

Limits for Art? Street Art in Bhutan

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We are once again in Bhutan to help build the newly established [JSW School of Law](#). [Like last year](#), we have had the opportunity to better acquaint ourselves with Bhutan's people, culture, and environment. Yet this year, things seem to be different. Guards are wary and ask us repeatedly about the whereabouts of our guide and our permits. In Simtokha Dzong, a fortress near the capital Thimphu, a police officer follows our every step. There is a whiff of paranoia in the air.



We finally found out why: the French urban artist "[Invader](#)" visited Bhutan in February as part of a tourist group and placed his mosaics on sacred structures, such as the Taktsang (Tigers Nest) and Cheri Gompa monasteries. The artist later posted photographs of his works on his Instagram account [#@invaderwashere](#). Both [Bhutanese](#) and [other](#) media found this behaviour irresponsible and insensitive toward Bhutanese culture. Even among his own [fans](#) Invader's actions seem to be controversial; some accept his mosaics as a legitimate form of artistic expression, while others simply regard them as desecrating sacred sites.



Source: <http://www.space-invaders.com/world/bhutan/>

While the artist has long since left the country, Bhutan's citizen are immersed in an intense discussion about who is to be held responsible: the Tourism Council of Bhutan; the guides; the monks; or the tour operator? Or, should Interpol enter a warrant for the artist? After all, Bhutanese law stipulates high penalties for the desecration of religious sites. Theft or vandalising of relics, for instance, is punishable with life imprisonment. Although Article 7

Section 2 of [Constitution of Bhutan](#) of 2008 protects "the right to freedom of speech, opinion and expression", it is not comparable to the right of artistic freedom enjoyed by – for instance – Article 17a of the Austrian Basic Law on the General Rights of Nationals of 1867.

In Bhutan, as well as in any other country, the underlying question is, of course, what is art and what are its limits? There is no single, universally-accepted definition of art. Artistic expression and creation, however, are commonly granted the freedom to innovate, irritate, and to be critical of society. Every society sets its own limits against this freedom in accordance with its values and through public discussion. Thus, European courts do not recognise the glorification of acts of terrorism as art (Leroy v. France, no. 36109/03, ECHR 2008). In Bhutan, the authorities banned the movie [Hema](#)



[Hema](#) by director Dzongsar Khyentse Rinpoche from being screened in the country as the actors in the film wear religious masks that are also used in religious ceremonies. Following the outcry caused by Invader's works, the limits of art and the question of what it may or may not do are being

(re)negotiated in Bhutanese society. For example, in the wake of this controversy, public discussions in Bhutan are focused on the differences between traditional pink phallic symbols painted on house walls and modern graffiti on public buildings. While phallic symbols are perceived as symbols of protection in Bhutan, similar representations would be legally problematic if painted on house walls in the US or Austria.

These examples show that the limits of art are deeply contingent on specific cultural and political contexts. Globe-trotting artists, such as Invader, run the risk of infringing on national laws, hurting religious beliefs, or disregarding cultural practices. It remains to be seen whether Invader's actions achieve an important role in providing social criticism on an international scale, or whether they will prove damaging to a young democracy. Either way, this case illustrates the complexities of questions Bhutan and those who come to work here have to deal with. In that sense, we need to carefully reflect on our own role in establishing the first Law Faculty in Bhutan and continue engaging in a constructive dialogue with our Bhutanese colleagues and students.

Daniel Romanchenko translated the text.