

Dancing ‘As If’: Performing Prefigurative Law in Post-War Sri Lanka

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‘So for now everyone is dancing
As if it’s any time but the present’
(Father John Misty 2017)

1 Introduction

Amidst a busy covered market in Jaffna, a diverse group of 20 performers – women and men, old and young, disabled and abled, Tamil and Sinhala – suddenly launch into a partly co-created ‘inclusive dance’⁴ performance accompanied by a percussive beat from a portable speaker. It begins with four deaf students from the Nuffield School for the Deaf and Blind entering the market’s atrium one-by-one and claiming the space: the first with a struck pose, the second with a series of rapid gyrations, the third with a hand-on-hip saunter, and the fourth with a backward walk. They then take it in turns to move-and-freeze while being joined by other performers who mirror their poses. They briefly compose a *tableau vivant* as counterpoint to the market bustle before forming into groups of three, in which each takes turn leading the others in improvised movements. In time, a fourth performer commandeers each triangle, poking and prodding its bodies into

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contorted poses. A woman in a brightly mismatched *shalwar kameez* then herds everyone into a single mass of bodies, which then starts a slow flocking movement across the space. Every now and then, one member of the flock breaks away and cavorts around the group before rejoining it: first, a woman with an amputated arm, followed by a male deaf student, then a female deaf student showing off her karate training, and finally a woman in a wheelchair yelling. After nine minutes, the performance ends with the flock, now at the centre of the atrium, fissioning, and the individual performers moving back to the market stalls. The stall owners, customers, and pedestrians applaud and then two disabled performers take turns at the mic, explaining how the dance is part of a project to empower disabled people in Sri Lanka. Afterwards, an older male onlooker said that ‘when the disabled dance it creates a sort of awareness for everyone – that’s a really good thing’.⁵ This disruptive performance in an everyday public space did four things. First, it made manifest that disabled people often lack access to public spaces, cultural life, and equal protection of the law – despite an earlier Supreme Court ruling which ‘recognize[d] that people have different levels of ability to move freely, and that many ... are restricted in their movement’ (*Perera v. Attorney General & Others* (2009)). Second, it demonstrated how ‘when subjects are denied spaces to perform their equality[,] they may create alternative spaces through dance’ (Mills 2017). Third, it presented an embodied re-membering of war’s injuriousness in the post-war (see Berghs 2012; de Mel 2007; Scarry 1985). Finally, and perhaps most importantly, the performance prefigured ‘more accessible futures’ (Kafer 2013) for disabled people in Sri Lanka.

This short creative essay juxtaposes text, dance notations, photographs, and collage to depict how VisAbility, a German-Sri Lankan dance association, performs prefigurative law through inclusive dance in post-war Sri Lanka. Such dance-as-law – or, more accurately, dance-as-if-law – is yet another form of legal dance (Mulcahy 2021). VisAbility empowers disabled people (often war-wounded) to dance ‘as if’ Sri Lanka is accessible – as required by the Supreme Court and the United Nations *Convention on the Rights of Persons with Disabilities* (CRPD). The essay moves from the ‘as is’ to the ‘as if’ – from the state’s

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non-performance of disability rights to VisAbility’s performance of prefigurative law. It ends with a collage that imagines a more accessible future Sri Lanka.

2 As Is



Figure 1: A wheelchair user at the triumphalist Victory Monument at Puthukkudiyiruppu (Lars Waldorf 2017)

Some 1.6 million people in Sri Lanka or 8.7% of the population have physical and mental impairments (UNESCAP 2015: 158). A sizable, but unknown, number were physically and psychologically injured during the country’s brutal 26-year civil war, which pitted the Sinhala Buddhist majority-led government against a Tamil separatist movement in the north and east. Disabled people face significant social and environmental barriers that prevent equal access to political, economic, social, and cultural life. Although Sri Lanka ratified the CRPD in 2016, successive governments have failed to amend or replace the woefully outdated *Protection of the Rights of Persons with Disabilities*

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Act of 1996 (see, e.g., Campbell 2013; ICES 2024; Samararatne 2021). Previous governments and some disabled people's organizations remain wedded to a charitable rather than a rights-based approach to disability. Many disabled people face stigma and discrimination, while also lacking awareness of rights and social protection schemes (Marambio 2020; Samararatne et al. 2018).

Social exclusion of disabled people is exacerbated by the state's persistent failure to make public buildings, spaces, and transport widely accessible. In 2003, the National Policy for Disability found that most public buildings and transport were inaccessible. Responding to that, the government issued *Disabled Persons (Accessibility) Regulations* in 2006. Three years later, Dr. Ajith Perera, a disability rights activist, brought a case to the Supreme Court arguing that the government's non-implementation of those regulations had violated his fundamental rights.⁶ The Court agreed: 'many especially the growing numbers of Seniors, Disabled Persons and Pregnant Mothers are restricted in their movement' (*Perera v Attorney General & Others* (2009)). It ordered that new building approvals and completion certificates would be conditional on compliance with those accessibility regulations. In 2018, Dr. Perera filed a renewed complaint. Again, the Supreme Court found in his favour:

Thus, the stark truth is that there has been large scale non-compliance with the Regulations despite the passage of about 13 years since the Regulations were made and the passage of more than one and half years after the expiry of the time limit allowed for compliance ...

[This] results in persons with disabilities being, in effect, debarred from accessing public buildings, public places and places where common services are available or results in persons with disabilities having to publicly deal with inconvenience, difficulty and fear or even, at times, undergo public embarrassment or humiliation in the course of their attempts to access these places and use the facilities within these places, their human dignity is likely to be gravely impaired. This stark truth buttresses the determination reached earlier that there has been and continues to be a violation of the fundamental rights guaranteed by Article 12 (1) of the Constitution [guaranteeing equality and equal

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protection of the law] to the petitioner and others who are similarly circumstanced (*Perera v Gamage & Others* (2019)).

Tellingly, a newspaper article about the case was accompanied by a photograph showing a wheelchair user being lifted up the Supreme Court's steps (Ismail 2019).

In that 2019 judgment, the Supreme Court invoked the CRPD's accessibility provisions even though Sri Lanka has not (yet) incorporated the CRPD into national law. Curiously, the CRPD does not define accessibility even though it is one of the CRPD's core principles (2006: art. 3) and is a primary obligation of state parties (2006: art. 9). The Committee on the Rights of Persons with Disabilities (2014: para. 4), which is tasked with interpreting the CRPD, proclaims that accessibility is 'a vital precondition for the effective and equal enjoyment of civil, political, economic, social and cultural rights by persons with disabilities.' Several legal scholars have adopted a capacious definition of accessibility in the CRPD. For example, Charitakis (2018: 25) sets out various features, the first of which is 'attitudinal accessibility' – that is, 'the removal of stigma and other negative behaviour that people with disabilities, their families and their caretakers experience throughout their lives.'

3 As If

A Prefigurative Law

One way to challenge existing law, such as Sri Lanka's outmoded disability law, is for non-state actors to imagine and act out alternatives. Drawing from prefigurative politics, Davina Cooper (2023: 37) calls for prefigurative law – that is, 'acting as if [law] were otherwise.' She offers a range of examples from citizens' tribunals to the feminist judgments projects to DIY (Do It Yourself) law reform (Cooper 2023: 18-19; see Cohen and Morgan 2023; de Sousa Santos 2015: 138-39). Elsewhere, she explores two variations on the 'as if': 'acting as if the legal and political conditions necessary were already in place; and ... where bodies act as if they have the performative force that they need' (Cooper 2020: 895). Cooper observes that 'When overtly aligned with play, [the as

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if] allows actions to happen ... that might otherwise struggle for lack of official propriety and formal legitimacy’ (896; see Shepard 2011).

Prefigurative law may help bring about the conditions for meaningful legislative change – by fostering alternative discourses and hopeful possibilities (Cooper 2020: 897, 907; see also Jeffrey and Dyson 2021: 649). Perhaps most fundamentally, prefigurative law can empower law’s subjects: ‘When people engage law in ways that transcend or transform any likely official authorization or application, they are acting as legal subjects oriented not, or not only, toward making demands on the state but proceeding as if they already have legal power’ (Cohen and Morgan 2023: 1064).

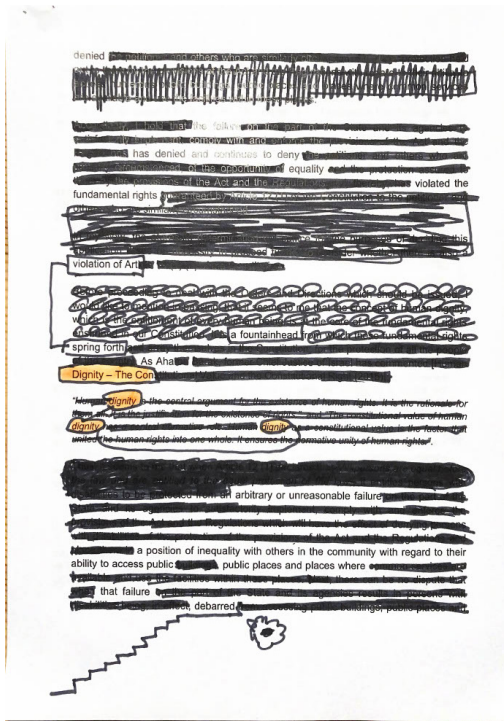


Figure 2: Blackout legal poem (Lars Waldorf 2025)

B Prefigurative Dance

Despite the growing scholarship on dance and politics (e.g. Kowal et al. 2017), there has been surprisingly little attention paid to dance as prefigurative politics. Dance scholar and activist Randy Martin gestured in that direction. At the start of *Critical Moves*, he writes:

Dance lies at the point at which ... doing and anticipation are intertwined ... Taking dance seriously ... helps us to see beyond the despair of an arrested present to the opening that any present forges for enhancing social life, as activity done together. The sense that the present could be made other than what it is – namely, that movement is possible and unavoidable – is intuitive for those that dance (Martin 1998: 1-2).

In his later essay, 'Toward a Kinesthetics of Protest', Martin (2006: 791) observes that 'protest embodies what it seeks to achieve, stilling the impossible so that an alternative might become livable.' Taking inspiration from Martin, Dana Mills (2017: 18) contends 'dance is a source of possibility in opening new futures and creating new disagreements within our existing political present.' She further argues that 'dance not only celebrates the ability of human beings to create their worlds when law and politics fail them, but also enables human beings to protest against wrongs done to them' (108).

One, not unproblematic, example Mills discusses is Eve Ensler's *One Billion Rising*, which uses dance to protest violence against women (83-98). The more bottom-up transnational dance, *A Rapist in Your Path*, which was initiated by Chilean feminist collective Las Tesis in 2019, goes further, denouncing the legal system as complicit in gender violence:

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It's the cops,

It's the judges,

It's the system,

It's the President,

This oppressive state is a macho rapist (quoted in Serafini 2020: 292).

Serafini hails *A Rapist in Your Path* as 'a powerful, prefigurative performance action' (294). Indeed, the spread of the dance protest inspired Las Tesis and others to form the Feminist Alternative Party to help shape a new Constitution for Chile.

Another, if less dramatic, form of how dance and prefigurative law can come together was the co-creation and performances of *Live Fiction* by Stopgap Dance Company as part of DANCING, an arts-based, socio-legal research project on disability law in Europe.⁷ As Ferri (2025: 14) explains, this inclusive dance performance is a 'non-conceptual way to apprehend and comprehend the legal principle of accessibility and to translate Article 9 CRPD into practice' for a wider public audience. Accessibility was further enhanced by making audio description, live captioning, and visual representations of sounds part of the creative process and dance performances (Ferri and Leahy 2025: 11-12). Some dancers and audience members saw these performances as prefiguring a more accessible, diverse, and inclusive society (14-16).

C VisAbility's Prefigurative Dance Performances in Sri Lanka



Figure 3: VisAbility dance workshop, Jaffna 2017 (VisAbility 2017)

Inclusive dance brings together bodies with and without physical disabilities.⁸ It can be a form of prefigurative dance when it imagines, embodies, and enacts worlds of being equally different and differently equal. Gili Hammer has described how inclusive dance can promote

kinesthetic commensurability—that is, the physical and social interactions that engender an embodiment of reciprocity and intersubjectivity between ability and disability (Hammer 2021: 294).

This deconstructing of the abled/disabled binary can, in turn, 'lead to the formation of *a collective of differences*' (ibid) – something she subsequently views through the lens of 'crip utopian performatives' (110). Although Hammer leans on Alison Kafer's work, Kafer prefers futurity to the utopian:

A politics of crip futurity, an insistence on thinking these imagined futures – and hence, these lived presents – differently ... In imagining more accessible futures, I am yearning for an elsewhere – and, perhaps,

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an ‘elsewhen’ – in which disability is understood otherwise: as political, as valuable, as integral (Kafer 2013: 3).

We can understand VisAbility’s inclusive dance performances in Sri Lankan public spaces as prefiguring Kafer’s ‘more accessible futures.’ As VisAbility’s name underscores, it seeks to challenge the invisibilization of disabled people and, more fundamentally, the abled/disabled binary in Sri Lankan culture and society. To that end, VisAbility stages inclusive flash mobs and dance performances in everyday public spaces, such as roadsides, marketplaces, parks, and beaches. On Kallady Beach in Batticaloa, a woman with elbow crutches moves among a group of swaying dancers, occasionally prodding one in the back with her crutch, which throws the entire group off balance. Across the road from Jaffna’s District Secretariat, a dancer wearing a blue ‘police’ t-shirt moves back and forth yelling ‘yes’ at a flash mob of 20 dancers who insistently respond ‘no’ while mimicking his movements, tone, and volume as a stream of bikes, motorcycles, tuk-tuks, cars, and trucks drive past. In Kokkadichchola, dancers divide into two groups, with one shouting ‘Mudiyathu!’ (cannot) and the other shouting back ‘Mudiyum!’ (can). These ‘interventionist performances’ (Hadley 2014) cause commotions, invite stares, and disrupt norms (Sandahl and Auslander 2005: 5). Such performances also deliberately ‘confuse non-disabled people’s concepts of what dance can be, what bodies are supposed to do, and what disability means’ (Kuppers 2001: 39). Or, as a student at the Swami Vipulananda Institute of Aesthetic Studies exclaimed after an outdoor VisAbility performance: ‘I like it, but I don’t know what it means.’ VisAbility co-founder Gerda König later remarked: ‘And it doesn’t matter if they understand the meaning; it’s just the feeling when they see it and realise something is different. This is important, to change your mindset’ (König et al. 2022: 47).

In these public spaces, VisAbility is not only performing ‘kinesthetic commensurability’ (Hammer 2021: 294) between performers with and without disabilities but also prompting ‘kinesthetic empathy’ between the performers and audience members with and without disabilities.

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disabled people are able to access and participate in ‘the civil, political, economic, social and cultural spheres’ as promised by the CRPD (2006: preamble). Or, to quote Cooper (2020: 895) again: these dancing ‘bodies act as if they have the performative force that they need.’

4 Conclusion

In this short essay, we have brought together text and images to illustrate how inclusive dance in public spaces can perform prefigurative law by contesting the abled/disabled binary and acting ‘as if’ the state has implemented the CRPD. This collage depicts how those performances imagine, embody, and thereby enact a more accessible future for all Sri Lankans.

Endnotes

- 1 Lars Waldorf is a Professor at Northumbria Law School, Northumbria University (UK). He was Principal Investigator for three action-research projects with VisAbility in Sri Lanka and Nepal that were funded by the UK's Arts and Humanities Research Council and the British Council in Sri Lanka. We also want to acknowledge that none of the co-authors have lived experience of physical disability.
- 2 Mahesh Eranga Umagiliya, a Sri Lankan choreographer and dancer, is director of Meranga Fine Arts Ensemble (Sri Lanka) and a co-founder of VisAbility.
- 3 Helena-Ulrike Marambio is an Assistant Professor at the Institute for Legal Gender Studies at Johannes Kepler University (Austria) and a co-founder of VisAbility.
- 4 Inclusive dance is sometimes termed integrated or mixed-abled dance. For a discussion of the politics of this terminology, see, e.g., Bergonzoni 2021; Whatley and Marsh 2017.
- 5 This description is drawn from VisAbility's video recordings of the performance. More information about VisAbility's performances and audience responses is set out in Blades 2019; Waldorf et al. 2024.
- 6 For more information about Dr. Perera, see Seneviratne 2020.
- 7 The project's full title was 'Protecting the Right to Culture of Persons with Disabilities and Enhancing Cultural Diversity through European Union Law: Exploring New Paths – DANCING.' More information about the project is available at <https://ercdancing.maynoothuniversity.ie/creative-works/artwork/>. There is a short video clip of Live Fiction on Stopgap Dance Company's website at <https://www.stopgapdance.com/production/lived-fiction/>.
- 8 There is an expanding literature on dance and disability (see, e.g., Hammer and Ames 2026; Shapiro 2025), some of which addresses law (e.g. Whatley et al. 2018), rights (e.g. Ferri and Leahy 2025), and rights education (e.g. Waldorf et al. 2024).

References

Perera v Attorney General & Others (2009) S.C. (FR) NO. 221/2009

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- Perera v Gamage & Others* (2018) SC FR Application No. 273/2018
- Baxi U, McCrudden C, and Paliwala A eds 2015 *Law's Ethical, Global and Theoretical Contexts Essays in Honour of William Twining* Cambridge University Press Cambridge
- Berghs M 2012 *War and Embodied Memory: Becoming Disabled in Sierra Leone* Routledge Abingdon
- Bergonzoni C 2021 'Translations. A Dance for the Non-visual Senses' *Danza e Ricerca* 13: 217-230
- Blades H 2019 'Dance, Disability and Performance in North and East Sri Lanka: Evaluating Audience Responses' in Vendramin et al. 2019: 330-346
- Blades H 2021 'Dancing Right(s): Dance, Disability and Legal Empowerment in Post-War Sri Lanka' *Dance Research* 39/1: 72-88
- Burrige S and Svendler Nielsen C eds 2017 *Dance, Access and Inclusion: Perspectives on Dance, Young People and Change* Routledge London
- Campbell FK 2013 'A Review of Disability Law and Legal Mobilisation in Sri Lanka' *Law and Society Trust Review* 23/308: 1-30
- Charitakis S 2018 *Access Denied: The Role of the European Union in Ensuring Accessibility under the United Nations Convention on the Rights of Persons with Disabilities* PhD Thesis Maastricht University
- Cohen AJ and Morgan B 2023 'Prefigurative Legality' *Law and Social Inquiry* 48/3: 1053-82
- Committee on the Rights of Persons with Disabilities 2014 *General Comment No 2: Article 9: Accessibility* 11th sess, UN Doc CRPD/C/GC/2 (22 May)
- Convention on the Rights of Persons with Disabilities* 2006 opened for signature 30 March 2007 2515 UNTS 3 (entered into force 3 March 2008)
- Cooper D 2020 'Towards an Adventurous Institutional Politics: The Prefigurative 'As If' and the Reposing of What's Real' *Sociological Review* 68/5: 893-916
- Cooper D 2023 'Crafting Prefigurative Law in Turbulent Times: Decertification, DIY Law Reform, and the Dilemmas of Feminist Prototyping' *Feminist Legal Studies* 31:17-42
- de Mel N 2007 *Militarizing Sri Lanka: Popular Culture, Memory and Narrative in the Armed Conflict* ICES Colombo

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- de Sousa Santos B 2015 'Towards a socio-legal theory of indignation' in Baxi U et al 2015: 115-42
- Disabled Persons (Accessibility) Regulations No 1 of 2006
- Ferri D 2025 'Advancing an Embodied Understanding of Accessibility for Persons with Disabilities' *Journal of Human Rights Practice* 17/2: 1-18
- Ferri D and Leahy A 2025 'Dance as a Powerful Tool to Advance Disability Inclusion: Reflections from an Interdisciplinary Collaboration' *Dance Research* 43/1: 1-19
- Hadley B ed 2014 *Disability, Public Space Performance and Spectatorship: Unconscious Performers* Springer New York
- Hammer G 2021 'A Pirouette with the Twist of a Wheelchair: Embodied Translation and the Creation of Kinesthetic Commensurability' *American Anthropologist* 132/2: 292-304
- Hammer G 2024 'Navigating Frictions' *Etnofoor* 36/2: 109-130
- Hammer G and Ames M eds 2026 *The Oxford Handbook of Dance and Disability* Oxford University Press Oxford
- ICES (International Centre for Ethnic Studies) 2024 'Women Living with Disabilities: Shadow Report submitted to the Committee on the Elimination of Discrimination Against Women'
- Ismail S 2019 'Lanka's Disabled Public Cheated of Full Access to Public Resources' *The Sunday Times* 27 January
- Jeffrey C and Dyson J 2021 'Geographies of the Future: Prefigurative Politics' *Progress in Human Geography* 45/4: 641-658
- Kafer A 2013 *Feminist, Queer, Crip* Indiana University Press Bloomington
- König G, Umagiliya, M, Marambio H-U, Artpradid V, Blades H and Waldorf L 2022 "'Putting Sweet Buns with Chilli Sambal": Mixing Dance and Human Rights in Sri Lanka' *Animated: Current Issues and Practice in Participatory Dance* Spring/Summer: 44-47
- Kowal RJ, Siegmund G, and Martin R eds 2017 *The Oxford Handbook of Dance and Politics* Oxford University Press Oxford
- Kuppers P 2001 'Deconstructing Images: Performing Disability' *Contemporary Theatre Review* 11/3-4: 25-40
- Kuppers P 2017 'Dancing Disabled: Phenomenology and Embodied Politics' in Kowal et al 2017: 267-82

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- Marambio H-U 2020 'The Potential of Legal Empowerment for Disadvantaged Groups: A Case Study of Tamil Women with Physical Disabilities in Post-war Sri Lanka' PhD Thesis University of Essex
- Martin R 1998 *Critical Moves: Dance Studies in Theory and Politics* Duke University Press Durham
- Martin R 2006 'Toward a Kinesthetics of Protest' *Social Identities* 12/6: 791-801
- Mills D 2017 *Dance and Politics: Moving Beyond Boundaries* Manchester University Press Manchester
- Mulcahy S 2021 'Dances with Laws: From Metaphor to Methodology' *Law and Humanities* 15/1:1-28
- Reed S 2024 'changeABLE Cohesion: Dance and Disability in Post-war Sri Lanka' *Asian Theatre Journal* 41/1: 130-160
- Samararatne D, Soldatic K and Perera B 2018 "'Out of the Shadows": A Study of War-affected Women with Disabilities in Sri Lanka' Law & Society Trust Sri Lanka and Institute for Culture and Society and Western Sydney University Penrith
- Samararatne D 2021 'Women with Disabilities, Advocacy and the Law' in Soldatic and Samararatne 2021: 1-15
- Sandahl C and Auslander P eds 2005 *Bodies in Commotion: Disability and Performance* University of Michigan Press Ann Arbor
- Scarry E 1985 *The Body in Pain: The Making and Unmaking of the World* Oxford University Press Oxford
- Serafini P 2020 "'A Rapist in Your Path": Transnational Feminist Protest and Why (and How) Performance Matters' *European Journal of Cultural Studies* 23/2: 290-295
- Seneviratne M 2020 'Ajith the Indomitable' *Daily News* 2 November
- Shapiro L ed 2025 *The Physically Disabled Dancer and the Affirmative Model of Disability* Routledge Abingdon
- Shephard B 2011 *Play, Creativity, and Social Movements: If I Can't Dance, It's Not My Revolution* Routledge New York
- Soldatic K and Samararatne D eds 2021 *Women with Disabilities as Agents of Peace, Change and Rights: Experiences from Sri Lanka* Routledge Abingdon

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- UNESCAP [United Nations Economic and Social Commission for Asia and the Pacific] 2015 *Statistical Yearbook for Asia and the Pacific 2015: Sri Lanka* UNESCAP Bangkok
- Vendramin C, Blades H, Marsh K and Whatley S eds 2019 *Exchanging, Moving, Translating: Thoughts on Dance and Disability* Federal University of Rio Grande do Sol and Coventry University Coventry
- Waldorf L, Marambio H-U and Blades H 2024 'Performing/Informing Rights: Mixing Inclusive Dance and Human Rights Education for Disabled People in Sri Lanka and Nepal' *Journal of Human Rights Practice* 15/3: 748-762
- Whatley S and Marsh K 2017 'Making No Difference: Inclusive Dance Pedagogy' in Burrige and Nielsen 2017: 3-11
- Whatley S, Waelde C, Harmon S, Brown A, Wood K and Blades H eds 2018 *Dance, Disability and Law: Invisible Difference* Intellect Bristol