

The Manufacturing of Rights *Beirut*

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Content

Introduction

The Manufacturing of Rights by <i>Council</i>	7
Set up: Audio Infrastructure for Objective Proximity by <i>Lawrence Abu Hamdan</i>	14
Illustrations: Creole Portraits III: “bringing down the flowers...” by <i>Joscelyn Gardner</i>	15

List of Illustrations	16
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Cases

#1 <i>Vanessa Agard-Jones</i> , Chlordécone in France and the Antilles	19
#2 <i>Nayla Geagea</i> , Indecencies	24
#3 <i>Adrian Lahoud</i> , The Case for Di Aping	27
#4 <i>Yumna Makhlouf</i> , Plato on Trial	28
#5 <i>Carlos Motta</i> , Descos / رغبات	30
#6 <i>Karim Nammour</i> , The Dekwaneh Case	31
#7 <i>Arvind Narrain</i> , A Tale of Two Judgments: Between Empathy and Contempt	33
#8 <i>Émilie Notéris</i> , Another Earth	34
#9 <i>Linn Tonstad</i> , God, Nature, and the Nature of God	35
#10 <i>Zeb Tortorici</i> , Unnatural Bodies, Desires, and Devotions	37

Notes for a Future Online Platform	41
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Contributors	51
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The Manufacturing of Rights

by *Council*

A Legacy

As heirs to a secular legal system with a religious imprint, we use the concept and figure *Nature* to criminalize individuals for non-reproductive sexual orientations, gender identities, or ways of being. The legal language to support such criminalization often stems from colonial legal codes: the Napoleonic penal code, for example, and various British texts. Defined in some penal codes as an “act against Nature” (Article 534–1943 Lebanon), “carnal intercourse against the order of Nature” (Section 377–1860 India) or “carnal knowledge against the order of Nature” (Article 162 – 1930 Kenya), these laws often had no cultural translation in former French and English colonies. Using this arbitrary concept dividing what is “natural” and “unnatural,” politicians, judges or religious figures still ascribe to *Nature* an undeniable source of authority, enforcing such divisions with the full coercive power of the state. Ultimately, the condemnation of the colonial origins of contra *naturam* laws is important but insufficient; we bear responsibility for the continuing exercise of these laws in the present.

This authority is arguably based on religious morality: the expression personifies Nature as a female figure, “a nurturing mother” whose attributes are laws which impel anyone to obey her; it also refers to Nature as a pure environment of chaotic force separated from and threatened by human action. In both ways, *Nature*’s power is recognized and feared. In fact, the order of Nature became a paradigm, a system of beliefs that creates an integrated and unified vision of the world, so convincing that people confuse it with reality. Indebted to Lorraine’s Daston and Fernando Vidal’s reader *The Moral Authority of Nature*, this project identifies *Nature*’s authority as a problem and aims to contribute a cross-cultural dimension to “shift the

focus of inquiry from the existence and (il)legitimacy of nature's authority to its jurisdictions and workings.”¹

Legal Gesture

In Lebanon, there is no legal document that defines what “against nature” means with regards to the law. Recent cases (in 2009 and 2014) supported by the Beirut-based social justice organization Legal Agenda demonstrated that judges have the right to interpret the concept of nature in such ways as to dismiss accusations of same-sex relations and sodomy. In 2009, for example, Judge Mounir Suleiman delivered the following verdict, in a criminal case in which two men were accused of violating Article 534 of the Lebanese Penal Code: “... whereas if it were up to the Judge's decision, we believe that man has not been able to understand all the aspects of the laws of nature and is still trying to explore nature and his own even; whereas based on the aforementioned, the concept of the ‘unnatural’ is related to society's mind set, customs and its acceptability of new natural patterns which he is not familiar with or that are not acceptable yet; whereas man is part of nature and one of its elements, and a cell within a cell in it, it cannot be said that any practice of his or any behavior of his is against nature even if it is a criminal act because it is the laws of nature. If it rained in summer, if a heat wave struck in winter, or if a tree bore fruit after its usual time, it is all in accordance with the system and laws of nature for it is nature itself...”

Based on this precedent, Council has proposed *The Manufacturing of Rights*, a pluridisciplinary inquiry that unfolds a series of new arguments to show how the concept of Nature is imbued with multiple, contradictory meanings used to regulate societal norms.

Composition

In order to sketch a culture around Article 534, Council gathered together perspectives and disciplines, including history, anthropology, literature and visual art. For *The Manufacturing of Rights*, each contributor becomes *Nature's* ventriloquist, conveying understandings of the term through presented legal cases with historical and contemporary, real and speculative implications.

Key to this project is the understanding of how diverse bodies and sexualities have always been objects of examination, crudely judged by scientific authorities and dominant discourses. In Linn Tonstad's text,





bodies are first inspected in Christian and Muslim traditions in order to conclude on their conformity with God's will or the nature of God. In *Deseos* / رغبات , Carlos Motta's new film co-written with Maya Mikdashi, set against both the Ottoman empire and 19th century Colombia, one of the characters is clinically investigated for her hermaphroditic body, while the other's desire is subject of her family's condemnation. For Karim Nammour's case, the bodies of those arrested in Lebanon are detained in clear violation of the Code of Criminal Procedures, then illegally inspected by doctors—who can only fail to produce scientific evidence of the practice of sodomy. Finally, Arvind Narrain's case questions the civil institutionalization of the third gender in India today, via its creation of a law that protects transgenders (“hijras”) while discriminating against others, such as gays and lesbians as “aliens to Indian culture.”

Another important conversation point concerns *Nature's* role in the history of nation-states and colonialism. As Eric Gitari explains in reference to traditional rituals and 1930's lifestyles in Kenya, and as does Zeb Tortorici's research on a 1563 trial on bestiality, the normalization of bodies and minds is symptomatic of colonial expansion and its imposition of Western values. If, as Andil Gosine asserts, “The survival of nations demands the reproduction of bodies,”² then the ways in which nation-states have monitored women's biology, according to a logic of races, can also be read as strategies for controlling space and resources. In contemporary terms, one's nationality and gender still determines individual rights and affects the circulation of bodies in space. In Lebanon, for instance, men and women do not possess equal rights in front of the law, and women cannot pass on citizenship to their children. In a 2014 ruling in Lebanon, researched by Younna Makhoul, a convicted transwoman doubly loses rights in light of her lack of citizenship (she was born to a Turkish father) and transition to a fully female body. In fact, in Arabic, “sexuality” and “nationality” share the same root in the word “Jenssiah,” (used repeatedly in reference to the defendant's sexuality and nationality) which becomes the starting point of Marwa Arsanios and Lawrence Abu Hamdan co-authored intervention.

Character in Pauline Boudry and Renate Lorenz's film *Toxic*, brings another element of iconography to the project. By altering the customary image of Nature as a pure female figure, the film demonstrates the extent to which bodies are inevitably tied to their environment, simultaneously

toxic and intoxicated by one another. Vanessa Agard-Jones also apprehends humans' ecological interdependence through the widespread occurrence of toxicity in the Caribbean, where pesticides used on banana plantations have generated high rates of reproductive cancers in island residents. Whereas in Joscelyn Gardner's drawings, toxic plants found in the Caribbean are in fact weapons of resistance, used as a natural abortifacients by Creole women in the 18th century to resist slavery and the use of their bodies as "breeders" of new slaves.

Hence, an inquiry into pre-modern, non-Western understandings of *Nature(s)* has informed the background of this project. In Émilie Notéris' *Otherearth*, set in 2050, the impossibility of distinguishing between such concepts as Nature and Culture has contributed to a new "order" in which *Nature*, itself a subject of rights, plays a role in international negotiations and environmental politics. This world is also claimed by the voice of Sudanese diplomat Lumumba Di-Aping who, during the 2009 United Nations Climate Change Conference, accused industrialized nations of the world of condemning millions in Africa to certain death. According to Adrian Lahoud, who brought this case forward, it foresees ecological violence in the form of a future genocide, which will affect the way *Nature* is appealed to in the court of justice. In *The Manufacturing of Rights*, then, the figure of Nature is paradoxically, both convicted and protected, accused of dictating norms on the one hand, and victim of human actions on the other.

The colloquium and the online platform

The Manufacturing of Rights colloquium (May 14–16, 2015) is also conceived as a step in designing an online platform. Over the course of this three-day public conference, all participants are invited to share legal cases referring to *Nature*, in the form of short speeches, lecture-performances, audio pieces and films. These sessions are disseminated live (in both English and Arabic) to the public through Lawrence Abu Hamdan's audio system, where no amplified voices are broadcast into the space and, instead, one can only access the voices of speakers by wearing a set of personal headphones. Questioning how law can "hear" better, this intervention removes the speaker's body from the scene and aims to refocus the audience's attention on what is said rather than what is seen. Each case will then be mapped onto a web cartography connecting all 50 countries that currently share the same "act against Nature" provision.

During the colloquium, another session conducted by David Kim, is dedicated the collective production of keywords and, ultimately, the conception of three new argumentations or "model defenses."

In general, model defenses seek to empower advocates, judges, and citizens by assembling an array of potential arguments against a law or policy. Legal Agenda wrote and used such a model defense to offer the possibility of new interpretations of Article 534. In broadly similar fashion, the online platform seek to accomplish three goals: compile arguments against laws like Article 534, adapt those arguments to three cultural legal contexts of focus here, Lebanon, India, and Kenya; and incorporate a full range of disciplinary perspectives (and arguments) generated during the colloquium. Ideally, these model defenses—both as structure and substantive examples—will enable advocates, judges, and citizens to inject new perspectives on Nature into courts, and the writings of legal and social histories.

The Manufacturing of Rights inquiry, colloquium and platform are hybrid objects, cultural and legal tools, intended to equip and inspire judges, lawmakers and researchers. To this effect, the project shall continue to circulate in different contexts and countries, along with cultural producers, researchers or activists who wish to speak on behalf of *Nature*.

1. Lorraine Daston and Fernando Vidal, eds., *The Moral Authority of Nature* (Chicago: University of Chicago Press, 2004), especially: Daston and Vidal's introduction; and Katherine Park, "Nature in Person: Medieval and Renaissance Allegories and Emblems."
2. Andil Gosine, "Non-white Reproduction and Same-Sex Eroticism: Queer Acts against Nature," in *Queer Ecologies*: eds., *Sex, Nature, Politics, Desire*, eds. Bruce Erickson and Catriona Mortimer-Sandilands (Bloomington: Indiana University Press, 2010).

Set up: Audio Infrastructure for Objective Proximity

by *Lawrence Abu Hamdan*

Representative politics often cares little about the politics of representation. The conventions of speech and how we are being heard in legal and political forums are maintained to this day by arcane architectures and monumental amphitheatres of public address. The use of technologies of amplification or video-link are quickly co-opted by those in powerful positions of speech in order to control the flow of voices and dictate the time and place for each speaker to be heard. As such, artist Lawrence Abu Hamdan, whose work with sound is realized as both art and expert testimony, questions how listening can be conducted better in such legal hearings. One such experimental proposal for an alternate politics of representation is presented by the artist at the Manufacturing of Rights colloquium in the form of a perverted system for simultaneous translation. In Abu Hamdan's speaker system, there is no amplified voice broadcast into the space, and one can only access the voices of the speakers by wearing a set of personal headphones. This small change in the system of public address is designed to allow that all have an equal proximity to the speaking voice, regardless of where one is seated in the room. It is designed as a system where all voices are as loud as each other and where the confident capacity of vocal projection is not privileged. Moreover, this is a system that complicates the necessity of presence and the staging of speech, as here one need not present directly in front of an audience but can instead remain concealed; a face can remain detached from its voice. Hence, this system is an attempt to invert the old adage of those who are to be seen but not heard, to those who can choose to be heard but not seen.

Illustrations: Creole Portraits III: “bringing down the flowers...”

by *Joscelyn Gardner*

Creole Portraits III alludes to the 18th century practice by slave women on Caribbean plantations of using tropical plants as natural abortifacients. As an act of political resistance against their exploitation as “breeders” of new slaves and to protest the inhumanity of slavery, some slave women chose to either abort or kill their offspring. Armed with practical knowledge passed on orally from their African ancestors and/or Amerindian counterparts, enslaved Creole women collected the seeds, bark, flowers, sap, and roots from various plants which allowed them to secretly put an end to their pregnancies. This series of female Creole portraits is “named” for the botanical specimens used by these women to induce abortion. The lithographic portraits reveal intricately braided Afro-centric hairstyles viewed from behind entwined within the iron slave collars which were used to punish female slaves accused of inducing abortion. Each portrait also displays one of the botanical specimens used for this purpose.

Creole Portraits III: “bringing down the flowers...”

Joscelyn Gardner

- | | | |
|---|---|---|
| 1.
<u>Aristolochia bilobata</u>
(Nimine)
2010
Hand-colored lithograph
on frosted mylar
36" x 24" | 6.
<u>Convolvulus jalapa</u>
(Yara)
2010
Hand-colored lithograph
on frosted mylar
36" x 24" | 11.
<u>Eryngium foetidum</u>
(Prue)
2009
Hand-colored lithograph
on frosted mylar
36" x 24" |
| 2.
<u>Veronica frutescens</u>
(Mazerine)
2009
Hand-colored lithograph
on frosted mylar
36" x 24" | 7.
<u>Petiveria aliacea</u>
(Mirtilla)
2011
Hand-colored lithograph
on frosted mylar
36" x 24" | 12.
<u>Trichilia trifoliata</u>
(Quamina)
2011
Hand-colored lithograph
on frosted mylar
36" x 24" |
| 3.
<u>Hibiscus esculentus</u>
(Sibyl)
2009
Hand-colored lithograph
on frosted mylar
36" x 24" | 8.
<u>Bromeliad penguin</u>
(Abba)
2011
Hand-colored lithograph
on frosted mylar
36" x 24" | |
| 4.
<u>Coffea Arabica</u>
(Clarissa)
2011
Hand-colored lithograph
on frosted mylar
36" x 24" | 9.
<u>Mimosa pudica</u>
(Yabba)
2009
Hand-colored lithograph
on frosted mylar
36" x 24" | |
| 5.
<u>Cinchona pubescens</u>
(Nago Hanah)
2011
Hand-colored lithograph
on frosted mylar
36" x 24" | 10.
<u>Manihot flabellifolia</u>
(Old Catalina)
2011
Hand-colored lithograph
on frosted mylar
36" x 24" | |



Chlordécone in France and the Antilles

by *Vanessa Agard-Jones*

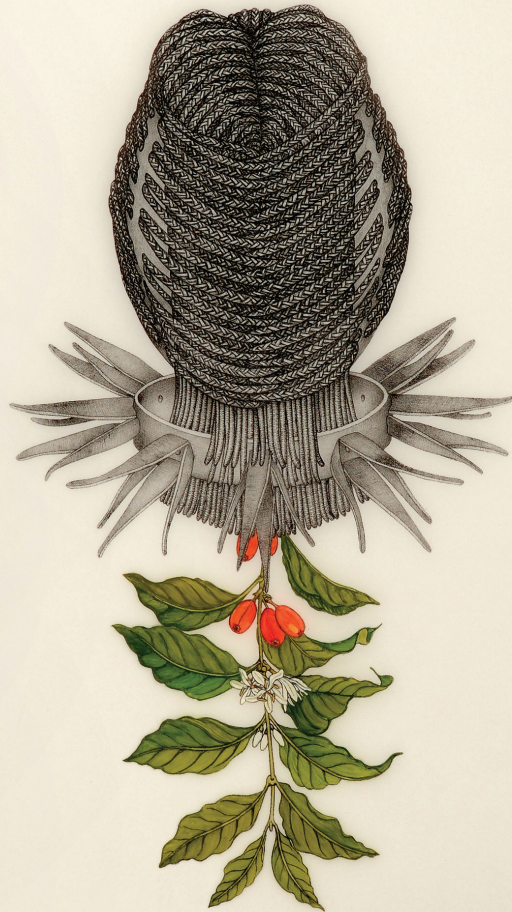
Date: 1970

Location: French Antilles

At issue:

This case centers upon bodily exposures to chlordécone/kepone (C10Cl10O), an organochlorine pesticide produced in the United States from 1951-1975 by Allied Chemical Company. Called an “insecticide of the poor,”¹ the chemical was used primarily in tropical agriculture in Africa, Latin America, and the Caribbean. In the French Antilles (i.e. Martinique and Guadeloupe: territories that are fully incorporated parts of France and members of the European Union), the compound saw widespread use on banana plantations from the late 1970s-1990s, only *after* its interdiction in France, the United States, and in other countries of the global North. Considered a persistent organic pollutant (POP) by the United Nations Environment Programme, it has been posited that it would take between 150 and 600 years for the chemical to break down naturally in the environment. Thus it is in the land—and in people’s bodies—to stay.

Because of the colonial and postslavery politics that condition the relationship between France and these islands, community activists have charged that their exposure to this chemical has both potential and actual genocidal effects.² They point to the fact that island residents experience high rates of reproductive cancers (breast and prostate cancer foremost among them), but also articulate less scientifically-substantiated concerns about intersex births and the sexual effects of endocrine disrupting chemicals.³ A complicated politics of culpability has arisen in the wake of this contamination. Various actors—including French (and European) regulatory agencies, the U.S. companies that first developed and distributed the compound, and the plantation owners that



re/distributed it—have been targeted as the source of blame. There has as yet been no legal action/tort claim in Martinique to address the contamination.

Against "Nature":

Naturalist arguments about pesticide exposure abound. Most iconic in the anglophone world are those made by Rachel Carson in her 1962 *Silent Spring*, in which she argues that widespread use of synthetic insecticides/fungicides: a) present a false sense that humans might control nature, b) suggest that humans are somehow separate from the natural world they seek to control and c) reflect our inability to apprehend ecological interdependence, which in turn has led to our “cumulative poisoning.”⁴ These positions are resonant with the discourse of contemporary grassroots political actors in many places around the globe who articulate opposition to “Big Chemical”: the multinational, corporate interests (and their government allies) that develop and distribute these products/“poisons.”

In the case of chlordécone, arguments about the “natural” tend to relate to the chemical’s status as both a carcinogen and an endocrine disruptor—a compound that produces estrogen-mimicking and anti-androgenic effects in both human and non-human animal bodies.⁵ Claims about the sexual and reproductive consequences of exposure are thus at the heart of arguments about the contamination’s severity, and these in turn rely upon ideas about a “natural” body, its optimum health, and its “natural” genders, sexes, and sexualities. For example, while Martinican community activists make trenchant claims about chemical exposure and its attendant deleterious health effects, a range of actors on the island also link these exposures to a more generalized “crisis of masculinity,” that they index both by impotence from prostate trouble but also by their ideas about estrogenic male bodies and their relationship to same-sex desire.⁶

Feminist science studies scholars and queer ecologists offer important rejoinders to these concerns: while they insist that we keep in view “the physical production and distribution of chemical harm and dispossession”⁷—the environmental racism/imperialism that makes possible unequal exposures— they also insist upon: a) the denaturalization of heterosexist ideas about a “natural” body and b) an acknowledgement of the tremendous sexual diversity found in “nature.”⁸ They ask: what would it mean to take these anxieties seriously, without relying upon sex panic to justify our concerns about the bodily effects of toxicity?

Further background for the case:

Chlordécone was first synthesized in 1951 in the United States, one of many new compounds produced in the post-World War II chemical boom. Patented for the commercial market the next year by Allied Signal Company (later, the Allied Chemical Corporation), widespread production of the compound began in 1958 under the names Kepone and GC-1189. From 1958-1975, Allied’s factories in Delaware, Pennsylvania, and Virginia pumped out 3.6 million pounds of the active material, out of which they made 55 different commercial formulations. Of these formulations, the most popular were its pesticides, created to combat roaches, leaf-eating insects, and the larvae of a variety of root-boring pests.

According to the National Research Council, between 90 and 99.2 percent of the chlordécone produced domestically from 1958-1975 was exported to Latin America, Africa, and the Caribbean.⁹ In the continental United States, the compound was only registered for use in very low doses in ant and cockroach traps, thus market saturation came quickly, but its recombinations abroad were of a much stronger concentration, and were intended for widespread application in foreign agricultural industries.¹⁰

From 1974-1975, Allied subcontracted their chlordécone production to the Life Sciences Product Company’s factory in Hopewell, Virginia. During an accident at that factory in 1975, over 150 workers were exposed to the chemical at very high doses, and as much as 45,000kg of the compound was spilled into the James River. While early scientific studies focused on the acute effects of direct exposure for the workers, the deep contamination of the James prompted further attention to chlordécone’s chronic impacts. The year after the spill, U.S. regulatory agencies halted all domestic chlordécone production, and by 1979 an international agency for cancer research had declared chlordécone to be a (possible) carcinogen and a (certain) endocrine disruptor.

From 1972-1975 the Société Laurent de Laguarigue—one of a handful of family-owned companies that trace their land-ownership and wealth to the slave-holding, plantation past—was the principal importer of chlordécone in Martinique. When back-to-back hurricane seasons threatened the island’s banana plantations in 1979 (and their stocks of chlordécone had been stemmed by the U.S.’ interdiction), these businessmen came up with a plan. Though Allied Chemical had ceased production of the compound, representatives of this society traveled to the United States to arrange

for the purchase of all that had been stockpiled in their storage facilities. They went even further, purchasing the patent for chlordécone and subsequently funded the development of a new combination for use in the banana industry. Re-branded under the name Curlone, the société contracted with a factory in Brazil and recommenced export, sending Curlone principally to the francophone world and to Eastern Europe. In just two years, the Société Laurent de Laguarigue created a new, southern circuit for the pesticide's production and circulation. Through application of both economic and political pressure, in 1981 these planters secured authorization from Parisian authorities to use Curlone, explicitly listing chlordécone as its active ingredient, in the Antilles. So, from 1981-1993 the Société de Laguarigue took up where Allied Chemical had left off, only ceasing their production and distribution when in 1990 the French government retracted their authorization for sale, giving the Société and their allied planters until 1992 to find new solutions to their pest problems. It took until 1993 for France to issue a definitive injunction against chlordécone's use.

Activists point to three signal affronts relative to the French government's handling of the chlordécone issue in the Antilles: 1) that the state issued permission to restart imports in 1981, even after the chemical had been regulated by international bodies and was subject to scientific re-evaluation; 2) that there was a three-year gap between the state's (renewed) acknowledgement of the pesticide's danger in 1990 and its final interdiction in 1993; and 3) that in the time since interdiction little has been done to address the already-advanced contamination of the island and to plan for its long-term after-effects.

1. Verdol, Philippe, Du chlordécone comme arme chimique française en Guadeloupe et en Martinique et de ses effets en Europe et dans le monde. Paris: L'Harmattan, 2014, p.14.
2. See, for example, subsection four of chapter four of Confiant and Boutrin's *Chronique*, "Un génocide... par stérilisation!" or this blog post by Seitu Karanja <http://nuso-lidematnik.over-blog.com/2014/10/le-genocide-au-chlordecone-article-tambu-mawon-n-5-nov-2008.html>; or this one by Allain Jules M.: <http://allainjules.com/2010/06/26/chlordecone-nouveau-genocide-des-noirs/>
3. On breast and prostate cancer in Martinique, see: Landau-Ossondo, M, N Rabia, J Jos-Pelage, L M Marquet, Y Isidore, C Saint-Aimé, M Martin, P Irigaray, D Belpomme, and ARTAC international research group on pesticides. "Why Pesticides Could Be a Common Cause of Prostate and Breast Cancers in the French Caribbean Island, Martinique. An Overview on Key Mechanisms of Pesticide-induced Cancer." Biomedicine & pharmacotherapy = Biomédecine & pharmacothérapie 63, no. 6 (2009).
4. Carson, Rachel. Silent Spring. Houghton Mifflin Harcourt, [1962] 2002, p.173.
5. For scientific studies, see an early example: Hammond, Bruce, Benita S Katzenellenbogen, Nina Krauthammer, and John McConnell. "Estrogenic Activity of the Insecticide Chlordecone (Kepone) and Interaction with Uterine Estrogen Receptors." Proceedings of the National Academy of Sciences 76, no. 12 (1979): 6641-6645 and a more contemporary one: Sonnenschein, Carlos, and Ana M Soto. "An Updated Review of Environmental Estrogen and Androgen Mimics and Antagonists." The Journal of Steroid Biochemistry and Molecular Biology 65, no. 1 (1998): 143-150.
6. 2013's Vaval (the effigy that represents Carnaval) is a fantastic example. For an analysis, see Agard-Jones, Vanessa. "Bodies in the System." Small Axe: A Caribbean Journal of Criticism 17, no. 3 42 (2013), and for the discourse, see the 2013 obsèques (funeral announcement), in the local newspaper (France Antilles): <http://www.martinique.franceantilles.fr/actualite/culture/carnaval-de-martinique-2013/marie-par-tous-avalest-mort-193212.php> and read aloud here: <https://www.youtube.com/watch?v=RUaBk8zaDXE>
7. Murphy, Michelle. "Chemical Regimes of Living." Environmental History 13, no. 4 (2008): 698.
8. Feminist/queer counter-analyses of this literature include; Ah-King, Malin, and Eva Hayward. "Toxic Sexes: Perverting Pollution and Queering Hormone Disruption." O-zone: A Journal of Object Oriented Studies 1 (2013); Langston, Nancy. "Rachel Carson's Legacy: Endocrine Disrupting Chemicals and Gender Concerns." GALA-Ecological Perspectives for Science and Society 21, no. 3 (2012): 225-229; Roberts, Celia. "Drowning in a Sea of Estrogens: Sex Hormones, Sexual Reproduction and Sex." Sexualities 6, no. 2 (2003).
9. National Research Council. Kepone/mirex/hexachlorocyclopentadiene, An Environmental Assessment: A Report. Scientific and Technical Assessments of Environmental Pollutants. Washington, DC: National Academies of Science, 1978.
10. In addition to this "foreign" export, the pesticide was widely used in Puerto Rico's banana industry. See National Research Council report, above.

Indecencies

by *Nayla Geagea*

Date: 1996–2004

Location: Lebanon

The term act or intercourse against nature has been mentioned in two judgments of the Lebanese Court of Cassation, within the frame of a sexual act through the anus between a man and a woman. In the first case, the court considered that the sexual act occurred with the woman's consent, thus convicted the defendant on the basis of Article 534 of the Penal Code. In the second case, where the use of violence, threat and coercion was proven, the court convicted both defendants on basis of the Article 507—committing an act against decency using violence or threat—after having excluded the act of rape, and considered that any act against nature is considered an act of indecency.

In the proceedings of the first case¹:

Whereas the accuser testified that the defendant had sex with her by force, she later dropped her charges. After trying to summon her as a witness, it was revealed that she had left the country.

And whereas the defendant stated in the initial investigation that he laid the maid on her stomach and put his penis between her thighs,

And whereas I make clear his statement of the interrogatory phase in the third page of the lawsuit record repeating what he stated in the first investigation, and that he put his penis between her thighs from behind,

And whereas the forensic doctor who examined the accuser presented a report containing that there were no traces of contusions, beatings or violence on any part of the body, and that he detected no trace of bruising or redness or bleeding in or around any of the genital organs, and that the hymen had been broken for a long period of time and that he was unable to find any tangible evidence of intercourse,

And whereas the defendant insists on what happened with the accused woman who dropped her charges was with her consent,

In the court's reasoning:

And whereas the court, after examining the investigations and both the accuser's and the defendant's statements in all stages of the litigation and in all documents including the doctor's report, considers that it is not unequivocally certain that the defendant's coerced the accuser to perform an act against decency, but through her, it was proven that he had a copulation against nature with the accuser; an act punishable under Article 534

X. X,

For these reasons, the defendant was sentenced guilty by the court according to Article 534 and imprisoned for one year including the arresting period.

In the facts of the second case²:

A girl with last name *** was taking a walk with her friend (female) in that area around 3:00h in the afternoon in a car model ***, when both defendants approached her and led her far into the urban park after having threatened her with their military gun, and then he proceeded to undress her and performed a sexual indecent act with her from behind until he reached orgasm... forced her to undress and undergo the indecent sexual act with her from behind until he reached orgasm;

She (...) with her friend (male) ... on day ... were taking a walk in his car at that area, and when they coincidentally parked on the side of the road, they were shocked by ... mentioned before, along with his 2 accused friends ... approaching them (...) so they led them into the urban park and by gun threatening, they force ... to climb the car's trunk and they shut him inside, then led the girl into a secluded zone and forced her to undress and performed the indecent sexual act with her from behind until he reaching orgasm whether by or without inserting the penis, or by putting the penis between her thighs;

In the court's reasoning:

“And whereas, from one side, what they committed together consists with ... and he forced her by coercion and threatening to undress and then introduced his genital organ in her from behind or put it between her thighs until reaching orgasm; applies to the provisions of Article 507 x. differently

to what mentioned in the indictment that refers to the applying of Article 503 x.,

This is because the Lebanese Penal Code, which used the term “sexual intercourse” in Article 503 x. as a translation of the original term on French “acte sexuel,” was still attached to the prevailing point of view of the French doctrine and jurisprudence, devoted in the first paragraph of Article 332 of the Penal code, that used to limit rape to the natural sexual physiological act between a man and a woman using coercion of violence, in line with certain philosophical reflections that trust certain ntrusts women with nothing but the triple equation based on marriage, family founding and childbearing, to avoid introducing illegitimate births in families;

The elements of a “forced intercourse using coercion of violence” are not presented except by the illicit conjunction of the male and female’s sexual organs—“conjonction illicite des sexes,” penis and vagina—as a result of practices and harassments that fall under the punishment of Penal Code. Every act “against nature” of any kind is considered an act of indecency. And while the French Penal Code has adopted a modern point of view, derived from a current interpretation of woman’s role in society, where every sexual insertion of any kind applied by force, pressure, or shock on another person, is considered as rape; the Lebanese Penal Code has not yet reached that point and is still attached to the previous point of view.

1. Reference 1 - Cassandre, Issue number 2, year 2004, pages 113 - 114, verdict 17/2004 date 29-01-2004, cassation judgment, courtroom 7, director Ali Ouaida, counselors Samir Matar and Hassan Mortada.

2. Reference 2 - Cassandre, Issue number 6, year 1996, pages 40 - 42, verdict 128/1997 date 04-06-1996, cassation judgment, courtroom 7, director Ahmad Moalem, counselors Mortada and Nammour.

The Case for Di Aping

by *Adrian Lahoud*

Date: 2009

Location: Sudan

In 2009, a new era of violence is announced. Climate forums like COP are part of an attempt by the world’s most developed nations to legitimize the colonization of the sky, inaugurating a new age of economic warfare waged through the atmosphere and against some of the most vulnerable people on earth. This case brings together four pieces of evidence, two videos and two documents in order to raise a series of questions about anthropocenic violence and the forums that legitimize it.

1. The Danish text is the draft of a potential agreement established between the most developed nations in which a commitment is made to a 2-degree global average temperature increase. As many scientists have agreed, this would mean a catastrophic 3.5-degree increase in many parts of the African landmass, leading to widespread desertification, exacerbating existing conflicts and eventually, to annual mortality rates estimated to be in the hundreds of thousands.

2. The International Criminal Court Arrest Warrant for Omar al-Bashir issued from The Hague by the Chief Prosecutor of the International Criminal Court (ICC) Luis Moreno Ocampo alleging that Sudanese President Omar al-Bashir systematically attempted to eradicate the Fur, Zaghawa, and Masalit people of Darfur. The charges in the warrant include war crimes, crimes against humanity, and genocide.

3. The Sky, Sea and Earth Climate simulation of aerosol dispersion, sea surface temperature and atmospheric carbon removal by plants. Using visualizations from NASA and the National Oceanic and Atmospheric Administration [NOAA] this video composes a link between aerosol

dispersion in the northern hemisphere, its effect on sea surface temperatures and their impact on the timing and intensity of the African monsoon.

4. The Climate Dissident Camera phone video footage of Lumumba Di-Aping press conference during the United Nations Climate Conference in Copenhagen (COP15) in 2009. As lead negotiator for the G77 representing 132 of the poorest nations on Earth, Di-Aping denounced the “Danish proposal” tabled during COP15 for “colonizing the sky,” condemning millions in Africa to “certain death” and “climate genocide.”

Drawing on recent scientific research that shows a correlation between aerosol emission in the northern hemisphere and desertification in the Sahel, it makes visible a new geopolitical cartography that ties together distant fates, linking industrialization in the North to deprivation in the South. In this context, can we begin to think about forums like COP as crime scenes? What will be the role of a forensic climatology in reconnecting the causes of environmental violence to their effects? Most importantly, what difference will this reconnection make within spaces of political conflict and their negotiation?

CASE #4

Plato on Trial

by *Younna Makhoul*

An intervention by Lawrence Abu Hamdan and Marwa Arsanios

Date: May 2011

Location: Dbayeh, Lebanon

Description:

On May 11, 2009, a patrol from Metn’s regional office for general security brought in a transwoman from the chalet where she was staying at a beach complex after receiving reports that she was taking part in acts of sodomy and group sex. After listening to her statement, and under direction from

the Public Prosecutor’s Office at the Appeal Court in Mount Lebanon, the case was referred to the Office for the Protection of Morality to complete the investigation.

The transwoman declared in her first two statements that she had been born with malformed genitalia and with tendencies towards the female gender. She also stated that despite her registration in infancy as a male, she subsequently—specifically in 1994—underwent a surgical operation in which she was transformed into a woman by removing all of her male sexual organs and implanting an artificial uterus. She denied categorically that he she had engaged in acts of indecency or group sex, as she considered the sexual relations that had engaged in with men throughout her life to be classified within the framework of natural relations between men and women; the duration of those relationships had sometimes exceeded a year and a half.

Accusations:

The transwoman was charged by the Public Prosecution with violation of Article 534 of the Penal Code, in connection with sexual intercourse contrary to nature.

On January 28, 2014, the Criminal judge in Jdeideh el-Metn, Lebanon, issued a ruling acquitting the transwoman in question. The ruling carries great significance, not just for the legal status of transsexuals, but also because of its implications for interpreting Article 534 of the Lebanese Penal Code and the concept of “contrary to nature,” by introducing the notion of psychological sex as a determinant of the natural. The ruling also highlights the interactions between law and identity quest.

The word “Jenssia,” which means both sexuality and nationality in Arabic, is used repeatedly in reference to the defendant’s sexuality and nationality (a refugee, without nationality). Being at once stateless and, according to the system, genderless, the verdict represents a landmark step in its acknowledgement of the validity of a “third” gender as a space for self-identification and self-definition.

References: Makhoul, Younna. “Redefining “Sexual Intercourse Contrary to Nature”: A Legal Step in the Right Direction,” Legal Agenda. 10 March 2014. <http://www.english.legal-agenda.com/article.php?id=594&folder=articles&lang=en>.

Deseos / رغبات

by *Carlos Motta*

A film co-written with Maya Mikdashi

Date: 1803-1810

Locations: Santa Fé, San Gil, and Suesca, Colombia; Beirut Lebanon; and Damascus, Syria

Description:

The film *Deseos / رغبات* exposes the ways in which medicine, law, religion, and cultural tradition shaped dominant discourses of the gendered and sexual body through the narration of two parallel stories. The first is that of Martina, who lived in Colombia during the late colonial period of the early 19th century. The second is the fictionalized life of Nour, who lived in Beirut during the late Ottoman Empire. Part documentary and part fiction, the film presents an imaginary correspondence between these women. Separated by geography, culture, and religion they both faced the consequences of engaging in same sex relations.

Accusations:

The colonial court prosecuted Martina in 1803 for being a “hermaphrodite” after being accused by her female lover of having an “unnatural” body. Martina was tried in a court of law and ultimately set free after medical doctors appointed by the court were unable to find evidence of her lover’s accusation. This story is documented in the 1803 legal case found in the Archivo General de la Nación in Bogotá, Colombia.

Meanwhile in Beirut, Nour was forced to marry her female lover’s brother after her mother found them making love. Despite the fact that Nour’s story does not occur in a courtroom nor is it found in a legal case, notions of Islamic and late Ottoman laws, cultures, and histories condition her narrative.

Reference: Bedoya, Pablo. “Las caras de la sodomía colonial: un análisis de la construcción de las identidades sexuales fuera del orden en las postrimerías del período colonial.” Bachelor’s thesis, National University of Colombia, Medellín, 2011.

The Dekwaneh Case

by *Karim Nammour*

Date: 2013

Location: Lebanon

On Sunday, April 21, 2013, during the early hours of the morning, the mayor of Dekwaneh (a northern suburb of Beirut, Lebanon) decided to raid the LGBT-friendly “Ghost” nightclub. The raid came under the pretext that the nightclub had become a hotbed for homosexuals. The mayor concomitantly ordered the arrest of a number of Syrian expats present at the nightclub, one of whom was a transsexual, and dragged them to the municipal police headquarters where they were severely and repeatedly beaten, insulted, humiliated and harassed. Amid mockery and derision, two of the arrestees were forced to kiss each other for the amusement of municipal police members. The transsexual detainee was also forced to take all her clothes off and was photographed amidst the jeers of the entertained, allegedly to show proof of her gender or “trans-identity.”

All the municipalities’ actions were initiated locally without any prior coordination with the Public Prosecutor, in flagrant violation of the Lebanese Code of Criminal Procedure. No investigation on any offence whatsoever was made: no report was written and none of the arrestees were transferred to the Morals Protection Bureau or the Anti-Drug Bureau to face the charges filed against them. Yet, the Dekwaneh municipality proceeded, falsely and without any evidence, to prepare its report on the matter. The report mentioned the names of the arrestees who were openly accused of offenses that were not even investigated (mainly prostitution and drug abuse). The report was then hung on the nightclub’s door as a pretense for its shutdown.

According to public statements by the mayor, the purpose of the raid was not to repress crime (e.g. prostitution), but rather to banish homosexuals from the municipality’s district and “cleanse the Dekwaneh area” from those who purportedly did not belong there, stating that he did not want “half-men” and “half-women” in Dekwaneh’s district.

The mayor's behavior contained all the elements of a homophobic offense, at least in the sociological sense. Indeed, this view of the incident has been reflected in the reactions of many civil society members condemning it. In fact, a number of citizens and civil organizations filed a notice (denunciation) to the Cassation Public Prosecutor's Office on April 30, 2013 against the mayor accusing him of 11 criminal offences (including: unlawful deprivation of freedom; criminal falsification of public records etc.).

The notice is a unique step in the history of Lebanese civil society activism in which the criminal prosecution pointed its finger in the opposite direction. Instead of victimizing homosexuals in the name of the law and public morality, the notice came as a charge against those who do not refrain from unleashing their homophobia and trespassing all limits. However, the Cassation Public Prosecutor did not act immediately to investigate the offences listed in the notice as per its standard procedure with serious offenses. Rather, it made a record of the notice and within two days transferred the case to Mount Lebanon's Court of Appeal Public Prosecutor. The latter did not however initiate an investigation into the mayor's actions to date.

Reference: Nammour, Karim. "Dekwaneh's 'No Gay Land' Triggers Debate on Homophobia," Legal Agenda. 02 December 2013. <http://www.english.legal-agenda.com/article.php?id=562&lang=en>.

A Tale of Two Judgments: Between Empathy and Contempt by *Arvind Narrain*

Date: 2013-2014

Location: India

The *National Legal Services Authority (NALSA) v. Union of India* was a decision of the Indian Supreme Court recognizing transgender persons as full citizens of India, delivered in 2014. It was based upon a public interest litigation filed by NALSA, who though not directly affected, sought to represent the concerns of the hijra community. Hijra activist Laxmi Narayan Tripathi filed an intervention in this case.

The key debate the court engaged in was on the nature and extent of discrimination suffered by the transgender community in this case and the need for legal redressal. After considering the evidence of discrimination in a sweeping judgment, the Court recognized the right of the transgender community to equality, non-discrimination and expression.

What was surprising was that this sweeping recognition of the rights of the transgender community by the court in 2014 followed upon a decision of the Court in 2013. In *Suresh Kumar Koushal v. Naz Foundation* the Court upheld the constitutional validity of the anti-sodomy law provision, Section 377 of the Indian Penal Code. In *Suresh Kumar Koushal* the court proceeded to read LGBT persons as nothing more than the sum of their body parts and in effect refused to recognize LGBT persons as persons deserving of constitutional protection.

It might be worth asking what accounted for the strange difference between the Court expressing empathy for transgenders in NALSA and

contempt for LGBT persons in *Suresh Kumar Koushal*. Is the difference due to the perception of transgenders and, in particular, the hijra community as a part of Indian culture? Did the Court perceive the hijra community as deserving of sympathy as compared to the gay and lesbian community who were seen as somehow alien to Indian culture and lacking in the qualities that could call forth judicial empathy? Was the *NALSA* decision more along the lines of granting citizenship rights in which the judges did not have to deal with the right of sexual intimacy? Was the decriminalizing of forms of sexual intercourse at the heart of *Koushal* impossible for the judges to contemplate? This presentation will contextualize the *NALSA* and *Koushal* judgment within the framework of the Indian Constitution as well as ask questions as to what accounted for the relative success of *NALSA* as compared to *Koushal*.

CASE #8

Another Earth

by *Émilie Notéris*

Date: 2050

Location: Småland, Sweden

Facts:

In 2050, in *Norra Kiväll nationalpark*, Småland, Sweden, the difficulty of distinguishing between nature and culture has led to a redefinition of the territory following the trial of *Naturvårdsverket*, Public Environmental Protection Agency, against the Swedish company *Ölstrom* Real Estate, wishing to implement habitable modules in the area.

Arguments:

The rejection of binaries reciprocally affected sex-gender and nature-culture concepts. A multitude of sexes proliferate and individuals are no longer designated as belonging to gender, as genders are definitively troubled; geographical areas are equally concerned as the terms of nature and culture now fail to qualify them. Sweden was a pioneer in the recognition of the

third kind and the third earth. Naja Ölstrom, whose sex remains indiscernible, makes artistic and real estate documentaries to offer museographical living spaces for sale, an historical and educational adventure that showcases the evolution of society and its past excesses.

References:

The text is notably built on the work of Anne Fausto-Sterling dealing with the duality of biology in a social world, as well as on the collective publication *The Moral Authority of Nature* edited by Lorraine Daston and Fernando Vidal, which is interested in the outlook on the idea of nature and especially the use made of this concept to classify acts against nature. This is science fiction writing through the practice of estrangement analyzed by Carlo Ginsburg in *Wooden Eyes: Nine Reflections on Distance*, which consists in looking at the world not as it is given but as it could be built.

CASE #9

God, Nature, and the Nature of God

by *Linn Tonstad*

Date: 782

Location: Baghdad, Iraq

Description:

In approx. 782 CE, the Caliph al-Mahdi invites the Christian Patriarch Timothy I to a theological debate in Baghdad. The two debate the way language about God and God's nature can be derived, or not, from creation. The Caliph accuses Timothy of introducing composition into God, since Timothy defends the Christian Trinity using analogies of humanity, kingship, money, and the sun. The Caliph insists, "It is never allowed to draw a demonstration from the creatures concerning the Creator." Timothy responds that such a principle would disallow knowledge of God, since "all

Unnatural Bodies, Desires, and Devotions

by *Zeb Tortorici*

that we say about God is deducted [deduced] from natural things that we have with us.” The Caliph, with characteristic rigor, responds, “We call God by these names, not because we understand Him to resemble things that we have with us, but in order to show that He is far above them, without comparison. In this way, we do not attribute to God things that are with us, we rather ascribe to ourselves things that are His... Words such as: kingdom, life, ... [etc] belong truly, naturally and eternally to God, and they only belong to us in an unnatural, imperfect, and temporal way.” (Coakley 236)

Analysis:

This exchange illustrates a long-standing debate of Christians and Muslims (both within each tradition and between the traditions) about the extent to which the natural order of the world does or does not image the nature of God. At stake is the derivability of the natural order from God’s being or God’s will, the similarity (if any) between creation and God, and the role of the individual’s intellectual and conscientious responsibility to the will of God as laid down in creation. For Christian and Muslim believers, what is “against nature” depends on how God’s determination of “nature” is understood. *Nature* does not mean the same when used of God and humans (as indicated by the *tawhid* [ديحوت] or oneness and incomparability of God). Indeed, Ibn-Sina [Avicenna/نبا انيس] denied that God has a nature for this very reason. (Burrell, 40) The idea of “nature” thus becomes complex and contestable. Human beings may image the infinity of God by nature in their openness to the world, for instance. Human nature may itself be a distant reflection of the way God is beyond determination by nature. The very determination of humankind in relation to God takes place in an “unnatural” way, according to the Caliph.

References: “Apology of Patriarch Timothy of Baghdad,” in John Coakley and Andrea Sterk, eds., Readings in World Christian History (Orbis, 2004); David Burrell, Knowing the Unknowable God: Ibn-Sina, Maimonides, Aquinas (University of Notre Dame, 1986); Martin Heimgartner, Timotheos I, Ostsyrischer Patriarch: Disputation mid dem Kalifen Al-Mahdi, 2 vols. (Peeters, 2011).

Date: 1563

Location: Mérida, Mexico

Description:

This presentation connects “unnatural” sex, spectacle, and desire as mediated by historical archives of the sixteenth-century Iberian Atlantic world. My analysis hinges on a 1563 document, in which a fourteen-year-old Maya boy in Mexico’s Yucatán Peninsula, Pedro Na, is documented having “carnal access” with a turkey in early colonial Mexico. I show how crimes such as bestiality came to be *permanently archived* through the very attempt of colonial authorities to suppress such iterations of sex and desire. This observation is pertinent to all ex-European colonial and post-colonial societies that enforce legal sanctions against those acts defined as *contra naturam* (“against nature”). Critical attention to the genealogy and construction of the category of “Nature” shows how the concept is imbued with multiple, overlapping, and contradictory meanings.

Accusations

Na fully confessed his crime, and colonial authorities made an example of him for Mérida’s recently converted indigenous population. On February 14, 1563, the court sentenced Na to be publicly castrated and permanently exiled from the provinces of Yucatán. Adding to the grotesque nature of this ritualized spectacle, the court further specified that the corpse of the turkey (who died from wounds inflicted during the sexual act) would be hung around the perpetrator’s neck as he was led to the plaza, shamed, and punished. Finally, so as to obliterate all memory of the act, “after the said sentence is executed, the turkey shall be burned in live flames and turned into ashes.”

Reference: Zeb Tortorici, "Against Nature: Sodomy and Homosexuality in Colonial Latin America," *History Compass* 10:2 (Wiley-Blackwell Publishing, 2012): 161-178 and Archivo General de Indias, Justicia, leg. 248 (microfilm reel #191).



The Manufacturing of Rights

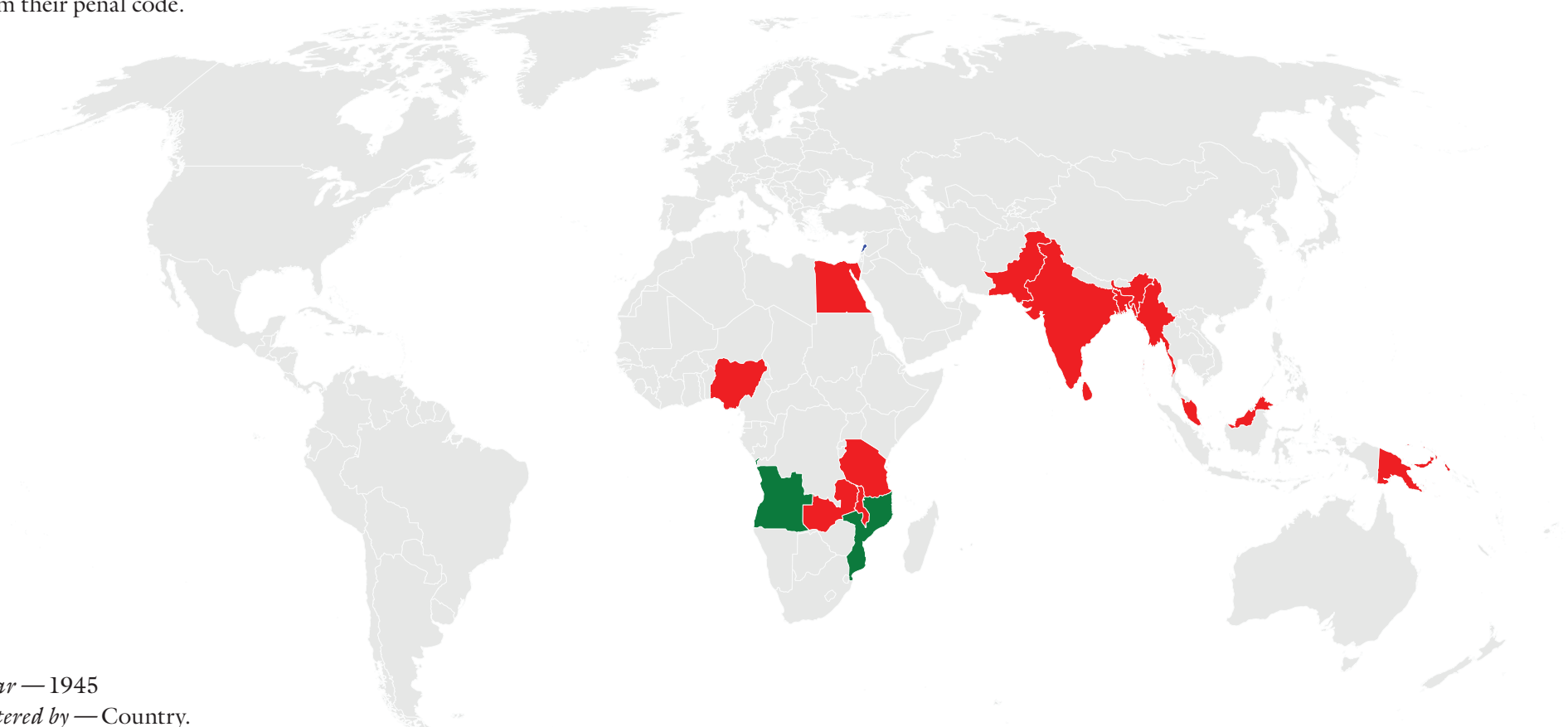
For *The Manufacturing of Rights*, Council aims at producing an online platform as one outcome of the inquiry and colloquium. In its ideal version, the online platform would serve diverse users, who may include researchers, advocates, and citizens, around the world, in their efforts to identify, understand, and formulate arguments around and against *contra naturam* statutes. *What will it contain?* The tool will contain a database of all the countries wherein *contra naturam* laws are in force; statutory texts; judicial documents, including court opinions and briefs; and the scholarly and artistic products of the symposium. *What will it enable?* Users will be able to mobilize research, legal strategies, and advocacy tactics across jurisdictions. Users will be able to navigate the database materials according to numerous filters, including geography, keyword, and provenance (i.e., the historical origin of the law in question). *Whom will it enable?* In designing the tool, Council has prioritized the purposes of researchers and advocates with knowledge of these laws. However, as far as possible, we would also like the tool to serve other audiences, including non-legal professionals and lay users. *What goals and values guide the design and construction of the platform?* Endorsing the hybridity of this tool, Council relies on the input of diverse individuals with local and specific knowledge, to be indispensable. And we hope to the symposium in May 14-16 2015 in Beirut to facilitate such a process.

What follows is a series of sketches for the online platform, which together illustrate an initial vision for it. Our collective task is to render this initial vision in richer and more definitive form, by debating the platform in full, that is, its proper content, functionality, audience, mechanism of moderation, etc.

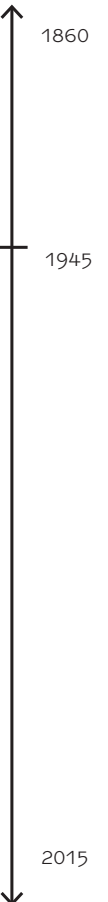


Contra Naturam Geographies

A first mode of navigation proposes a “geo-history” of the penal code, showing its colonial origin and dissemination until present. On a timeline, the platform presents all countries that currently share the same “act against Nature” provision, discarding number of countries that removed this law from their penal code.

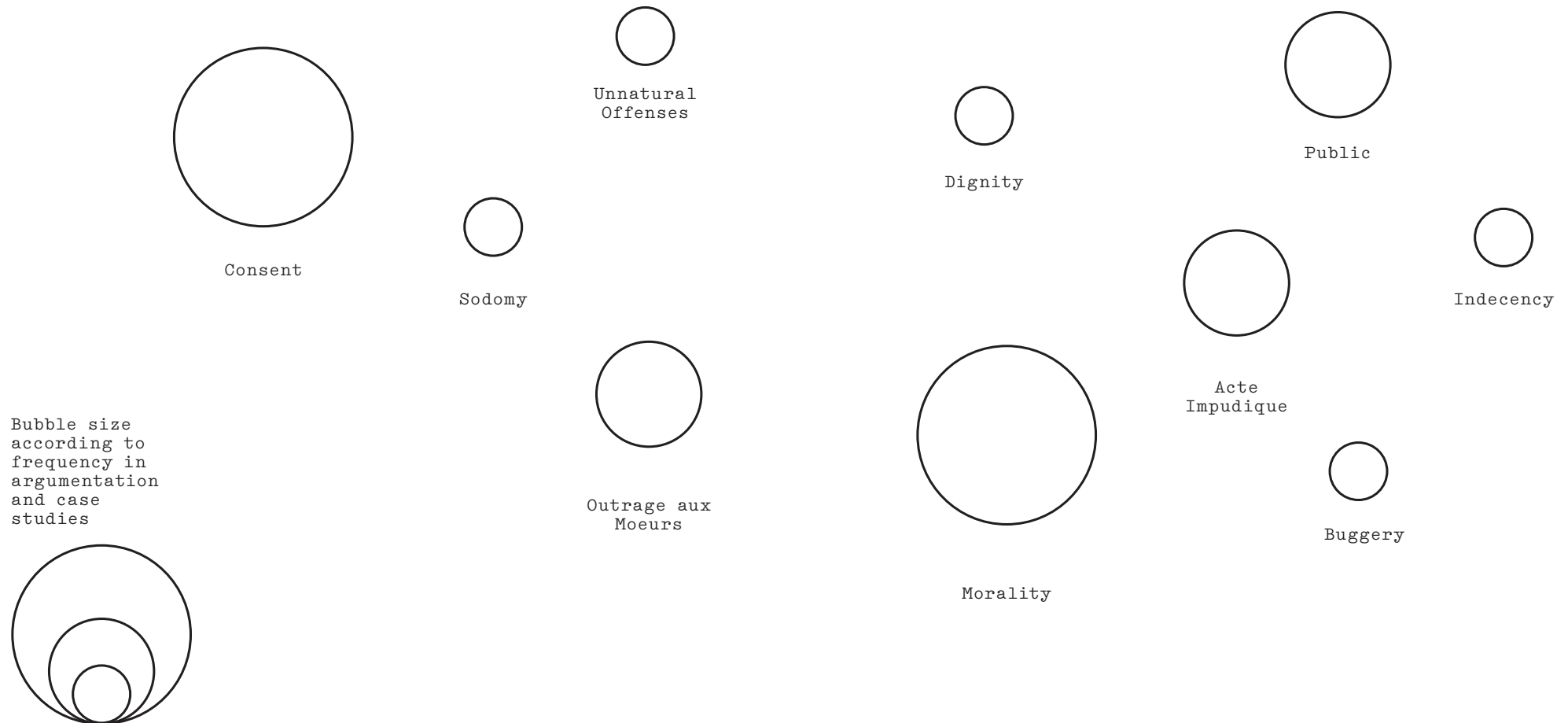
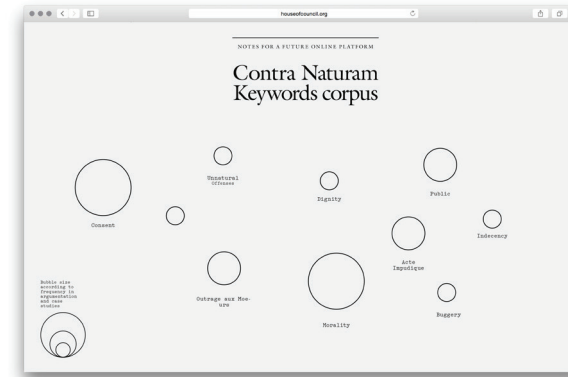


Year — 1945
Filtered by — Country.



Contra Naturam Keywords corpus

A second mode of navigation is based on a corpus of keywords extracted from the penal codes statutes of each countries. Based on legal cases studies shared by different contributors, non-legal keywords will be selected and added to the platform to create a more diverse and contemporary corpus.



Heritage

1943

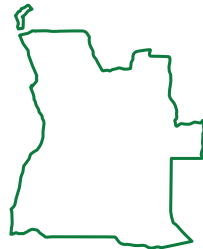
A third mode of navigation can list the countries based on the colonial heritage of their penal codes. We count three countries of origins (French, British and Portuguese) which have influence one another.

French Code

1.

Portuguese Code

2.



3.

French Code:

1. Lebanon

Portuguese Code:

2. Mozambique

3. Angola

English Code:

4. Nigeria

5. Myanmar

6. India

7. Zambia

8. Sri Lanka

9. Tanzania

10. Egypt

11. New Guinea (Papua)

12. Republique of Malawi

13. Bangladesh

14. Pakistan

15. Malaysia



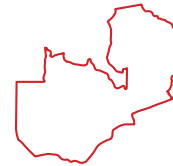
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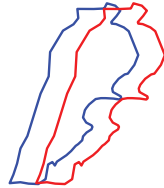


15.

Keyword Country

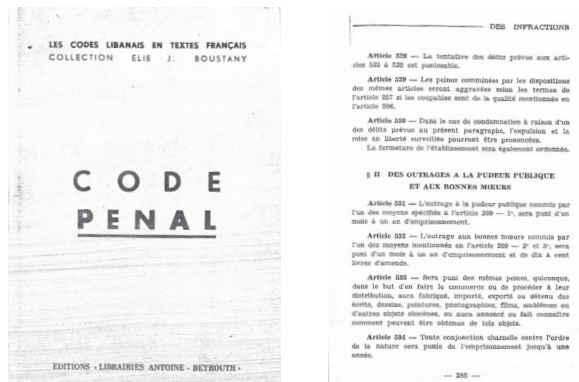
Unnatural Offenses

Lebanon



French & English code

Keywords and geographies are two complementary ways to filter jurisprudences and cases studies. A user can access cases of various origins and refine an argumentation based on the specificity of a country or a notion.



Unnatural offenses also appears in 1930 in:

Bangladesh	Sri Lanka	Republique of
India	New Guinea	Malawi
Myanmar	Nauru	
Pakistan	Kenya	

Legal Fact

& II Des outrages a la pudeur publique et aux bonnes moeurs
Article 534 _– Toute conjonction charnelle contre l’ordre de la nature sera punie de l’emprisonnement jusqu’à une année.

Jurisprudence 1 _

Verdict by Judge Mounir Suleiman (2009, Lebanon) : “... whereas if it were up to the Judge’s decision, we believe that man has not been able to understand all the aspects of the laws of nature and is still trying to explore nature and his own even; whereas based on the aforementioned, the concept of the ‘unnatural’ is related to society’s mind set, customs and its acceptability of new natural patterns which he is not familiar with or that are not acceptable yet (...)”

Case by Linn Tonstad

(782, Iraq)

“The Caliph, with characteristic rigor, responds, “We call God by these names, not because we understand Him to resemble things that we have with us, but in order to show that He is far above them, without comparison. In this way, we do not attribute to God things that are with us, we rather ascribe to ourselves things that are His... Words such as: kingdom, life, ...

[etc] belong truly, naturally and eternally to God, and they only belong to us in an unnatural, imperfect, and temporal way. (Coakley 236) (...)”

Case by Zeb Tortorici

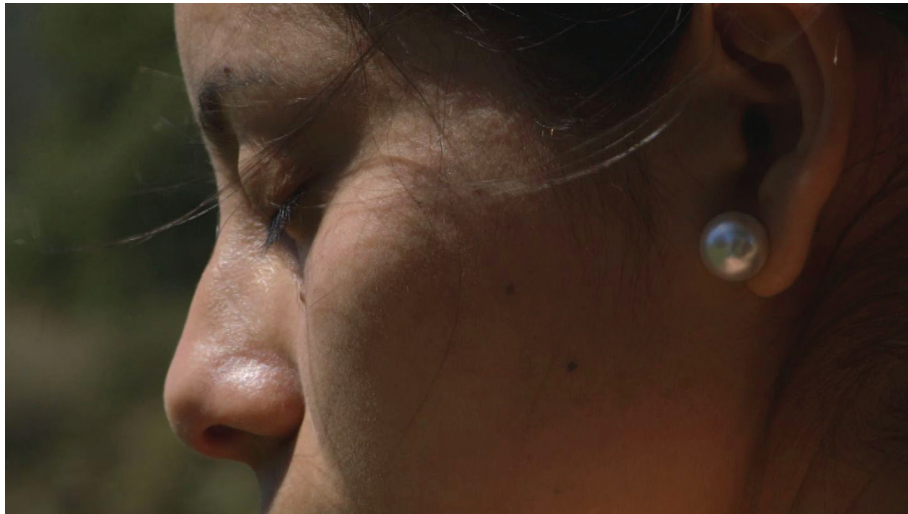
(1563, Mexico)

“This presentation connects “unnatural” sex, spectacle, and desire as mediated by historical archives of the sixteenth-century Iberian Atlantic world. My analysis hinges on a 1563 document, in which a fourteen-year-old Maya boy in Mexico’s Yucatán Peninsula, Pedro Na, is documented having “carnal access” with a turkey in early colonial Mexico.”

Case by Carlos Motta

(1803, Colombia)

“The colonial court prosecuted Martina in 1803 for being a “hermaphrodite” after being accused by her female lover of having an “unnatural” body. Martina was tried in a court of law and ultimately set free after medical doctors appointed by the court were unable to find evidence of her lover’s accusation. (...)”



CONTRIBUTORS

*Lawrence
Abu
Hamdan*

is an artist with a background in DIY music. His work frequently deals with the relationship between listening and politics, borders, human rights, testimony and truth through the production of documentaries, essays, audio-visual installations, video, sculpture, photography, workshops and performance. In 2015, Abu Hamdan was the Armory Show commissioned artist and was also included in the New Museum Triennial. In 2013, Abu Hamdan's audio documentary *The Freedom of Speech Itself* was submitted as evidence at the UK asylum tribunal where the artist himself was called to testify as an expert witness. The artist's forensic audio investigations are made as part of his research for Forensic Architecture, Goldsmiths College London, where he is also a PhD candidate and associate lecturer. His previous solo exhibitions have been at The Showroom, London, Casco, Utrecht, Beirut in Cairo and forthcoming at Kunsthalle St Gallen and MoMa New York.

*Vanessa
Agard-Jones*

develops an anthropological approach to gender, sexuality, and environmental politics. Her fieldwork is located in the Caribbean where she is currently writing a book, *Body Burdens: Toxic Endurance and Decolonial Desire in the French Atlantic*, on how environmental toxicity in postcolonial lands affects inhabitants' reproductive sexuality.

*Marwa
Arsanios*

takes the Egyptian left-wing magazine *Al-Hilal* as the starting point for her ongoing research series of the same name, which investigates themes of decolonization, nation-states, the suppression of feminism and, more broadly, "the idea of reading and learning as a state project." Her film and installation *Olga's Notes* was recently the subject of a solo presentation at Art in General in New York, titled *Notes for a choreography*, about dance, labor, bodies, and political ideologies. In 2007, she co-founded 98weeks Research and Project Space in Beirut.

Pauline Boudry and Renate Lorenz

operate as an artistic duo based in Berlin. Interested “in the question of how ‘normality’ can be reworked today, how difference can be lived without constant disempowerment,” Lorenz and Boudry’s richly visual work in installation and film—mostly shot on 16mm—mines unrepresented histories of queerness, staging associative performances to camera that toy with notions of visibility, glamourization, fetishization, and self-empowerment. Their film and installation *Toxic*, which features a punk figure and a drag queen within an environment of toxic plants and archival police photography, explores “toxicity” from the perspective of the history of film, analogue photography, and the invention of the mug-shot in 1880.

Grégory Castera

has conducted various projects on discourse formation within artistic practices, as well as on notions of an ecology of art, copyright and choreography, giving rise to publishing projects, shows, events

and exhibitions. To this end, he co-authored *Encyclopédie de la parole* (Encyclopedia of Speech), an ongoing collaborative inquiry into the formal properties of speech. He served as co-director of *Les Laboratoires d’Aubervilliers* from 2010 to 2012 before co-founding Council with Sandra Terdjman.

Joscelyn Gardner

visually reactivates colonial material culture found in Caribbean archives through printmaking and site-specific multimedia installation as a means of exploring her own white Creole identity from a postcolonial feminist perspective, alongside untold histories of the relationship between black and white Caribbean women under colonialism. She lives and works between Canada and the Caribbean, where her family has been resident since the 17th century.

Nayla Geagea

is a lawyer and researcher who contributed to the study entitled *Homosexuals in the Penal Code*, led by Nizar Saghie in cooperation with Helem. In 2011, she worked at the

International Criminal Court in The Hague, before returning to Lebanon to work on vulnerable groups rights such as forms of discrimination against women in Lebanese Personal Status religious laws and legal protection for Syrians who cannot achieve refugee status in Lebanon.

Eric Gitari

directs the Nairobi-based National Gay and Lesbian Human Rights Commission, an NGO that provides legal aid to the LGBTI community by using “law as a tool to achieve social justice and societal change.” In 2013, he took Kenya’s government to Constitutional Court for its refusal to officially register the organization—in clear contradiction of the Constitution’s stipulation that the State shall not discriminate against sexual orientation. In 2014, he filed a decriminalization petition against Kenya’s sodomy law.

David Kim

is the curator of a new, university-wide initiative in art and human rights, led by Yale Law School, set to commence in Fall 2015. Currently a J.D. candidate at Yale Law School, he also works as a graduate curatorial

researcher at Yale University Art Gallery. He holds an M.A. in English (2010) from Harvard University and a B.A. in American Studies (2006) from Columbia University. Prior to law school, he worked as a management consultant at McKinsey & Company, where he became interested in the aesthetic possibilities of finance.

Adrian Lahoud

extends the field of architecture and develops spatial research on how the ‘natural environment’ is defined and shaped by international humanitarian law. Concerned by the ethics and politics of climate change negotiations, he co-curated the Fifth Geneva Convention, a forum on environmental violence, with Paulo Tavares. His work has been published in *Forensis: The Architecture of Public Truth*.

Younna Makhlouf

Has worked extensively to protect the rights of transgender and transsexual individuals in Lebanon. As a legal researcher, she gave visibility and public debate to the 2014 ruling

of a transwomen judged under Article 534 of Lebanon's penal code, condemning an "act against Nature." She is a practicing lawyer and a member of Legal Agenda's board.

Maya Mikdash

is a legal anthropologist whose work disentangles concepts of nationalism, neoliberalism, gender studies, human rights, citizenship and refugee studies, unsettling boundaries as they are typically formulated. Director of Graduate Studies at the Kervorkian Center for Near Eastern Studies, she is a Mellon Postdoctoral Fellow at Rutgers University, as well as co-founder and editor of Jadaliyaa Ezine.

Carlos Motta

draws upon political history in his work in an attempt to create counter narratives that recognize suppressed histories, communities, and identities. His films *Nefandus Trilogy* (2013) or *Deseos* / 2015 (رغبات) address the construction, categorization and repression of homoeroticism throughout the conquest and colonial period in the Americas. His recent database documentary *Gender Talents* (2015)

presents video portraits of trans and intersex activists who thoughtfully perform gender as a personal, social, and political opportunity, rather than as a social condemnation.

Karim Nammour

is a member of social justice non-governmental organization "Legal Agenda". As a legal researcher and litigator, he has worked on several cases and rulings related to social groups marginalized by Lebanese society, including: workers' rights, syndicates, housing rights (particularly regarding Syrian refugees), Palestinian refugees' right to access professional orders, drug users' right to undergo treatment instead of prosecution and LGBTIQ-related rights in Lebanon. In Legal Agenda's publication, he has published several articles on socio-legal issues including cases related to Article 534 of Lebanon's Penal Code, used to prosecute homosexuals or what is referred to in the law as "[acts] against the order of nature".

Arvind Narrain

co-founded the Alternative Law Forum, a pluri-legal organisation

based in Bangalore. As a lawyer and legal researcher, his primary concern is the representation and cultural understanding of sexual and gender diversities in India. For the past two years, Arvind Narrain has written on the recent decision of the Indian Supreme Court which recognizes transgender persons as full citizens, yet reaffirms Section 377 in condemning "carnal intercourse against the order of Nature" and the exclusion of LGB(T) persons. He is currently working with ARC International, a organization committed to international advocacy on LGBTI rights.

Émilie Notéris

is currently writer-in-residence at Violette & Co, a feminist library in Paris. Entitled *FictionELLES*, Notéris will engage with the medium of the residency through workshops, lectures, staged encounters, and public writing sessions before penning an original work of fiction. She edited *TINA # 8 Gender Surprise* issue, which reflected on questions of genre and highlighted queer and feminist voices in science fiction and ecology; it included contributions from Vanessa Place and Louise Desbrusses.

Ashkan Sepahvand

is a writer, translator, and researcher. His interests trace associations from within the histories of somatics, the sensory, transformation, pedagogy, utopia, queerness, collectivity, ritual, performance, and the self. From 2012-2014, he was a research fellow for "The Anthropocene Project" at Haus der Kulturen der Welt. His work and writings have been presented at *dOCUMENTA* (13), *Former West*, *Tanz im August*, *Sharjah Biennial X*, *Home Works 5*, *Jerusalem Show V*, *Qalandiya International*, and *Kunsthaut Bregenz*. He lives and works in Berlin, where he co-organizes the technosexual reading circle.

Sandra Terdjman

takes a curatorial approach to institutional building, in which specific attention towards processes (of artistic practices and pluridisciplinary research) and the production of new works prevail. Before founding Council with Gregory Castéra, she was the founding director of the Kadist Art Foundation (Paris/San Francisco).

Linn Tonstad

resides in New Haven, USA, where she is Assistant Professor of Systematic Theology at Yale Divinity School. Her work integrates Christian systematic theology, feminist and queer theory with notions of embodiment, and her forthcoming book will intertwine questions of social transformation with queer performance theory. She contributes to the blog Feminism and Religion (FAR), a forum for feminist scholars of religion investigating “the F-word in religion and the intersection between scholarship, activism and community.”

Zeb Tortorici

is an historian who writes widely about such subjects as the construction of archives, affect, and the spectacularization of public punishment for cases of sodomy and bestiality. In connecting sexuality to religiosity and erotics in colonial Latin America, his myriad references include archival theory, human-animal studies and concepts of visibility. He is Assistant Professor of Spanish and Portuguese at New York University.

CREDITS

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Initiated with Legal Agenda and Ashkal Alwan

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Council explores modes of composition through the arts, scholarly and scientific research and civil society in order to propose new representations of social issues. These issues are addressed through collective and pluridisciplinary inquiries, made public via online publications accompanied by exhibitions and events. Council also fosters artistic production, and awards an annual fellowship to support socially engaged cultural initiatives. These schemes bring together networks of artists, researchers, citizens and institutions. Council is a web and Paris-based enterprise but it also moves according to the issues

it engages with. Founded by Nizar Saghie, The Legal Agenda is a critical and multidisciplinary non-governmental organization, based in Lebanon. It monitors and analyzes law and public policy in Lebanon, specifically, and the Arab region, generally. The Legal Agenda publishes a quarterly magazine, organizes regional conferences, commissions studies, and hosts panel and open discussions.

Founded by Christine Tohmé, The Lebanese Association for Plastic Arts, Ashkal Alwan is a non-profit organization based in Beirut, Lebanon. Over the past 19 years, the association has been committed to the production, facilitation and circulation of creative and intellectual endeavors across a range of disciplines and media.

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