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The Artist's Freedom

-

About censorship in Iceland

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“I hereby declare that this thesis is my own work and a result of my own research.”

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“I hereby declare that this thesis satisfies, in my own opinion, requirements for a B.A. degree.”

Prof. Giorgio Baruchello

Abstract

Censorship has not been a prominent problem in Icelandic arts. Nevertheless, the discussion about censorship in the Icelandic art world has surfaced in recent years. But is Icelandic art actually censored? How free is an Icelandic artist? What defines his/her freedom? The thesis tries to answer whether censorship is a genuine phenomenon in the Icelandic art world or not.

It is clear that any artist's freedom is defined first and foremost by social boundaries, i.e. laws and morals. The laws that have the strongest connection to artists are those concerning the freedom of expression, which is protected under the 73rd article of the Icelandic constitution and the Copyright Act no. 73/1972. Artists are also bound to go by ethical rules, society's unwritten laws. By crossing the line between what is accepted and what is not, the artist can provoke society's reaction and even use it to his advantage. When authorities interfere with art, allegedly for the sake of the common good, that can lead to censorship. Many examples of censorship can be found in art history, but the Icelandic examples are not many.

Here, five Icelandic examples of possible censorship are examined in depth. The oldest is from the 1940s and the newest from 2012. Some of the cases were abuse of authority. Others were not censorship, as the artists themselves provoked intentionally the negative response that they got. The conclusion is that none of the cases examined here constitutes censorship.

Útdráttur

Ritskoðun hefur ekki verið áberandi vandamál í íslenskri myndlist. Engu að síður hefur þó umræðan um ritskoðun í íslenska listheiminum opnast á síðustu árum. En er íslensk myndlist raunverulega ritskoðuð? Hversu frjáls er íslenskur listamaður? Hvað afmarkar frelsi hans/hennar? Ritgerðin leitast við að svara spurningunni um það hvort ritskoðun sé raunveruleg í íslenska myndlistarheiminum eða ekki.

Ljóst er að frelsi listamannsins afmarkast fyrst og fremst af þjóðfélagslegum höftum, þ.e. lögum og siðferði. Þau lög sem helst eiga við um listamenn eru tjáningarfrelsið, sem varið er með 73. grein mannréttindakafla íslensku stjórnarskrárinnar og höfundalög nr. 73/1972. Höfundalögin vernda listamenn og verk þeirra. Listamenn þurfa einnig að fara að siðferðislegum reglum, óskrifuðum lögum samfélagsins. Með því að fara yfir línuna sem skilur að það sem er samþykkt og ekki, getur listamaðurinn kallað fram viðbrögð samfélagsins og þannig jafnvel nýtt þau sér í hag. Ef yfirvöld hindra eða hafa áhrif á list, gjarnan í þágu almannahags, getur það leitt til ritskoðunar. Finna má fjölda dæma um ritskoðun í listasögunni en þrátt fyrir það eru íslensk dæmi um ritskoðun ekki mörg.

Hér eru tekin fimm dæmi um hugsanlega ritskoðun og þau skoðuð í grunninn. Elsta dæmið er frá fimmta áratug síðustu aldar en það nýjasta er frá árinu 2012. Sum þessara dæma reyndust vera misnotkun valds. Önnur voru ekki ritskoðun, þar sem meint ritskoðun átti rætur sínar hjá listamönnunum sjálfum. Niðurstaðan er sú að ekkert dæmanna fimm reyndist sannarleg ritskoðun.

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1. Introduction

In the last years the discussion about censorship in the Icelandic art world has surfaced again. An incident that happened around an exhibition in Reykjavík a few years ago opened up the discussion and people wondered whether there was a problem with censorship on the Icelandic art scene. A symposium was held where artists, philosophers and art historians discussed censorship as their main topic. The idea behind this thesis has arisen from listening to the discussion from a distance. It made me curious and woke up questions in my mind. What defines artistic freedom in Iceland and does censorship exist in Icelandic arts?

In this thesis I discuss the question whether censorship exists in the Icelandic art world. Therefore, I look into artistic freedom in Iceland and censorship in arts in particular. Five Icelandic cases will be used as examples to throw a light on contemporary legislative, social and cultural boundaries. The examples support the conclusion that censorship is not a problem in the Icelandic art world.

In the essay I cover the laws that have the strongest connection to artists, that is the laws on freedom of expression and the Copyright Act, as well as a short overview on morals. Censorship in the arts is then discussed and censorship in Iceland is studied in particular. Icelandic examples are thoroughly examined, in order to provide a conclusion on the topic of the thesis.

2. The Artist's freedom and its boundaries

No man is an island, - not even though he/she is an artist. He is no superior to other men and, as he is part of society, he is obliged to observe its standing laws, rules and customs.

An artist might even be more dependent on society's laws than others. The laws of the society, in the widest sense of it, are the background and the subject of all his works and without it art would not be possible, nor needed. The artist's work is controlled by the social needs. He must go by the laws and not cross the boundaries that part what is socially accepted or not, but as the artist dances on the line, he moves it. Thus, the artist is as important for the society as that is for him (Björnsson, 1973).

What defines most tangibly his freedom as an artist is the frame of reference established by laws yet artists are not only bound by laws but also by morals. The laws do not ban all the things that are condemned or frowned upon because of morality and that is where ethics come into play. It can be said that boundaries on artistic freedom can be both clear (laws) and unclear (morals).

2.1 What legislative boundaries apply to artists in Iceland?

All laws apply to artists as to any other people. Still, in the Icelandic legal system there are two very important bodies of laws that apply specifically to artists. First and most important is the right to freedom of expression. It is

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protected under the 73rd article of the Icelandic constitution. To have freedom of expression is one of the essential elements of being an artist and in fact it is one of the most important ideas of modern western societies. The second body of law is the Copyright Act nr. 73/1972. It protects the artist's name and his work and is quite detailed. It explains how the artist has a certain control over the works he has created.

2.1.1 Freedom of expression

The paragraph about freedom of expression has been a part of the Icelandic laws since 1874, when the country received its first constitution. It was not mentioned literally in the very first version of the constitution, but the freedom of the press was bound to reign and that can be understood as to cover freedom of speech and expression in general (Frímannsson, 2004). The replacement of "freedom of the press" with "freedom of expression" in the constitution was done in 1995 and that was the latest change to the freedom of expression clause.

In the existing law, the freedom of expression is bound within the Human Rights section of the constitution and is enlisted in its 73rd article, which sounds as follows:

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Everyone has the right to freedom of opinion and belief.

Everyone shall be free to express his thoughts, but shall also be liable to answer for them in court. The law may never provide for censorship or other similar limitations to freedom of expression.

Freedom of expression may only be restricted by law in the interests of public order or the security of the State, for the protection of health or morals, or for the protection of the rights or reputation of others, if such restrictions are deemed necessary and in agreement with democratic traditions (The Constitution of Iceland no. 33/1944).

This clause says that everyone is free to have his/her own opinions and is allowed to talk about it. One must be able to stand for his words and defend them in court. It also says that censorship is never allowed and if freedom of expression is set restrictions, it must be done for protection of people's rights, out of necessity and done by democratic means.

Freedom of expression is usually regarded as one of the most important human rights. It is particularly important for artists, as it is an absolute prerequisite for their work.

2.1.2 Copyright

In Icelandic laws a section regarding intellectual property can be found and that is the Copyright Act, no. 73/1972. It consists of 65 detailed articles that make up nine chapters.

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The Copyright Act has been a part of the Icelandic laws since the first constitution in 1874, but in a different form at that time (The Constitution of Iceland no. 54/1874). In the year 1947 Iceland became a member of the Berne Convention for the protection of literary and/or artistic works. Iceland has also signed the 1995 TRIPS agreement, about trade-related aspects of intellectual property rights (WIPO, 2010). The laws as they stand now were set in the year 1972, but many changes have been made since. Many of the changes have been made to adjust to other international conventions that Iceland has signed and ratified.

Many sections of the laws deal with intellectual properties. Of them, the most important one for artists is the Copyright Act. It deals with so-called intellectual capital and that is where artists' rights are dealt with. The main core in these laws is that the artist has proprietary rights to his own work, whether it is literature or other forms of art. The laws describe this in details with restrictions and further details.

Arts and literature are defined in the first section of the laws. It is defined as every written text in speech or writing, theatrical works, musical compositions, fine arts, architecture, movies, photography, practical art and other equivalent art forms, no matter the medium. This first article explains the core idea of the Copyright Act that the artist or author has proprietary rights to his own work of art. The second article defines and deals with reproductions of works. The third is an article that is very important in this context. That article states that an artist has privilege to make copies of his

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own work and to show it in its original model or changed, translated or with other adjustments. This secures the property rights of an artist even further. The fourth article deals with the artist's right to have his name bound to the work, whenever possible. It also states that it is not allowed to change an artist's work or show it in a context that might hurt his honour. Then comes an article that says that when one translates or adopts someone else's work, he gains the copyright to the new work. It does not take away the rights that the author of the original work has to his own work.

One does not need to claim or ask specifically for the copyright of his own work in advance and that differentiates the Copyright Act from other laws of the same branch. It is not allowed to make or have made more than three copies of an exhibited work and no one else can benefit financially from an artist's work without his consent. There is a special clause regarding quotations from published literary works, where it says that it is allowed to quote works if it is done for the purpose of critique or some other socially and legally accepted purpose, and the artwork must be treated with respect. The same way an artwork can be photographed or shown. If two or more works from the same artist are printed in connection with a text, that is supposed to be distributed to the public, the laws say that the artist should receive compensation (Copyright Act no. 73/1972). The sixth article in this section of laws deals with composite works and states that:

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When a work, or parts of works, by one or more authors, are incorporated into a composite work, which may be in itself considered to be a literary or artistic work, the person creating the composite work shall hold copyright thereto. His right shall in no way affect copyright to the works incorporated into the composite work (Copyright Act no. 73/1972).

As it protects both the artist of the composite work and the artists of the works that were used creating it, it can cause clashes. The 25th article of the Copyright Act is also particularly appropriate in this context. It deals with sold artworks and states that when an artwork has been sold, the owner is allowed to exhibit it freely although public exhibitions must be held with the artist's consent. An exception from this is at publicly owned galleries, which are open to the public. These laws regarding sold work do also apply to copies of artworks (Copyright Act no. 73/1972).

2.1.3 Moral rights

Moral rights of an artist, writer or author of an artwork are also protected by the Icelandic laws. They are focused on the non-financial side of the artist's formal rights. The moral rights guard the artist's right to own the work he has created (Logadóttir, 2003) and they are composed of two themes. One theme is that the artist's name must be shown with his work, i.e. the so-called paternity right. He has thus the right to create himself a name within the art world. If the artist or author chooses so, his works may be presented anonymously or even

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pseudonymously, as stated in the 8th article of the 1st chapter of the Copyright Act. Particularly important here is a clause regarding alterations on artworks. In the 4th article of the 1st chapter of the Copyright Act, it says that the artist or author has a prerogative to alter a work or decide to let someone else do it, even though he has sold or given the artwork away from his possession. An artist can, if he wishes, sell his paternity right. The honour right can never be sold or given away. The other theme of the moral rights states that a person is not allowed to change an artwork or show it in a context that might hurt the artist's honour, reputation or author's distinctive future (Copyright Act no. 73/1972). The main literal difference between an artist's honour rights and financial rights lies in that the honour rights can not be given away.

The clause in the laws regarding artist's honour is far from being clear. It relies on subjective evaluation and can appear to be vague, therefore it can easily be ignored. As the artist's honour can be difficult to define and analyze, it is likely to be a subject for disputes.

3. Ethics

In a society there are written and unwritten rules. These rules are part of a social contract that everyone within society takes part in. The unwritten rules cover the ways of living, communication and behavior as well as how people deal with other people and their social environment in the widest sense. To search for an exact definition of ethics can bring problems, but people live by

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these notions nevertheless. It proves to be different between individuals how each experiences ethical rules, yet there seems to exist an overall agreement that people are a part of. The ethics are always a question of morality and values, which is personal although the most part of it is shared. An artist is, or is said to be independent, but always a part of a whole like other individuals and must obey these rules to be allowed to take part in society.

It is one of the core elements of art to push the existing limits and challenge current values. Sometimes artists use the morals to their advantage. Then they try to challenge or break accepted morals, in order to send some message. To receive reaction and attention they make a statement by breaking morals. Artists who dance on the invisible line between what is legal or not or what is even socially accepted or not, can often become subjects of authorities' intervention, and that intervention is regarded as censorship at most times.

In art history there are plenty of examples to be found, where artists cross the line of accepted ethics or existing laws and are censored. After the times of Dadaists and Surrealists it has just become more and more difficult to shock people with art.

4. Censorship

When authorities interfere with the artists' freedom and their works and try to use their power to influence their art, it is censorship. The term applies to all kinds of restrictions set on one's freedom of expression, it can appear in

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different forms and can be pursued of various reasons. The Encyclopedia Britannica defines censorship as some bans, alterations or suppressions of freedom of speech “that is subversive of the common good”, connected with authority in different forms, at modern times mostly the government (Encyclopaedia Britannica, n.d.).

Censorship of visual arts has a long tradition. Examples of censorship on fine arts can be found throughout art history, showing censorship applied because of different reasons. Censorship has often been driven by the State but also from other strong powers in the society, such as the church. In the middle ages the latter censored works of artists such as Da Vinci, Galileo and Hieronymus Bosch. Later, in the 1800s, many of the impressionists were banned from the official French Salon because of lack of national motifs in their works (Walker, 1993). Their works did not support the ideology that the politicians wanted at that time.

Today, censorship is a reminiscence of oppression of former times, at least officially and on the surface. It seems that with time, formal censorship has mostly been given up in the western world as new ideas emerged, particularly ideas about individual rights and freedom. That does not mean that censorship does not exist today, not at all.

There certainly has been a bound between censorship and government's dictatorship, but it appears to have changed. Censorship since the Second World War has mostly been set because of two issues: sexual representation and social issues, - but of course that varies too and there are

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exceptions. Of these issues, religion has been quite prominent in certain parts of the world.

Today, however, many artists have benefited from censorship. To become a subject of it gives the artist and his/her exhibition venue a much desired attention. Censorship often causes heat in the art world, with following media coverage and sometimes it lengthens the artworks' lifetime in the public discussion. Such a phenomenon wakes up the question of whether it is right to talk about victims of censorship in that perspective. It also brings forth the question of whether there are any genuine recent victims of censorship at all. Some views on censorship are that the real victims are those artists who don't fit in with the art world. These are those artists whom the media and the so-called elite ignore, because their art does not fit in the right standards (Lucie-Smith, 2002). Another view on censorship is that it is only real censorship when money comes in. An example of that might be when artists and curators are required to sign contracts that they will not exhibit obscene material. If not, they may be at risk of funding cuts (Lucie-Smith, 1999).

4.1 Censorship in Iceland

Censorship has not been a prominent problem of Icelandic arts. Examples of it can be found though and there has been public discussion about the matter in Iceland, both recently and a few times in the 20th century. Symposia about the matter have been held, for example in the 1940s, but the latest was held by the

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Research Center in Museum Studies at the University of Iceland in 2011, where the main topic was censorship in the arts in Iceland.

Censorship was mentioned in the first Constitution of Iceland, dating from 1874, where it says that censorship and other hindrances on freedom of the press can never be set as laws (The Constitution of Iceland no. 54/1874). Today, censorship is mentioned in the 2nd paragraph of the 73rd article of the Icelandic constitution, where it says “The law may never provide for censorship or other similar limitations to freedom of expression” (The Constitution of Iceland no. 33/1944). In this context the clause can be read with different meanings but the basic meaning of it is always the same. The clause bans all hindrance of expression, no matter of what form the expression is. The clause of censorship has been pursued in Iceland in a few court cases, in all of them the subject was written, either books, newspapers or other media (Sigurðsson, 1997).

The most famous example that has been mentioned in connection with censorship on the fine arts in Iceland in the last century was a case of State intervention. It was also politically based and had a long beginning. The victims were artists that did not fit in with the standards set by a minister and his followers. It was the famous “artists’ debate” of the early 1940s.

4.1.1 The Artists' Debate

The artists' dispute that happened in Iceland in the 1940s is sometimes mentioned in connection with censorship in the country. It occurred around 1940 and peaked in the years 1941-1942 with an exhibition and heavy discussions in the country's newspapers. The exhibition was known as the "ridicule show" and opened in March, 1942. The case in whole is often referred to as "the artists' debate" and is probably one of the clearest examples of infringement of authorities in the fine arts in the history of Iceland after the 19th century.

In the years when the artists debate occurred, Iceland had been occupied by the British and the Icelandic society had experienced changes that affected most fields and people's ideas. This was the background that was so influential in leading to this dispute in the Icelandic art scene.

New aspects of art were emerging as fresh winds came in with artists educated abroad. Exchanges of views and some disputes had been on the pages of the newspapers in the country for some months, where artists and others, often politicians, had started to publicly discuss ideas about art (Ingólfsson, 1994).

One of these columnists was Jónas Jónsson, a famous politician in Icelandic history. He is more known in Iceland as Jónas from Hrífla, which is his birthplace. At this time he was a working congressman and served as head of Authorities of Education (Alþingi, 2002). The Authorities of Education, with

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Jónas leading, cared for all purchases of art for the State at this time, both for institutes and the National Gallery of Iceland. Jónas was at the same time in charge of grants and funds in that field. One of the controversial issues between Jónas and others were the purchases of artworks by the State.

It seems that when Jónas Jónsson was in charge of the Authorities of Education, a small group of artists sold the State their works on a regular basis and others were ignored. This chosen group consisted of rather conservative artists, especially those who seemed to go for naturalism and the nationalistic idolization of the past. Aðalsteinn Ingólfsson, an art historian who has written about the artists' debate has counted sold artworks from Jónas Jónsson's years as head of the Authorities of Education. He counted 104 artworks purchased at the time when Jónas Jónsson was in charge. Of them, 71 works were bought from fifteen artists that Aðalsteinn Ingólfsson holds conservative and 33 works bought from eleven artists that Aðalsteinn Ingólfsson holds are representing new ideas at that time. Among the more conservative artists were Finnur Jónsson, Ríkarður Jónsson and Eggert Laxdal. The less conservative artists group included Gunnlaugur Scheving, Þorvaldur Skúlason and Ásmundur Sveinsson, to name a few. Jónas Jónsson appeared to be taking sides with the conservative and excluding the rest (Ingólfsson, 1994).

At last, a group formed by fourteen artists outside Jónas Jónsson's clique were tired of being excluded from selling works to the State, and in February, 1941, the fourteen of them complained officially to the parliament. The artists insisted on changes and claimed for someone with knowledge and

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experience in the area of arts to control over the State's art purchases (Skúlason et al., 1941). The address was published in a newspaper shortly after and as a result, Jónas Jónsson cut down all purchases of artworks that year. He started again, now with new forces, to write series of articles in newspapers where he discussed what he called "regression and degeneration" in Icelandic arts (Jónsson, 1941). The Artists Union met with the parliament again and reaffirmed their demand of having someone with expertise in the arts dealing with the State's purchases of art. The parliament denied changes of laws regarding this matter, but wrote a letter to the Authorities of Education suggesting that they should hire an expert to take care of these matters. The request was ignored by the Authorities of Education. Followed with articles in the newspapers, the conflict had become a public battle.

Jónas Jónsson put up a small exhibition by surprise in March the same year. It was placed in rooms of the parliament and consisted of works by five of the despised artists. It was then followed by a newspaper article written by Jónas. He had the artworks bought by the State and did not have any approval from the artists to have their works on this exhibition ("Listamannadeilan 1942", 1983). In the following article Jónas Jónsson judged the artists harshly and the works he had just arranged, and used unflattering words, once again denouncing those artists that he did not like. The artists stroke again and now 66 artists grouped together and sent the parliament a note where they exclaimed against Jónas Jónsson's activities (Jónsson et al., 1942). The number of artists now protesting, and the fact that the group was cross-political, had a

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strong effect. As the parliament was brought into the case once again, some of the parliamentarians insisted on reformation of the Authorities of Education. The mounting opposition hardly affected Jónas Jónsson and, late in April, he had the “ridicule show” moved from the parliament building to the center of the town, for the public to judge. Which it did. In Jónas Jónsson’s biography, it is told that the people gathered in the streets in front of the “ridicule show” and laughed until the exhibition was taken down (Friðriksson, 1993). Jónas wrote an article about the exhibition the same day, entitled “Is this what is to come?”, where he criticized the works harshly. The article proved in words his intentions with the exhibition (Jónsson, 1942). Jónas Jónsson even had photos of the condemned works printed in *Tíminn*, his party’s newspaper, for all to see and understand his views. His opponents judged Jónas Jónsson on the pages of the press and some even went as far as comparing his “ridicule show” to “entarte kunst” or “degenerate art”, an exhibition arranged by the Nazis in 1937 (Björnsson, 1973). After closing of the “ridicule show” Jónas Jónsson brought the works of the artists he approved and put them up for show. This exhibition marked the end of the artists’ debate.

For this public scene, Jónas Jónsson’s acts were denounced by the Icelandic Artist Union. It tied the bonds of artists in the country; they sought more after their rights and before the year ended, a seminar was held to discuss matters of arts in the country. Parliamentary elections were held in Iceland in October the same year and new members of the Authorities of Educations were appointed. Jónas Jónsson lost all his power and this might

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have marked the end of his career as a politician, as even his party members turned against him. In the next six months all of the artists that had works on the “ridicule show”, except one, had sold works to the State. Most of the artists that had not been a part of Jónsson’s decent artists group had done so as well (“Listamannadeilan 1942”, 1983).

The artists’ debate is the oldest case cited in this thesis. It is in fact a reflection of the conditions in the country at that time; it describes art at a period of changes and describes also the discussion that seemed to be going on in society. What was going on was reflecting the art scene. The “ridicule show” has so far been the principal example of infringement of authorities on fine arts in Iceland. Jónas Jónsson held the powers and had done what he wanted for a while, regardless of others’ opinions, or until enough artists stood up to object to his ruling. By virtue of his power he fought strongly against them.

The artists’ debate does not concern artists violating laws or morals. Here it is Jónas Jónsson, representing public authorities, that is the doer by degrading artists in public. The dispute peaked with his planning of a ridicule show, where he mocked some of the artists and degraded them on the pages of his party’s newspaper. By his actions, he touches upon the moral rights of an artist. The ridicule show might apply to the 4th article of the Copyrights Act where it says that an artwork can not be displayed in a “context as would prejudice the author’s reputation or the individual character of the work” (Copyright Act no. 72/1973). Jónas also touches upon moral bounds with his harsh writings and gains reactions that result in his loss of power.

4.1.2 The Rome Exhibition

At least one Icelandic exhibition on foreign grounds has become especially memorable for being renounced by Icelandic authorities. It was the Rome exhibition in 1955. It was an international group exhibition that was held in Rome and Iceland had been invited to participate in it. The Rome exhibition was supposed to be a retrospective exhibition of Scandinavian art of the 20th century and Iceland was invited to take part by the Scandinavian Artists Union. The exhibition was an offer from the Italian Ministry of Education and the city council of Rome.

The board of Icelandic Artists Society was asked to take care of Iceland's contribution to the show. A few months before going to Rome, an exhibition was held in Reykjavík where the 119 chosen artworks were shown. The works came from 25 artists. Some of these artists were quite conservative, while some of them were young emerging artists that showed abstract works, which was new at this time. The Artists Society was immediately accused of excluding the best from Icelandic art history (Sigurðsson, 1997).

The case had a background that is important. In 1954, the year before the Rome exhibition, a big group of artists had split from The Artists Society and established a new one. These artists were of the older generation, but the younger had taken over the older society and now had spokesmen both as a president of the society and a treasurer. When the Rome exhibition was heard

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of, the representatives of the New Artists Society claimed equal rights to it as the older artists society. The understanding of the goal of the show, set forth of the Scandinavian Artists Union, also became a matter of disputes. On top of everything, some well-respected artists rejected an invitation to participate in the show and it was argued about what message that featured (Gíslason, 1998).

The biggest issue that arose because of the Rome exhibition came from the authorities. When the exhibitions material had been selected by the Artists Union and a show opened in Reykjavík, the Secretary of Education, Bjarni Benediktsson, called on a meeting with the Artists Society. He insisted that the choices of works on the exhibition would be changed and he offered an extra grant of 100 thousand kronas from the State to the exhibition. The Artists Society refused the offer. Bjarni then had a new selection committee established and that was supposed to work after his wishes and taste. The Artists Society did not cancel their work and continued preparing the Rome exhibition without changing plans (Sigurðsson, 1997). The government then renounced their responsibility of the exhibition. The Secretary of Education had a note sent to Italy's government announcing that the partakers from Iceland in the Scandinavian group exhibition were not presented by the Icelandic republic. Still, the works went to Rome.

An exhibition was set up in spring months with financial support from different people and companies. Pages of Icelandic newspapers were in flames and the exhibition and the Icelandic art scene as a whole was their subject

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(Gíslason, 1998). The exhibition attracted attention from guests for presenting the latest trends and won praise in foreign media. In the end the exhibition had good effects on the Icelandic art scene, a certain acknowledgement and respect, despite attempts of the authorities to have influence on it and possibly censor this exhibition.

The Rome exhibition is an example of an exhibition that was renounced by the Icelandic State, probably the only example. The exhibition was conducted abroad and organized by foreign parties, but Icelanders themselves took care of choosing the artworks that were to be portrayed. The process was formal. The battle that took place before the exhibition is an example of an interference attempt by authorities.

The Artists Society followed the laws when they chose the works for the exhibition and even when they refused to obey orders from the Secretary of Education. Bjarni Benediktsson's attempts to change the exhibition using authority and money to influence their decision were not accepted.

4.1.3 Bodyparts in Religions

In the year 2010 the artist Hannes Lárusson prepared the exhibition *Bodyparts in Religions*. It was to be located in a hallway of the church Hallgrímskirkja, which as well as being a part of the church had a side function of being an art gallery. The exhibition was the third in a series of three exhibitions called *Christian Motifs* and was about to open on Sunday, the 12th of December, after

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mass that day. Three artists were invited to exhibit works that had been made specially for the church and they were able and encouraged to have a theoretical discussion with a theologian and an art historian during the process. The working process was recorded and theoretical texts accompanied each work (Guðbjörnsson, 2010).

Two days prior to the opening, Hannes Lárusson had the works ready and everything had been prepared for the exhibition, with the full consent of the curator. On the same day, Hannes Lárusson hanged up a poster as an advertisement in the hallway. On the poster could be seen drawings of body parts such as eyes, hand, penises and breasts. On Saturday the poster was removed and the artist got a message to his surprise that the show had been cancelled. The decision to call off the show was made by the priest Jón Dalbú Hróbjartsson and the organist Hörður Áskelsson. The latter was in charge of art exhibitions in the church. Hannes Lárusson was not given any good reason for the cancellation but the underlying reason was, according to him, the invitation card of the show (Hauksson, 2010). According to Guðrún Kristjánsdóttir, the curator, the images on the card and poster were not accepted by the church's staff and, when she had tried to discuss it with Hannes Lárusson before, he denied to change them. The artist had prepared the show in cooperation with Guðrún as she served as a curator of the art exhibitions in Hallgrímskirkja. The exhibition referred to the art history and religion and it consisted of 70 photographs and a sculpture. There was also a video installation serving as an altarpiece. Hannes Lárusson said himself that

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he experienced this sudden cancellation as arrogance and an invasion coming from the spokesmen of the church (Úlfarsson, 2011).

A few weeks later, on the 4th of January, the Reykjavík Sculpture Association wrote an article in one of the newspapers, where the church was accused of showing Hannes Lárusson a lack of respect. The article was entitled “The Eleventh Hour” and had censorship in the Icelandic arts as topic. The Association of Icelandic Visual Artists was criticized harshly for ignorance as well as the media, educational and cultural institutions. When the media got interested in the case, they asked Þórhallur Vilhjálmsson, the manager of the art exhibitions in the church, about the reason for the cancellation of the exhibition. He answered: “There is a time and place for everything” and admitted that he reckoned Hannes Lárusson’s exhibition as striking and not suitable for the church. The artist stated that it appeared as the church did not really understand the works that they had accepted for the show in the first place (Úlfarsson, 2011). This public discussion continued on the pages of the newspapers. The art historian working for the church in connection with the exhibition series then stood up for the exhibition venue and supported the church’s side, who addressed Hannes’s defaults and difficulties in communication (Gíslason, 2011). The representatives of the church were accused of censorship both by the Reykjavík Sculpture Association and by the art critic of RÚV, The Icelandic National Broadcasting Service. The latter withdrew that accusation later (Ólafsdóttir, 2011).

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The exhibition never opened, but might have been written on the pages of Icelandic art history because of loud accusations of censorship. One of the loudest voices was the artist himself. The artist claimed that he became a victim of censorship when his exhibition was cancelled. It was done as the exhibition venue (in this instance it was the church) did not accept the artist's treatment of the material. It could easily be argued that the artist has then been a subject of censorship. He and his supporters did so, publicly, both in interviews in the media and in articles on the pages of newspapers.

However, one can argue that the artist had in this case not respected the exhibition venue enough. Hannes Lárusson had ideas that were not compatible with the organizers of the exhibition and his works broke the ethical rules of the church. The organizers were not able to support his cause and thus he got instead the reaction that the show was cancelled (Ólafsdóttir, 2011).

4.1.4 The Koddu Conflict

When censorship in the Icelandic art world is discussed, one can not avoid to mention a recent exhibition, from 2011, named *Koddu*. Strong voices claim that the exhibition became a clear subject of censorship and among the loudest voices are the three curators of the show. The dispute that rose around a particular artwork on the exhibition is a good example of a conflict around artists' moral rights.

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Exhibited in April, 2011, the artwork *Fallegasta bók í heimi* (e. The Most Beautiful Book in the World), shook the Icelandic art scene. The work was created by the artists Ásmundur Ásmundsson and Hannes Lárusson and the anthropologist Tinna Grétarsdóttir. The three of them were curators of the art exhibition *Koddu* that included this work. The *Koddu* exhibition was a group exhibition of about 40 Icelandic artists. The show was political and critical and its main aim was to deal with the neoliberal years in the 1990s and 2000s, the impact of neoliberalism on society and the environment, and the effect that the extremely “good years” of the financial bubble had on Icelandic culture before the country’s meltdown in 2008. The organizers of the show stated that “The engagement in critical discussions on the relationship of systems of representation and ideology, as attempted in this project, faces opposition from the cultural institutional apparatus and other agencies that have a vested interest in promoting Icelandic arts and culture” (Thyssen-Bornemisza Art Contemporary, 2011). Because of its disputable treatment, the exhibition had been canceled from the showroom Listasafn Árnesinga Art Museum months before, or in November 2010. The Living Art Museum, which has been an avowed grassroots’ shelter, took the exhibition under its arm and accepted it early in 2011, without censorship. It turned out differently.

The disputable treatment and the most controversial part of the exhibition was the work *Fallegasta bók í heimi*. It was created by using a very expensive book by the artist Eggert Pétursson and Ágúst H. Bjarnason, called *Flora Islandica*. It was first published in the end of the year 2008. It is 560

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pages and measures the size of 30 cm on one side and 40 on the other. It was only printed in 500 numbered copies, each signed by the artist Eggert Pétursson, who made the artworks that are the core of the book. The work *Fallegasta bók í heimi* was a work that was created with “mixed media” and the main material used was this copy of *Flora Islandica*. The book was put on a stand in a black room and food such as pasta, ham and sauce was placed between the pages. Above was a light with a shade made from skin of bull's scrotum. The work had strong references to the art of Dieter Roth, who often used books as material for his works. The publishing house Crymogea strongly objected the use of the book in this context on behalf of Eggert Pétursson and wished that it would be removed.

The show *Koddu* was located in two places, in The Living Art Museum's exhibition rooms, where the book was located, and in a space often referred to as the Alliance house, which is not a gallery but only an available space used at this time for this exhibition only. When the representatives of the publishing house insisted that the work would be taken down, The Living Art Museum followed their wishes and removed the work from their gallery. A week later, on the 26th of April, the book reappeared for show again but this time in the Alliance house, where the other half of the exhibition was located. The work was moved because the Alliance house was outside of The Living Art Museum's territories. The next day, publishing director of Crymogea insisted that *Fallegasta bók í heimi* would be destroyed at the end of the show, in presence of a representative from the publishing house.

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The debate here addressed is in itself a conflict of interests and it originates from artists' claim to their honour rights. The work *Fallegasta bók í heimi* and the *Koddu* exhibition created a massive struggle on art in theoretical, philosophical and ethical terms, as well as in a juridical sense. Art critics and authoritative persons in the Icelandic art scene harshly discussed and commented on the case. Many articles were written regarding the disagreement, many of those articles were full of definitions on artists' moral rights taken from both sides. Much of the discussion was about artists' moral rights and freedom of expression. The curators were criticized loudly for infringing on Eggert Pétursson's moral rights. They objected and claimed that their own moral rights were broken by removing the artwork from the exhibition.

Most commentators on Eggert Pétursson's behalf state that the *Koddu* curators did not show him and his work respect and honour. They also emphasize that part of the Copyright Act deals with the right to integrity of the work. An artist has the privilege to show his work in its original model or changed and his artist's rights can never be sold or given away. Even though he has sold the copy of the book to the *Koddu* curators, the artist's right is still working. Eggert Pétursson defines his work as an artwork and not as a mass produced book (Grettisson, 2011).

The *Koddu* team thinks their artistic freedom allows them to make use of Eggert's work to create their own work. They use examples from history of art to make their point, as well as they even adopt John Stuart Mill's Harm

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Principle to support their reasoning. In his writings, Mill explains his view of liberty and freedom, and—especially appropriate here—The Harm Principle, sometimes referred to as the principle of liberty. He literally said: “The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others” (Mill, e.d.). This could easily be applied to the *Koddu* party, as they said that they were allowed to do anything that won't harm others. They stated that they were not harming anyone, not even the authors of the book *Flora Islandica*. The reasoning for that was that it is a mass produced book and they use only one copy of it for their own work *Fallegasta bók í heimi*. They paid for that copy, so from their point of view, it must be theirs. The book was certainly used it to create a new artwork, and by doing so, they destroyed it as a book. The work has also been defined as an “adaptation” of an artwork. The term is explained in the 5th article of the Copyright Act, where it says that one who translates or adapts an artwork to create another one, has the copyright to the new work (Helgason, 2011).

4.1.5 *The Black Cone, First Monument to Civil Obedience*

Attempts to censor are sometimes tried but fail. *The Black Cone, First Monument to Civil Obedience* was a case of that kind. It is a recent case of State interference in the arts in Iceland, probably not censorship, but interference on the authorities' behalf.

The Spanish artist Santiago Sierra has made controversial artworks and performances around the world. In the year 2012 he came to Iceland and held an exhibition in Reykjavík Art Museum. Parallel the exhibition he made a performance named *The Black Cone, First Monument to Civil Obedience* on the 20th of January, 2012. The work consisted of an almost two-meters high pillar of rock, a monolith, that was on the very same day placed on Austurvöllur square, the grass field right in front of the Icelandic parliament building. A half meters long cone of steel was then stabbed through the rock in order to create a big, permanent crack in it. The cone was left in the crack. In a text about the show, the shape of the cone symbolized the shape of hats that were used to disgrace convicted by the Inquisition in the 12th century. The concept of the performance was to remind of the importance of civil rights and liberties in democracy and the people's right to protest against unjust laws and commands from the authorities. The work was also supposed to symbolize the strong impact that even a single protest can enforce. This was meant to be a reference to the Icelandic Household revolution which had taken place in front of the parliament three years before, following the country's meltdown in 2008. The

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Household revolution was series of protests in Iceland, where thousands of people gathered on this spot to protest. Its peak was the 20th of January in 2009, when the parliament was set after Christmas break. The people called for a new government. The Icelandic Household revolution was the most serious protests the country had seen for 60 years (Gunnarsson, 2009). It resulted in the resignation of the right-wing government (Nyberg, 2009).

The rock, now turned into a monument, had a badge with the title of the work and below "When the government violates the rights of the people, insurrection is for the people and for each portion of the people in the most sacred of rights and the most indispensable of duties". The text that is portrayed both in Icelandic and English marked the beginning of the French revolution. It comes from the Declaration of the Rights of Man and Citizen that was a preface to the constitution passed by the French parliament in 1793. The time of the performance was chosen because it is the same day as the Household revolution took place. It was the artist's aim to reminisce the numbers of revolutions that have happened all over the world ("The Black Cone", n.d.) and under this inspiration he placed the rock in front of the parliament.

The sculpture was set to stand on this place permanently. Its permanent placement was a requirement set by the artist when he donated the work to the city. After the closure of the exhibition in Reykjavik Art Museum, which the work was a part of, the rock was placed on the square's southwestern corner. The new placement was agreed by the parties of the city council's majority,

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The Best Party and Social Democratic Alliance. That decision was taken after Hafþór Yngvason, the director of Reykjavík Art Museum, had requested that the work should be placed on Austurvöllur. Then, some members of the parliament did not accept the location of the artwork and the minority of the city council had the same attitude. In October, 2012, a member of the Independence party in city council, Kjartan Magnússon, said that the work had references to violence and set on a sacred place in nation's history he wanted it to be placed elsewhere. Another member of his party did not want a "disruptions symbol" to be in this place. A member from the Left-Green Movement, Sóley Tómasdóttir, spoke for the concept to connect art and civil obedience like the artist did, she stated that it was necessary and very valid in this context. Even so, she opposed it on different grounds. She opposed to the placement of the work on Austurvöllur and her reasoning for that was the background and especially former works of the artist. She pointed out the fact that the artist had violated human rights with some of his former works and strongly opposed that this artist could be honoured by letting the work be placed on Austurvöllur (Úlfarsson, 2012). *The Black Cone* was discussed in the city council three times and the new placement was eventually accepted by the majority's parties (Reykjavíkurborg, 2012).

The last example cited in this thesis is an example of a failed attempt to censor. An attempt to interfere with the artist's will. When the city council of Reykjavík accepted the gift from the artist, Santiago Sierra, his conditions about the placement of it were accepted. Attempts were made to have it

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removed, on grounds of Austurvöllur being a “sacred spot”. It did not happen, but the work was moved a bit and is not at the same center of attention as when it was placed right in front of the parliament building.

The Black Cone's case might be looked at in the light that it came under an attempt to be censored. Since the city council accepted the work in the first place, the placement of it should not be questioned as the artist set it as a condition for the gift.

5. Findings

Apart from censorship, it is clear that there are various restrictions on the artist's freedom in Iceland. Artists have to follow the country's laws as everyone else and they do not have any looser bounds than others.

Restrictions on artistic freedom in Iceland are of two kinds, clear (laws) and unclear (morals). Most of the same laws that restrict artists' freedom are the ones that protect it as well. The freedom of expression is important to those working in the creative industry and the right to it is protected under the 73rd article of the Icelandic Constitution. The artist's rights are thoroughly protected with the the Copyright Act, which is one of the most important rights of an artist, for it protects the artist and it protects his works, both financially and morally. The moral rights, which are a part of the Copyrights Act provisions, protect the artists' honour. It is an important part of the Copyright Act even though this part of the laws can be vague and rely inevitably on the courts' interpretation.

The laws are not the only restrictions on artistic freedom. Artists have to go by society's unwritten ethical rules as the others. The morals can not be defined properly. They can differ between persons, but there seems to be an overall agreement that people take part in. Sometimes artists break these rules on purpose to send some message and get the reaction that they wish for.

Artists who cross the line between what is accepted and what is not, have sometimes been banned or their exhibitions closed. When authorities

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interfere with artists's freedom of expression, allegedly for the sake of the common good, that can lead to censorship. The reasons behind the censoring can be of many different kinds. Authorities in this context can be of various forms, such as the State, local authorities, the State church or the directors of public exhibition venues. Examples of censorship in the arts can be found throughout world history, but it appears that not many have occurred in Icelandic history. Yet, some cases can be found where there have been public discussions about them being victims of censorship. Here five of these examples have been presented and examined in depth.

The artists' debate of the 1940s in Iceland is probably the most known example here cited. The famous debate took place over a few years time, with its peak in a controversial exhibition, often referred to as the "ridicule show". In this case, the interference was made by a representative of State authorities and it went quite far. From the beginning, he was criticized loudly for his acts, as he had described his view with series of quite rude newspaper articles. The Artists Union had many supporters, but the representative of the authorities did as well. With time, he lost his supporters and, in the end, he stood alone in this debate. His reasoning for the "ridicule show" was built on his personal taste in art and seemingly dislike of new trends in that field.

The Rome exhibition is an example of an exhibition that was renounced by Icelandic authorities and thus is cited in this thesis. In some ways, it reminds of the artists' debate that happened 13 years earlier. Both cases grow out of yearlong struggles and they are both examples of abuse of authority,

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done because of the holder's personal taste in art. The case with the Rome exhibition grows out of yearlong struggles between two interest groups, similar to what happened with the artists' debate. In this case, as before, the intervention comes from a person in charge of the Authorities of Education. Bjarni Benediktsson, The Secretary of Education, opposed to the chosen artworks that were supposed to represent Iceland on foreign grounds. The reason for the interference from him was simply his taste in art and his will to support his friends among artists. He supported a group of conservative artists that had wanted to be a part of the show or choosing the artworks. He did not have his wishes fulfilled despite attempts to use money to force his opinion. Even though the show was renounced, it went to Rome and gained praise particularly for the most controversial parts of it.

Bodyparts in Religions was an exhibition that never opened. The artist involved claims that he became a victim of censorship when the exhibition was cancelled only two days before the opening. The fact that the venue was a church had much to do with the cancellation of the show. The artist challenged the church with the drawing that he hung up in the church and challenged even more by doing that during a funeral. He did not respect the comments he had received about the drawing before and according to articles in papers, he had shown difficulties in communication with the curator. By this, he broke the church's ethical boundaries on purpose and by crossing the line he lost their support. He did not respect the institution enough and that is why this is not an example of censorship.

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In the case of the *Koddu* exhibition the curators of the show accused two exhibition venues of censoring some of the artists involved. The first exhibition venue cancelled the show and the latter removed a work from it. The work that got removed, *Fallegasta bók í heimi*, became the matter of dispute and the curators were criticized loudly for their use of the book *Flora Islandica*, which was made by another artist. When the case was looked at closely, it can be seen that the removal of the work was not done because of censorship. Like in the case of *Bodyparts in religion*, the problem seems to lie in difficulties in communication between the curators and the spokesmen of the exhibition venue. The representatives of the exhibition venue could not support the curators regarding this work because of shortage of trust between them, caused by lack of respect coming from the curators.

The fifth case that is analysed here is the discussion that arose around Santiago Sierra's work *The Black Cone*. It is one more example of a failed attempt to censor, lest it was not even an attempt. The debate regarded the location of the artwork. Its location was a part of the concept of the work, which had been placed right in front of the parliament building. The work was a gift from the artist to the city and he had set the location of it as a condition for the gift. The city council accepted the gift but later discussed the location of it. Some members of the city council wanted the work to be removed. In the end it was moved away from the center of Austurvöllur. The art director of the Reykjavík Art Museum accepted the new location and thus the debate was settled. There was no censorship after all.

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It has come clear here that censorship is not a serious or overwhelming problem in Icelandic arts, neither today nor in recent history. In fact, one can argue that censorship on arts is not existing in Iceland and has not existed the last hundred years or so, at least. The cases that have been discussed here were chosen as they had the loudest accusations of censorship. They proved to be only ungrounded accusations or failed attempts.

The aim of this thesis was to throw a light on the artist's freedom in Iceland and find out whether censorship is a problem in the Icelandic art world. An answer to the question "Does censorship exist in the Icelandic art world?" was looked for and Icelandic cases were used as examples to assess contemporary legislative, social and cultural boundaries on artistic expression.

The outcome was surprising in a way, as the five examples showed that censorship is not existing in the Icelandic art world. The artists' debate and the Rome exhibition stand out in a certain way, as the representatives of the authorities went quite far with their abuse of authority. They were stopped on the way, the Icelandic society stepped in. These two cases are the closest to being tokens of genuine censorship. Considering the discussion around the exhibitions *Koddu* and *Bodyparts in religion*, they appeared to be censorship at first glance. When examined closer, it can be seen that it is not so at all. The curators and artists on these two exhibitions had in fact tried to provoke and urge the negative response that they felt and declared as censoring. To provoke and cross boundaries between what is accepted or not, is a known way to evoke attention. Media coverage is what Hannes Lárusson gained with

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his exhibition that never opened. The same happened with the *Koddu* exhibition, where Hannes Lárusson was one of the curators. The “censorship” was set up. The curators wanted the discussion and called for the interference themselves. Therein lies the essence of the matter and the conclusion is that censorship has not existed in the Icelandic art world.

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