



The art of law (and the law of art) is perpetual crisis

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Abstract

In this performance-based work, which essentially concerns the fable of ‘Khi + Ordo’, we obliquely—through visual-textual storytelling—focus on what we call ‘the agency of the artist-scholar’, deconstructing, *inter alia*, many of the rules and regulations associated with the art-academic industrial complex—i.e., the institutional dictates to produce commodifiable works, the enforced metrics associated with authorised forms of research and publication, and the often-inelegant and mostly unnecessary dance that the artist-scholar performs with ‘all of that’. The photo-essay is developed from the archive of the Out of India Collective (OOI), but in association with the Metropolitan Transmedia Authority (MTA), its successor collective. It draws upon documents associated with OOI experiments in transmedia undertaken across multiple submissions for residencies, exhibitions, and publications in both academia and the art world in the years 2017–2019, even as it focuses upon the fable of ‘Khi + Ordo’. ‘Ordo’ is a synonym (or metaphor) for totalitarian states and regimes—‘regimes’ being, in this case, those that rule art + law. ‘Law’ here infers, through its negation, the appearance of a higher law, one that is entered upon when one resists assimilation to the rules and regulations associated with police states—incipient or otherwise. We call that other law ‘works-based agency’, and the artist-scholar is beholden to it once s/he departs company with all such quotidian systems of abject hegemony. One crisis leads to another, so to speak, on multiple levels and all at once.

Keywords Artistic scholarship · Preposterous presentism · Performance art · Philosophy of art · Vitalism

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1 Prologue

The legend of ‘Khi + Ordo’ began in Ahmedabad in 2017. First sessions occurred at the Conflictorium and in Ambli. The initial narrative was developed by way of the two sessions and subsequently expanded when the Venusian storytellers complicit in the development of the tale departed India for Venice and London. Attempts to use the early sessions as the foundation for an extra-curricular summer school for students in Architecture from various programmes in India and abroad failed. The project faltered but never quite faded away. Its rebirth would occur across various OOI submissions, with an agonistic edge and a preternatural fortitude. This refusal to die was repeatedly played out over two years, with metaphorical and figurative death always at hand for the project and for the generative magic awakened in the first sessions. The waiting game finally paid off in early 2019 with a commission to bring the project to ‘stage’ at the Abhivyakti City Arts Project in Ahmedabad.

The Venusian storytellers first appeared at the Conflictorium after the tale of ‘Khi + Ordo’ had already begun. They, therefore, never saw the beginning of the legend. They picked up the thread of the narrative and began to weave it with their own—making the legend of ‘Khi + Ordo’ a legend about legends.

Their stories were about a ‘return’. They told the same story over and over again. The tale of ‘Khi + Ordo’ offered itself as new every time they told it. They mimicked the ancient storytellers who only told cosmic stories through ordinary stories. They soon forgot the story. They had become mad mendicants. They cared less for their listeners. Their fidelity was to the event of the story. All they told was the story of the story. They no longer wove the story—they unravelled it. They did not tell the story, they danced it. The frenzy brought them closer to ‘it’—the dark vital centre that had beckoned to them since they appeared in the middle of the story. They mounted an epic quest inside a theatre—very much like the hero of their narrative who made a subversive machine inside the machinic consciousness of Ordo. The mad mendicants were self-rendered artist-scholars. Their frenzy already a dark energy, their unravelling already repeating the ‘return’—the continuous return revealed the internal, auto-poetic metrics of the legend. Their suspicions over their complicity in the telling of the legend grew incrementally stronger. They had made up the story only to be able to tell it again and again until it became a legend.

2 Introduction

In the ‘Khi + Ordo’ project, which came out of an exotic dance with academia and the art world (it was after all, in part, produced as part of the 2019 Abhivyakti City Arts Project, and our first dance, in that iteration, was with the terms of the contract we had to sign, which tried to appropriate all subsequent iterations of the project), Khi is an outsider; he is rarely ever seen across all of the various sessions produced other than as an apparition. Some of the sessions illustrated in preliminary photo-essays produced in 2019 were actually outtakes from Abhivyakti, where we went to offsite production to escape the confines of the White Cube/Black Box installation

we had set up at Dinesh Hall in Ahmedabad.¹ ‘We’ became complicit along the way in the agency of the narrative, calling ourselves ‘The Venusians.’ The Venusians inhabited the installation for 15 days and never once saw Khi. Instead, Khi haunted the 15-day performance as spectre. The chaos endured is the crisis. The crisis endured was both, the law of the performance project (its internal and external rules) and the inability to find Khi except as apparition. The photo-essay, ‘The art of law (and the law of art) is perpetual crisis’, focusing on the subject of art + law, and illustrating the conceptual field and time-sense otherwise known as preposterous presentism, utilises black-and-white images from the 15-day, performance-based installation associated with the 2019 Abhivyakti City Arts Project, wherein the ongoing story of ‘Khi + Ordo’ was to be re-told and paid forward. What transpired, instead, was an elaborate dance with chaos, partly self-imposed, illustrating that the art of law (and the law of art) is perpetual chaos, insofar as it also serves to deconstruct the rules, regulations, and edicts of art + law, in this case the art-academic industrial complex, notably an integral and zombie-like part of neoliberal knowledge production and globalised post-contemporary cultural production. This photo-essay is also a demonstration of the ensuing of the chaos, appearance and disappearance of law through art, and forms of juxtaposition of the two towards ‘elsewhere’. It *notates*, rather than notes, the field of experience that this creative chaos and crisis produces for art, and for law. It is worthwhile to note that the photo-essay also emerges through the crisis of inscription, performing a dance with clarity and obscurity, and should be read with such liminal sensibilities.

The tale of ‘Khi + Ordo’ (2017–) contains semi-absurd or magical-realist episodes concerning a police state (Ordo) and a man (Khi) who has slipped through the cracks. His life-work concerns collecting memories from non-human animate and derelict inanimate objects (such as trees, mermaids, banned books, and discarded woodwork) and creating a secret portal through which the brainwashed citizens of Ordo may pass to restore memories forbidden by Ordo. The tale is told by two Venusians, who are either the progenitors of the tale or characters in the tale. It is all quite ‘Brechtian’. The Venusians are both audience and actors, at once. There is no dispassionate point of view possible. Along the Abhivyakti City Arts Project’s iteration of the story, the Venusians lose the plot and end up examining their own complicity in the story. Did they create ‘Khi + Ordo’? Or did ‘Khi + Ordo’ create them? It is never quite clear.

During this hiatus, however, something quite mysterious occurs. Having built a tower from a set of transmedia divination cards (Fig. 2) utilised as props in the 15-day performance project, the tower (or house of cards) collapses, leaving behind a pile of cards that also indicates a vector (Fig. 5) by the disposition of two key cards pointing to a spot on the black carpet between the inner black curtain and the outer white curtain of the bespoke White Cube/Black Box theatre in which the performance project is intentionally confined. Just beyond that liminal space, i.e., the narrow passageway between the curtain of the outer White Cube and the curtain of the

¹ None of the 2019 photo-essays have yet been published. They are ‘internal’ OOI-MTA documents—i.e., part of the portfolio of research documents associated with the art collective’s multimedia archive.

inner Black Box, is a blank white wall (Fig. 8). It is on that wall that the Venusians then see the answer to the claustrophobic confines of the increasingly dark-vitalist narrative of ‘Khi + Ordo’ and the harrowing country-fair-like nature of the Abhivyakti City Arts Project. That ‘answer’ is also an escape route. The white wall screams at them, ‘else-where!’ They take this to mean that Khi has fled, in all senses, and that they are to do the same. Where he has fled to becomes the question, though across the entire arc of the two-year investigation they have only ever found signs of him. They suspect he appeared momentarily at the point marked by the vector and may have caused the fluttering curtains to knock over the tower.

Outside the confines of the claustrophobic and semi-tragic installation project, and further down the road, ‘else-where’ then appears as Garli, a small village in Himachal Pradesh. The Venusians note that Garli with the ‘r’ and ‘i’ transposed spells Grail. It is then that they realise that Khi may have appeared at Abhivyakti to suggest they seek what they are looking for in the foothills of the Himalaya—or, as far away from the edicts of the art-academic industrial complex as possible. The message seems to be that one set of laws must be negated for another to appear.

3 Photo-essay

The following nine images establish a dark-vitalist datum for the subsequent exegesis. In breaking out images and text we also propose to establish a rapport with the non-discursive visual component of the classic dance with chaos (Figs. 1, 2, 3, 4, 5, 6, 7, 8, 9).

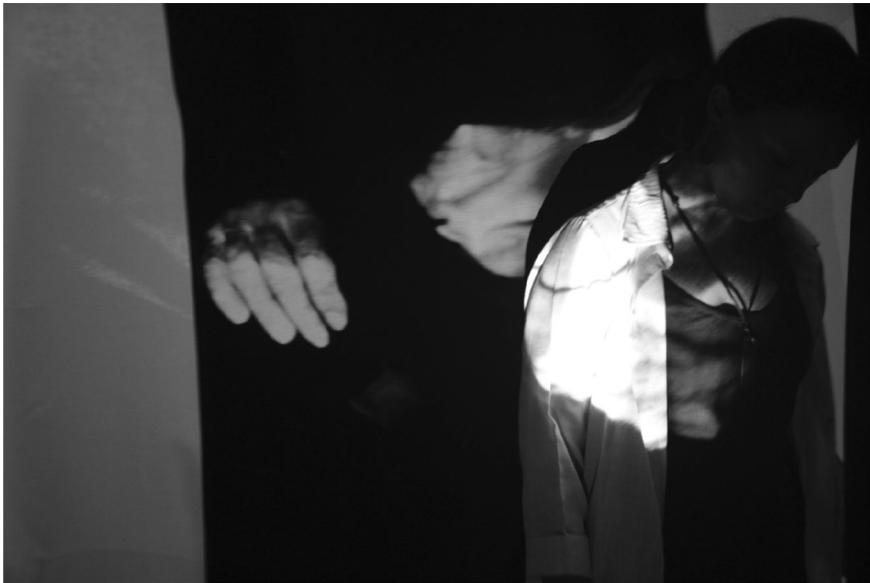


Fig. 1 *A Pensive Venusian*, Abhivyakti City Arts Project, 2019 (Photo by Harsh Bhavsar)



Fig. 2 *The Divination Cards*, Abhivyakti City Arts Project, 2019 (Photo by Harsh Bhavsar)



Fig. 3 *Apparitional Affects*, Abhivyakti City Arts Project, 2019 (Photo by Harsh Bhavsar)

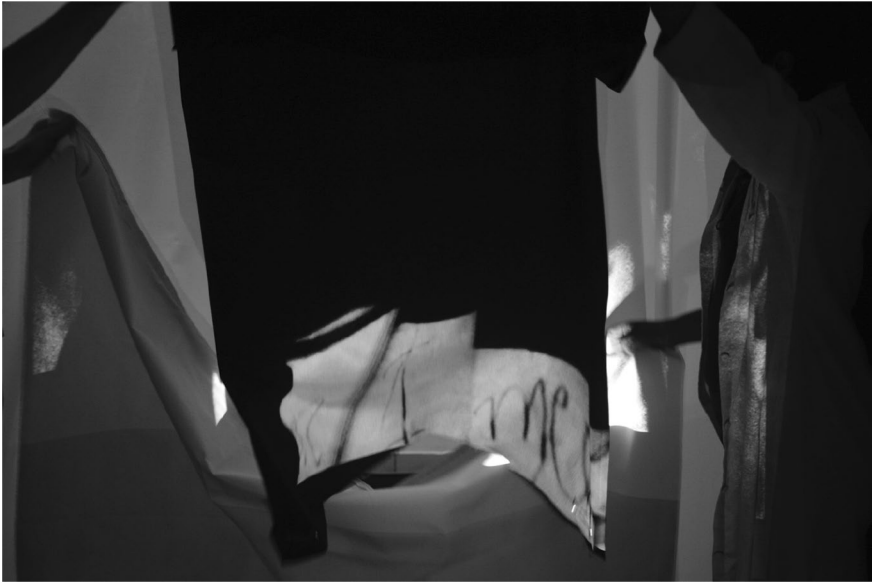


Fig. 4 *Messages from the Past*, Abhivyakti City Arts Project, 2019 (Photo by Harsh Bhavsar)

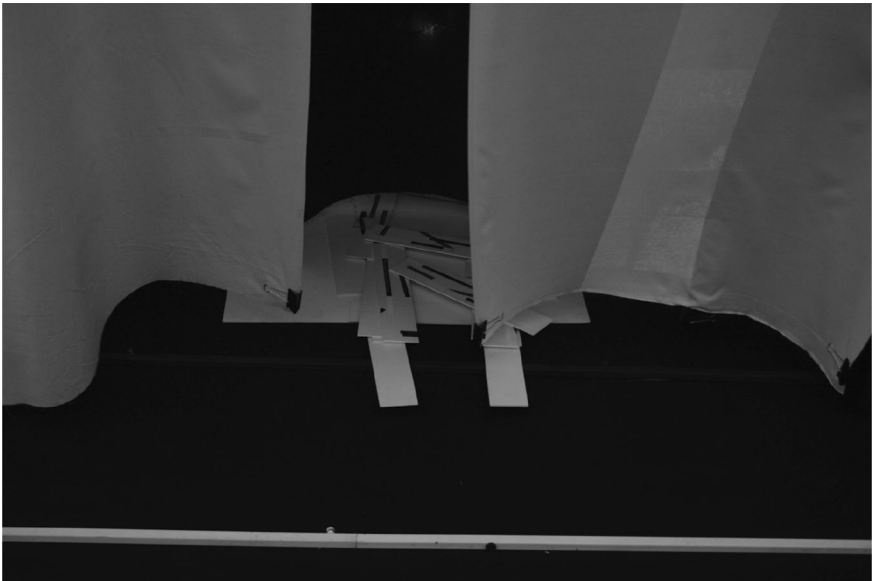


Fig. 5 *The Vector*, Abhivyakti City Arts Project, 2019 (Photo by Harsh Bhavsar)

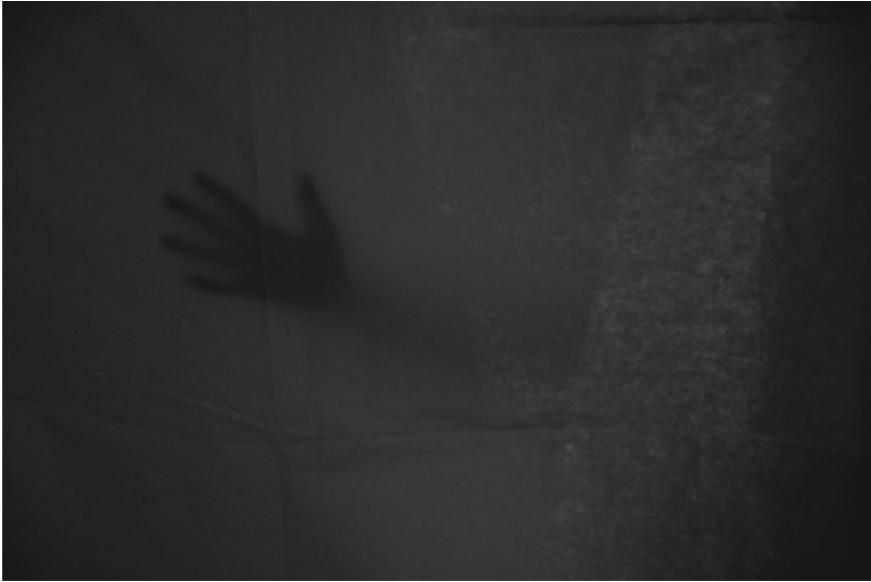


Fig. 6 *The Hand*, Abhivyakti City Arts Project, 2019 (Photo by Harsh Bhavsar)

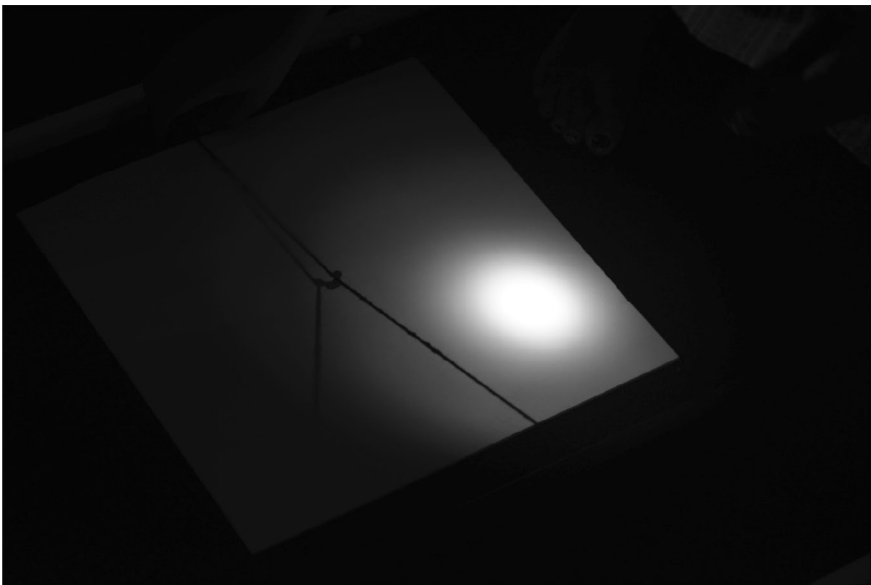


Fig. 7 *The Black Thread*, Abhivyakti City Arts Project, 2019 (Photo by Harsh Bhavsar)



Fig. 8 *The White Wall*, Abhivyakti City Arts Project, 2019 (Photo by Harsh Bhavsar)

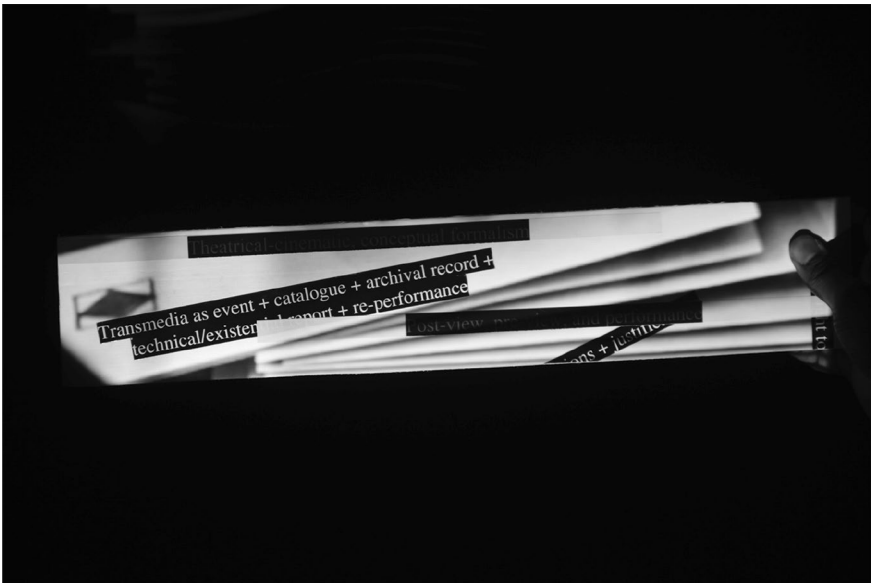


Fig. 9 *The Challenge*, Abhivyakti City Arts Project, 2019 (Photo by Harsh Bhavsar)

4 Spectral scriptorium + Garli²

The catastrophe of the Abhivyakti performance project was duly transcribed across a multimedia portfolio of iterative and aleatory works, inclusive of the following justification for ‘new walled gardens’—i.e., for finding whatever means are still at hand to protect art from law (the abominable rules and regulations associated with the art-academic industrial complex and regimes of intellectual property rights). The premise is that in abandoning careerist or monetary agendas in the search for forms of artistic scholarship that open on to higher laws given to art, what cannot be seen is seen and what cannot be predicted occurs. This signals that the Grail suggested by the place-name Garli is the safeguarding of anti-careerist and anti-capitalist works of artistic scholarship that demolish the edicts of Ordo. Khi, in collecting memories and making them available to the brainwashed citizens of Ordo, is, in many senses, the fugitive artist-scholar operating at the most subversive level possible—art as mnemonics.³

The universal subject of art is the subject of art itself. The milieu of artistic scholarship is the iterative transfiguration of that subjective state. Never static, and never mere abstract or hypostatised state, the subject of art is the subject of artistic scholarship. Tautologies and forms of presentism in works of art spell out this complex, while the complex shifts and turns according to the predicates or statements of the works in question.

The commercium of academia and the spectacular conditions of the art world, if to be negated in works of artistic scholarship and works for works, require a type of milieu that permits the return of the a-temporal and temporal terms of engagement for art and scholarship to inherent properties, shedding in the process the acquired traits of a very different order of reductive means to ends that connote operativity and, therefore, use and so-called value. These include all of the historically determined justifications, plus all of the passing socio-cultural concerns of the day, while the antithetical reductive force of the work of art or artistic scholarship as subject only to the internal metrics of art opens successive and indeterminate senses of time, purpose, no purpose, and—critically—a-temporality as form of time for works (Fig. 10).⁴

² N.B.: The structuralist-inspired justification for a non-spatial model of scriptoria presented here is an excerpt from Gavin Keeney, ‘Lived Law and Works for Works’ in *Works for Works: Book 1, Useless Beauty* (Punctum Books, forthcoming 2022). The tenets of the ‘Works for Works’ project, as summarised in *Useless Beauty*, form a diagnosis of the immanentist, post-contemporary paradox artist-scholars operate within today as, nominally, slaves. The remedy, via a focus on escaping the dictates of capital through a ‘no rights’ idiom for works of artistic scholarship, will be presented in Gavin Keeney, *Works for Works: Book 2, “No Rights”* (Punctum Books, forthcoming 2024). The conceptual basis for the ‘no rights’ agenda is developed from Giorgio Agamben’s writings on Franciscanism. See, for example, Giorgio Agamben, *The Highest Poverty: Monastic Rules and Form-of-Life* (Adam Kotsko tr, Stanford University Press 2013).

³ See Frances A Yates, *The Art of Memory* (University of Chicago Press 1974).

⁴ See Krzysztof Ziarek, *The Force of Art* (Stanford University Press 2004) (see, especially, the chapter ‘Art as Forcework’, 19–59). Ziarek remarks: ‘The work of art, understood as a force field [Adorno], immediately reveals a different internal momentum and a new set of relationships to society. For one thing, the tensions and constellations of forces render the artwork dynamic, disclosing it as an event,



Fig. 10 *The Ruins*, Garli, Himachal Pradesh, 2020 (Photo by Ishita Jain)

Scriptorium as milieu is a proscribed world.⁵ What does it shut out and what does it shut in? And to what end? If it shuts out rote operativity, it also encloses speculative inoperativity as a form of ultra-operativity. The paradox is telling, though also self-serving for works. To make inoperativity operative is to privilege a set of concerns that are nominally buried or inoperative in the operative fields of art and scholarship as defined by external agency.

Footnote 4 (continued)

a temporalizing occurrence and a transformative rupture, whose features become unrecognizable in the notion of an aesthetic object [...] As a field of forces, the artwork remains irreducible to its socially dictated functions—discrete object of aesthetic experience, and commodity—no matter how strenuously these rules are enforced by cultural commerce’ (ibid. 19). Ziarek goes on to describe the force of art by way of the term *aphesis*, ‘a releasing, a letting be or a letting go, deliverance, and even liberty’ (ibid. 22). ‘[T]he work of art is first and foremost a spatial-temporal and *nonviolent* play of forces, a play that remains in excess of and, as such, critical of art’s function as an aesthetic commodity, the function that brings art in line with the general social economy of power and production’ (ibid.). ‘The event is a decisive and radical intervention of the way things have been before, an alteration in the historical force field, which frees up the force of the possible’ (ibid. 27).

⁵ See Keeney, ‘Lived Law and Works for Works’ (n 2).

Silence as antithesis to noise is an example of an operative field of inoperativity. Per John Cage, Daniel Barenboim, et al., silence underwrites music.⁶ In the context of scriptoria for artistic scholarship, silence is the exclusion of discursive noise—in disciplines and in various markets that facilitate the appropriation and expropriation of ‘art and scholarship’ (i.e., artistic scholarship) as form of capital. Through operative inoperativity, therefore, silence acquires a voice. Notably, it first speaks by omission—by not speaking. It then acquires its own voice, external noise excluded (Fig. 11).



Fig. 11 *The Mountains*, Garli, Himachal Pradesh, 2020 (Photo by Ishita Jain)

⁶ Common knowledge in classical music, this understanding of how silence punctuates musical compositions was subsequently adopted as a badge of courage and ‘weaponised’ by modernist avant-garde composers. John Cage’s totally silent *4’33”* is the usual point of reference for the most extreme position taken in this regard.

Two problems arise that are also incipient paralogisms. Stated in proleptic terms they are: 1/ That the space of the scriptoria, whatever form that may take, does not reify artistic and curatorial hubris, re-privileging authorial ‘licence’;⁷ and 2/ that the exception, always elective, does not invalidate works that are not of the same class or diminish the value of socio-economic and socio-cultural commentary through works that operate in and through ‘markets’. The first proviso establishes a datum for authorial intent and a relationship to the ‘history’ and ‘no history’ paradox of the works for works idiom.⁸ The second proviso refuses categorical and systemic incorporations of ideology at the expense of complexity and non-uniformity. In some of the more peculiar time-senses associated with the incipient or possible justifications for scriptoria, there is a non-ideological ‘wilding’ or ‘re-wilding’ for works that is predicated upon excluding all forms of ideology that might serve as a Trojan horse for the re-institution or re-introduction of banished forms of conformity, utility, and patrimonialism. The peculiar instance of incipient presentism in works for works is the foremost example of a time-sense that engages the temporal and the a-temporal, the historical and the a-historical, and the theological and the a-theological ‘registers’ that inhabit the scriptoria model.

Such an elective system for artist-scholars is not new. Only the modalities change, as in the well-worn dictum that technology is not the problem, it is the use of technology that may be the problem. In the case of the OOI-MTA engagement with the art-academic industrial complex, the necessary diagnosis was formed across engagement. The necessary antidote or remedy requires, if only temporarily, the imposition of an embargo on all careerist and capitalist motives for works; thus, dis-engagement. From that position, it is argued here, that something quite remarkable, and something not necessarily new, may emerge or re-emerge.

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Declarations

Conflict of interest The authors have no conflict of interest to declare that are relevant to the content of this article.

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⁷ See Georges Canguilhem, ‘The Living and Its Milieu’ (John Savage tr) (2001) 3 *Grey Room* 7, first published in Georges Canguilhem, *La Connaissance de la Vie* (Hachette 1952) 27. ‘Living man takes from his relationship with man the scholar, in whose work ordinary perceptive experience finds itself contradicted and corrected, a sort of unconscious fatuousness that leads him to prefer his own milieu to that of other living things as having not only a different value, but a higher degree of reality.’ See also John Ruskin, *The Stones of Venice*, Volume III: *The Fall* (Cosimo Inc. 2013) 170–171: ‘[A]rt is valuable or otherwise, only as it expresses the personality, activity, and living perception of a good and great human soul; that it may express and contain this with little help from execution, and less from science; and that if it have not this, if it show not the vigour, perception, and invention of a mighty human spirit, it is worthless.’ ‘Worthless’, in this context, is relative to what Ruskin is proscribing within the rhetorical ambit of the statement.

⁸ This aspect of silencing the discursive noise of the past, in terms of forms of artistic scholarship, is discussed in detail in Keeney, ‘Lived Law and Works for Works’ (n 2).

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