A Garland of Rivers: On the Trial-Performance "Landscape as Evidence: Artist as Witness"

e_flux

Jun '17

by Skye Arundhati Thomas

Image presented as evidence in the trial-performance Landscape as Evidence: Artist as Witness, *New Delhi, April 2017. Photo: Navjot Altaf.*

Amitav Ghosh's new book, *The Great Derangement*, makes a simple assertion: we need to change the way we talk about the ocean. Ghosh suggests that the contemporary imagination uses language in a way that is unable to hold the complexity of climate change, by relegating the conversation to metaphor, allegory, or future speculation. Ghosh's book may be read as a rallying cry to cultural practitioners, to writers and to artists, to template new frameworks with which to negotiate an apocalyptic future that is already here. But what does it mean, really, to form a new language?

To begin, of course, is to decolonize. To talk about accelerated climate change and the possible end of the Anthropocene, is to see, quite adjacently, the colonial histories that first initiated the mechanization of land and water systems; oftentimes fundamentally altering natural processes and topographies. Topography cannot be so easily divorced from how it carries the colonial legacy. As such, the Indian subcontinent reveals a vast and indomitable plane, where water, not only land, saw immense mechanization projects as deployed by a colonial rule that extended itself across what are now several different nation-states. Consider the city of Mumbai, a precarious land mass formed by the unification of seven small islands by the Portuguese occupation of the eighteenth century. Some of Mumbai's most densely populated areas live on the shifting soil of reclaimed land,

mere inches above sea level. Terrifyingly, this reclamation still continues, as the city does not have enough available land to meet the demands of its rapidly urbanizing population.

Last year, for the first time in the history of Indian secular law, a case was argued in the Supreme Court on behalf of an animal population, the beloved Bengal tiger. The case contested the first phase of what will be an enormous project to link the main rivers of the Indian mainland, beginning right at the heart of the country, in the state of Madhya Pradesh, with the rivers Ken and Batwa. The Ken-Batwa river-linking project requires the construction of a flood plane that will sit deep inside one of the country's largest tiger reserves, Panna National Park, flooding a huge portion of its land, and thus, habitat. The tiger population in India at the moment hovers at the two thousand mark, a large number of which reside in Panna. The flooding will, effectively, drown or dislocate the reserve's several animal populations. However, the Supreme Court ruled in favor of the project, and construction will likely commence in the coming year.

Proposals for the linking of Indian rivers have surfaced often, and across different leadership, first suggested by a British irrigation engineer, Sir Thomas Cotton, in 1858. Considering the sheer size of the scheme, the proposals were never able to garner the political and financial consensus that they require, and have remained purely speculative for over two centuries. Prime Minister Jawaharlal Nehru too took a stab at the idea, in what he imagined would be a "garland of rivers" encircling the country. Getting water to drought-prone areas was always seen as the primary reason for this mass intervention. Remarkably, the current leadership, a homogenizing force of stark Hindu nationalism, has pulled together enough financial and political support for a fresh set of proposals, which suggest the linking of thirty-seven major rivers and the construction of over three thousand dams.

Given the scale of the river-linking projects, it is indeed tough to preemptively speculate about the environmental damage of each one of its phases, and more difficult still to debate the promised profit and projected demographic stability. As can be see with the Ken-Batwa testimony, it results in placing the plight of human populations affected by drought against those of the endangered tiger. In this rather simplistic juxtaposition, what is revealed is the fundamental need to critique the systems with which we determine what kind of life, or lives, matter; or rather, are protected by our legislative systems. The four International Crimes against Peace, included in the UN Charter, make an explicit reference to a "right to life" that only extends itself to human subjects. Ironically, corporations are protected under this, as international law allows them personhood status due to the demands made by international markets. Meanwhile, in the legal framework (and language) of "environmental law," the environment itself has no agency.

Incidentally, the Supreme Court, in a separate case filed last year, ruled in favor of a motion to grant personhood status to the two Indian rivers considered holiest in Hindu mythology, the Ganga and the Yamuna. The decision certainly shouldn't be celebrated yet, as its effects are yet to be seen. It raises a question, however: What does it mean to grant personhood in this way (apart from just being a strategy for circumventing the limitations of existing environmental legislation)? It is the declaring of a life prone to injury, to paraphrase Judith Butler, a precarious life, and one that can be lost, destroyed, or systematically neglected to the point of death. This also suggests that such a life requires various social and economic conditions in order to be sustained as a life. Moreover, as Butler writes, "Precariousness implies living socially, that is, the fact that one's life is always in some sense in the hands of the other."[1] If life itself is thus seen as a social relationship, then the process of legislating life must certainly be seen this way as well.

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As the conversation deepens, so does the fact that this is fundamentally a matter of ontology, or rather, ontological separation. Language, legislation, and the politics that binds the two is ontological—and must be reexamined in this light. In *Viscous Porosity: Witnessing Katrina*, Nancy Tuana writes, "In part, the problem arises from questionable ontological divisions separating the natural from the humanly constructed, the biological from the cultural, genes from their environments, the material from the semiotic."[2] To carry Tuana's argument forward, these ontological divisions are derived from Western Enlightenment philosophies, and do not always hold true within the historical frameworks of the Indian subcontinent, which often intermingle law and culture, strengthening the affective relationship between both. This is certainly true of the Buddhist tradition, even though the contemporary imagination often forgets that the subcontinent was primarily Buddhist for over two centuries. Tuana suggests that we move, instead, toward an "interactionist ontology," which precludes categories and concepts from being static and impenetrable, and instead understands them to be dynamic and interactive, where, as Tuana explains, "agency is diffusely enacted in complex networks of relations."[3] This remains particularly resonant in a historical moment entirely governed by corporations and the international market.

The "Capitalocene" is a term first coined by Jason W. Moore in 2015, marking the end of the Anthropocene, and with it, its implicit human agency. Perhaps one of the mistakes we make most often is to think that, as citizens of a society, we are in a bipartisan relationship with the state: society-state; a strange, haphazard symbiosis, where it is unclear who is protecting the rights of either. The Capitalocene suggests that there is an authority that rises above both—the corporation and its erratic host, the international market. The Capitalocene also suggests that as individuals we no longer have the agency to exert our dominion over the environment, as we did during the Anthropocene, because the rights of capital have long since succeeded that power. So, what then can the individual do? An interactionist ontology seems to imply that we can instead begin to see legislative practices as inherently social, and dynamic. The law as relationship, a still-evolving language that is open to

disruptive interventions. Accordingly, in discussing the social dynamics of the Indian nation-state, one has to consider not only its regional diversity, but also the colonial frameworks that we still inhabit.

The decolonization of the environment "complements the decolonisation of culture" writes T. J. Demos, in an essay entitled "Creative Ecologies." He explains, "'creative ecology' means directing the science of biological connectivity (ecology) toward generative, rather than destructive ends."[4] Here, Demos radicalizes the potential of cultural production, and more specifically, the role that artists and artworks play in the present historical moment. He asks, "what role can the artist play in cultivating liveability amidst this profound and intensifying disorientation, at once geological, socio-political and economic?"[5] Demos's suggestion allows for artworks to move swiftly away from their place in the international market, and on toward developing political potential. A creative ecology for the present may thus be one that resists the market and the complete corporatization of the creative industry. Perhaps culture, and its aesthetic products, can begin to infiltrate legislative practices, reimagining languages around the environment, and even elaborating world-building speculations. A gesture, certainly, toward an interactionist ontology.

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In an effort to test the relationship between culture and the law, members of the Khoj International Artist's Association, an intellectually driven arts organization in New Delhi, organized a performance entitled *Landscape as Evidence: Artist as Witness*: on April 7, 2017. The premise: Can the objects of contemporary art be held to the same rigorous standard as those introduced into the courtroom as evidence? The performance took shape as a mock trial held at the Constitution Club of India in New Delhi, with real, practicing lawyers on either side. The case: a fictional river-linking project that bore a striking resemblance to the Ken-Batwa case. The lawyers argued both for and against, with three artists introduced into the courtroom as "expert witnesses," presenting their artworks as evidence. The participating artists were Ravi Agarwal, Navjot Altaj, and Shebha Chachi, all of whom have practices that are deeply invested in the environment, and who regard themselves as both artists and activists. Agarwal and Altaf each showed clips from their respective film projects, while Chachi, in a daring twist, conducted a performance inside the courtroom.

From Landscape as Evidence: Artist as Witness. *New Delhi, April 2017.*

Landscape as Evidence: Artist as Witness was directed by artist and theater director Zuleikha Chaudhari, whose practice investigates the similarities between the theater and the courtroom. Chaudhari's works are primarily formal investigations that look to expose the witness-lawyer-judge dynamic as one that is entirely performative and shaped by the dynamics of spectacle. Chaudhari's 2016 work *Rehearsing the Witness: The Bhawal Court Case*, in its use of artists and artworks as witnesses, serves as a precedent for *Landscape as Evidence*. The work negotiates the transcripts of a court case from 1921 which began an almost twenty-year-long dispute between a family in Dacca (now Dhaka) and the British Court of Wards. The case is notable because, for the first time in Indian secular law, artists (including two photographers and a sculptor) were introduced into the courtroom as witnesses.

During every single testimony given at *Landscape as Evidence: Artist as Witness*, the judge routinely intervened in order to stabilize or formalize the conversation—"let's bring it back to what is really the point," or "let's bring it back to what is really at stake." This is exactly where the proceeding revealed itself: the introduction of artists and artworks into the courtroom flattened and synchronized what are, fundamentally, two diametrically opposed registers. More often than not, these different registers failed to cohere. However, this does not stand as a criticism of the form of *Landscape as Evidence: Artist as Witness*; rather, it highlights the ontological separation between the language of aesthetics and the language of law, and thus reinforces the urgency of developing disruptive initiatives to test established modes of language. It didn't work, because fundamentally it *couldn't* work, and that was the point.

In a 2014 lecture on the Anthropocene, the Capitalocene, and the "Chthulucene," Donna Haraway begins, like Ghosh, with a rallying cry: we must "destabilize our own stories, to retell them with other stories."[6] Haraway also suggests that the biological laws that we allow to govern our understanding of biological forces (for instance, evolution) are fundamentally insufficient for handling the complexity of actual life systems. The same, of course, may be said of our legislative practices. We must debunk the myth that the law is indeed about justice, when it has always been about who has the stronger rhetoric or the better narrative. If it is narrative-building that we must focus on, then we certainly need to start reinventing our imaginative practices.

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Reply

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