

Nothing to Fix

Performative Strategies of Incompleteness and the Right to Bodily Integrity

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Taking a Breath

Berlin, winter 2021. About a year and a half into a series of lockdowns and various limitations of public life. While negotiating the ever-changing rules and regulations related to the Covid-19 pandemic and their impacts on my own and other people's bodies, new movement patterns emerge. Routines, choreographies, gestures and gazes, translating overall directives into everyday actions and decisions confront us in different ways with questions relating to the security and protection of bodies.

A constituent aspect of our being in the world today is determined by the possibilities available to us to breathe, argues anthropologist Shahram Khosravi (2021), emphasizing that breathing is affected and targeted by socio-political power. This is evident from the fact that our social imagination is dominated by images of people fleeing, suffocating in overcrowded trucks, and choking on pepper spray. Media-generated images and imaginations of new outbreaks of racist police violence against Black people or irreversible environmental damage that perpetuates existing processes of colonization in the Global South come to mind. These are just a few examples of a long history of embodied, structural violence targeting the breath that has in-

scribed itself in public consciousness and driven civil society protests.¹

In the context of the COVID-19 pandemic, increasingly high-stakes social dynamics become perceptible by the act of breathing— that vital and inescapable process that so often goes unnoticed. Critically, we can observe on our own bodies that not all people are permitted to breathe in equal ways. As we move through everyday life, we decide how much proximity and distance we allow towards other bodies, which ones we get close to and which ones we avoid. When considerations of health and protection make us hold our breath in proximity to others – when we think we are protecting ourselves in an attempt not to inhale others –protecting our own bodies endangers others by un-protecting them, marking them as a threat. The ways in which we assess other bodies as being “healthy” or “infectious”, as being “risky” or “intact”, in conversation with the ways we interpret bodily markers of class, nationality, gender or ethnicity, uncomfortably illuminates prejudices and clichés but also fantasies and desires which we not only hold but embody. Judgements ranging from the rational to the moral impact how we categorize the vulnerability of bodies on a personal scale as well as on a legal and political level. Day-to-day choices relating to the placement of the body, situating it in space, provide a visceral understanding of the fact that not all bodies are considered worthy of protection in the first place.

Let's take a breath.

1 In recent years, this has been exemplified by civil and political mobilizations such as *Me Too* or *Black Lives Matter* that give expression to a long history of discriminatory and racialized violence, but also by theoretical discussions around necropolitical approaches in border studies, the weaponization of bodies in contemporary warfare and the systemic withdrawal of care in migration politics, for instance. These are but few examples that show how the body is at the heart of these biopolitical, identity-related, humanitarian developments as an agent, target and witness.

On Bodily Grounds. Artistic Investigations

“Protection” here holds several meanings. It pertains to averting physical violence on the material body as well as symbolic-metaphorical attacks on its integrity; it refers to the legal status and corresponding state or inter-state measures that regulate the protection of bodies and their specific needs and experiences; it asks to which bodies we give ethical recognition and value. The privilege of bodily protection is codified in constitutional and humanitarian law, notably the right to bodily integrity, which defines what we can do to our bodies and the bodies of others.² However, on the levels of content, scope and application it does not offer any binding definition of what it means for a specific body to be integer, safe or unharmed (cf. Noeth 2024).

In the following reflections I do not aim to trace the legal history of the right to bodily integrity. Rather, I would like to raise the question of how body-based strategies, such as the act of breathing, which might seem mundane, personal and perhaps intimate at a first glance, can take on micropolitical significance. In the context of the unequal protection of bodies, how might a closer look at these strategies contribute to a critical understanding of the notion of bodily integrity? My assumption is that the ways in which bodies are constructed, perceived, staged, performed and interpreted – as vulner-

2 The right to bodily integrity is established in the Universal Declaration of Human Rights and numerous derivatives. In many sources it is stated as a freestanding, enumerated right that frames other rights, or it exists as a delegated right inherent within some other specific rights (for instance, implied in the right to freedom from torture, cruel, inhumane, degrading treatment; rights related to privacy, health). See: *Universal Declaration of Human Rights* (1948); *International Covenant on Civil and Political Rights* (1954); *Conventions on the Rights of Persons with Disabilities* (2007) (cf. Noeth 2024). Legal theorist Adrian Viens points out that, while bodily integrity is generally perceived as an inherent value by many, there are different and controversial ideas about how the right to bodily integrity differs from other rights (the right to live, the right to liberty, etc.) (Viens 2014).

able or intact, human or nonhuman, for instance – impact their recognition and agency in everyday life and before the law.³

In order to approach this process, I draw on arts-based research developed by practitioners Raquel Meseguer Zafe, Hakan Topal and Lina Majdalanie⁴ over an extended period of time. Offering experience-based approaches, they situate the problem of bodily integrity within specific geopolitical contexts and on different scales. Through a series of case studies this text investigates the ways in which their artistic strategies and processes of decision-making reveal the structural dynamics underlying abstract notions of security, adversary and risk on bodily grounds. In a wider context, this methodological approach seeks to strengthen corporeality and embodiment as an analytical dimension in the social, political and legal realm.⁵

Lying Down (Non-Horizontal Bodies)

“*I will be your guide. All you need to do is to rest, and listen.*” (Meseguer Zafe 2021) These are the first words of invitation that choreographer and performer Raquel Meseguer Zafe addresses to her listeners in an

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- 3 The article presents findings from an ongoing research project that critically revisits the idea of bodily integrity from the perspective of body-based artistic research. The project, for which I shift roles and perspectives as a scholar, dramaturg and curator, unfolds in a dialogue with artists, activists and scholars from different fields. See: *Bodies, un-protected* (with Künstlerhaus Mousonturm, 2021–22, <https://www.mousonturm.de/en/projects/bodies-un-protected/>); *(Un)Settled. Performance, protection, and politics of insecurity* (with HTA-Hessische Theater Akademie, 2021–2022, <https://hessische-theaterakademie.de/en/ringvorlesung/>).
 - 4 From a legal point of view, of course, a distinction must be made between the different legal frameworks and principles that apply to the three examples at stake, notably between civil and national law (regulating relationships between private individuals) and international humanitarian law (regulating state interference).
 - 5 Similar body-based approaches have been explored in anti-discrimination work and conflict resolution and corresponding practices of self-care and healing as well as in war and border studies.

audio version of the *Crash Course in Cloudspotting* project in which I participated in summer 2021. The voices we are going to encounter in the subsequent forty minutes are carefully curated and woven together by the choreographer into a multi-vocal, non-linear narrative recounting the experiences of chronically disabled people in public spaces. The stories become part of a much larger archive accounting for experiences of people who live with neuro-diverse disabilities invisible for standard means of representation and which compel rest in public spaces. In doing so, she is careful not to over-interpret the stories shared by individuals or to fall into tragic and heroic patterns into which disabled experiences are often boxed.

Meseguer Zafe describes their – and her – stories of accommodating infrastructure and architecture developed by and for normative bodies as “strange dances.” (Meseguer 2021). Not only normative but actively hostile architectural features, accessibility protocols and unspoken rules in cultural institutions or on public transportation that force constant negotiations between disabled bodies and spaces. Social interactions in these contexts range from friendly but intrusive curiosity to verbal and physical violence. All of these forces come together to enforce boundaries between those bodies which are protected and those which are not.⁶

6 Challenging normativity, completeness and ableism have been key concerns that critical performance practice and studies have been intensively discussing in the last years. In this context, Raquel Meseguer Zafe’s work talks to current debates on care and vulnerability that concern themselves with a strong critique of dominant mechanisms of essentializing, commodifying or objectifying bodies from queer and feminist, de-colonial, and class-related perspectives. As to the specific strategy of lying down, see also the work by artist and activist Liz Crow (Crow 2013).



Figure 1: *Crash Course in Cloudspotting*.
(Raquel Meseguer Zafe)

In *Crash Course in Cloudspotting* participants are confronted with experiences of still bodies in pain and are themselves invited to slow down, pause, and lie down within the installative setting or their respective homes. This unfamiliar experience brings to the fore the fact that, in a western context, the experience of horizontality is reserved for specific cultural spheres and situations. These include the home, the bed, and the hospital and call upon experiences of death, illness, and intimacy. In her live and audio works, Meseguer Zafe moves outside of the normative, ableist framework of uprightiness. In doing so, she also rejects the universal claim that the right to bodily integrity upholds alongside other human rights, as it cannot be ignored that they have been designed by and for specific, privileged bodies in the first place. What she proposes is above all a reconfiguration of perspective, a sensorial shift which places visitors or listeners in contact with each other, activating their perception of time and space in alternative and not-always-comfortable ways. Simultaneously, the simple act of lying down in a public space reveals mechanisms of structural inclusion and exclusion. This normative condition largely ignores the relationality of bodies. As performance artist Jeremy Wade states, “(..) the regime of wholeness and all its essentialist baggage is not relational to the needs of different bodies at all.” (Meseguer and Wade 2020) His reading focuses on the interpretation of lying down as a gesture of domination. He describes the system of verticality as a system of productivity and hyper-functionality that also reigns the artistic field and risks reducing the body to a commodification and object (cf. Noeth 2024). This conceptualization

is also significant for the right to bodily integrity: a right that is anchored in the idea of personhood. This category, which has triggered controversial discussion in philosophy and law alike, links the promise of safety and protection to the register of the subjective, where the individual embodies the human condition per se.

In *Crash Course in Cloudspotting*, being exposed to other bodies challenges the premise of a bound body in a physical as well as in a symbolic sense, allowing for encounter and vulnerability at the same time. “It is only a question of 90° or 180° that disrupts public space,” says Meseguer Zafe (Meseguer and Wade 2020), calling attention to the biopolitical disciplining of bodies in the public space and to internalized hierarchies, privileges, and relating mechanisms of censorship. What these temporary communities she convenes around the strategy of lying down offer her is to take the right to integrity beyond the individual and to establish it as a collective demand and responsibility that begins in small, everyday alliances with other bodies that do not belong to our group.

Recollecting Wounds (Narrating Experiences of Attack)

A wound marks a body and serves as a witness to an experience of intrusion or attack. Next to its physical dimension, it is also a moment of openness to the world in which we are compelled to reorient ourselves, redefine our relations to others, and develop new skills that help us navigate the environments we live in. The wounds that media artist Hakan Topal researches in his *Still Life*⁷ project are linked to what has gone viral as the “Roboski massacre,” triggering extensive debate and political and activist mobilization around the protection and valuation of bodies internationally. At the heart of the work there are portraits of young Iraqi men who were killed on the night of December 28, 2011,

7 The work is based on research conducted between 2012 and 2016 and exists in different formats and media, as a video piece and installation and as a publication. *Still Life* exists in different formats and media, as a video work, installation, and as a publication. (Topal 2012–16)

in an unauthorized Turkish military airstrike. Villagers from Roboski, who routinely – and well-known to local authorities – smuggled gas, cigarettes and daily goods across the Iraq-Turkey border, were targeted that night as suspected terrorists. The mass media coverage of the event was extensive and quick to respond. This type of reporting frequently works with photographic stills, images that, through repetition, become iconic and often exclusive images of an event, easily recognized and classified.



Figure 2: *Still Life*, video still. (Hakan Topal, 2014)

In contrast, Hakan Topal states of his approach, “I always feel as artists we are late to the issues, and (...) I am intentionally late as I want to escape the pre-organization of time as in media coverage of crisis.” (Topal and Dewachi 2020). As a counter-strategy, his work *Still Life* relies on video as a durational device to create what he calls “silent monuments.” (Ibid.)⁸ In one example of this, mothers show framed photos of their lost sons, a performative strategy which opens up

8 In the course of the research process Topal visited the border region as well as Roboski village and the families in order to take their accounts. Due to language barriers, silence and non-verbal communication made up a large part of the encounter. Also, he decided to not record the talks, due to ethical considerations (Topal and Dewachi 2020).

“an intimate connection between photography and death” (Ibid.). In their materiality, these photographs are much more than a historical record and acquire agency as they are held, hugged, or used symbolically as political manifestations.

The video portraits that Topal creates are shot in long duration. They shift temporality and scale of perception as they depict subtle movements, delicate gestures of grief, intimate bodily utterances, faces and breathing. On a broader scale, these dramaturgical decisions to accentuate the bodily and performative dimension of loss might be particularly meaningful in the Middle Eastern context, where next to written history, oral, corporeal, artistic, and artisanal practices are important ways of recording and passing on lived experiences. However, the problem of accounting for the lives of marginalized communities that he addresses has structural implications beyond the specific context of the Roboski case, as it reflects on the “impossibility of justice in the aesthetic,” as Topal puts it (Topal 2014).

The interaction of law and aesthetics that is indicated here concerns how the experience of the wound is conceived at the intersection of the individual and the collective. Against the backdrop of a global context in which bodies are in ever-increasing numbers the collateral damage of political conflicts (cf. Noeth 2024), Topal’s strategy of zooming in on details in *Still Life* counters often generic, anonymized and clichéd accounts that reduce different subjectivities to a generalized victim.⁹ These suffocating framings mainly affect marginalized communities and perpetuate structures of colonial inequality. By taking away specificity and situatedness from individuals’ lived experiences of grief and loss, representing them as faceless masses and prohibiting them from appearing in their own right, they render them entities to be measured and administrated. Topal’s humanization of the victims of the Roboski massacre and their families

9 In *Still Life*, Hakan Topal discusses how the question of recognition translates into a complex economy of wounded bodies, where bodies are valued according to profoundly unequal standards. Next to the ethical, political and humanitarian aspects, the economic value that the Turkish government allocated to the Iraqi bodies killed in the Roboski massacre is distinctly lower than comparable condolence payments for western bodies.

in the aesthetic resists these negating forces and returns agency to his subjects. As Topal puts it: “Regarding regimes of visibility, being seen is a political act. [...] Aesthetic justice as a project recognizes, first and foremost, the person in their flesh. It has to start from there. Every victim is an individual victim. There cannot be a victim population.” (Topal and Dewachi 2020). His focus on how grief is performed and staged, how it finds affective, symbolic, and embodied expression, and how it is passed on, blurring lines between the personal and the political, offers a durational and dynamic understanding of the wound. A wound that is “travelling” across borders and generations, as Omar Dewachi conceptualizes it, that is a subjective and a social experience at a time (Dewachi 2015).

This transformative understanding of a wound represents aesthetic, political and legal challenges of detecting and accounting for the experience of bodies. It depicts the experience of the wound as a parallel experience of integrity and of integration. This is complicated by the fundamental principle of distinction that is at the heart of international humanitarian law and the right to bodily integrity and which bases the evaluation of the status of a body and its possibility to appear in front of the law on differences and pre-defined categories (such as “civilian” or “military”). As to the example of *Still Life*, some of the distinguishing elements are aesthetic, as they are connected to how a body is performed, represented, recognized and accepted as an integer or a broken body, for instance. Here, artistic practice holds an ambivalent potential to develop visibility, agency and complexity for diverse subjects, while at the same time risking furthering dominant modes of representation or rendering those subjects invisible.

Dead Bodies (Subverting State Protection)

To whom does a body belong after death? Who has access to it, who owns it, and who is responsible for its protection and security? For artist Lina Majdalanie, these questions become very concrete when it comes to what happens to her body after her death. In the lecture performance *Appendice* (2007) she takes us to the Lebanese context,

where a number of personal affairs (such as inheritance or marriage, as well as the handling of dead bodies) are not primarily a matter of individual decision-making or basic human and civil rights but delegated to diverse regulatory systems, ranging from the state and communitarian and religious authorities to the medical system. This makes Majdalanie speculate about how to reconcile her wish of being incinerated after her death with the religious laws in place which dictate that her body should be buried.



Figure 3: Lina Majdalanie, *Appendice*. (Ghassan Halawani)

In *Appendice* she investigates ways of altering the status of her human, physical body in order to bypass the control of applicable religious and communitarian laws. With reference to the tradition of body art, where the body in its materiality appears as the object and the medium of action, she examines how to potentially dissect her body into parts to be qualified and sold as an artwork and to be ultimately treated according to her will after her death. By voluntarily performing this act of disintegration on her body, Majdalanie explores the question of bodily integrity in biomaterial, symbolic, and legal terms and establishes the dead body as a site of agency in its own right.

In a similar vein, political theorist James Martel refuses to conceive of the dead body as a passive entity subjected to sovereign or

state power. Instead, he focuses on the transformative and regenerative forces that dead and unburied bodies hold in metabolic terms, ritually speaking, and in their representational capacities. In his book (Martel 2018) he describes the state's investment in purposefully setting up and staging acts of both vulnerability and intactness on some bodies and its interest in controlling how these acts are interpreted and inscribed (for example in recordings, in news, in archives) as a means of maintaining its authority. Juxtaposing recent cases of racialized police violence in the US-American context with the character of Antigone in Sophocles' play,¹⁰ he demonstrates how dead and unburied bodies turn out to be threatening and uncomfortable for the state. They inhabit the margins of the legal system and escape its mechanisms, interrupting and undermining this carefully woven narrative of protection.

Both analyses show the ambivalences that characterize the right to bodily integrity at its core. Returning to the performative and transformative qualities of the body, they identify moments in which overarching regulatory systems that are set to protect and preserve a body from intrusion and attack turn against it, expelling a body to a legally produced state of unprotection. In contrast, it is a body's immanent potential for disintegration that Majdalanie and Martel identify as a starting point for their projects. Rather than focusing on bodies as objects of protection whose physical integrity needs to be secured and maintained by the state, they examine the withdrawal of dead bodies from aesthetic, political and legal regimes of the state: the more a body decomposes, the more its potential for resistance and subversion unfolds. As Martel has it: "I like to think of our bodies as an anarchist space that we have colonized and controlled from top to bottom, and at least when we are dead it stops." (Martel 2020)

10 Martel (2018) discusses in particular the case of Michael Brown, an unarmed Black man who was shot by a police officer and left dead on the streets of Ferguson. Considering this act of police violence, Stefano Harney and Fred Moten describe Brown's body as a body that "refuses to stand", rejecting the framing of this body as a powerless body.

Integrities in the Plural. Keeping Wounds Open

The three examples of body-based research with this chapter is in dialogue with challenge the concept of bodily integrity and its legal articulation in different ways. By emphasizing the entanglement of the individual and the collective in the aesthetic experiences they create, Raquel Meseguer Zafe, Hakan Topal and Lina Majdalanie expose conceptual and ideological aspects underlying the right to bodily integrity and draw attention to moments of ambivalence that are built into the legal system. Though the right to bodily integrity ostensibly pertains to the idea of an individual, complete and autonomous body, their artworks suggest that the law cannot sufficiently capture the diverse protective needs and experiences of bodies in their specificity; it fails to account for the embodied, affective, and sensory experiences connected to physical acts of violence. In other words, it does not respond to an extended understanding of the body and its realities. Furthermore, collective dynamics of inequality and structural non-representation are generated and reproduced in its application. Correspondingly, in her analysis of the connections between international law, warfare and morality, political theorist Banu Bargu points to the fact that the same bodies whose rights are violated are also denied opportunities to give direct evidence of their experience (cf. Noeth 2019). These bodies, she elaborates, are most often not in a position to call for justice and, I would like to add, are most often not in a position to access our theaters, galleries, and performance spaces. This inequality not only applies to the physical bodies that have experienced intrusion and attack, but also to their representations in political lobbying, media, archives and in the arts (Bargu 2016).

In recent years, renewed attention has been given to non-state actors such as artists or activists in the reexamination of political, legal and social issues. The body, here, provides an interstitial tissue between external hierarchies that determine which bodies deserve protection and internalized mechanisms of censorship and consequent hierarchies of embodiment that are handed down over generations. Hence, how we perceive bodies, translate them into movements, images, words and ideas and imagine their integrity is not a purely

aesthetic but a political question. Art can allocate vulnerability or empowerment to bodies and is therefore closely connected to the capacity for action which they are afforded on a structural level. Yet, considering legal elements related to bodily integrity from an aesthetic and performative perspective does not come from an over-estimation of art in its capacity to dissolve the realities under discussion. Sometimes a blow just hits too hard.

Indeed, this analysis stays well aware of the fact that aesthetic imagination, performance and experience are immanently part of producing and distributing attention, visibility and value in socio-political, ethical and legal terms. Here, different registers that determine the value of the body collapse: material and monetary value, the symbolic and metaphorical capital of a body, or its capacity to create agency on a political or legal level. Addressing the body as evidence is less inspired by the judiciary evidential paradigm like in classical forensics that is mostly concerned with ascertaining identities. In other words, the body is not approached as a transparent window that provides unmediated access to reality or as the last resort of authenticity and immediacy. Instead, another understanding of “evidence” invites us to consider what a body might be able to tell us – not only by attending to its truth claims but also to its incongruences, dilemmas and gaps, to what it reveals as well as gesturing towards that which is withheld, silenced, and concealed. (Ertem and Noeth 2018, 15).

The cases the artists bring to attention exemplify how much our social, political and ethical relations are defined by aesthetic features. In their arts-based research processes they place relationality at the heart of the debate on bodily integrity, by creating experiences that put us in touch with their own and other bodies in a direct or imaginative manner. Activating body-based strategies such as lying down, recollecting wounds and connecting to the regenerative forces of the body in the legal realm is not about relief or uncritical engagement or empathy, nor is it about equalizing bodies in the first place. It proposes a shift from an abstract understanding of bodily integrity to an experience-based one, attempting to reach a conceptualization of protection that moves outside of the framework of the individual and that is performed and enacted by many bodies. Opposed to a

rhetoric that suggests that we need to pull away from others, shield off our communities or close the borders to be safe and protected, this is about exploring possibilities of making the question of bodily integrity a collective concern and responsibility, about training the capacity to respond, when called in a practical as well as in an ethical sense. Thus, what is at stake when bodies become evidence is recognition. This calls attention to the need for better interpretive frameworks outside the universal legal norm, to grasp the complex realities at stake. The goal of revisiting the idea of bodily integrity is not to encourage the ideologies it carries but to acknowledge how ethical calculations, artistic and dramaturgical decision-making and legal consequences are interwoven and to give attention to the fact that no one is born into this profoundly unequal apparatus of distinction but – performatively – transformed into it. Rather than fixing or covering our wounds in a physical, social and legal sense, artistic practice and research might rather be able to contribute to developing strategies to keep them open.

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