

# Haunting Pasts to Flowing Futures: In Search of Oceanic Agency\*

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We tend to think of the Ocean as an expansive space of abundance. Indeed, she is not a stingy one: she continues to give to and nourish us as long as she can. As humans, our dependency on her can rob both her and us of relations that are essential for the sustainability of life forms in the long run.

The ongoing acceleration of climate change has been pushed by our ever-growing anthropogenic carbon footprint and other impacts on the

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biosphere. The Ocean is especially affected, as the largest carbon sink of our blue planet, and the home to many creatures that we depend upon. At the same time, the variety of fish available to us feels endless, and there are ancient traditional practices at sea that have carried intricate fishing strategies along the course of history. Whether these are small-scale or industrial, we need to be aware of how fishing practices affect the Ocean. Each element of our global ecosystem is inextricably intertwined, and human imagination is often so limited that we don't realise how marine life has arranged itself into rich ecosystems of underwater wonders, like coral reefs or hydrothermal vents, that form blossoming submerged gardens and more-than-human cities of thriving life. Such assemblages are not only beautiful: they are one of the many pillars upon which life itself rests, human life too.

If we try to think with fish from a non-human perspective, we might consider the relation between fish and fishing strategies. For this precise reason, the cover of Volume 2 of the Yearbook on the Law of the Sea is timely. The modern vessel disappearing into the background is overshadowed by the apparently serene sight of a traditional fishing hut, suspended on poles over the lagoon of Venice. A net hangs down from the hut, designed to work together with the complex tide system generated by the inlets allowing exchange with the Adriatic Sea. This view, almost a vernacular land art monument, leaves us with a flurry of questions: how do we relate to this landscape, and what are we looking at? What are the possible ways in which we can respond? How does an image that contains and unfolds so many queues of symbols and connections relate to other disciplines, to law and science?

The title of the image is 'Hauntological Tour of Pellestrina in Winter', giving us the clue that ghosts or spectres are so much more present than our rational selves want to believe. History is still very tangible, the past is alive and acting, in this case where small-scale and traditional fisheries are slowly disappearing along with the salty marshes they depend on.

This dynamic of the past has a complex relation with aggressive and more directly haunting industrial-scale fisheries, which jeopardise the fundamental infrastructure that supports the act of fishing, and upon which the culture of such places is built: that is the watery ecosystem that we call Ocean. The term ‘hauntology’ is captivating in the context of the image that leaves us emotionally replete and conveys as a single piece of living evidence – or an archive the very alive idea of ‘capitalist realism’, conceptualised by Mark Fisher and stretching back to the spectres that Jacques Derrida and Karl Marx allude to as acting in our world, although invisible. It might be true that ‘it is easier to imagine the end of the world than the end of capitalism’,<sup>1</sup> as Fisher famously states, but it is also true that in such places we can feel the presence of a lingering ghost: a way of fishing – and more broadly of living – that sees nature as a subject, an embracing infrastructure and an agent that shapes culture and lifestyles, rather than an object to be dominated and extracted until exhaustion and ultimately (self)destruction.

In this holistic sense, just as we cannot separate nature from culture, we cannot frame histories of art as pure, as disentangled from reality and its shifting power relations. Over the centuries, artists have crafted not only artworks, but new ways of seeing and constructing reality, often to shed light on what has been less exposed by dominant narratives. Similarly, as scholars and makers of law, we should be conscious of our ghostly pasts, but we must also take risks in dreaming up a future that celebrates the Ocean’s living form, regarding it and protecting it accordingly. Art and culture can serve the purpose of deconstructing and re-assessing values, a process in which laws can be elements to catalyse agency within relational systems. Rather than separated disciplines, each fulfilling a single task in perfect epistemological seclusion, these elements can join forces. For example, law must not necessarily follow a disaster, regulating

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1. Mark Fisher, *Capitalist Realism: is there no alternative?* (Zero Books, 2009), chapter 1.

its consequences, or after a cultural shift has already happened; by being shaped in dialogue with ongoing events and flows of relations, it can influence culture and generate new paradigms that are alive.

Looking at nature as a whole, and to history as a continuum, we reach the conclusion that one lens cannot be enough to see such enormous things as the Ocean in full: they must be approached from as many sides and points of view as possible, also accounting for worldviews that have been sidelined for too long, or ideas that are on the verge of disappearing.

Here is the key, and the secret contained in the spectral remnants of surviving ideas, like the one portrayed on the cover of this book: the canvas of contemporaneity remains open in search of a sustainable balance – one that renders the future of our planet liveable – within a closed ecosystem, that must account for all of the life forms depending on it and shaping it, at all times. We must cooperate and coexist, following paths of deep care and cosmic kinship.

In this process we must not fear such ghosts, as they are not hungry spectres, craving to devour life. Quite the opposite: they bring empowering messages from a past that has not passed. They whisper tales of a planet that wants to live.