

Editorial

Avi Feldman

This special issue of *OnCurating* has been conceived with the intention of inquiring into the relation between law and art as it is manifested in a variety of recent artistic and curatorial projects and legal writings. Based on the notion that the law holds an abiding influence on all terrains of society, our aim was to unravel tactics and mechanisms used by art and legal practitioners alike as they deconstruct, reconstruct, and appropriate legal matter and form.

The collection of texts and images assembled together in the journal manifest an exploration of politics and art as it is approached through a legal perception. We aspired to decipher ways in which artists, curators, and legal scholars tackle politics as a sphere in which contested areas are negotiated, leading to administrative ordering and laws. Law encompasses an inherent duality since it is positioned at the intersection of physical force and hegemony, as argued by Antonio Gramsci. This realization was further investigated by Louis Althusser in his writings on ideology, as he identified law as holding an affinity with both the Repressive State Apparatus and the Ideological State Apparatus.

Recognizing the intricacy of positioning law and art in close proximity, as two fields sharing a possible mutual reciprocal relation, this issue of *OnCurating* strives to propose a multilayered reading and interpretation of the law in relation to art. With contributions by legal scholars, artists, and curators, we set out to re-explore their own relation to law and the complexity of administrative and policy making, in an attempt to formulate anew the role law has had and continues to hold in their work, research, and creation. The law's immense power to direct, authorize, and legitimize social relations and institutions is therefore interrogated, underscored, and reflected upon throughout the journal as we trace and map law's evolving definitions, concepts, and practices in contemporary art and legal scholarship.

Sabine Mueller-Mall's opening text directs us into an exploration of the disciplines of law and art through the conceiving of law as a performative, ongoing process. Acknowledging the differing attitudes inherent to the discussion of law and art, Mueller-Mall, who is a legal and constitutional theory scholar, seeks to expose and further establish a certain linkage between seemingly differing spheres. Putting aside assumptions of analogies between the two fields, she argues in favor of allocating spaces of interference that might possibly prove equally productive to both sides. The reciprocal attraction existing between law and art, as noted by Mueller-Mall, can also be related to the duality of law, mentioned earlier, as it was expressed by thinkers such as Althusser with regard to repressive state apparatuses (such as the police, military, state administration, etc.,) and the ideological state apparatuses that confirm (or criticize) an existing state apparatus through addressing its subjects.

Aspiring to form an image of law beyond a normative mechanism for solving conflicts, Mueller-Mall insists on posing the question of what is that "law" to which we so often refer as a given fact. In order to answer this, she brings to the forefront two dimensions of law—performativity and judgment. Mueller-Mall asserts her

claim on recognizing two positions for law—one in books and one in action—and thinking of law as performative connects these two facets together. The inherent tension between the two sides is what constitutes law's performativity, as it captures the concrete while it poses a declaration intended as guiding future interactions.

Thinking about law in terms of performativity suggests a need to re-conceptualize our own relation to law. On this note, Jonas Staal's essay begins with a personal reflection regarding his early encounter with the courtroom and the legal system. What began in 2005 with a series of "memorial installations"—including photos of Geert Wilders, leader of the Dutch ultranationalist Freedom Party (PVV)—resulted in Staal's arrest. Wilders accused Staal of "threatening a Dutch member of parliament with death." Eventually acquitted of all charges, Staal has used the judge's question, "Did you act out of hate against Geert Wilders?," to allow the truth of art to come out as he answered, "No, I consider him my muse." Staal continues to deal with questions of art and law in his ongoing project, the *New World Summit*. Though differing greatly in their motivations and construction, one can say that according to Staal both projects allow the truth of art to emerge "beyond the law of the state."

Since the first New World Summit (2012), which took place in Berlin as part of the 7th Berlin Biennale, four other summits were held in Leiden, Kochi, Brussels, and recently in the autonomous administrative region of Rojava, in northern Syria. The artistic and political organization formed by Staal, along with fifteen other members, was determined from its inception to provide alternative parliaments for a variety of organizations listed as terror organizations. What began as a two-day assembly gathering at the Sophiensaele Theater in Berlin has now amounted to the construction of a new public parliament in the city of Derik, as Staal brings to fruition his call for politicizing and re-envisioning the state of exception of the arts.

Zoltán Kékesi, Szabolcs KissPal and Máté Zombory's *Proposal for Hungary, 1945* offers yet another approach towards legal administration and the reconstruction of justice. Conceived especially for this issue of *OnCurating*, this team of cultural researcher, artist, and sociologist re-imagine anew the history of Hungary by incorporating the legal mechanism of a Reconciliation Commission. Calling upon a Truth and Reconciliation Commission for Hungary of 1945 in the spirit of the one developed in South Africa, they seek a commission investigating "political crimes committed before 1945. The idea is to replace or complement the model of retributive justice applied in the post-war trials in Hungary (and elsewhere in Europe, most prominently in Nuremberg), with a more restorative model." Their proposal, which they intend to continue to develop and present in other formats and spaces, consists also of a sketch for a new Hungarian national flag, one that pays tribute to the country's diverse nationalities and ethnic groups.

The testimony of artist Lawrence Abu Hamdan further establishes and challenges the contemporary evolving relation between law and art. In much of his recent work, Abu Hamdan investigates the relation between sound, listening, politics, and law, which led to him being called in 2013 to testify before a UK asylum tribunal as an expert witness. Abu Hamdan's expertise was the outcome of a long research process on language analysis for the determination of origin of asylum seekers. The audio documentary *The Freedom of Speech Itself*, which was submitted as evidence to the tribunal, offers an embedded insight into the way forensic speech analysis and voice prints are used to determine the origins and authenticity of asylum seekers' accents.

The invitation of an artist to serve as an expert witness at a tribunal dealing not with art-related issues but with an urgent matter of human rights spurred Avi Feldman (guest editor of this edition of *OnCurating*) to further elaborate in his essay on the shifting concept and position of the expert witness in our time. Intrigued by the role artists and curators might have in the realm of the legal system, Feldman provides us with a short history on the transition in the definition and acceptance of the expert witness in the adversarial legal system. The question of who is an expert witness and what constitutes one has been discussed at length by legal practitioners and scientists throughout the last centuries. With the advancement of technology and science, the courts had to find solutions for how to accept new means of evidence, and with it a new characterization and requirements for the expert witness. It may be that new forms of evidence and witnessing, as in the matter of sound research in the work of Abu Hamdan, will require the courts to once again re-examine their own legal methods and practices as they integrate expertise and knowledge gained by artists and curators.

Now, from a direct artistic involvement in the legal system, curator Hila Cohen-Schneiderman reflects in her essay on her experience as co-curator of an artist's residency conducted in the midst of the legal department of the Jerusalem municipality (May-July 2012). One of the outcomes of this residency was a video created by artist Ruti Sela, who worked, sketched, interviewed, and videotaped the department's lawyers. Titled *For the Record*, Cohen-Schneiderman provides us with a quote from the video in order to demonstrate the perceived rooted differences between the fields of art and law, as Sela declares them to be "almost the opposite. To me, being an artist means wanting to be beyond the law or not to believe that there is a law [...]."

Under the subtitle "Trojan Horses", as it appears with a question mark, Cohen-Schneiderman raises questions, concerns, and doubts on her practice as a curator in the framework of the municipality, as she also provides us a closer insight into Sela's intervention at the offices of the legal department. Acknowledging previous related projects, which also operated within state institutions and commercial industries, Cohen-Schneiderman ends her essay with some of her recent conclusions following her latest curated exhibition at the Petach Tikva Museum of Art in Israel. Aiming to create non-hierarchical rules of conduct and exchange among artists and curators, she reflects on the challenges and limitations that artistic and curatorial interventions face when aiming to create change from within.

Milo Rau's project *The Congo Tribunal* demonstrates, through the appropriation of a legal construction, how the global economy has destroyed the lives of millions in the Democratic Republic of Congo. Acting as a tribunal and calling upon dozens of witnesses in Bukavu and in Berlin, the project investigates the responsibility of international companies, the World Bank, NGOs, and the UN of crimes against humanity committed in Congo during the past decades. Interested in theatrical re-enactments, Rau has, prior to the Congo Tribunal, directed two other works that also deal with the legal system: *The Moscow Trials* and *The Zurich Trials*. Emphasizing the significant difference between a trial and the creation of a tribunal, the interview sheds light on the meaning and function of law and of legal formats in contemporary theater and film as it is manifested in the work of Rau.

The concluding essay, perhaps a sort of epilogue, was written by Avidgor Feldman in 1991, and has been translated into the English by Lenn J. Schramm especially for this edition of *OnCurating*. Feldman, an acclaimed lawyer and activist working in Israel, stated in several interviews his disenchantment with the law,

claiming it to be nothing but “a game of lies.” In this contemplative article, published in the inaugural issue of the journal *Theory and Criticism (Teoria U'vikoret)*, Feldman takes us through the Tel Aviv District Court’s architecture, as he is “looking for the invisible links between the legal space and the legal text and at their common effort to create a vocabulary, gestures, and rules of conversion and concealment.”

Feldman’s original text is accompanied by photography created by artist Michal Heiman. For this edition of *OnCurating*, Heiman will be presenting different images from one of her most recent projects titled *Asylum (The Dress) 1852-2017*. Investigating the concept of return—be it of a land, home, time, condition or status—Heiman is provoking us to travel to a time when women were deprived of the most basic rights. She confronts the issue of human rights, and specifically the breach of rights of asylum seekers and refugees, boldly yet enigmatically through a series of portraits, a few of which are now also on permanent display at the Tel Aviv District Court’s new wing that opened to the public in 2014.

Avi Feldman, *Guest Editor*, (Born in Montréal, Canada) is based in Tel Aviv, Berlin, and Dresden, where he works as a curator and writer. Since 2013, Feldman has been a PhD candidate at The Research Platform for Curatorial and Cross-disciplinary Cultural Studies, Practice-Based Doctoral Programme—a collaboration between the University of Reading (UK) and the Postgraduate Programme in Curating, Zurich University for the Arts (CH). As part of this programme, his thesis focuses on examining contemporary reciprocal relations between the fields of art and law. Feldman’s research is supported by ELES - Ernst Ludwig Ehrlich Studienwerk.