

# Art!C

The New City Reader invited common room to be the guest editor of its Politics section. common room has refused this opportunity. See the insert in this issue--"Common Circular 5"--for their response.

FOR WALL ASSEMBLY...

2	3
4	1

The New City Reader is a newspaper on architecture, public space and the city, published as part of "The Last Newspaper," an exhibition running at the New Museum of Contemporary Art from October 6, 2010–January 9, 2011. Conceived by executive editors Joseph Grima and Kazys Varnelis, the newspaper's content centers on the spatial implications of epochal shifts in technology, economy and society today. The New City Reader will consist of one edition published over the course of the project, with a new section produced weekly from within the museum's gallery space, each led by a different guest editorial team of architects, theorists and research groups. These sections will be available free at the New Museum and—in emulation of a practice common in the nineteenth-century American city and still popular in China and other parts of the world today—will be posted in public on walls throughout the city for collective reading.

The next issues will be **MUSIC**, guest edited by DJ N-RON & DJ/rupture, and **STYLE**, guest edited by Robert Sumrell.

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The New City Reader

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DECEMBER 10, 2010

# —LEGAL—

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**1  
FORENSIC  
ARCHITECTURE**

**2  
DISAPPEARING ISLANDS**

**OFFSHORE BORDER**

**FICTION AS NEWS  
AND THE IMAGE  
AS PRACTICE**

**FLOATING FORUM**

**4  
BUILDING RUINS**

**SPEECH AND  
SPATIAL TACTICS**

**MURKY EVIDENCE**

**The New  
City  
Reader**  
A Newspaper Of  
Public Space

**BLOWING UP  
THE PIECES**

**TRANSMITTING  
UNIVERSAL  
JURISDICTION**

**3  
THE EXHUMATION OF  
SIMÓN BOLÍVAR**

**MODEL EVIDENCE**

## FORENSIC ARCHITECTURE

by Eyal Weizman

These days architecture and urbanism increasingly frequent national and international courts. This is because the built environment is turning to become both the means of violation and a source of evidence that can bear witness to the events that traversed them. Legal claims that are brought to courts and tribunals often include images of controversial or destroyed buildings or menacing structures. The field of forensic architecture must now emerge to transform the built environment from an illustration of alleged violations to a source of knowledge about historical events or rather, as a complex methodology aimed at narrating histories from the structures that it saturates.

The word forensic derives from the Latin forensis, which means forum and refers to the practice of making

Continued on Page 2

an argument by using objects before a gathering such as a professional, political or legal forum. Forensics was part of rhetoric. Rhetoric is of course about speech, but forensics does not refer to the speech of humans but to that of objects. In forensic rhetoric, objects address the forum via their translators which are most often expert witnesses in science and technology. But what about architects? Could architectural testimony be both investigative and projective?

Presenting a series of forensic cases involving spatial products or their representations, this issue of the *New City Reader* will engage in a brief legal biography of structures and environments. It is a form of architectural narration that replaces the traditional frame of architectural history with a material and object-oriented history of structures. Buildings, territories and urban areas will be uncovered as frozen shots in a process of constant formal transformation, ultimately the diagrams of the forces that shaped them. To read the built environment forensically is to be tuned to the history of its materialities and the way that structure and materials have been shaped by, and further shape, political events.

## DISAPPEARING ISLANDS

THE CASE OF SOUTH TALPATTI

by Nabil Ahmed



Geomorphology in action: Ganges delta Landsat image

In March 2010, newspapers reported the claim of an Indian oceanographer that New Moore/South Talpatti, a tiny, uninhabited island long an object of border dispute between India and Bangladesh, had disappeared under the Bay of Bengal due to rising sea levels.

2

Selectively quoting statements made by the oceanographer, many newspapers published the story implying that global warming resolved what negotiation couldn't. Several months later, however, Bangladesh registered objections against India and Myanmar's maritime boundary claims with the International Tribunal for the Law of the Sea. Driven by claims to oceanic energy resources, a trilateral dispute neglected for decades was given new legal precedence.

If one looks at the history of South Talpatti, a case can be made for a political reading of climate change—and by extension, perhaps climate itself. The island emerged in November 1970 on the estuary of Hariabhang, a border river between India and Bangladesh, right after the Bhola cyclone. Bhola was the deadliest tropical storm in recorded history, killing an estimated 500,000 people, and it catalyzed the Bangladesh war of independence from West Pakistan, which was deeply implicated in its ineffective response to the disaster. The border dispute escalated in 1981 when the Indian warship INS Sandhyak was dispatched and an Indian flag erected on South Talpatti. India retreated under diplomatic protest, but according to a 2003 report by the *Daily Star*, there continued to be an Indian military presence on the island.

Politics have since entered through subterranean streams and the slow shifting of silt and soil. In fluvial geomorphology, the Thalweg principle states the boundary line on a river that runs between two states is the middle of its deepest navigable channel. In the case of South Talpatti, the dispute was whether the river flowed west—Bangladeshi territory—or east—Indian territory—of the island. While an unheard of, uninhabited island may seem insignificant, South Talpatti's new absence bears evidence of how political geography is increasingly fluid in a world where the effects of climate change are increasingly realized, creating new legal-political geographies and conflicts over territory and resources. For Bangladesh, which according to some models will lose 18% of its coastal area by 2050, reading climate politically is a means of survival. And in this view, storms, disappearing islands and deep currents are just as important political actors as humans.

## BLOWING UP THE PIECES

THE SPECIAL TRIBUNAL FOR LEBANON

by Lawrence Abu Hamdan

In response to accusations of stalling in the UN investigation of the 2005 assassination of former Lebanese prime minister Rafik Hariri, the tribunal's Chief Prosecutor, Daniel Bellemare, said "It's quicker to blow someone up than to put the pieces together." With the indictments of the tribunal expected in early December 2010, this article intends to analyze the "pieces" Bellemare is referring to, as well as inquire as to what, aside from evidence, an international tribunal pieces together.

The blast that killed Hariri and 22 others initiated intense scrutiny from global media and diplomatic arenas, culminating in what was to be the first tribunal for a crime relating to a conflict in Lebanon. Shifting diplomatic pressures from the United States, Saudi Arabia, Syria and Iran as well as national and international media intervention has meant that this UN tribunal has not been solely constituted of its own collection of prosecutors, investigators, forensic experts, interpreters and intelligence.

In the four years that the tribunal has sought out an accused party, the platform of the trial—by its mere existence, if not borne out in its practice—has been manipulated by every interested party. Initially the tribunal was swept up in the anti-Syrian Cedar Revolution movement, which ultimately dislodged the Syrian military from its occupation of Lebanon. For a while Damascus was tried for the assassination in the court of public opinion until diplomatic relations between Saudi Arabia, Lebanon, the U.S. and Syria stabilized, forcing the tribunal back to uncertainty, allowing it to become again vulnerable to external manipulation. A dramatic instance of this happened recently when the Canadian Broadcasting Corporation aired a documentary titled "Getting Away With Murder" armed with leaked UN evidence that "points overwhelmingly to the fact that the assassins were from Hezbollah."

The reaction to the documentary's verdict in Lebanon has been enormous, and in its speed and clarity has further debased the value of the Special Tribunal.

The evidence upon which the CBC film rests is a forensic analysis of phone records contemporaneous with the assassination. Based on the leaked evidence, the CBC has produced detailed diagrams of a network of interlinking SIM cards and telephonic events in the vicinity of the car bomb, all of which were in contact with a Hezbollah base in south Beirut. Now that these diagrams have circulated widely, it seems that the tribunal's purpose is clear once again, as it will likely be compelled to pursue this latest extra-tribunal evidence. However, Hezbollah's leader, Sayyed Hassan Nasrallah, quickly retorted that the CBC's evidence proves nothing other than total "technological domination and infiltration" of Lebanon by Israel, and that "the Israelis can manipulate the time and place pertaining to the person who holds a cellular phone [in Lebanon]." Perhaps the ultimate role the this tribunal plays is little else than to provide another field of battle for the domination of Lebanese media and technological space.

## TRANSMITTING UNIVERSAL JURISDICTION

by Sidseil Meineche Hansen

The transnational space of law is perpetually expanding due to new technological mechanisms. The mediation and broadcasting of international trials, a process legal scholar Cornelia Vismann called a "tribunalization of trials," coincides with an increased focus on global justice that during the last decade has meant a geopolitical expansion of the international juridical space. The recent trial of Rwandan Francois Bazaramba by the district court in Porvoo, Finland, where he was a resident, is but one recent example.

Bazaramba's trial, which ended on June 11, 2010, with Bazaramba sentenced to life imprisonment for genocide and crimes against humanity, was the first of its kind in Finland. The premise for the trial is a principle of "Universal Jurisdiction," according to which any state can claim criminal jurisdiction for crimes against humanity over any individual, anywhere, regardless of national constraints. The Ministry of Justice in Finland could, for this reason, decline the request made by Rwanda to extradite Bazaramba.

The trial was processed according to Finnish national law. It was estimated to cost \$1.8 million, which included the relocation of the Finnish court to Rwanda and Tanzania, as around ninety percent of the evidence in the case consisted of testimonies given by witnesses living in exile in other parts of Africa. To host the hearing of these witnesses, the Porvoo District police set up the court in the conference center of a hotel in Kigali, Rwanda.

The conference room in Rwanda was fitted with video cameras, microphones, screens and wires to facilitate a mediated representation of Bazaramba, detained in a Finnish prison. The geographical distance separating the prosecutor and the accused was bridged via satellite links that allowed for trial proceedings to be transmitted between two nation-states.

The technical arrangement of this trial, together with the extraordinary cultural and spatial complications introduced by this case, makes it possible to consider the wires and the satellite cameras as a means that extend and implement an international criminal code in both the host and guest nations of these proceedings. Further, the transmission of evidence in this trial contracts a transnational space of law while simultaneously changing the fundamental condition for "being in court," implying a radical transformation in the near-future for the resolution of evidence and the way law is written.

## MODEL EVIDENCE

by Oliver Rees

On August 5, 2010, the British supermodel Naomi Campbell testified at ex-Liberian president Charles Taylor's ongoing trial, who, it is alleged, gave her a gift of "blood diamonds" during a private event at the home of Nelson Mandela in 1997.

Campbell's public relations agent said that her testimony provided more coverage of Taylor's trial at the Special Court for Sierra Leone, which is investigating the Sierra Leone Civil War, than the previous three years had received combined. But since then, the interest in the trial has died almost completely. So what did Campbell's appearance make evident?

Taylor's case had previously unfolded in a courtroom devoid of spectators in a simple architectural environment in the Netherlands, thousands of miles away from Sierra Leone. With Campbell's appearance, the space of the court was radically expanded through the media, and the networks of information created a disconcerting weave, tying together the courthouse with Sierra Leone and the rest of the world.

This paradoxical situation, where the trial only became visible to the world through the media interest around Campbell's appearance, led the entire case to be condensed and received through this model's appearance in court. This submerged the trial into partial invisibility and mutated debates away from Charles Taylor's role in supporting and controlling the Revolutionary United Front rebels, in part through the illegal trade of blood diamonds.

When Campbell became the object of the world's gaze, she also became the trial's emblem. This exemplified the allegorical nature of the court scene and turned the debate toward questions regarding her authenticity, a process that made evident the law's reputation of being as hostile to women as it is to images.

In the state of allegory, the love of Justice is still connected to women. Justitia, the Roman goddess of Justice, is the personification of the moral force of truth and justice in the law. She is often blindfolded to signify her impartiality, but this also prohibits any seductive look Justitia could return. This asymmetry—being looked at by everyone, but not looking oneself—could almost serve as the definition of an icon, and there are few better known than Campbell.

What co-witnesses Mia Farrow and Carol White and most of the media self-interestedly attempted to make apparent is that, corrupted by the receipt of blood diamonds, Campbell is not Justitia. And by betraying this image of embodied truth through a play of phantasmatic transformations, she was positioned as an immoral icon. In the hands of Naomi Campbell, the scales

Continued on Page 3

# The

of justice were tipped by Taylor’s gift of “dirty stones,” dark commodities that transgress all kinds of moral and material borders and re-articulate the strange space of international justice.

## OFFSHORE BORDER

BORDER CONTROL AT THE NEXUS OF CANADA AND EUROPEAN UNION POLICY

by Ayesha Hameed

In September 2010, Jason Kenney, Canada’s Minister of Citizenship, Immigration and Multiculturalism, met with his counterparts in six European Union countries, including France, Italy and Greece. They discussed common strategies to deal with unwanted migrants—Greek minister Spyros Vougiaris said Greece was “no longer able to stem the tide” of illegal immigrants—looking to stop their unwanted flow through borders erected offshore.

The offshore border comes into being with ships that transgress national waters; in the use of nautical metaphors to describe immigration; at the confluence of legal borders that arise in grey areas between states; and through time, where policy decisions are postponed into the receding horizon of future resolutions. The September meeting cemented

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an offshore border erected a month earlier off the coast of Vancouver Island in Canada and anticipated another new set of migrant policies in the EU in the following weeks.

In August 2010, the Canadian media feverishly tracked the approach of the

MV Sun Sea, a boat carrying Sri Lankan migrants fleeing that nation’s recently ended civil conflict. While cameras anxiously scanned the empty horizon, Canadian border services erected makeshift tents as detention centers on the shore. The local hospital on Vancouver Island blacked out the windows of an entire wing, made its staff sign confidentiality agreements and wear masks and goggles, which they aggressively sprayed to test their resilience against the worst: tuberculosis and cholera. When the Sun Sea docked, media reports exclaimed that the health scare proved unfounded and debated whether the new arrivals were terrorists, criminals or freeloaders; meanwhile, passengers were quietly sent to the detention centers. Three months later they are still being held.

In October 2010, two months after a sharp reprimand from the EU Justice Commissioner Vivian Reding for deporting over 1000 Roma people, France was quietly commended by the same commissioner for adopting the 2004 EU Directive on Freedom of Movement. What seismic changes could have occurred in French migrant policy for the commission to change its position so quickly?

The answer is none. These borders are justified through displacement: into the future to justify policy changes; onto coastal waters to offset the territorial border; onto health concerns, sealing off migrant bodies and hiding them from view. For Canada, it operates in fears of containment and disease; for France, in the passage of time where a rebuke from the EU Justice Commission mysteriously turns into praise in the space of a few weeks. The legitimization of the offshore border is both anticipated by and culminates in a spatial displacement. The meeting in September 2010 crystallized where the border “floats”—anticipating the creation of anti-immigration law and policy at the nexus of states, in temporal displacement and in the quarantining of the visual as in biological control. The tide of unwanted migrants is contained by the offshore border.

## FLOATING FORUM

MEDIA, HUMANITARIAN AID AND SPATIAL POLITICS AT THE SOUTHERN BORDERS OF EUROPE

by Lorenzo Pezzani

On November 20, 2010, human rights activist Elias Bierdel was awarded the

Blue Planet Award in recognition of his ongoing efforts for the protection of refugees. Bierdel is the former director of the German NGO Cap Anamur, which had converted a cargo freighter (also christened the Cap Anamur) into a hospital, but was not internationally famous until he and his floating relief center became involved in an event that critically questioned the relationship between humanitarianism, international law and media.

In 2004 the Cap Anamur rescued 37 African migrants who had come into distress while crossing the Mediterranean Sea to Europe. The ship was later denied permission to enter Italian territorial waters and kept off the coast of Sicily during a legal and diplomatic standoff in which the fate of the asylum seekers bounced between competing claims and denials by the governments of Italy, Germany, Malta, the EU and the UN High Commissioner for Refugees. Over the course of two weeks, lawyers, journalists, photographers, politicians, priests, activists and doctors reached the ship, transforming its deck into a unique forum of sorts. On the high seas, within the malleable framework of international law, the Cap Anamur found itself in an undefined legal limbo that spells death and misery to many, but in this case offered unexpected potential.

Itinerant disaster area and floating court at the same time, the ship became a temporary and precarious zone of extraterritorial political agency beyond state control. Through press conferences, articles and TV news, the situation on-board was broadcast to a growing public, but this exposure and transparency did not grant any salvation. When the ship was finally allowed access to a Sicilian port, the migrants were expelled and representatives of the Cap Anamur, including Bierdel himself, were indicted (and acquitted just last year) not only for “favoring illegal immigration,” but also, and most grievously, for “turning the humanitarian emergency into a ‘PR stunt’ for their profit.” Under the authority of a sovereign power, the undocumented and the overexposed suddenly fused, and aid-giving and news-making became equally culpable.

The awarding of the human rights prize to Bierdel for the same deeds for which he was indicted underlines once again how humanitarianism and media, by challenging national and international jurisdictions, operate in the unstable zone in which the limits of the political—and, specifically in this

case, the potential meanings of Europe itself—are constantly negotiated and redefined.

## SPEECH AND SPATIAL TACTICS

by Füsün Türetken

Today speech is being disciplined and controlled through a variety of spatial techniques. Consider the recent example of September 11, 2010: the use of metal barricades to control and confine both those supporting and those protesting against the construction of Park 51, the proposed Islamic cultural center in Lower Manhattan. The two demonstrating groups were restricted into two designated areas two blocks from each other, with each “free speech zone” framed and guarded by uniformed and plainclothes police officers. Additionally, these spatial tactics were used to carefully separate speakers and listeners.

As the U.S. Supreme Court has observed, First Amendment freedoms need space to survive; the exercise of these expressive rights requires physical space. Despite having occupied only the background in First Amendment theory and free speech jurisprudence—typically concerned with questions of what speech is being regulated and why—place can be a powerful weapon of social and political control, requiring answers to questions of where speech occurs or how speech and spatiality are intertwined. But place has only been treated as a locale for events and an inert container of speakers and speech, a thing, a res.

The First Amendment finds its spatial form in free speech zones similar to those seen at the Park 51 protests. Restrictions are made on the time, manner and place where expression occurs, as courts have viewed spatial restrictions—argued as a means of serving governmental interests to maintain order and security—as unrelated to content. Therefore, the First Amendment isn’t a license to speak wherever one pleases. As space is a limited resource, states claim the privilege to control the space of expression. But with the sorts of zones that have appeared, the state seems to move from regulating place to creating space for the purpose of controlling protest and conflict. These new spatial regulations indicate that the U.S. government has learned to manipulate

geography in a way that could threaten basic First Amendment rights. Protests in tactical places are harmless. Passively filling zones is a capitulation to the status quo, not a challenge to it. These spatial tactics represent a perfect geometry and frame of (physical) control over the sort of speech the First Amendment ought to protect; after all, the First Amendment to the United States Constitution also states that “Congress shall make no law...abridging...the right of the people peaceably to assemble...”

## THE EXHUMATION OF SIMÓN BOLÍVAR

FORENSIC PROCEDURES AND GEOPOLITICAL ALLIANCES IN SOUTH AMERICA

by Godofredo Pereira

Recent events in Venezuela have called attention to the participation of forensic sciences in political affairs, providing a material dimension to the notion of “body of the state.” On July 15, 2010, a team composed of scientists, forensic experts, pathologists and government representatives initiated the exhumation of the remains of Simón Bolívar, Venezuela’s “El Libertador.” The event took place inside the National Pantheon in a specially prepared room, with procedures that were extremely complex, including bone scans, X-rays, DNA extraction, bone tissue samples and

even a scan of the skull that could be used to recreate a three-dimensional computer image of Bolívar’s face.

Given that Bolívar’s writings on sovereignty were the main inspiration for the constitution approved in 1999, suspicions were raised in the media over the motives behind this investigation. Forensic analysis might provide evidence to support Hugo Chávez’s long-held theory that the Colombian oligarchy killed Bolívar. Even if the evidence is expected to be inconclusive, this act doubles as an investigation into the historical relations between Colombia and Venezuela as twin nations separated by external influences and political divergences. In fact, for Chávez, the struggle against the United States’ presence in the region, particularly in Colombia, mimics Bolívar’s struggle against imperialism and Spanish rule.

Perhaps it was just a coincidence that the exhumation came at a time when relations between Venezuela and Colombia were at a historical low. In July, diplomatic ties were severed for the third time since 2007. Nevertheless, continuous border tensions with Colombia, the apparent support of FARC guerrillas by Chávez’s government and internal struggles with privately owned media—widely acknowledged to be behind the coup-d’état of 2002—all may be narrated through the remains of Bolívar. Thus, through the collaboration of state honors and forensic procedures, Venezuela’s population gathers around its founding father as this event unfurls into an investigation of the “body of the state,” reinforcing the figure of Bolívar as the original source of law.



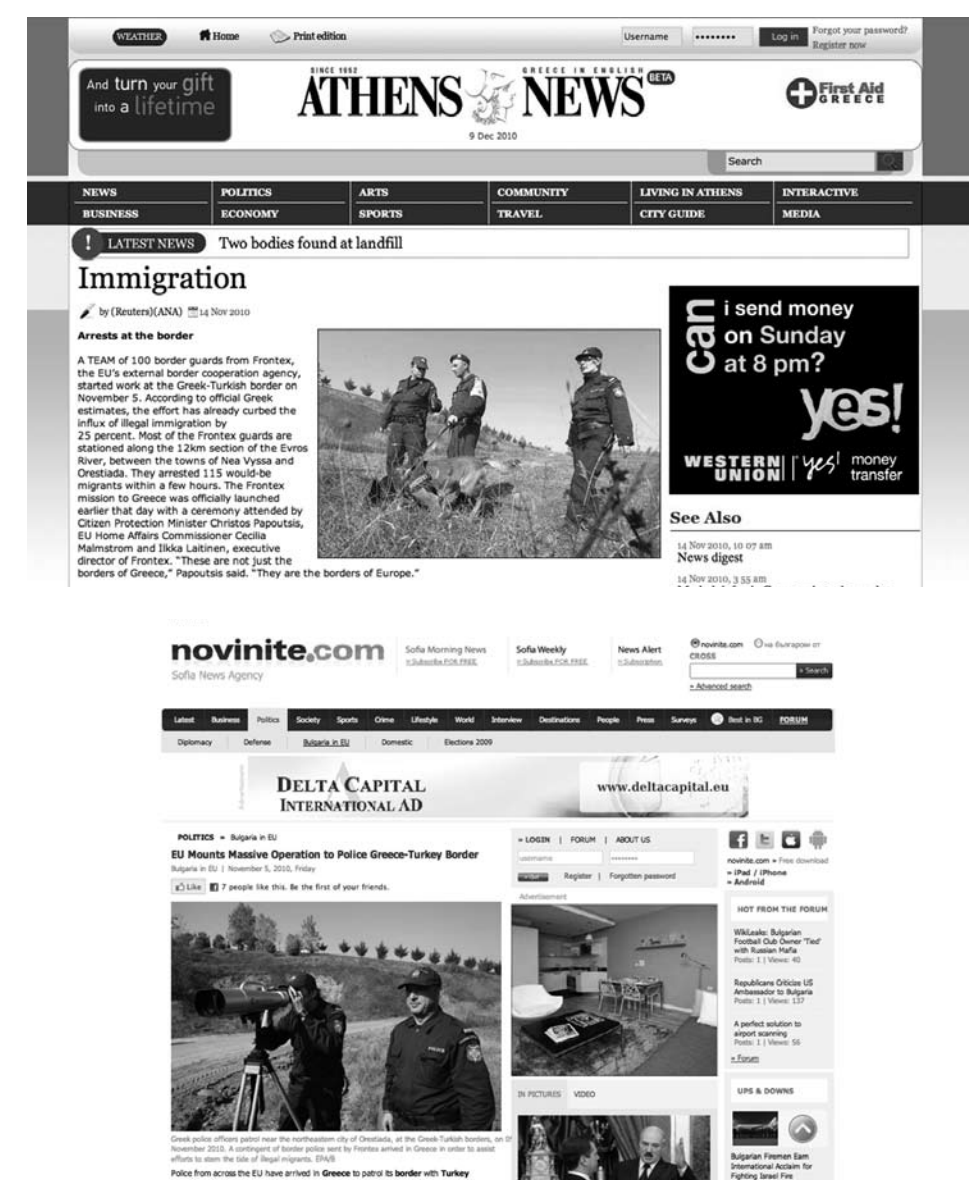
Cerimonial procedures during the exhumation of Simón Bolívar, VTV (film still) 2010.

# FICTION AS NEWS AND THE IMAGE AS PRACTICE

by Kerstin Schroedinger

How is the image a practice? This investigation spins around a series of images that were distributed as press photographs by the European organization FRONTEX in October 2010 to illustrate its mission at the Greco-Turkish border. How do these images produce the power to convince, particularly with regard to where and how certain pictures gain visibility? How is evidence elaborated in the picture, in the caption and in the headline?

This image: two policemen are handling a tripod. On the tripod is a massive telescope. The police officer to the left holds binoculars with one hand while opening the tripod legs with his other. The police officer standing at his right touches the tripod with his left hand. He seems to look and follow what the other one is doing. Is he learning from the other one? What is he learning? Is he learning how to look at the border?



Top: <http://www.athensnews.gr/issue/13417/33629>  
Bottom: [http://novinite.com/view\\_news.php?id=121882](http://novinite.com/view_news.php?id=121882)

It is a publicity shot. But it has appeared repeatedly in newspapers since the middle of October 2010 and was distributed through picture agencies like dpa, afp, EPA/B and

Reuters. By offering images ready for distribution in print, on TV and online, photo agencies are creating a defined space—an image space—that itself distributes a certain understanding established through repetition. The parameters of this space are defined by the locations in which a specific picture repeatedly appears.

Several variations of this picture exist, each showing the three actors: the telescope and the two policemen. The headlines under the image vary:

- “EU teams to patrol Greek border amid migrant surge,” BBC News, October 25, 2010
- “EU mounts massive operation to police Greece-Turkey border,” novinite.com, November 5, 2010
- “Premières patrouilles européennes à la frontière Greco-Turque,” *L’express*, November 5, 2010
- “Frontex patrol begin along Evros River,” ana-mpa.gr, November 5, 2010
- “Arrests at the border,” Athens News, October 14, 2010

There is a striking commonness in the use of headlines that define what is there to be seen, just as there was a similar framing of the object—the telescope—and the schooling of the gaze of the border patrol officers. What does this image space perform? Does repetition produce a form of normality through which the reader learns? Is the policing of the border a practice to which these images contribute? If so, the image, a core factor in social interaction, becomes a source of control and being governed.

## BUILDING RUINS

by Gerald Nestler

Reports and reflections abound on the concept of “ruin” as a financial condition that can apply equally to individual homeowners, small businesses, banks and even to entire nation-states. But the notion of ruin might indicate another current development concerning the temporal order of global finance today and its impact on the social and legal spaces that constitute the realm inhabited by people.

On May 6, 2010, high-frequency trading in the E-mini S&P Futures market started a cascade of selling activity in an already bearish situation that

spilled over into other markets and marketplaces. The event, termed the “Flash Crash,” resulted in the biggest one-day point decline in the history of the Dow Jones Industrial Average.

The Flash Crash—in the words of London School of Economics professor Daniel Buena, “a watershed event in the history of markets”—constitutes the ultimate ruin of the vanishing socio-spatial arena of exchange and price discovery. The open-outcry trading pit was shot into pieces in six minutes, a havoc in which automated trading forced old-school market makers to clear the floor. Vivid audio of this event can be found on YouTube—search “tradersaudio.com.” However the event might serve as a template for a wider context in which spatial relations tend to become subjected to a temporal mode of markets.

High-frequency, or “flash,” trading is a set of financial methodologies based on algorithms allowing executions of trades in milliseconds. Today, it amounts for over 70% of equity trades in the U.S. and is growing all over the world. Its proponents claim high-frequency trading deepens pools of liquidity in the markets, reducing volatility. It also shortcuts the relatively illiquid and slow human agents in the few remaining trading pits and shows a stark contrast to the exchange of imitation and control between human traders on site.

The pace of global financial circulation flushing in and out of economies is setting new records. In this temporal scheme, space dissolves into non-space, deflating in the electronic moments of transaction. Negotiating risk in temporal threads poses a threat to older social systems and even nation-states that cannot simply dispose of the old order of space. The spatial realms inhabited by individuals—consisting of their social, societal and cultural constructions, and multifarious connections—are undergoing a decisive shift from political and legal to financially controlled systems. This adaptation of derivative finance methodologies to the social arena, often called financialization, is the truly unprecedented side-effect of high-frequency trading, yielding a concise, new socio-spatial equation: transaction disposes of action.

The flow of algorithmic trades deconstructs social and spatial architectures by “building ruins.” The ruin is the global structural settlement of derivative finance, as it constitutes the precarious space in which the negotiation of risk

is not disturbed. Social fabric is turned into ruins to provide the essential sites of accelerated intrusion and withdrawal of capital. The commodification of everything can be seen as the method of deconstruction, or rather, the construction of ruins by which the standardized exchange of contracts regulates the assessment of value on a screen of global scope.

The current debates and frantic policies enacted around the debt crises of nation-states such as Ireland, Portugal, Spain, Greece and their banks, the sub-prime housing crisis, even the end of pit trading itself as the arena of exchange are only a few examples of the psychology of derivative finance paving its way beyond social and spatial dimensions. Contrary to other invasions of power, this system creates ruins as collateral for its own action. As an order of near-immediacy it distorts economies and fragments space. The space of action is abandoned, further allowing transactions to flow free of human agency. Any kind of policy or law that tries to regulate trading of derivatives is interpreted by its advocates as an unruly infringement of the rule of free trade, although the latest crisis has made it obvious that the main argument for market economy—that only the market and its mechanism of supply and demand provide real prices and values—has not only been suspended but rendered inoperative.

The institutionalized legal systems of the modern nation-state cannot cope with this automated, globalized system of finance. Deregulation—a manifestation of a set of arbitrary market rules instead of the rule of law—has therefore helped to bring about a decisive weakening of democratic structures. The crisis of legality is abundantly evident in the absence of a global approach to financial law; individual nations and their citizenries are largely undefended by weak international regulatory bodies, whose main advisors and even representatives often come from the finance industry proper.

With the radical decoupling of finance and economy, the slogan of the 1990s, still haunting today, needs to be reformulated: “It’s not the economy; it’s the people, stupid!”

## MURKY EVIDENCE

CRIMINAL DESIGN AND THE MESSY COURT-PUBLIC

by Paulo Tavares

At the Superior Court of Lago Agrio, a frontier-city carved out in the middle of the Ecuadorian Amazon, one of the most significant juridical cases in which law and ecology appear inter-related is about to reach a conclusion. Chevron, the American oil giant, is being prosecuted by 30,000 indios and campesinos who accused Texaco (acquired by Chevron in 2001), of having deliberately dumped more than 345 million gallons of oil into 4,400 km<sup>2</sup> of Amazonian soil and water streams. This number is twice the amount estimated in the recent spill in the Gulf of Mexico, and the area is equivalent to the size of the Rio de Janeiro metropolitan region. The sheer volume of toxic material disposed and the impressive dimensions of the territory contaminated are perhaps only comparable to the scale of the socio-ecological disaster produced, which was dubbed by environmental activists “The Amazon Chernobyl.”



Earth-sampling during judicial-scientific evidentiary inspections of the Lago Agrio trial. Image: still frame of “Crude,” Joe Berlinger, 2009.

Petroleum exploration generates a series of byproducts known as “production water.” While the oil is pumped out to international markets, this viscous, gasoline-like toxic “juice” has to be disposed somewhere. The common practice in the U.S. since the mid-1930s is to use deep-ground reinjection methods to avoid contamination of near-ground and surface aquifers. Texaco had chosen a cheaper technology for the Amazon, redirecting oil-drilling waste to more than 900 open-air pits distributed throughout the region. The precarious architecture of that waste-disposal system is at the center of the legal dispute. Whereas Chevron contends it was a legal practice at that time in Ecuador,

plaintiffs claim the corporation consciously employed a criminal design to increase surplus at the expense of the lives of local people and the health of the region’s ecosystems. At different stages of the trial, during a series of judicial/scientific field-inspections, murky soil samples were presented as evidence to the court.

At the heart of the accusations lays the idea that, because the environment was turned into a medium of violence, unlawful actions are indexed in the micro-ecology of the Amazon basin water cycles, thus literally converting the very “body of the earth” into the site of a legal and scientific dispute. Today, because nature has become a central space to which cultural and political rights are bound, ecological systems increasingly inhabit the courtrooms of national and transnational forums as potential witness of legal violations. Animated by a court, organic matter becomes a vibrant and talkative legal entity whose opaque and controversial testimony calls for a new legal-ecology in which both human and non-human rights are contingent and interdependent.

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