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MINORITY REPORT

URSULA BIEMANN & PAULO TAVARES,
CHARLOTTE EIFLER & CLARISSA THIEME,
SUSAN SCHUPPLI, FORENSIC ARCHITECTURE

FOTOGRAF FESTIVAL #12



KURÁTOŘI/CURATORS: Tomáš Kajánek, Vojtěch Márc

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Pásmo uměleckých filmů představí způsoby, jak se mohou různé formy současné audiovizuální produkce stát nástrojem boje proti lidskoprávním a environmentálním zločinům. Jako reakce na vzrůstající nedůvěru v obraz, zapříčiněnou závislostí na mediálním zprostředkování každodenní zkušenosti a nejistotou spojenou s přijímáním objektivních faktů o světě v době hybridních a kulturních válek, přichází řada umělkyně se snahou rehabilitovat výpovědní hodnotu umění. Činí tak navzdory převládajícímu vlivu technologických korporátních společností a na základě spolupráce s občanskými žurnalisty a aktivistkami. Umělci-výzkumnice ve své činnosti kombinují vědecké a právní expertní prostředky a rozšiřují estetickou funkci umění o právní a politickou rovinu. Promítaná díla ukáží výběr z forenzního obratu v současném umění.

During the evening programme, the project will introduce the ways in which different forms of current audiovisual production can become a tool of struggle against environmental and human rights crimes. As a reaction to the growing distrust of the image caused by our dependence on media conveying the everyday experience and the uncertainty connected with the acceptance of objective facts about the world in times of hybrid and culture wars, a number of artists are coming up with an effort to vindicate the statement value of art. They are doing so despite the prevailing influence of corporate technology companies and through collaboration with civic journalists and female activists. The artists-researchers combine scientific and legal expert resources in their work, and they expand the aesthetic function of art by a legal and political dimension. The screened works will show a selection of the forensic turn in contemporary art.

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The most widely discussed exhibit at the Whitney Biennial in New York in 1993 was a ten-minute amateur video recording capturing the brutal police assault on African American Rodney King that took place in Los Angeles on 3 March 1991. The entire incident was documented by plumbing equipment vendor George Holliday from the window of his flat, with the aid of his newly purchased video camera. The attention focused on this widely reproduced footage intensified even further the following year, when massive race riots broke out in Los Angeles as a reaction to the court acquittal of the police aggressors. It was within precisely such a context that the curator of the Biennial decided to exhibit Holliday's uncut video. According to a review in the *New York Times*, the recording in question was not so much a work of art as a documentary, which opened up the theme of racism in every American living room.¹ The reviewer in fact viewed its inclusion as indicative of the drawbacks of the exhibition, since in her opinion it focused less on art than on the events of the time. By contrast, a review in the *Los Angeles Times* accentuated the place of the footage in question within the entire video section of the exhibition, which also incorporated newsreels obtained within the framework of the collective media-activist Gulf Crisis TV Project, which attempted to uncover the various power interests lurking behind the American intervention in the Middle East.² The Los Angeles reviewer furthermore quoted the curator of the Biennial, according to whom the amateur video recording not only documents the unprecedented availability of the given technology, but also points to an ongoing re-evaluation of media art as a public art form, thus expanding the definition of documentary.

At the beginning of the 1990s, the police assault in question, or more precisely the incriminating recording of it, was regarded as an eminently "media" historical event. A similar view, even if on a somewhat broader scale, was taken of the conflict in the Persian Gulf, which was regarded as the "first television war",³ or of the overthrow of the Romanian government in 1989, referred to as the "first television revolution".⁴ As such, already during their time they were the subject of various reflections and interventions, of which besides the aforementioned Gulf Crisis TV project we could also mention the (genre paradigm defining) film *Videograms of a Revolution* by Harun Farocki and Andrei Ujică from 1992, relating to the Romanian revolution.⁵ In contrast with these works, Holiday's video was made without any kind of artistic intentions, and its creation cannot very well be described as an artistic enterprise in any strong sense of the word. Furthermore, from our own era of Tik Tok wars and speculations concerning a connection between 5G and

1 Roberta Smith, "At the Whitney, a Biennial with Social Conscience", *New York Times*, 5. 3. 1993, <https://www.nytimes.com/1993/03/05/arts/at-the-whitney-a-biennial-with-a-social-conscience.html>.

2 Suzanne Muchnic, "King Beating Footage Comes to the Art World", *Los Angeles Times*, 10. 3. 1993, <https://www.latimes.com/archives/la-xpm-1993-03-10-ca-1355-story.html>.

3 Jean Baudrillard, *La Guerre du Golfe n'a pas eu lieu*, Paris: Galilée, 1991.

4 Keiko Sei (ed.), *Von der Bürokratie zur Telekratie: Rumänien in Fernsehen*, Berlin: Merve, 1990.

5 Eva Kernbauer, "Establishing Belief: Harun Farocki and Andrei Ujică, *Videograms of a Revolution*", *Grey Room*, 2010, no. 41, pp. 72–87.

COVID-19, it is inevitable that the media environment of that time now seems relatively remote to us. Nevertheless, I believe that this video, thanks to its presentation within the context of a large art exhibition, exemplifies the tension that constitutes at least a certain section of the field in which contemporary art production emerges. Here I have in mind the tension between art and evidence, thus between something that (as an object of disinterested pleasure and a free play of cognitive faculties, as Kant would have it) relates to reality primarily “laterally”, and something that directly intervenes in it.

The reception given to Whitney Biennial that year was also echoed in the title of a certain review of the documenta 14 exhibition held in Kassel in 2017, which proclaimed that the most important piece presented there was not an artwork, but rather evidence.⁶ This assertion was a reference to a three-channel video entitled *77sqm_9:26min*, produced by the art-research group Forensic Architecture (FA) based at Goldsmiths in London. The video in question relates to the racist murder of Halit Yozgat that took place on 6 April 2006, committed by members of the neo-Nazi terrorist group Nationalsozialistischer Untergrund (NSU) in an internet café in Kassel. The video represents one of the outcomes of an investigation which was launched by FA upon the initiative of Yozgat’s surviving relatives, who doubted the impartiality of the police procedure. The art collective concentrated especially on the testimony of the policeman Andreas Temme, who was probably present at the scene at the time of the murder. His involvement can be considered to represent a neuralgic point of a whole series of murders attributed to the NSU, since the individual cases were accompanied by a conspicuously hesitant police investigation, which was reluctant to connect the series of murders to racist motives. *77sqm_9:26min* presents the course and conclusions of the counter-investigation conducted by FA, which following the model of police reconstructions assessed the credibility of Temme’s testimony at a model scene of the crime, as well as in a series of digital simulations.

Thanks to its precise focus and timing, the tension between art and evidence in Kassel was practically tangible. While art critics may have cast doubt on the artistic nature of the “evidence” video, Temme himself rejected the evidence of his false testimony in court, arguing that it was necessary to consider the work of FA to be first and foremost a work of art. If this tension in the case of the first mentioned inclusion of Holliday’s video in a contemporary art exhibition was linked primarily with an ethically and aesthetically ambivalent curatorial gesture, in the approach of FA it is systematically cultivated as a constituent “productive paradox”, in a tension between aesthetics and investigation. At least, this is the argument presented by Eyal Weizman and Matthew Fuller in their recent book on “investigative aesthetics”.⁷ This is the most recent articulation of the approach which Weizman – together with a number of other

colleagues – has long been developing as a founder and leading representative of FA.

Weizman and Fuller present the practice of “investigative aesthetics” as an intervention into processes of perception (*sensing*), and the creation of sense (*sense-making*). Such an aesthetic mode ensures not only a certain distribution of the sensible and thinkable, as spoken of by Jacques Rancière, but is also directed towards a redistribution of the capacity for sensing (*sentience*) and the capacity to act (*agency*). In this case, these capacities do not relate exclusively – and in fact not even primarily – to individual human subjects. In the conception of investigative aesthetics, sensing is not a prerogative pertaining only to living organisms. By contrast, in a certain sense it relates to all matter, which in complex technical assemblages and ecosystems, as well as in their numerous intersections, absorbs traces of diverse processes. “Investigative aesthetics” in this conception is not merely a study of the world, but at the same time also a study of our own procedures and tools, which themselves must not defy scrutiny.

The proponents of investigative aesthetics propose an “anti-hegemonic investigation”, in which various fragmentary records are pieced together until they become a kind of shared asset (*commons*), which in their view can then form the basis upon which a contemporary “politics of truth” can be founded. Such an approach attempts to integrate diverse perspectives of the relevant actors without homogenising them. In doing so, it defines itself in opposition to institutionalised modes of investigation in the field of science and human rights, in which experts present themselves as “specialised arbiters of truth” and defenders of the “liberal epistemic order” in order to authoritatively expound their “view from nowhere”. At the same time, however, it also rejects the pragmatic cynicism of the “anti-epistemologists” who, though they ostentatiously rail against this liberal order, do so only in order to offer their own version of a pre-prepared and unimpeachable truth.

The “forensic turn” in contemporary art, the programmatic articulation of which ensues precisely from investigative aesthetics, is consciously developing within a situation for which the terms “post-truth” or “post-fact” have recently been coined. If artistic production represents a distinctive mode of understanding and knowing, it may potentially become a means of intervention into the ways by which knowledge about the world is created, disseminated and received. Within this process it must necessarily navigate its way within the realigning configurations in which knowledge and power coalesce, including its own (lack of) knowledge and power(lessness).

The conspiracy theorist imperative addressed to all doubters, *do your own research* (most preferably in the clinging fibres of internet forums and viral videos), while appearing to offer resistance, in reality offers above all conformity to the existing order. In doing so it fills, however unsatisfyingly, the widening gap between adequate understanding and actual experience. In many cases such experience is not realistically possible, either due to the invisible or dispersed nature of environmental violence or due to the various measures aimed at masking political and human rights repression.

6 Hili Perlson, “The Most Important Piece at documenta 14 in Kassel Is Not an Artwork. It’s Evidence.”, 8. 6. 2017, news.artnet.com/art-world/documenta-14-kassel-forensic-nsu-trial-984701.

7 Matthew Fuller – Eyal Weizman, *Investigative Aesthetics: Conflicts and Commons in the Politics of Truth*, London: Verso, 2021.

Forensic-artistic practice also develops its “own research”. However, in contrast with the conspiracist anti-epistemologists, it differs in both its approach to the facts and in the political subjectivity which it actively co-creates. In this process it offers something that, echoing the Canadian historian Michelle Murphy, we might term “counter-expertise”.⁸ This does not mean the denial of facts, but rather the refusal of their metaphysical authority. It therefore attempts to create, in the words of Fuller and Weizman, “a poly-perspectival assemblage of open epistemic and aesthetic multiplicity”. Within these, the “wretched of the Earth” can forge alliances with those who demand “access to the tools”, similarly to those formed by veterans of scientific wars with the deserters from culture wars.

Weizman and Fuller situate the project of investigative aesthetics within the context of the epistemic provincialisation of the West, or the global North. In this respect, their commentaries could potentially relate also to other recent artistic enterprises. These include the exemplary case of Ursula Biemann’s two-channel video entitled *Forest Law* from 2014, prepared in collaboration with the Brazilian architect Paolo Tavares, who incidentally also works together with FA. *Forest Law* presents a report of a court dispute between the native inhabitants of the virgin territory of Sarayaku and the state of Ecuador, which faced a lawsuit for assisting the extraction of oil within the territory in question. Beginning in 2002, foreign oil companies placed explosives here, using them in seismic surveys of the subsoil. The court case focused not only on the question of innocence or guilt, but also on the issue of recognising a certain cosmology that was at odds with capitalist extractivism. Here we are reminded of the term “epistemicide”, coined by Boaventura de Sousa Santos in order to describe the destruction of various local modes of understanding and knowing, which is taking place in ongoing colonial projects.⁹ As the anthropologist Rodrigo Villagra Carreón, who was called upon as an expert, commented during the trial: “There are many beings living in the forest. From a metaphysical materialist position, this probably doesn’t make much sense, but it is consistent in the epistemology of indigenous people. [...] We speak of the cosmos as an interrelated multiplicity – *el kawsak sacha*, the living forest. There are subterranean cities, beings who dwell inside the water, and these beings are in contact with the shamans.”¹⁰ This court case, along with a series of others, subsequently contributed to the ratification of a new Ecuadorian constitution in 2008, which recognises the legal subjectivity of ecosystems such as forests, mountains,

rivers and seas.¹¹ Biemann incidentally describes her work as a “geomorphic video” whose chief protagonist is the landscape itself, which has hitherto been consigned to the role of a passive background.¹² When a Shuar shaman somewhere in the rainforest appears in her video, placing various medicinal plants on a plastic table, he reveals a practical taxonomy that is different from the scientific-botanical model, and at the same time appears to present evidence that another world is not only possible, but that it is possible not to destroy it.

Despite the cultural distance that separates Kassel and Ecuador, conspicuous parallels emerge between the approach of investigative aesthetics and the Amerindian cosmologies. Analogically, *77sqm_9:26min* and *Forest Law* are linked not only by an interest in concrete cases of racial and/or environmental violence and the associated legal disputes. In addition to being a conception of a world inhabited by sentient and acting not only human entities, where everything potentially possesses eyes and hands, this is also something we might perhaps refer to as multi-channel perspectivism. If investigative aesthetics subscribes to perspectivism in the Nietzschean sense, then according to Biemann multiple projection on a formal plane should correspond to “Amerindian perspectivism” as it is described by the Brazilian anthropologist Eduardo Viveiros de Castro.¹³ As T. J. Demos noted in his commentary on *Forest Law*, in contrast with Western epistemology, which is founded upon a dualism between humanity and nature, Amerindian epistemologies confer legal and political agency upon non-human life forms. The significance of the Sarayaku-Ecuador case then far transcends the boundaries of the territory in question. According to Demos it constitutes an essential “conceptual reinvention of nature”, which concerns nothing less than a “political-philosophical revolution that is redefining our relation to the world”.¹⁴ If investigative aesthetics sets its goal as inventing new forms of politics, then along with Biemann, Demos and the inhabitants of Sarayaku we could even speak of new forms of life. At the same time, Demos points out that if the revolutionary aims of a struggle for the “rights of nature” are unable to find support in social movement, they are at risk of a descent into mere legal idealism. He thus unwittingly draws attention to what is evidently the most ambitious moment of “forensic art”, which consists in the promise to create new, inclusive communities. What ensues from such an observation of this art remains an open question. For the moment it appears that truth must not prevail if the outcome is to be its mere petrification, and that it is essential that we take care of reality.

8 Michelle Murphy, *Sick Building Syndrome and the Problem of Uncertainty: Environmental Politics, Technoscience, and Women Workers*, Durham, NC: Duke University Press, 2006.

9 Boaventura de Sousa Santos, *Epistemologies of the South: Justice Against Epistemicide*, Boulder: Paradigm Publishers, 2013.

10 Ursula Bieman – Paulo Tavares, “The Forest Court”, in Ashkan Sepahvand – Nataša Petrščin-Bachelez – Nora Razian (eds.), *Elements for a World: Wood*, Beirut: Sursock Museum, 2016, pp. 20–25.

11 Michel Serres, *Le Contrat Naturel*, Paris: F. Bourin, 1990.

12 Ursula Biemann, “Geomorphic Video”, in Jens Andermann – Lisa Blackmore – Dayron Carrillo Morell (eds.), *Natura – Environmental Aesthetics After Landscape*, Berlin: Diaphanes, 2018, pp. 31–49.

13 <https://geobodies.org/art-and-videos/forest-law/>.

14 T. J. Demos, “Rights of Nature: The Art and Politics of Earth Jurisprudence”, 2015, <https://cpb-us-e1.wpmucdn.com/sites.ucsc.edu/dist/0/196/files/2015/10/Demos-Rights-of-Nature-2015.compressed.pdf>.

AUTORESEJE / AUTHOR OF THE ESSAY: Vojtěch Márc

PRODUKCE / PRODUCTION: Anna Davidová, Nela Klajbanová

GRAFICKÝ DESIGN / GRAPHIC DESIGN: Nela Klímová

PŘEKLAD / TRANSLATION: Jan Ciosek, Drahomíra Rezková, Ashley Davies

KOREKTURY / PROOFREADING: Michal Jurza

TITULKY / SUBTITLES: Zbyněk Grepř

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