Christine Borland & Brody Condon

Circles of Focus
The Fall Experiment
For some time now Stroom has been experimenting with various forms of presentation, with the aim to shape and develop new ideas and to target new audiences. This means that, in addition to the usual exhibitions and presentations, we want to make room for research, uncertainty and ambiguity. As a result, since mid September this year, the artists Christine Borland and Brody Condon have been using our exhibition space as a temporary laboratory for their research project “Circles of Focus”. Both here and on a number of other locations in and around The Hague the artists collaborated with specialists and other participants in the execution of experiments and in public events. This will result in a number of sculptures and cinematic works, on view in the exhibition “Circles of Focus: The Fall Experiment” at Stroom Den Haag, opening on 15 October.

In 2011 Borland and Condon started collaborating on “Circles of Focus”, a practice-based research project, which explores the human body after death as an agent for artistic research. One of the questions they are exploring is whether a body can be donated to the arts.
An integral element of their research is locating and working in close partnership with local scientists, craftspeople and public participants. Each new exhibition or event contributes towards the final phase of their ongoing project.

Both the artists and Stroom are experienced in engaging with the reciprocal relationship between art and science. At Stroom this is reflected in long-running programs like “Foodprint” (2009-2012) and “See You in The Hague” (2013-), both inspired by current events.

Although Borland and Condons’ approach is not linked to the current discussion around organ donation (in a bill introduced by the Dutch political party Democrats 66 every Dutch citizen is automatically registered as an organ donor, unless he or she officially opts out), the way a body is handled after death is very much in the news. The new organ donor law still has to be approved by the Senate, so we are not there yet.

A strong belief in the importance of the “Circles of Focus” project prompted Stroom to make this exhibition and extended residence period a reality. Another important contributing factor is Borland and Condon’s individual, internationally recognised practices: Borland’s working with other disciplines including anatomy, bio-medicine, and forensic science, and Condon’s; creating group encounters which combine game-like structures and psychotherapeutic processes. Two worlds and two practices come together in a shared research interest; they reinforce each other and do not shy away from experiment.

Stroom Den Haag
October 2016
Since 2013 we have worked with a range of partners, to explore the potential for ‘artistic’ – as well as ‘scientific’ - research on donor bodies after death. Supported by a range of collaborative partnerships, the first phase of our research culminated in the “Circles of Focus” exhibition at Centre for Contemporary Arts, Glasgow, in April 2015. This exhibition was conceived as a preliminary proposal to convey our ideas for the aesthetic (re) purposing of our body donor collaborator’s physical remains.

Research and exhibition at Centre for Contemporary Arts (Glasgow)
These ideas are centred on the transfer of indelible marks to the skin from polygonal sculptural forms as a result of the process of hypostasis (the accumulation of fluid or blood in the lower parts of the body under the influence of gravity, as occurs in cases of impaired or absent circulation after death). In the event of the project’s final enactment, mortuary technicians undertook this mark making as a performative act,
in accordance with a set of instructions that were developed by us. It is fundamental to note that human remains will never be on public display: the public interface with the project is the exhibition of the artworks (and related programme of events) which constitute the proposal.

**Research and exhibition at Stroom: where we are going?**

For our exhibition at Stroom Den Haag, we articulated our on-going research in a local context. This has seen us enter into dialogue with various experts and institutions in and around The Hague; including anatomy laboratories, anthropologists, experimental archaeologists and crafts people. With the help of historians of science at Museum Boerhaave in Leiden, we extended the ideas developed in the UK around the Theatre of Anatomy, to consider the pioneering model of the Theatre of Physics established at Leiden University in 1674 as a forum for the demonstration of physical experiments, using apparatus commissioned from local craftsmen.

Following the production of large-scale sculptural works with clay dug in Orkney – an island group in the extreme north of Scotland which are rich in Neolithic remains - we focused on a simple but influential “fall” experiment developed in the Leiden Theatre of Physics by the Dutch mathematician, lawyer and natural philosopher Willem ’s Gravesande. In 1722 he published the results of a series of experiments in which brass spheres were dropped from varying heights onto a soft clay surface. He found that a ball with twice the speed of another would leave an indentation four times as deep, from which the French mathematician and physicist Émilie du Châtelet concluded that the correct expression for the “live force” of a body in motion (in modern terms “kinetic energy”) is proportional to \( mv^2 \). This elegant experiment was controversial in that it disproved a leading Newtonian theory that was set in the context of a debate concerning God’s relation to the physical world and influence on gravity.

**What we want to find out in order to inform the overarching “Circles of Focus” project**

- To consider, through focusing on a new fall experiment, the broader question ‘Can a sculpture be a legally binding contract?’ and more specifically ‘Could a sculpture constitute a legally binding body donation bequest?’
- To better understand historical developments in disciplines other than anatomy and medicine – including philosophy, physics and law.
- To engage with the regulations surrounding death and the disposal of the body in the Netherlands.
- To consider the development of performative experimentation and its links with craft (through the development of scientific apparatus) in the context of the Theatre of Physics, Leiden.
- To work with the extraction, processing and sculptural potential of raw materials from the area local to Leiden, as a way to produce works for the exhibition. The exhibition will serve as the project’s ‘public face’: a focus for public engagement with its broader context.

**“Circles of Focus” Methodology: how we developed the work**

The initial idea - to realise one collaborative exhibition - has developed into a process leading to an
on-going body of work. Dozens of research visits to institutions, historical sites and meetings with researchers and practitioners are followed by presentations at academic and cultural institutions, as well the organisation of symposia that arise directly from those visits. These partnerships actively inform the artworks that constitute the visual proposal phase of the “Circles of Focus” project.

For the symposium “Death Animations” at Stroom Den Haag (March 2016), we invited a selection of the experts we met during the research phase of our project to join us and a small public audience in an informal, convivial day of presentations and conversation. Following two previous “Death Animations” symposia in the UK and South Korea, we decided to encourage performative presentation formats. These included the re-enactment of the 18th-century physics experiment, the “fall” experiment, the demonstration of local clay research, processing and production, and a dissection performed via a live link with Melbourne, Australia.

“Circles of Focus: The Fall Experiment” (September 2016) was an afternoon of performance, presentations and discussion in a parlour at Fundatie Voorhoeve, The Hague, through which we introduced our on-going collaborative project to consider the question: ‘Can a sculpture be a legally binding contract?’

Public participants who worked with us during our residency period, assumed the roles of ‘proxy donors’ in the performance of a newly-configured fall experiment. Invited speakers: Daniel McClean; a lawyer specialising in art and cultural property law and curator
of contemporary art, Jonathan Price; PhD Fellow and Lecturer at the Institute for the Interdisciplinary Study of the Law, Leiden University, where he researches concepts of human personhood in law and culture, Peter Pels; Professor in the Anthropology of Africa at the University of Leiden, currently working on a book about material culture, religion and the power of objects and co-ordinating research in the field of modern conceptions of the future, museums, and heritage, Mr Frank Mutter; legal advisor, speaker and columnist on Dutch Funeral Law. The performers and audience considered the question ‘Could a sculpture constitute a legally-binding body donation bequest?’ for the posthumous enactment of the “Circles of Focus” proposal.

“Circles of Focus” emerges from a dialogue across different disciplines, including science and medicine. Rather than simply visualise scientific processes, it aims to directly influence them and expand their cultural impact through the artwork, events and exhibitions produced.

Christine Borland and Brody Condon

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The diffuse position of the dead body, in three articles.

The inviolability of the human body is recognised under article 11 of the Constitution of the Netherlands. Every individual needs to remain secure against infringements of his or her bodily integrity and has the right to determine what happens to his or her body. This right to bodily integrity also applies to the human cadaver, meaning that in principle, the body's integrity should be preserved after death. This fundamental right stems from the Christian belief that as the former temple of the soul, it should be possible to resurrect one’s mortal remains in their entirety.

This physical inviolability posed an obstacle for the development of the medical sciences, since the body's internal organs were a key source of anatomical knowledge. In spite of theological objections, in 1482, Pope Sixtus IV for the first time allowed the dissection of human cadavers for scientific purposes. The bodies were taken from those on the fringes of society. The only people who – involuntarily – ended up on the cutting table were executed criminals or dead vagrants. However, there was an exponential increase in the thirst for anatomical knowledge. This in turn created a demand for corpses that far outstripped the ready supply of dead criminals, including in the Netherlands. Corpses were occasionally removed from the gallows or taken from their graves, and to discourage these practices, body-snatching was subject to fines. From the 17th century on, people also

1. Burial Act (Wet op de lijkbezorging, Wlb), article 67, paragraph 1
A cadaver may be dissected in the interest of scientific research or scientific education

Teresa Margolles
Lengua / Tongue, 2000
Object, human tongue
Unique
Courtesy of the artist and Galerie Peter Kilchmann, Zurich
tried to increase the supply of cadavers for dissection by offering corpses from almshouses that had not been claimed by surviving relatives.

The pathologist-anatomist Frederik Ruysch (The Hague, 1638 - Amsterdam, 1731) graduated in Medicine from Leiden University and worked as a praelector in Amsterdam. Ruysch complained that he could not perform enough autopsies to effectively study the cause of death. Only very rarely did the surviving family members allow for a body to be dissected for examination. Nevertheless, Ruysch enjoyed a relatively privileged position. Since in addition to working as a praelector, he was also appointed as instructor to the city’s midwives and forensic adviser to the courts, Ruysch had access to embryos, foetuses, stillborn children and corpses from the almshouses. He used these remains for anatomical research and for perfecting his renowned preservation techniques. Ruysch distinguishes himself from other 17th-century anatomists by the pronounced artistic character of his prepared specimens. While first and foremost Ruysch’s specimens were intended as teaching materials, they also served as reminders of our mortality. His preparations were graced with moralising quotations that encouraged a devout lifestyle. One of the most spectacular preparations would have to be the allegorical rock in Ruysch’s third thesaurus. Five foetal skeletons are perched on a rock made from kidney stones and desiccated tissue, playing musical instruments. They sing of the fatality of life. The centre skeleton is playing a bone violin, using a dried artery for a bow. He is accompanied by the motto ‘Ah Fata. Ah aspera Fata’ (‘Ah fate, ah bitter fate’). Next to the violinist stands the conductor, waving a baton made of woven tissues. The skeleton standing to the right is playing an accordion.
made from the dried intestinal loop of a sheep’s foetus. Next to a vase made from an inflated membrane stands a skeleton wearing a feather on its skull. And in the foreground, one can find a skeleton prostrated on the ground, with a mayfly in its hand. Ruysch assigned this little figure a quotation taken from Plautus: ‘Like a flower in the field, I quickly shot up and was plucked from this world again’. Our time on this earth is also our final hour, was Ruysch’s grim message.

Ruysch’s careful attention to design stemmed from the awareness that viewing human body parts could well be horrifying for people who weren’t used to such sights. He aimed to make his anatomical preparations accessible to everyone.3 It becomes clear from contemporary sources that – despite the fact that the human cadaver was considered a res religiosa – Ruysch’s aesthetic enhancement of his preparations did not meet with criticism. On the contrary: praise was the rule rather than the exception.4 While the decorative use of human body parts was a remarkable activity, it was not particularly uncommon. Dividing and aestheticising mortal remains is part of a long Christian tradition. The Catholic Church, for example, allowed the veneration of decorated bones and other physical remains as relics of its saints and martyrs. Another example from religion would be the 17th-century crypts decorated with thousands of bones, like the ossuary of the Church of Our Lady of the Conception of the Capuchins in Rome. Here, ‘memento mori’ motifs erected in human bone converge with that predilection for the macabre that is so characteristic of the Baroque. From the Renaissance on, the dead human body became a meeting point for science and art.

Art and anatomy underwent a harmonious fusion. Indeed, to his contemporaries, the distinction between ‘the artist’ Ruysch and ‘the anatomist’ Ruysch was less clear than we might assume today. Although in the present day, the mythical ties between art and science have been broken, we regularly see attempts to bridge the divide: reciprocal influencing can move both disciplines beyond their existing boundaries.

2. European Convention for the Protection of Human Rights and Fundamental Freedoms, article 8, paragraphs 1 and 2.
Right to respect for private and family life
1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

The commonly-held view is that while corpses lack all human capacities such as intelligence, consciousness and free will, they retain the right to protection of their dignity. They are the transitory remains of what was once a human being: a material residue that the survivors can use to project their memories and feelings on. However, viewpoints on the human dignity of a dead body are far from neutral. From a Christian perspective, dignity is an intrinsic right, since we have been made in God’s image.
This concept appears incompatible with a secular worldview. Even though in 1948, the United Nations formulated a modern, secular concept of human dignity in the Universal Declaration of Human Rights – in which every individual possesses human dignity as an innate characteristic and can as such claim the right to equal treatment regardless of race, ethnicity, social status, nationality or religion – the Declaration remains vague as to the specific substance of this term. Human dignity is an open concept; one that can be interpreted according to the subject’s personal convictions. This ambiguity regularly gives rise to complex bio-ethical discussions. Despite frequent controversies when it comes to worldviews, the consensus on the violation of human dignity is quite strong. This dignity is understood to come under threat when an individual is reduced to an instrument, or when an individual’s private sphere is disrespected.

This right to self-fulfilment and self-determination, as laid down in article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, remains in effect after an individual’s demise. For example, a testament is a legal instrument through which the deceased can issue binding instructions regarding the management and distribution of his or her property. In addition, human beings have the right to determine what happens to their dead body. It is possible to give one’s organs up for donation via a disposition, as well as co-determine how one’s bodily remains are disposed of. Each country in Europe regulates how the corpse is handled in line with local perceptions of what is decent in this context. In the Netherlands, one can presently choose between three forms of disposal: burial (article 23, Wlb), cremation (article 49, Wlb) or dissection in the interest of science (article 67, Wlb). History teaches us that societal norms are subject to change. It took until 1896 before bequests to science were included as an option in the Netherlands’ Burial Act and anatomical dissections became legal. Christian morality no longer enforced the inviolability of the human body as a fundamental principle. A similar mentality shift could be observed during the reintroduction of cremation as a legal form of body disposal. Charlemagne had prohibited cremation in 785 in reference to the theological concept of the Resurrection. In the 19th century, a new European movement of atheists and intellectuals started advocating cremation as an alternative to interment in the soil. Arguing the individual’s right to free choice, in the Netherlands, the Vereeniging tot invoering der Lijkenverbranding in Nederland (Association promoting the Adoption of Cremation in the Netherlands) started organising illegal cremations in 1913. Even though these cremations were in breach of the law, the government turned a blind eye. This political tolerance was possible thanks to the fact that at that time, the Burial Act did not stipulate any sanctions for cremation – after all, cremation had been absent from the collective mind-set for over 1,000 years. It took until 1955 before cremation was given a legal basis in the new Burial Act.

A more recent shift in moral attitudes towards unorthodox disposals of human remains is represented by the plastinated corpses presented by anatomist Gunther Von Hagens in the “Body Worlds” shows. Van Hagen’s exhibition of aestheticised plastinates in Mannheim in 1997 gave rise to passionate discussions.
Despite the educational and scientific objectives of the project, critics viewed the artistic manipulation and presentation of human cadavers as a violation of human dignity. Bodies and body parts had been reverted to objects. The fact that the donors had left their body to science via an official bequest programme was seen as a different discussion altogether. The exhibition’s supporters, on the other hand, argued that restricting people’s self-determination and autonomy could likewise be considered a violation of human dignity. The immense popularity of the “Body Worlds” exhibitions seems to belie its critics’ argument that the shows cross the boundaries of decency and pose a threat to public order.

Right now, if you were to indicate by testament that you preferred to let your remains become a work of art—rather than to be disposed of via one of the options established by law—this final wish would not be honoured. Art as a final destination for the human body does not comply with our current perceptions of decency. As a legal standard, what is considered decent and dignified appears to sooner relate to collective than individual interests. The prevalent standard of decency ensures that human cadavers remain separated from the community, minimising the risk of contamination and epidemics. In other words, public order and public health prevail over the right to self-determination.

For the most part, post-mortem human dignity appears to be a social construct that affirms societal norms. As times change, actions that are initially felt to be morally unacceptable and a threat to public order can develop into a new response to changing requirements. Social consensus develops in the course of a historical process, i.e. in the context of public debate. Each time round, this debate can be expected to drift towards the extent to which unorthodox approaches to the disposal of human remains are detrimental to public order and standards of decency.

3. Criminal Code (Wetboek van Strafrecht), article 350
Any person who intentionally and unlawfully destroys, damages, renders unusable or disposes of any property belonging in whole or in part to another, shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

In legal terms, the human cadaver occupies a remarkable position. The law does not define one’s mortal remains as a person, but rather as a good. The corpse owes this status to the fact that it can no longer function as a sentient, autonomous subject. However, it is not a regular item of property. In 2002, the Supreme Court of the Netherlands defined the human cadaver as a special good. As such, it is afforded greater legal protection than regular property.

As property, corpses are not subject to the law of persons and family law (Dutch Civil Code, Book 2) but to property and contract law (Dutch Civil Code, Books 3 and 5). Despite the cadaver’s legal status as a good, no one can claim this property as their own. A deceased person’s remains are a res nullius: an object that no one has any ownership rights to. This definition has a number of different consequences: for example, the body’s former occupant is not seen
as the owner of his or her mortal remains, and may not freely dispose of it as he or she sees fit. And it is not possible to transfer ownership of one’s cadaver by testament to, for example, an artist for use in a work of art. On the other hand, this definition also serves a protective purpose. Surviving relatives are unable to inherit a pure property right to the cadaver, which rules out its commercial exploitation. In addition, this special good is exempted from confiscation in a variety of situations – for example, outstanding debts that can be paid off by selling the debtor’s corpse.

Nevertheless, third parties sporadically have a dead human body, or parts thereof, at their disposal. For the work “Entierro” (1999), the Mexican artist Teresa Margolles interred a dead baby’s body in a block of cement. This block serves as an alternative grave, because the mother could not afford a decent burial. In “Lengua” (2000), Margolles exhibited a human tongue with a piercing as an autonomous work of art. The tongue came from a young man who had been murdered. Similar to the baby’s corpse, the boy’s survivors shared his body part to the artist on the condition that Margolles would use it to make a political statement. Even though Mexico has recognised the Universal Declaration of Human Rights, the country does not systematically observe the concept of dignity outlined in the UN statement.

The Norwegian artist Morten Viskum also owns a number of body parts. Viskum has been painting with the hands of deceased people since 1998, presenting them as separate objects in tandem with his paintings. In his series “The hand that never stopped painting”, Viskum juxtaposes death’s mythical dimensions and its ultimate banality. Both the title of the series and the stature of painting as an art form refer to immortalisation. Despite the series’ emphasis on commemoration, more than anything, the works give rise to questions about the provenance of the hands and the legal protection of our mortal remains.

Dutch criminal law does not contain any provisions regarding violation of the human cadaver itself, although it does deal with the desecration of resting
places (article 149, Criminal Code), in order to preserve the sanctity of the grave. If a body were to be damaged during the production of a work of art, this would be considered destruction of property (article 350, Criminal Code). This provision engenders complex situations, since criminal liability assumes the complete or partial ownership of a good by a third party. To overcome the limitations created by this omission, the Supreme Court of the Netherlands has concluded that the heirs or surviving relatives of the deceased have such an evident say as to what happens to the cadaver that this involvement can effectively be referred to as ownership, and that said parties can initiate court proceedings. According to forensic physicians Wilma Duijst and Tatjana Naujocks, Dutch criminal law offers very poor protection for mortal remains, and they advocate additional legislation. Existing criminal law does not offer any legal protection to a human cadaver if it is subjected to unethical interference that does not result in permanent damage. For example, in a legal sense, necrophilia is not considered rape, as rape is defined as the sexual penetration of a person ‘against his will’. A cadaver is neither a person, nor in possession of a will. And this basically applies to all interferences with human remains. So if an artist were to use a corpse in an art or dance performance, his or her interaction with the cadaver would not be a criminal act in a formal sense. In this situation, a pre-mortem statement of consent would actually be superfluous. Judgement on the act itself would have to take place in the public domain. The motives and integrity of the artist in question would play a part in the formation of society’s moral judgement on the matter. And reactions may vary. For example, while both works by Teresa Margolles were exhibited in a number of Western museums, they did
not inspire public debate on their ethical aspects. Due to the transgressive nature of his work, Morten Viskum has enjoyed less support – although countless people continue to contact him, asking whether they can offer their body or body parts to him for his art. Just like donors seek recourse to the educational plastinates of Von Hagen, some individuals are also considering fine art as a potential ‘final resting place’. This ultimate form of individual expression appears to be a secular answer to a basic wish to achieve immortality.

Babs Bakels

1. Anatomy lessons were given by a certified physician. The instructor was awarded the title of praecector.
3. Luuc Kooijmans, De doodskunstenaar, 184.
11. I have limited my argument to corpses and body parts. Different norms apply to materials like bones and cremated remains.

Christine Borland is an artist based in Scotland. In 1997 she was a nominee for the “all women” Turner Prize at Tate, London. Solo exhibitions include the Fabric Workshop and Museum (Philadelphia), Kunstwerke (Berlin), De Appel (Amsterdam), Fundação Serralves (Lisbon), Museum für Gegenwartskunst (Zurich) and “Cast From Nature” Glasgow Sculpture Studio & Camden Arts Centre (London). Christine is a Professor of Fine Arts at Northumbria University (Newcastle-upon-Tyne) and was recently awarded a major commission as part of ‘14-18 NOW’, the UK’s cultural program to mark the First World War centenary.

Brody Condon is an American artist based in Berlin. Condon crafts unscripted group encounters often using game-like structures, which are documented and exhibited as video installation. He received his MFA from the University of California, San Diego and participated in the Rijksakademie in Amsterdam. His work has been presented at the recent 9th Berlin Biennale (Berlin), Moment: The Nordic Bienniale (Oslo), Stedelijk Museum Post CS (Amsterdam), Sonsbeek 2008 (Arnhem), “Greater New York” at MoMA PS1 and The New Museum in conjunction with “Performa 09” (New York); as well as the Hammer Museum and LACMA (Los Angeles).

Babs Bakels (1971) is an art historian and serves as the Curator of the Netherlands Funeral Museum Tot Zover, based at the De Nieuwe Ooster cemetery in Amsterdam. Since the establishment of Tot Zover, Bakels has borne responsibility for the museum’s permanent collection and groundbreaking art exhibitions. In addition, she regularly publishes articles on funerary culture and subjects at the intersection of art of death.
Colophon

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Follow the current program on www.stroom.nl