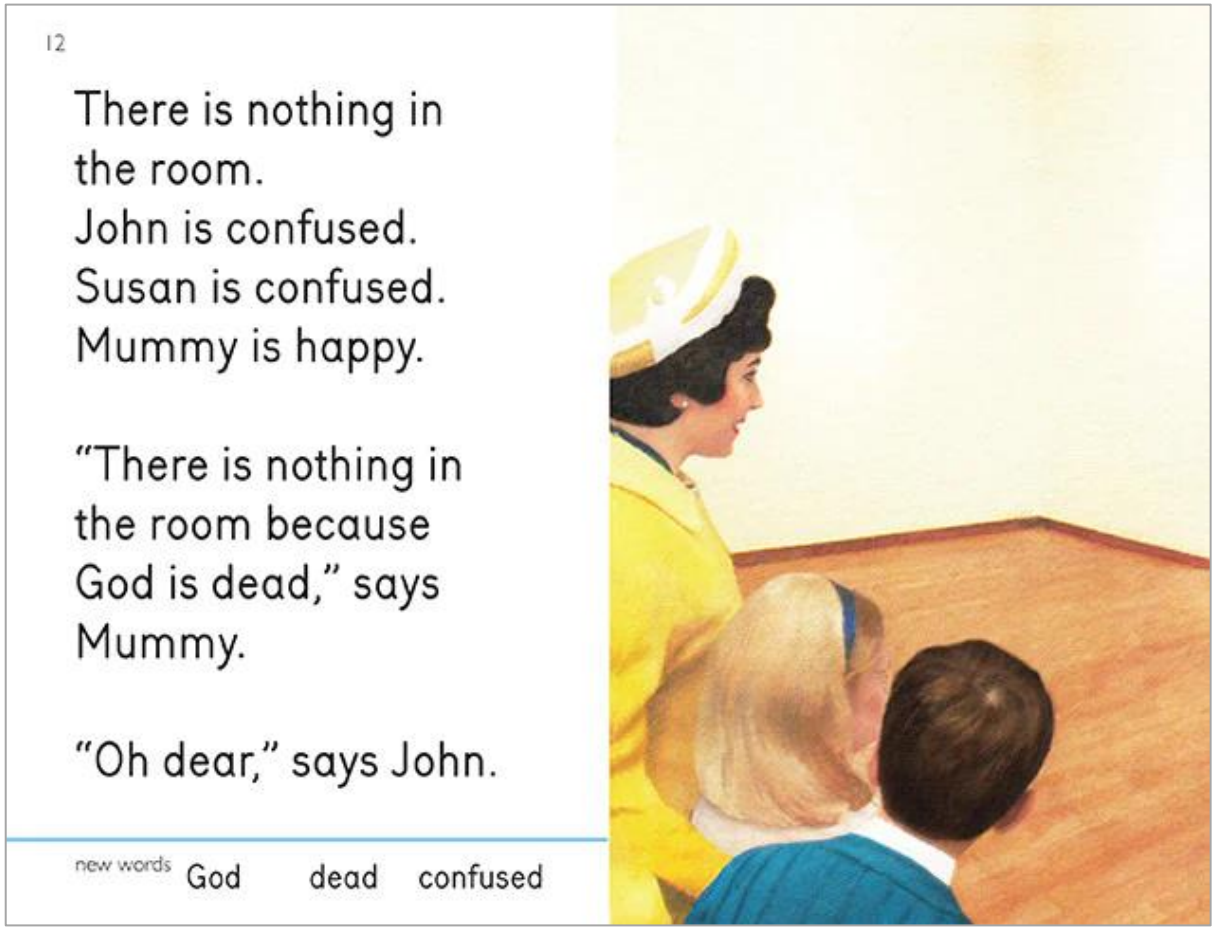
Miriam Elia

Visual artist and broadcaster



We go to the gallery (2014)

Miriam Elia's diverse work includes short films, animations, illustrated books, prints, drawings and surreal radio writing. She is best known for her art book We go to the gallery, *in which she illustrated the classic Peter and Jane Ladybird book characters grappling with conceptual art. The book drew threat of legal action from Penguin Group for infringement of copyright, and some changes were made to the names of characters and logos so it could be published as a parody. Penguin later released their own series of adult oriented Ladybirds books.*

Interview 16/11/20 ME=Miriam Elia, CW=Charlotte Waelde, GR=Graham Rawle

GR *I know you must have told this story a million times but how were you approached by Penguin and what did they say?*

ME For years, I'd been developing the idea as a series of prints to show them in a gallery. I thought the logical next step would be to make a book, but it wasn't a commercial endeavour in that it wasn't going to be in bookshops, it was just an artwork. I raised money to do 1000 books, following the original ways of binding and all that. When the books came back to the gallery there was a real buzz, everyone wanting a copy. A journalist called me up and said, 'Do you want

to talk about what you've done?' and I answered some questions, but I was maybe naïve. She said, 'Did you ask Penguin for permission to do this?' I said, 'Of course not, it's art!' Andy Warhol never asked for permission. I'm not comparing myself to Andy Warhol, but I thought we were way beyond that. I thought, 'Well of course one wouldn't; it's not a commercial thing, it's an artwork'. The next day this huge letter came, a chunk of A4 paper with Penguin on the front and I thought (I was so naïve) I thought, 'Oh maybe they really liked it and they want to offer me a book deal.' But it was this really scary legal letter that went on and on, in the way the legal letters do. They said, 'You must deliver to us all these books and they must be taken to a place and destroyed – quite heavy-handed really, given that I'd spent four years working on it and it was like my beautiful thing, my precious. They wanted to destroy all the artworks, all the paintings I'd done, under their Cease & Desist. 'You used a ladybird on the cover and this is our ladybird' and 'this is what we're going to do to you'. Being hopelessly naïve, I called them up on the phone and said, 'Look, I think you've made a big mistake; I'm just a little artist having some fun, take it easy, I'm not going to compete with you.' But at the same time the book had gone viral, it was being shared a lot everywhere, so what I'd actually done was open up an audience to them for this new idea of a satirical version of the Ladybird book series. So, then I got Bernie Nyman, a solicitor who was friends with my mum; he specialises in copyright law. I was working with Bernie and I was making money because people were buying my book, but then it was all going to Bernie at the end of the month. I began to realise that you can't really own the idea of a parody, you can only really own very specific things like the brand. I'd used a Harlequin ladybird which are those quite vicious ladybirds that were around about four years ago that were attacking people. I thought it was quite funny, but it was just too close. We were arguing back and forth, the letters were hilarious. I don't take to being bullied very easily, so I was just sort of having a laugh. All it was doing was generating more publicity, which I think they were aware of as well.

GR *They really wanted to stop you doing this, to completely silence you. So, you were creating new pictures 'in the style of' the original books?*

ME In the end, I came to the realisation that I could just use my own models and change the brand name to something like a different insect, and I just changed the way I illustrated it and used a new technique and I think it actually worked better than the first version; I think it made it stronger. Then it's a new book, it's a Dungbeetle, so it becomes something else.

GR *For the parody/pastiche to really work, it feels like it needs to be a physical book because that's what the original Ladybird form is, therefore that's what your pastiche of it needs to be.*

ME I've used Sylvanian families and I did another thing trying to make it look like an Argos catalogue, but to me it really came to life when it was sort of shown in this brightly coloured context online. Whereas this was about the touchy-feely nature of the old Ladybird books and the paper stock etc. At the beginning of it they were on the cusp of changing the copyright law. A lot of other European countries had passed this law a long time before, but in Britain for some reason we hadn't. The law didn't just affect books, it was also media, film [etc.] The ruling was very strict and they wanted to ease that up and so we were quite often on the phone to the copyright office and then within that year they had amended this law, it had gone through and that my book was the kind of the straw that broke the camel's back. Then I realised, after the letter that was that big, that the only thing they really owned was a picture of a ladybird.
I had read an interview with Harry Whitfield who did all the original ladybird illustrations and what he did was to shoot loads of images of children, like in the red jumper in the yellow dress, and the mum, shot them as photographs and then collaged them and then projected that

collage onto a wall and then painted the illustration from his collage. Which is why they look kind of photo realistic pictures but slightly wrong. The painterly effect makes it feel completely happy, but they just look a bit unnatural. That's how I got the got the technique, I just adapted it so rather than using light on the wall, I just printed it off and then used the paint layer and just did it all by hand.

GR *A lot of work has gone into yours. But with Penguin's own parody version it looks like they're just using their original pictures and then dropping in new captions.*

ME That's so lazy, isn't it? *Let's have that one and write something funny…* They're so hollow. Basically, they were getting so much bad publicity from it, they thought, 'Maybe we'd better back off because also she's opened this gap in the market and maybe we can do something.' So, after all of that, they just nicked the idea. OK yeah, they made billions out of it, but at least I've got my integrity and I've got my thing that I do. I can't compete with that level, saturating the marketplace, but the one thing I did do is make sure I do everything by myself in-house. I only work with people I know. A lot of publishers offered to buy me out, but I just thought I'd rather still do everything myself. I really value that.

CW *You obviously know a lot about the law, so has the experience actually changed any of the risks that you might take in artistic practice?*

ME No. I'm a risk taker. I get a kick out of it so if it feels risky and I feel that kind of fear then I'm all for it. I love it, it makes me feel alive.

CW *My question is really around your relationship to the artist: if you know the artist, how they feel about their work, are you still going to take it, or would that shape what you decided to do?'*

ME Because my work's mainly about mass communication I don't think I've ever really thought about parodying individuals, I never really go for specific people.

GR *When I was younger, I used things that I now think, 'What was I thinking, using that?' - not because it was illegal but because it was ethically wrong. I once used a picture for one of my books; it was from a Picture Post magazine and it was a blatant steal, but I thought no one was going to recognise it. But later I got a letter from the grandchildren of this man who said that they didn't like their grandfather being depicted in this way, being made fun of, and I felt really bad about that.*

ME I understand all that stuff about the grandchildren, but that's kind of missing the point. I'm transforming it into a way of commenting on the society around me. And at some point, someone will re-appropriate what I've done and put it in another context. That's great, that's the kind of freedom.

GR *Probably a lot of artists who create things get that big pile of 'cease and desist' papers and immediately stop because they are intimidated or frightened by it.*

ME That's how bullying works isn't it? Someone just tells you not to do something, but they don't actually have a leg to stand on, it's just bullying, and people comply. All this legal waffle – it was all these emotive arguments about how I transgressed their brand and, 'In one of the images the mother is posed next to a picture of a vagina with her son. This is just shocking and deplorable.' And it's like well, you wouldn't say it was shocking if you went to the Tate gallery and

saw a Jake and Dinos Chapman you'd think that was bloody brilliant (last year's show, d'you remember?). It was all emotional, 'How dare you!'

GR *So, now you're working on another film?*

ME I had a really funny idea about being chased by a ball of Covid19, which is basically just like a yoga ball on a fishing wire and I wanted to do it like kind of very film noir, so lots of black and white, you know, and I was in a hazmat suit running away from a little ball. There's a 1950s film called Panic on the Streets so we're using the music to that, and it's very like hysterical because it's all about a pandemic in America and in the 50s. We've got clearance on that. It came up as being out of copyright. It was a short copyright on that soundtrack. We originally wanted the music to Sunset Boulevard, which is really great, but it didn't have clearance. Louis works for a production company called Studio POW and they have a legal team able to look into these things and they just found a this under soundtracks that were usable. It's just in the context of film, not my own work. This is a collaboration; I'm working with a director and soundman and an editor and a production company. I don't usually make films, so in this case I'll do it legit. And also, I don't mind because it's a great soundtrack, so it works fine.

CW *I was intrigued at the change from your individual practice where you just do it and then when you come to work with a team of people you suddenly become, it seems, more constrained in what you do by the legal boxes that you have to tick.*

ME I think that's why I like working by myself. I don't really have the time and energy that I did to fight a legal battle on the soundtrack to a short film. I've never asked for permission to do anything because I don't think anyone would give me permission. Imagine me calling up Sylvanian Families and saying, 'Hi I'm just doing this short satirical piece where they're being attacked by Islamic state, is that fine?

Isis Threaten Sylvania (2015)

CW *You obviously managed to learn a lot about copyright over the years so how have you learned that? Is it through things like the bruising battles with Ladybird?*

ME Yeah, just learning by experience. But actually there is a lot more freedom than you think. That's just my point: there are a lot of people who will intimidate you because they don't want a rival brand or a rival product on the market, but it doesn't mean that they can stop you creatively doing something like that. [Students] shouldn't be being taught that they have to be safe and apply for permission for everything. The law has changed so that it's often totally legal to do something, specifically in artistic context. Making an artistic work is not the same as copying something to make a profit.

GR *When Penguin first got it got in touch with you, did they assume that that yours was going to be a profit-making commercial venture in direct conflict with their interests?*

ME It clearly wasn't, so that's an interesting question. I think that they were where they were concerned that it was getting a lot of attention and obviously the images themselves, some of them are quite disturbing. Well, I call it funny, they call it disturbing. Part of their legal argument was, 'How dare you sell this filth to children?' so I said, 'It's not being sold children; it's not in a children's bookshop, it's in an art gallery'. So that argument kind of fell flat. You have to see the context, but people choose not to see the context when it suits them. Those laws regarding copyright had been in discussions I think from 2008 so this need to push through a new exemption for parody, pastiche and satire had been going for years, and it's passed now, so really we should be enjoying that. But with art there are these grey areas and they are always up for debate, they always have been. But the most important thing is that the work exists. I just hate the idea of all these artists being told that they have to ask for permission… to think.