

Editorial: The visual arts and the law

Readers of this thematic issue of the *South African Journal of Art History* may wonder why the editors decided to address the issue of the visual arts/law interface. Our answer is set out below.

The constitution of a free country, its primary legislation, protects freedom of expression, which pertinently includes freedom of artistic creativity. Without this protection, artists of all types and in all media would be limited in their output to what is approved by the government of the day. In addition, the law protects the art that has been created, most directly in the form of copyright. Countless further examples can be given – for example, the law protects our cultural heritage by requiring its preservation, it affords legal protection against defamation and infringement actions by providing the defence of parody. Other examples of the interface will be found throughout this issue.

But the protection is not one-sided – art has been effective when laws have failed or been absent. During the apartheid years in South Africa, cartoons and visual images spoke against injustices that the law did not prevent. Even today, an arresting visual image is infinitely more effective than a written statement, and art can challenge where prohibitions are ignored.

The editors welcome further scientific papers on the theme of the visual arts and the law.

The editors

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