. Swain (The Free Press, 1965), bk. 2, chap. 1, sect. 2, p. 134. Originally published as *Les formes élémentaires de la vie religieuse: Le Systeme Totémique en Australie* (Paris: Presses Universitaires, 1912).


Cited in V. Johnson, *Copyrites: Aboriginal Art in the Age of Reproductive Technologies*, Touring Exhibition 1996 Catalogue (National Indigenous Arts Advocacy Association and Macquarie University, 1996), p. 15. Reproductions may be found in *Copyrites*, p. 16, and *Mythos, Aboriginal Art*, Figure 140.

Michael McMahon, Copyrites Forum, The Art Gallery of New South Wales, August 20, 1996. A reproduction of a *wititi* painting by Paddy Lilipiyana may be found in *Johnson, Copyrites*, p. 48.


This is consistent with Goodman’s attitude toward dance (see Goodman, *Languages of Art*, p. 213), but my model is closer to Paul Thom’s model in *For an Audience: A Philosophy of the Performing Arts* (Temple University Press, 1993), pp. 30–32. Thom categorizes arts according to their teleology.

The best source of reproductions for different interpretations of this design, see Figure 9.3 in *Ancestral Connections* and Figure 80 in *Mythos, Aboriginal Art*.


According to Searle, a test for whether something is an institutional fact or object is whether or not we can codify the constitutive rules that govern it. Searle, *The Construction of Social Reality*, p. 27. Clearly, we can codify the rules that surround the use of Aboriginal art and constitute it as insignia; this has been undertaken in numerous ethnographies.


The optical shimmering of Aboriginal art is considered beautiful and is valued in Aboriginal cultures as a sign of the religious power of the painting. Murphy, *Aboriginal Art*, pp. 183–199. In the Western art world, the optical shimmering and brilliance of Aboriginal paintings are valued because they are beautiful rather than because their beauty is a sign of something else.

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