

Goldsmiths College, University of London

'Doing' Politics within 'Citizen Art'

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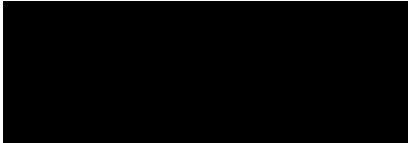
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Declaration

I, Fawn Daphne Plessner, hereby declare that this thesis and the work presented in it is entirely my own. Where I have consulted the work of others, this is always clearly stated.

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Date: August 3, 2019

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Abstract

This practice-based research explores the way that 'citizen art' practices frame new understandings and enactments of citizenship, as distinct from normative (status, participatory and cosmopolitan) models. It contends that at a time in which the conditions of citizenship have been radically altered (e.g., by the increased securitization and individuation of bodies etc.), there is an urgent need for 'citizen art' to be acknowledged as a tool for assessing the 'hollowed out' conditions of citizenship. 'Citizen art', it shows, stands apart from other forms of Art by embodying 'acts of citizenship' (Isin, 2008) that reveal the limitations of state-centred citizenship regimes, whilst simultaneously enacting genuinely alternative modes of (non-statist) citizenship. The written part of this research is intended to discuss what the practice-based elements instantiate: it explains how 'citizen art' can make citizenship manifest in ways that do not reify or valorize the nation-state, status rights, or cosmopolitan imaginaries. It shows instead that the outcomes of 'citizen art', such as the institutions of solidarity, assembly and interventions, reconfigure the 'tools' of politics in the act of 'doing politics' that, in turn, perform new and nascent modes of (non-statist) citizenship.

Four original interventions were produced for this research: Citizen Artist News: Clouded Title (2018) and Citizen Artist News: The University as a Border Regime (2013), National Student Surveys (2012) and the Mobile Armband Exhibition (2011). Rather than addressing political themes and topics on a discursive level, this practice-based research takes the form of art interventions that 'do' politics. As material practices, they fundamentally demonstrate that it is through practice that new 'principles' of political organization and action emerge (Arendt). These interventions problematize normative theories of citizenship in two further ways: firstly, they create 'dissensual' (Rancière) props that expose and challenge many conventional understandings of citizenship; secondly, they use the techniques of 'investigative art' to extend and expand political action in the public domain.

The originality of this research lies in the way that it offers a new formulation of 'citizen art' - one that is interrogated on both critical and material levels, and as such, that remodels the foundations on which citizenship is conceived, performed and instituted.

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Introduction

This research identifies ‘citizen art’¹ as a form of art practice that *does* politics and in turn, enacts *new* modes of citizenship that does not reify or valorize the nation state or cosmopolitan imaginaries. It describes the manner in which citizenship² is interrogated and performed within some examples of activist and social art practices³ that is only beginning to come into view under an emerging rubric of ‘citizen art’. Since I commenced this research in December 2010, a growing number of artists have invoked the notion and name of citizenship within their artistic practice. Following these developments, some art theorists have begun to assess the ways in which examples of ‘citizen art’ are expressive of citizenship within the existing lexicon of status, participatory or cosmopolitan citizenship (Weibel, 2015; Dzenko and Avilla, 2018; Elliot, Silverman and Bowman, 2016; Bishop, 2012; Thompson, 2012, 2015, 2017; Kwon, 2002; Kester, 2004, 2011; Papastergiadis, 2012; Schmidt Campbell and Martin, 2006; Polisi, 2005; Frye, Burnham and Durland, 1998;

¹ When I commenced this research, the term ‘citizen art’ was not as much in use as it is today. I was one of very few artists who deliberately used the term. I will discuss its meaning in detail below. However, at this point, I will use the terms ‘citizen art’ or ‘citizen artist’ to refer to the broader activities of social and activist artists who either tacitly or overtly invoke the notion of citizenship or who interrogate the manifestations of a citizenship regime through their art practice. Again, I will clarify this point below.

² I will discuss, in detail, some of the core arguments within the literature on citizenship (below and in Chapter 1) and disambiguate the term for the purposes of my argument. This will be done to demonstrate that the conventional notion of citizenship as participatory or as a status is replete with dilemmas (Heater, 1999; Cole, 2010a, 2010b; Bosniak, 2006; Rygiel, 2010; Delanty, 2000; Isin, 2002, 2012; Isin and Turner, 2002) and impacts on our understanding of the import of ‘citizen art’ practices in shaping *new* modes of citizenship. However, at this point in my argument, I rely on the normative conception of citizenship to hold for the purposes of framing the initial discussion, unless otherwise indicated.

³ I will discuss this point more fully below and in Chapter 2. However, the term ‘social art practice’ has various synonyms such as ‘activist art’, ‘socially engaged art’, ‘participatory art’, ‘relational art’, ‘community art’, ‘new genre public art’ etc. and has been described by Miwon Kwon in her book *One Place After Another: Site Specific Art and Locational Identity* (2004) as a field concerned with social and political issues and collaboration with people who are not necessarily artists. She suggests that this emergent field is best understood as art in the public interest. See also Claire Bishop’s opening paragraphs in *Artificial Hells: Participatory Art and the Politics of Spectatorship* for a discussion of the “surge of artistic interest in participation and collaboration [...] since the 1990s [that has become known as [...] social practice” (Bishop, 2012, p.1). She argues that social practice has become “a genre in its own right” (p.2). I will refer to this phenomenon as ‘social art practice’ or ‘activist art’ interchangeably. The field continues to grow and multiply in art departments in the USA, Canada and now the UK. Some examples include: Emily Carr University of Art & Design, Canada, Portland State University, USA, California College of the Arts, USA, University of Brighton, UK, etc. I will further elaborate on aspects of social and activist art practices below and in Chapter 2.

Demos, 2013; Meskimmon, 2011; Love and Mattern, 2013 et al.). However, there is scant analysis of what constitutes *citizenship* itself within social and activist art practices nor is there a fulsome discussion of how ‘citizen art’ articulates and enacts *alternative* modes of political membership. This is all the more pressing as the very idea of citizenship is complex and contested and indeed, under some considerable pressure in the shifting and indeed, increasingly fractious terrain of political membership within a number of State regimes (e.g., in the U.K. under Brexit and in the USA under Trump⁴ and in Canada, in the language of ‘reconciliation’⁵ that raises the problem of the ongoing disenfranchisement of Indigenous⁶ peoples and interference in their own systems of governance). The

⁴ As the United Kingdom’s departure from the European Union proceeds, tensions rise with regard to the citizenship status of those residing within its borders leading to the Government’s refusal to grant citizenship to the ‘Windrush generation’ (Bulman, 2018). Also, for those who are European Nationals residing in the UK, many of whom have been resident for considerable lengths of time, there are as yet no assurances that they will be permitted to stay in Britain. For those who have applied for citizenship, they have hit a “bureaucratic wall” (Boffey and O’Carroll, 2017). Also, the border between the Republic of Ireland and Northern Ireland is “a hurdle” for Brexit, a border that is fraught with a history of violence (Beard, 2017). In the USA and under President Donald Trump, the term ‘nationalism’ has been used as a moniker by Far Right, hyper masculine and aggressive political groups and by Donald Trump (Democracy Now, 2018a); inhumane practices and fatalities have come to light in the handling of migrant children who are forcibly separated from their parents and placed in detention centres (Rose, 2018); Under Trump’s presidency, there have been measures to end the ‘Deferred Action for Childhood Arrivals’ programme that was a path to citizenship for migrant children (Thanawala and Dalton, 2018). Other examples include the use of vitriolic, racist language (Healy and Barbaro, 2015) and the instituting of travel bans barring Muslims from entering the USA (Zapatosky, Nakamura and Hauslohner, 2017) and President Trump’s (bizarre) proposal to erect of a wall along the entire US border (Timm, 2017).

⁵ Since the publication *Final Report of the Truth and Reconciliation Commission of Canada* (Truth and Reconciliation Commission of Canada, 2015), Canadians have been asked to attend to the legacy of the colonial regime. Chapter 3 discusses the complexities of the British and now Canadian colonial state as it continues its management of Indigenous peoples, their ‘status’ and in relation to the dispossession of land. In the preface to *The National Inquiry into Missing and Murdered Indigenous Women and Girls* (2019), Marion Buller comments: “The truth is that we live in a country whose laws and institutions perpetuate violations of basic human and indigenous rights. These violations amount to nothing less than the deliberate, often covert campaign of genocide against Indigenous women, girls, and 2SLGBTQIA people. This is not what Canada is supposed to be about; it is not what it purports to stand for.” (National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019, p.5).

⁶ Terms such as ‘indigenous’ (Indigenous peoples), ‘Native’, ‘Indian’, ‘Aboriginal’ and ‘First Nation’ etc. have complex histories and are, in some cases, contested within Canada, nor is there consistent usage. The following definitions draw on three sources: *Guide to Terminology: Working Effectively with Aboriginal Peoples*, published by Indigenous Training Inc. (Joseph, 2002), the First Nation Study Program website (2009) and Mavis Underwood, Member of Council, Tsawout First Nation (Underwood, 2018) and my own personal (undocumented) discussions with individuals. The term ‘Indian’ is a label that was affixed to the original inhabitants of North America by the early colonizers (Columbus) and was later used to denote their legal status under Federal legislation and specifically, under the Indian Act. It is a term that is seen as outdated and can be considered offensive, due to the legacy of racism in Canada. However, some may self-describe themselves as ‘Indian’ indicating their legal status. The term ‘Native’ has been used synonymously with ‘Indian’ and equally outdated in most respects (Joseph, 2002; First Nations Study Program, 2009). However, in personal conversations with members of Tsawout Nation and as described by Underwood, the terms ‘Indian’ or ‘native’ do not have negative overtones. I use these terms in their company but am mindful of not using them within the context of this thesis. The term ‘aboriginal’ emerged in 1982, under section 35 of the Canadian *Constitution Act* and continues primarily within government. It is a term that refers

understandings of citizenship that predominate range from a normative notion of membership as a legal status contingent on the state (Calhoun, 2007) to a cosmopolitan conception of citizenship that advocates being a member of ‘the world’ (Nussbaum, 1996). Similarly, discussions within the literature in Art focus on how ‘citizen art’ reifies and/or reinvigorates democratic values (Weibel, 2015; Love and Mattern, 2013; Elliot, Silverman and Bowman, 2016) and through ‘participation’ (Bishop, 2012; Kester, 2004, 2011; Thompson, 2012; Kwon, 2002), describing how it fulfils the idea, or indeed, the ideals of a state’s citizenship regime. Only a meagre few have noticed or taken seriously the proposition that some art projects may be forging *new* political practices that perform transformative acts that reframe how politics is done and from where new political actors and new modes of citizenship emerge (Dietachmair and Gielen, 2017; Hildebrandt, Evert, Peters et al., 2019). In essence, the literature within the field of Art assesses ‘citizen art’ practices as invoking and valorizing, in one way or another, citizenship as state-bounded, participatory, or aspirational – i.e., cosmopolitan. However, this is a great disservice to the emerging phenomenon of what I am foregrounding as ‘citizen art’. This research therefore examines whether or not *new* enactments of *non-statist* and *non-cosmopolitan* notions of citizenship are in play within ‘citizen art’. It distinguishes itself from other authors by

to all Indigenous populations (First Nations, Inuit and Métis). It is variously used, often within institutional settings, but has also been rejected by some elders of the W̱SÁNEĆ Nation who see the term as descriptive of the first peoples of Australia only (Underwood, 2018). ‘First Nation’ came into usage in the 1970s and 80s and “was viewed as a liberating move away from the Indian Act identification of Indians living on numbered reserves” (Underwood, 2018, p.26). It does not apply to Inuit or Métis peoples. The term has in many cases replaced the term ‘Indian band’ or ‘tribe’, although not entirely. In the case of the W̱SÁNEĆ First Nation, the term First Nation is used both collectively, to describe all of the Nations (bands) that constitute the wider group (e.g., W̱SÁNEĆ), and individually as a descriptor of each ‘band’. More detail of the W̱SÁNEĆ First Nation is provided in Chapter 3. “‘Indigenous’ is a term used to encompass a variety of Aboriginal groups. It is most frequently used in an international, transnational, or global context. This term came into wide usage during the 1970s when Aboriginal groups organized transnationally and pushed for greater presence in the United Nations (UN). In the UN, ‘Indigenous’ is used to refer broadly to peoples of long settlement and connection to specific lands who have been adversely affected by incursions by industrial economies, displacement, and settlement of their traditional territories by others” (First Nations Study Program, 2009, n.p.). I follow Mavis Underwood’s example: “‘Indigenous’ will be used [to refer to the] inclusive globalization of original peoples, upper case where it refers directly to Distinct Peoples and lower case when referring to broad indigenous topics, such as ‘indigenous ideology’, ‘indigenous research’, or ‘indigenous life’” (Underwood, 2018, p.27). As described by Taiaiake Alfred and Jeff Corntassel the term Indigenous also is applied worldwide to unite Indigenous Peoples (Alfred, 2005). Indigenous Peoples have in common their shared “struggle against the dispossessing and demeaning fact of colonization by foreign peoples” (Underwood, 2018, p.28).

showing how certain examples of 'citizen art' importantly and formatively 1) *troubles* normative notions of status, participatory or cosmopolitan citizenship – i.e., citizenship framed through Enlightenment imaginaries and 2) enacts *new* modes of citizenship that only come into view through its practice. The central questions of this research are: How does the practice of 'citizen art' challenge normative (Western Enlightenment) notions of 'citizenship'? How does 'citizen art' reframe the manner in which politics is performed and in turn, enact new modes of citizenship? As Nikos Papastergiadis says, "while [artists] do not have the answers to the issues that we face in the world, [they] have developed techniques for finding the questions with which they can cross-examine the perplexity of our common condition" (2012, p.196). The purpose of this research as a whole is to demonstrate that 'citizen art' has developed techniques for *doing* politics in significant and substantial ways and is instrumental in shaping new civic and civil spaces⁷ for the performance of (non-statist) citizenship and to show why this is so. I will show that 'citizen art' not only has developed techniques for 'finding questions' but does politics and performs 'acts of citizenship' (Isin).⁸ I will discuss the ways in which it is instrumental in crafting new modes of membership.

Within the field of contemporary art there has been a rapid expansion of artists doing politics as activists and or social art practice rather than making or creating products that

⁷ I rely on Dietachmair and Gielen (2017) for their clear distinction between 'civil' and 'civic' spaces and public that I will discuss in detail below.

⁸ This research relies on the notion of 'acts of citizenship' that has been extensively investigated by Engin Isin (2008, 2012) and discussed under his leadership of a research project and series of conferences conducted through the Open University and titled 'OECUMENE: After Orientalism' (Open University, 2010). The notion of 'acts of citizenship' and its relation to 'being political' will be discussed in detail in this thesis, and specifically in chapter 1. These notions will also be discussed in relation to the theoretical work of Jacques Rancière (2010). Both authors argue for, but from different perspectives, the centrality of the political 'act' in disrupting normative notions of citizenship and in turn, fostering political conditions that contest the hegemony of state-bounded notions of citizenship. This is fundamental to supporting my argument that 'citizen art' practices are instrumental in shaping new modes of citizenship.

represent, or take inspiration from political themes and topics.⁹ Emergent within activist and social art practice are numerous artists who either tacitly or overtly allude to the concept of citizenship, sometimes specifically using the terms ‘citizen’, ‘citizen art’, ‘citizen artist’ or ‘artist citizen’ to examine the idea of membership of a nation state¹⁰, or to engage with issues of migration¹¹, or issues of inequality and social injustice¹² etc. And yet within

⁹ See Peter Weibel’s *Global Activism: Art and Conflict in the 21st Century* (2014) for an extensive survey of artists involved with activism. See Dietachmair and Gielen (2017) for a collection of essays that draw out how artists shape “bottom-up” civil spaces of “self-governance” (2017, p.17). See Elliott, Silverman and Bowan (2016) for essays on the intersection of citizenship, music and performance and activism or ‘artivism’, a contraction of art and activism sometimes expressed as “art as activism, activism as art” (Ramsden, 2016), accompanied by a website called *Artistic Citizenship* (<http://www.artistic-citizenship.com>). See also Nato Thompson’s survey *Living as Form* (2012) and Nato Thompson and Gregory Sholette’s book *The Interventionists: Users’ Manual for the Creative Disruption of Everyday Life* (2004) for introductions to numerous projects and artists. See also *Engagement Party: Practice at MOCA 2008-2012* by the Museum of Contemporary Art, Los Angeles (2012) for a selective survey and Claire Bishop’s discussion of social and activist artists throughout her book *Artificial Hells: Participatory Art and the Politics of Spectatorship* (2012) and *Participation: Documents of Contemporary Art* (2006b). Other authors to consult are Miwon Kwon (2002), Grant Kester (1998, 2008, 2011), Rudolf Frieeling (2008), Andy Hewitt and Mel Jordan (2004) et al. Also an extensive range of art exhibitions, conferences and educational programmes explore the complexities and effects of globalization from the perspective of one’s membership of and relation to a nation state. The following is a small sample of recent conferences and exhibitions: *Artists as Citizens*, Reflective Conservatoire Conference 2018, Guildhall; *Looking Out, In, and Back: Artists on Citizenship*, 2018, Brooklyn Academy of Music; *Am I Not a Citizen? Barbarism, Civic Awakening, and the City* (2013); *It’s the Political Economy, Stupid* (2013); *Histories of Now: Space for Dialogue, Art and Activism*, (2013); *Zizhiqu (Autonomous Regions)*, (2013), *No Country: Regarding South and Southeast Asia*, (2013); *Revolution Happened Because Everybody Refused To Go Home*, (2012); *[Un]Natural Limits*, (2013). Also workshops such as those organized by the HafenCity Universität ((HCU)/department Metropolitan Culture, the Hochschule für Angewandte Wissenschaft (HAW)/department Design and two research-led non-academic cultural institutions, the FUNDUS THEATER and K3 – Centre for Choreography/Tanzplan Hamburg) run “colloquiums, workshops, public events, practical experiments and interventions in public spaces to investigate Performing Citizenship from a multi- and transdisciplinary perspective blending urban studies, cultural education, choreography, philosophy, urban design and cultural studies” (HafenCity Universität and Hochschule für Angewandte Wissenschaft, 2015).

¹⁰ To name but a few: see U.S. Department of Arts and Culture, 2013; Free Class FaM, 2007; Bambitchell, 2009; Neue Slowenische Kunst (NSK), 1984 and Neue Slowenische Kunst’s *First NSK Citizens Congress*, 2010; Alex Hartley, *Nowhere Island*, 2012; Kaled Jarrar, *State of Palestine*, 2014; Daphne Plessner, *Citizen Artist*, 2010; Janez Janša, 2007; Free Art Collective, *Freee-Postlandordism*, 2017 and *#CitizenShip*, 2017, et al. Note: the ‘U.S. Department of Arts and Culture’ is not a government agency but an artists’ organization (an artists’ collective). Their stated values express the idea of active participation in politics. As they say, “Culture is the sum-total of public, private, individual, and collective action. We seek balance so that no sector dominates or controls cultural expression or access to cultural resources. We advocate an arts ecology in which all sectors work together to support cultural development for the benefit of all. The work of artists is a powerful resource for community development, education, healthcare, protection of our commonwealth, and other democratic public purposes. [...] We advocate complete integration of arts-based learning in public and private education at all levels. We advocate public service employment for artists and other creative workers as a way to accomplish social good, address unemployment, and strengthen social fabric. We support artists who place their gifts at the service of community, equity, and social change.” (U.S. Department of Arts and Culture, 2013, n.p.) Note also: the artists’ collective ‘Free Class’ position themselves in the following way “On the markets of the so called “Creative Industries” we are obliged to join a free and flexible competition, as *proto-citizens* and avant-gardists of capitalist innovation. Against this rule we attempt to establish solidary collaborations”(my italics) (Free Class FaM, 2007, n.p.).

¹¹ To name but a few: see Tania Bruguera, *Immigrant Movement International*, 2011 and *Migrant People Party (MPP)*, 2010; Florian Schneider, *Kein Mensch ist Illegal*, 1997; Torolab Collective, *The Region of the Trans-border Trousers*, 2005; *Citizen Artist News: The University as a Border Regime*, 2013a, and *National Student Surveys*. 2013; Judi Werthein, *Brinco*, 2005, et al.

the literature on social or activist art by its leading academic proponents¹³ and barring some discussion of “artistic citizenship” in an edited selection of articles that focus on social responsibility and ethical praxis (Elliot, Silverman and Bowman, 2016), or within a recent edited volume by the authors Dzenko and Avilla (2018), or on the notion of “performing citizenship” (Hildebrandt, Evert, Peters et al., 2019), of which I will discuss further below, there is little substantial discussion of how the concept of citizenship is interrogated by such artists’ projects. Indeed, there is no comprehensive study of ‘citizen art’ in all its manifestations as it pertains to discourses within the study of citizenship. Equally, the complexities and tensions that surround citizenship’s assumed boundedness to the state, or the notion of fraternity as the glue of political belonging etc., has not been comprehensively factored into discussions and yet untangling the problems and limitations of status or cosmopolitan citizenship is foundational to understanding the scope of the political within this emerging category of artistic activity. More importantly too, scoping out how artists critique the concept and practice of status citizenship is central to comprehending how ‘citizen art’ produces *new* imaginaries and practices of membership that reframe or contest normative notions of citizenship. Therefore, examining how activist and social art practice is reflexive of citizenship in re-conceptualizing the nature of the citizen and thus the scope and boundary of the state, shaping collectivities that speak to the bonds of fraternity, is germane to this analysis of ‘citizen art’. Key questions are: How does ‘citizen art’ ‘do’ politics in such a way as to 1) make visible the problems produced through status citizenship regimes and cosmopolitan imaginaries and 2) generate new modes of membership through its aesthetic practices? This research interrogates how ‘citizen art’ projects bring to light the aesthetic and generative dimension of (non-statist)

¹² To name but a few: see Daphne Plessner, *Citizen Artist News: Clouded Title*, 2018; Critical Art Ensemble, 2013; Democracia, n.d.; Yes Men, n.d.; Chto Delat?, 2003; et al.

¹³ See: Bishop, 2012; Kester, 1998, 2004, 2011; Weibel, 2015; Thompson, 2012, 2015, 2017; Thompson, Sholette and Mirzoeff, 2004; Kwon, 2002; Hewitt and Jordan, 2004; et al.

citizenship and interrogates what such work tells us about the 'incipient' nature of citizenship. In so doing, it distinguishes itself from other critical literature in the field that is subtended by notions of statist citizenship or cosmopolitan imaginaries (Weibel, 2015; Dzenko and Avilla, 2018; Elliot, Silverman and Bowman, 2016; Bishop, 2012; Thompson, 2012, 2015, 2017; Kwon, 2002; Kester, 2004, 2011; Papastergiadis, 2012; Schmidt Campbell and Martin, 2006; Polisi, 2005; Frye, Burnham and Durland, 1998; Demos, 2013; Meskimmon, 2011; Love and Mattern, 2013, et al.).

Before proceeding further, it is first necessary to briefly outline the problems and tensions that bear on citizenship as a status. This preliminary framing will be developed in more detail in Chapter 1, where I will discuss the complexities of citizenship at greater length. This is important for seeing the relevance of 'citizen art' projects and indeed, the significance of this practice-based research, to a conversation about citizenship, especially as art is not normally seen as a central part of this discussion. Equally, by identifying some key problematics about citizenship, this research will attempt what (most) others have failed to do – i.e., examine and trouble the assumptions about citizenship that underpin assertions about 'citizen art'. I will then outline how 'citizen art' has been defined and understood within the literature in art. I will do this to clarify how the term is used within this research. This will be followed by a discussion of how my own 'practice-based' method of research contributes to the discussion on citizenship and to show that as art interventions, these projects are a key 'tool' for not only 'doing politics' within a field of action, but also, an important strategy for making visible the *aesthetic* dimension of *new* modes citizenship. I will then conclude this Introduction with an overview of the main debates within each chapter.

As a proviso, this research does not focus on *defining* the category of 'citizen art'. That is, it will not concern itself with delineating which characteristics of 'citizen art' practices differ from, or are similar to, other forms of political art. Instead, this inquiry proceeds on the understanding that such terms like 'citizen art', or political art, or social art practice etc., are slippery and at times opaque designations and categories. However, there are some key characteristics of 'citizen art' that stand out, such as 1) how it disrupts normative notions of citizenship by exposing the limitations of statist citizenship regimes and cosmopolitan idealizations of universal membership; 2) how it performs new and nascent modes of citizenship that do not reify or valorize the nation state or cosmopolitan imaginaries and 3) how it performs new modes of citizenship that "are yet-to-come" (Isin, 2019, p.52), i.e., modes of citizenship that unfold and become visible through the *practice* of 'citizen art'. Most importantly, this research will show how the particular kind of political 'doing' that manifests in 'citizen art', and indeed, through the examples of the art interventions produced for this research, comes into view through the notion of 'acts of citizenship' (Isin, 2008). 'Acts of citizenship' are politically transformative acts that "break habitus creatively" (Isin, 2008, p.18) and in turn, help to further distinguish 'citizen art' as performing new and nascent modes of citizenship. 'Citizen art' interventions are social, political and aesthetic acts that create subtle bonds between actors and establish new relations. They are analogous to 'performative utterances' (Austin, 1975) in that they enclose individuals in a (political) act that has "a necessary directedness towards some other person, [... that] makes sense only where such a directedness obtains" (Smith, 1990, p.3) (to be discussed further in Chapter 1). Therefore, new (non-statist) modes of citizenship come into being through the performance of 'citizen art' interventions, understood through the lens of 'acts of citizenship'.

Citizenship is not only a heated issue in the rise of populist politics under Brexit and Trump, or brought into question in the interrogation of the continuing colonial violence in Canada (following the report of the Truth and Reconciliation Committee, as mentioned above and to be discussed further in Chapter 3), but there are deeper problematics. The realities of migration, mobility and 'globalization' influence the sentiments of 'belonging', 'membership', 'collectivity' i.e., fraternity, and rights discourse. Also, 'Globalization',¹⁴ or 'trans-nationalism',¹⁵ or sometimes referred to as 'denationalization'¹⁶ (Bozniak, 2000; Sassen, 2000), alter our experience as citizens of the nation state. These concepts – 'denationalization', 'globalization' and 'trans-nationalism' – acknowledge the realities of social and political phenomena such as the flow (or stoppages) of peoples across borders, the economic interconnectedness of peoples and businesses over national boundaries, the impact of online digital technology (Jewkes and Yar, 2009; Fenton, 2010) and the

¹⁴ I follow David Held's definition of globalization: "Globalization has an undeniable material aspect [...] for instance, flows of trade, capital and people across the globe [and] refers to these entrenched and enduring patterns of worldwide interconnectedness. [...] It represents a significant shift in the spatial reach of social relations and organization towards the interregional and intercontinental scale. [...] It denotes the expanding scale, growing magnitude, speeding up and deepening impact of interregional flows and patterns of social interaction. It refers to a shift or transformation in the scale of human social organization that links distant communities and expands the reach of power relations across the world's major regions and continents" (Held, 2002, pp. 3-4).

¹⁵ I rely on the use of the term 'transnationalism' as used by various authors (Balibar, 2002, 2004; Della Porta, 2007; Della Porta and Tarrow, 2007; Faulks, 2000) to denote the social interconnectivity, networks and affiliations of people across the boundaries of nation states (for a discussion of transnational activist networks see Della Porta, 2007; Della Porta and Tarrow, 2007). The term also refers to the social impact of mobile populations, globalization, the multi-national practices of businesses (multi-national corporations) and the economic interdependence of states.

¹⁶ In her article titled *Citizenship Denationalized*, Linda Bozniak defines 'denationalization' as a "generic, shorthand term" for "globalization, transnationalization, and postnationalization of citizenship" (Bozniak, 2000, p. 449). The term is used to capture the sentiment (amongst scholars and activists) of a "growing inadequacy of exclusively nation-centered conceptions of citizenship" (p. 449). She qualifies this by saying that in conceiving of citizenship as denationalized, the notion of transnational or postnational citizenship is not necessarily expressive of universalist 'world citizenship' ideals. Saskia Sassen disambiguates the terms 'denationalized' and 'postnational'. She suggests that 'denationalization' concerns the transformation of the national and the relocation of sovereign authorities from the state to "other spheres [such as the] supranational, subnational, as well as private institutional domains". (Sassen, 2000, p. 578) Examples such as the private corporate management of national security or the administration and monitoring of foreign nationals via universities in the UK, alter the basis of a government's duties and accountability to its citizens. The notion of the 'postnational' by contrast, "has to do with new forms that we have not even considered and [that] might emerge out of the changed conditions in the world located outside the national rather than out of the institutional framework of the national" (Sassen, p. 576). As she says, the notion of "postnational citizenship is an aspiration" (p. 576). It speaks to the sentiment of transcending the nation state. Ulrich Beck has a similar understanding to that of Sassen's 'internalized globalization' of the state which he calls 'cosmopolitanization', meaning "the transformation of everyday consciousness and identities" where global concerns become local experiences and "the moral life worlds of people" (Beck, 2002, pp. 17, 25-26). Sassen's distinction will be followed for the purposes of this thesis as it identifies the trajectory of both internal and external changes to the nation state.

adaptation of our imaginaries to a world beyond the limits of one's own locale (i.e., “a new techno-social framework of contemporary subjectivation.” Berardi, 2008, p.1). 'Trans-nationalism' and/or 'denationalization' critique the assumption of citizenship as membership of the geo-political space of the state and also as a constituent element of a social contract¹⁷ (between the individual and the state and in turn the justification for a democratic state), where citizenship is enjoyed as an entitlement to state protections and access to the benefits of civil and social goods under a government's management. The right to cross borders, the right to the basic conditions needed to sustain human life such as food and shelter, to be legally represented, access to education etc., understood as “universal rights” (Kleingeld, 2012),¹⁸ reach beyond any one nation state. So a paradox emerges: membership is assumed to be implicitly tied to a nation state, but our social imaginary framed by universal rights discourse, being mobile, crossing borders, migration, and the changed habitude formed by online digital technology, alters our expectations and understanding of citizenship. Engin Isin has discussed the impact of these conditions on

¹⁷ Although the social contract theorists of the 18th century (e.g., notably Hobbes, Locke, Kant and Rousseau) sought to examine the nature of political society via a heuristic method of positing man's transformation from a 'state of nature' to political society, all outlined a reciprocal and interdependent relationship between an individual and the political community via consent and thus a 'contract' between the state and the citizen. In John Locke's *Second Treatise on Civil Government* (1690) we find one of the clearest formulations of consent entailing obligations to a government in virtue of the government being the sum total of the (majority) common will. As he says, “every man, by consenting with others to make one body politic under one government, puts himself under an obligation, to every one of that society, to submit to the determination of the majority, and to be concluded by it; or else this original compact, whereby he with others incorporates into one society, would signify nothing, and be no compact, if he be left free, and under no other ties than he was in before in the state of nature” (§ 97). Will Kymlicka points out that this should be understood as a moral obligation rather than a literal contract; “that none of us is inherently subordinate to the will of others, none of us comes into the world as the property of another, or as their subject” (Kymlicka, 1990. p.61). While I would agree with the sentiments of Kymlicka's argument, the notion of the contract is one that persists as it conceptually frames a reciprocal relation between citizen and state, requiring the state to answer to the (majority) will and indeed, its needs. Locke's arguments are echoed in the United States of America's 'Declaration of Independence' which is of course one of the key declarations of a modern democratic state: “Governments are instituted among Men, deriving their just powers from the consent of the governed.” (National Archives and Records Administration, n.d., n.p.).

¹⁸ Pauline Kleingeld argues that universal right is formulated in Kant's notion of 'cosmopolitan right'. In quoting Kant, she notes that ““earth citizens' [are] bearers of cosmopolitan rights” and this is understood as “an essential condition of a global rightful order” (Kleingeld, 2012, pp. 73- 75). Kleingeld draws our attention to how, in Kant's discussion, “cosmopolitan right regulates the interaction between states and foreign individuals or groups, addressing them as world citizens rather than as citizens of a particular state. Independently of their affiliation with any particular state, and independently of any existing treaties between states, all humans have equal status under cosmopolitan rights, which lays down normative principles for their interaction with foreign states.” (p.75). Here we see the foundations being laid for conceiving of rights as contingent on the individual and transcending the state.

citizenship in his book *Acts of Citizenship*. He suggests that:

“What has become apparent is that while citizens everywhere may be contained legally within state boundaries that enact rights and obligations, their own states are not subject to such containment. All states, through multilateral arrangements and international accords, implicate (or fail to implicate) their citizens involuntarily in a web of rights and responsibilities concerning the environment (wildlife, pollution) trade (copyright, protection), security, refugees, crime, minorities, war, children and many other issues.[...] What complicates the image further is that many citizens and non-citizens (illegal aliens, immigrants, migrants) of states have become increasingly mobile, carrying these webs of rights and obligations with them and further entangling them with other webs of rights and obligations.” (Isin, 2007, p. 15)

That we are ‘implicated’ in a ‘web’ of interconnected relations alters the material conditions for the production of art and especially art practices that seek to do politics as ‘citizens’.

Also, one’s status, constituted of rights and obligations, is further challenged by the practices of nation states such as Britain. Status citizenship has been debased through the diminishment of rights and protections under succeeding neo-Liberal governments’ policies. Rights have been stripped away under anti-terrorist legislation¹⁹ (Agamben, 2005;

¹⁹ These conditions are not necessarily restricted to Britain, as Giorgio Agamben has pointed out in his book *State of Exception* (2005). In his analysis of the juridical use of the ‘state of emergency’, he offers an historical account of the use of emergency powers not only in Britain, but also by the executive in Italy, Germany, France and the USA and draws attention to the subsumption and normalization of totalitarian practices within democracies in the 20th century. An example can be seen in the juridical apparatus of emergency powers as applied in France that had remained in place for 2 years following the Paris bombings of November, 2015. President Immanuel Macron has since replaced state of emergency laws with a new counterterrorism law that critics say establishes a permanent state of emergency (Osborne, 2017). Emergency laws continue to be exercised within the Egyptian state (Dewey, 2013; The Independent, 2013; Webster, 2011). Human Rights Watch have claimed that within this legal framework, the current Egyptian government has ignored the right to trial: “The emergency powers give the police the authority to detain people in three cities for up to 30 days without any judicial review, and permit trials of those detained before emergency security courts. Judicial review of detention is a fundamental right that may not be removed, even during emergencies” (Human Rights Watch, 2013).

Gilmore, 2012; Gilmore, Carlile and Clarke, 2012) and the diminution of welfare as a mechanism for ensuring a level of equality among the populous (the rolling back of welfare policies introduced under T.H. Marshall).

Equally pressing are the inequalities of citizenship status that come to the fore through the lens of migrants who are resident in the UK. The lack of formal, legal, recognition (access to political and social rights) of immigrants of various statuses (non-citizens, dual citizens, the stateless, 'illegal aliens' i.e., a metic class, etc.) who not only reside within the state, but who also contribute to the wealth and social fabric of the nation (Mezzadra and Nielson, 2012; Cole, 2010a; Sassen, 2007; De Genova, 2009, 2010; Nyers, 2008; Klicperova-Baker, 2010) raises the spectre of the marginalization and/or exploitation of people, who to all intents and purposes, are one's equal and fellow inhabitants — indeed, one's neighbours — but who suffer (political) exclusion and (economic) disadvantage. In addition to this, there is an implicit structural problem in the governance of the state that skews the value of full membership and one's representation: Britain's Monarchical Parliamentary system, especially the existence and use of the Royal Prerogative (which was exploited under Blair), set a precedent for narrowing and centralizing power in the hands of the executive (Marquand, 2004) which in turn undermines the spirit and meaning of being enfranchised as a citizen within a democratic state. This, in addition to the rise in power of the party system in the latter half of the 20th century, has led to the entrenchment of a 'selectorate' who are the gatekeepers to government (Marquand, 2004; Wright, 2003; Graham, 2002). These factors together have devalued the institution of citizenship, reduced the political rights of the citizen, expanded the powers of the executive and limited democratic participation to voting for one or other political faction.

The conditions of citizenship then have multiple levels and layers of tension and artists that invoke or challenge the normative idea of citizenship, or who display or critique its key characteristics, carry with them the baggage of these wider connotations. Indeed, given the rather divisive language and adverse practices of status citizenship regimes such as in the UK (under Brexit), in the USA (under Trump) and Canada (through colonialism) etc., there is a pressing need to explore new approaches to membership by evaluating how citizenship is performed within 'citizen art'. I should add too that my own practice-based research has emerged from reflecting on my experiences of being a dual citizen (German and Canadian) and having lived in five different countries. Over the years, I have navigated various citizenship regimes (the UK, Ireland, Canada, the U.S.A. and Germany) and this has prompted questions about the paucity of the state signifiers of membership and belonging. My own art interventions are determinably aimed at thinking through the limitations of Western Enlightenment framings of status and cosmopolitan notions of citizenship and productively 'doing' politics in ways that explore alternative conceptions and practices of membership and belonging. This has coincided with noticing that new and nascent forms of citizenship are emerging within 'citizen art' more widely (hence, my detailed discussion in Chapter 2 of the work of other artists). I should add too that this research will begin by assuming that 'citizen art' is not about 'democracy' per se. The central purpose of this research, as stated above, is instead to examine the little understood roles and natures of art works, and artists who make claims to and perform as *citizens*, to determine how 'citizen art' (social and activist art practice) potentially contests and reframes state-bounded notions of citizenship.

The following will now clarify how the terms 'citizen art', 'citizen artist', 'artistic citizenship' etc. (herein referred to simply as 'citizen art') have been used within the field of art and to

outline how the terms will be used throughout this thesis. This preliminary framing is also necessary for the more comprehensive discussion of 'citizen art' in following chapters and to alert readers to the areas of discussion in the literature that this research will not cover. The central problem of understanding citizenship within an art world²⁰ context is that references to citizenship are not consistent, nor have new modes of citizenship always been recognized within art practices that embody, in my assessment, 'acts of citizenship' (Isin), to be discussed in detail in the following chapters. Again, the range of usages of the term 'citizen art' do not denote a hard category, nor will I describe 'citizen art' in this way. It is also important to appreciate that the invocation of 'citizen art' is used with varying degrees of sophistication. On one end of the scale it is an unashamed sales tag for marketing artworks (prints, paintings, drawings etc.) online (see citizenart.com, citizenatelier.com, citizen.net/about). The connotations of the notion of 'citizen' is as a participant in an international marketplace and indeed, encompasses a neo-Liberal imaginary where 'citizen art' is marketed as a (confusedly) egalitarian product within a world of consumers. On the other end of the scale, the terms 'citizen art', 'citizen artist', 'artistic citizenship' etc. emerge within activist and social art practice. I will focus on the latter.

These terms surface within a cluster of nebulous concepts such as 'community art', 'public art', 'activist art' and 'social practice'. They are in many cases used synonymously and

²⁰ I follow Arthur Danto's discussion and delineation of the term 'art world' to loosely indicate the theoretical discourses that conceptually frame artistic activities and definitions of art. As Danto says, "without the theory, one is unlikely to see it [i.e., an artwork] as art, and in order to see it as part of the artworld, one must have mastered a good deal of artistic theory as well [...]" (Danto, 1964, p.580). Here Danto captures the conceptual shift that distinguishes ordinary objects from 'artworks'. The term has been critiqued by Howard Becker (1982) who argues that that the notion of an 'artworld' suggests a hegemonic and privileged discourse that does not recognize the support networks that are integral to the production of artworks and worlds (Becker, 1982, xi). He suggests that it is more coherent to use the term art 'worlds' to denote the multiplicity of participants in the production of an artwork and to acknowledge that there are various and differing discourses that surround the production of artworks. However, there are two different arguments in play here: Danto stresses the importance of theoretical discourses for defining art as 'art' and Becker speaks to the significance of the social conditions that obtain in the production of art.

carry connotations of, on the one hand, the rejection of art production driven by the market place (usually steered by commercial galleries) and on the other hand, the continuation of the tradition of modernist aesthetic ideals that challenged the material production of an 'art object'²¹, which was considered to be implicitly capitalist, through the 'dematerialisation'²² of the artwork (to be discussed further in Chapter 2). These new 'expanded'²³ art practices (community art, socially engaged art or activist art) — understood as 'expanded' because they do not involve the creation of an art object and/or take place outside of designated

²¹ It is worth noting that the nature and status of the art object has been undergoing a critical re-examination (Jackson, 2011; Meier, Horton, Hartzell, 2014) and draws on the literature of 'Object Oriented Ontology' (or 'OOO', also known as 'Speculative Realism'). The current discourse surrounding OOO refutes anthropocentrism and the status of the human over non-human things. Authors such as Jane Bennett, Graham Harman, Bruno Latour and many others have critiqued understandings of materialism that emerged in the Enlightenment when, to put it crudely, conceptions of the object as 'other' are articulated as substance(s) and/or mental property. Instead, authors such as Bennett and Harman describe a conception of the object as a 'thing in itself' (possessing 'thing-hood' i.e., autonomous) and its ontological status as one that possesses *agency* (rather than being a representation) (Bennett, 2010, pp. 1-19; Harman, 2007, pp. 129-141). Agency is intrinsic to 'things' and 'things' have their own causal force and *act* in the world (Bennett, 2010, pp. 1-19, Harman, 2007, p. 129-135, 161). OOO bears on how one might differently understand how we engage with (art) objects, not only as maps or markers of human (intellectual) understanding, but as possessing a capacity to 'intra-act' (Dolphijn and van der Tuin, 2012, p.14) and frame the nature of aesthetic experience.

²² The term 'dematerialisation' was coined by Lucy Lippard in her book *Six Years: the Dematerialisation of the Art Object 1966-1972* (1973) and also in an article titled *Dematerialisation of Art* co-authored with John Chandler (Lippard and Chandler, 1999). The claim is that (some) Art was no longer centred on the process of making an object, but on an (immaterial) 'idea', hence, the 'de-materialisation' of the object. Lippard points to the origins of the 'dematerialization' of art in the work of Marcel Duchamp and Dada and later in the century, in Fluxus (1973, p.9). However, the intentions of these artists differ from Lippard's understanding of non-object based art. That is, the historical and political conditions of WW1 prompted the Dadaists to challenge (material) art production via their anti-rationalist claims (Harrison and Wood, 2003, pp. 252-257) and their rejection of the establishment's cultural and artistic values, rather than shaping an aesthetic discussion about the 'idea' as an artwork. As Tristan Tzara said: "Dada was born of a moral need, of an implacable will to achieve a moral absolute. [...] Honour, Country, Morality, Family, Art, Religion, Liberty, Fraternity, all these notions had once answered to human needs, now nothing remained of them but a skeleton of conventions" (Heath, 2009, n.p.). Their rejection of 'bourgeois culture' (e.g., the production of artworks such as sculptures and paintings) was consistent with their critique of materialism and capitalist production (Lewis, 1990; Heath, 2009; Behar, 2009, p.22). Simon Sheikh draws on the connection between dematerialization and the post-Fordist (Paulo Virno in particular) critique of capitalism (Sheikh, 2009). Gregory Sholette draws attention to the role of artists (which he describes in part as 'dark matter') who willingly refrain from partaking in the commercial production of artwork, museums and not-for-profit spaces, preferring to remain invisible to the art world (Sholette, 2011, p.8)

²³ The term 'expanded' art practice was first coined by Rosalind Krauss. As she says, "The expanded field which characterizes this domain of postmodernism possesses two features [...]. One of these concerns the practice of individual artists; the other has to do with the question of medium. [...] Thus the field provides both for an expanded but finite set of related positions for a given artist to occupy and explore, and for an organization of work that is not dictated by the conditions of a particular medium. [...] It is obvious that the logic of the space of postmodernist practice is no longer organized around the definition of a given medium on the grounds of material, or, for that matter, the perception of material. It is organized instead through the universe of terms that are felt to be in opposition within a cultural situation." (Krauss, 1979, pp. 41-43). Thus, expanded comes to refer to theoretical and discursive 'position takings' on the part of artists. However, Claire Bishop conflates the notion of an 'expanded field' with that of social and activist art practice (Bishop, 2006). Equally, it is not uncommon to find artists who use the term to characterize their intentions in social art practice: "That made me interested in certain kinds of expanded art practices that not only celebrated freedom, but also explored interdependent relationships of obligation and care and sometimes even responsibility." (Linden, 2013, p. 4)

arts institutions (Sheikh, 2009) — refer to artistic activity that engages directly with the public, involving the participation of community groups, school children, etc. and are committed to endorsing democratic values of equality. Some authors draw out a discussion of art practices as the embodiment of democracy and in turn, the artist-citizen as a key actor (Weibel, 2015; Love and Mattern, 2013) or as expressive of trans or post-national aspirations (Demos, 2013) that are also captured in the values of cosmopolitan citizenship (Papastergiadis, 2012; Meskimmon, 2011). In addition to the above, other names have also been used synonymously with activist and/or social art practice, such as “experimental communities, dialogic art, littoral art, interventionist art, participatory art, collaborative art” etc., (Bishop, 2012, p.1), where citizenship is either tacitly or overtly referenced (Bishop, 2012; Thompson, 2012, 2015, 2017; Kwon, 2002; Kester, 2004, 2011). This phenomenon has been described by one author as the 'social turn' in art (Bishop, 2006). This 'social turn' in art practice, with its emphasis on 'participation' and 'community', pivots on a notion of citizenship derived from the civic republican tradition;²⁴ that is, a conception of membership as direct, active, participation in the civic space.

However, the term 'citizen art' has been used by only a small number of authors *specifically* to denote social and/or activist art (Weibel, 2015; Dzenko and Avilla, 2018;

²⁴ Although the definition of republicanism, and especially as formulated in the Enlightenment, is historically deep and wide ranging, I refer to a framing where civic republican notions of citizenship idealize the role of the citizen as an active participant in the deliberations and constitution of the state. It is claimed that within this form of government “individuals best realise their essential social nature in a democratic society characterized by *active participation* [...] where individual freedom and civic participation [are interconnected] in the promotion of the common good” (my italics, Maynor, 2018, n.p.). The word itself, “Republic”, is the Anglicized form of the Latin *res publica* [...]. It was the public realm of affairs that people had in common outside their families, and traditionally has also been identified as the common weal. *Res publica* also meant the institutional structures of public life and can often be translated as ‘the commonwealth’, or simply, [...] the state. [...] The association of ‘republic’ with a particular organization of the public realm owes much to the course of Roman history. [...] The crux of the ideal type of the Roman *res publica* was that the people (populous, giving the adjective *publicus*) had a decisive say in the organization of the public realm and this understanding linked the idea of an organized public realm in general to that of a specific form, or rather, source, of such organization — namely, ‘the people’ — thus creating the modern concepts of ‘republic’” (Goodin and Pettit, 1998, p.569). The point here however, is to draw attention to how assumptions about ‘good’ citizenship and in turn, good ‘citizen art’, is tacitly undergirded by republican imaginaries of the common good being effected through ‘participation’ of the artist with the ‘populous’.

Schmidt Campbell and Martin, 2006; Polisi, 2005; Frye, Burnham and Durland, 1998). Or it has been used as a metaphor (Elliott, Silverman and Bowman, 2016). However, as suggested above, these authors fail to critique how ‘citizen art’ embraces a set of characteristics that rely on and is complicated by the conditions of being a citizen. Instead, usage of the term citizenship within the literature in art presupposes normative understandings of belonging to a state, or in reaction to the state as a final arbiter (Dzenko and Avilla, 2018; Azoulay, 2008, 2011, 2012; Love and Mattern, 2013; Elliott, Silverman and Bowman, 2016a) ²⁵ or as a universal aspiration (Meskimmon, 2011; Papastergiadis, 2012). Equally problematic is the claim by the authors Elliott, Silverman and Bowman in their edited volume called *Artistic Citizenship*: “Artistic citizenship is a concept with which we hope to encapsulate our belief that artistry involves civic-social-humanistic- emancipatory responsibilities, obligations to engage in art making that advances social ‘goods’” (2016, p.7). This requires further explanation as it yields interpretations of ‘citizen art’ as not only expressive of statist or cosmopolitan imaginaries, but also it slants the meaning of ‘citizen art’ toward a vision of the artist as a ‘good’ citizen rather than as generating new concepts and modes of (non-statist) citizenship. The ethical implications of ‘citizen art’ is precisely the reading that this thesis does not encompass. Therefore, it is necessary to outline the discussion a bit more to set it aside in preparation for my own argument in following chapters.

The notion of the *good* ‘citizen artist’ is captured in the work of Lynda Frye Burman and Stephen Durland (1998), Joseph Polisi (2005) and in an edited volume by Mary Schmidt

²⁵ For example, activist stances and performed protest, such as a speech addressed to the Vice-President-Elect Mike Pence in 2016 (following a theatrical performance of a play titled *Hamilton*), exposes a conception of the citizen as subject to the jurisdiction of the Nation State and its representatives. As the actor Brandon Victor Dixon had said, “We, Sir, are the diverse group of Americans who are alarmed and anxious that your new administration will not protect us, our planet, our children, our parents ... We truly hope that this show has inspired you to uphold our American values and work on behalf of *all of us*” (Elliott, Silverman and Bowman, 2016a, n.p.).

Campbell and Randy Martin (2006). These authors have specifically used the term 'citizen artist' as a central concept in examining contemporary art practices from an ethical perspective, all with varying degrees of criticality of the concept of citizenship that they invoke. For example, Steven Durland states that “Socially committed, community engaged artists add depth to our culture and re-enchant their chosen publics...” (Frye Burnham and Durland, 1998, p.22). In the same publication, Lynda Frye Burnham states that “When art is allowed to flourish in society, it can help develop communities, address social ills, heal sickness, protect the environment and renew the urban landscape.” (p.184). We see this over-reaching ambition for ‘citizen art’ paralleled in projects such as The Citizen Artist Incubator (funded by the EU-Eastern Partnership Culture and Creativity Programme) instrumentalize and indeed, *depoliticize* the idea of the ‘citizen artist’. For example, between 2015-2017, selected artists were groomed to apply their artistic techniques to communicating what other ‘experts’ (“leading academics, scientists, policy makers, and experts from the fields of change management, conflict resolution, systems analysis, fundraising and media”, Citizen Artist Incubator, 2015, n.p.) had formulated as solutions to Europe’s social, environmental and political problems, but were not able to popularize. As stated on their website,

“The Citizen Artist Incubator aims to empower the next generation of artists with the skills necessary to actively implement change in our society and to explore unconventional partnerships and interdisciplinary exchange as part of an international network. [...] We aspire to deepen your artistic specialization through a constructive connection with other artists, scientists and experts. By sharing your experience, skills and knowledge, you can broaden your impact without blurring your focus. You’ll find out how you can respond to current affairs, make sense of

our changing world, convey key messages, leading by example etc. without compromising on your artistic vision. *A Citizen Artist can depoliticize the political, emotionalize the analytic, move people and help communities to look at issues from new perspectives.* There are endless ways to employ our craft and maximize impact.” (my italics, Citizen Artist Incubator, 2015, n.p.)

In these examples, the artist is attributed qualities and roles akin to that of idealized ‘communicators’ and social workers.²⁶ Artists allegedly engage in ‘community building’, where they ‘improve the quality of life’ for the downtrodden, the dispossessed, or the resident alien and immigrant. Through collaborative community projects, artistic performances, or in the case of ‘public art’ (i.e., the strategic placement of an artwork – a sculpture usually – in an area designated for ‘regeneration’) (Wilson, n.d.), the artist is invested with the power to iron out the pain of inequality and marginalization or bring ‘culture’ to the public space in preparation for redevelopment, i.e., the sanitizing aesthetic of big business. This vision of the artist as creating “an active impact on current issues and global challenges” (Citizen Artist Incubator, 2015, n.p.) or raising the dispossessed, those who do not yet feel the warmth of Arts’ great goodness, to cultural and social understanding, synthesizing differences and discord, is aimed at attuning all concerned to a singular identity. And that identity is firmly located in the idea of the citizen as a member

²⁶ Examples of artists that make claims to improving the material conditions of a locale through art can be found in the ‘citizen artists’ collective U.S. Department of Art & Culture, who state that “The work of artists is a powerful resource for community development, education, healthcare, protection of our commonwealth, and other democratic public purposes. Indeed, artists’ skills of observation, improvisation, innovation, resourcefulness, and creativity enhance all human activity. We advocate complete integration of arts-based learning in public and private education at all levels. We advocate public service employment for artists and other creative workers as a way to accomplish social good, address unemployment, and strengthen social fabric. We support artists who place their gifts at the service of community, equity, and social change” (U.S. Department of Arts and Culture, 2013, n.p.). Public Art Online state “Public Art [...] is a way of improving the changing environment through the arts” (Public Art Online, 2008, n.p.). Critics of such sentiments, such as Mick Wilson, comment that “we in the creative arts make claims for ourselves as the privileged bearers of traditions, of creative practice, of creative learning and teaching, and of creative enquiry. [...] We cannot afford to protect our self-image [...] at the expense of our agency and responsibility as creative citizens. We might need to see [...] that the critical creative imagination is the very condition of possibility of our agency as citizens” (Wilson, 2010, p.28).

of a community bounded by the State. It is taken as a given that the artist behaves as a 'good' member of the national community (or, the European Union, in the case of the Citizen Artist Incubator). The notion of the 'good' indeed, super (ethical) 'citizen artist' that operates within a national framework is firmly in play and yet, it has yet to be fully critiqued within the literature.

Claire Bishop makes a similar observation regarding the claims to ethical values and actions within social and activist art, though without seeing the importance of an analysis of citizenship. Instead, she is primarily concerned to refute the emphasis on the ethical versus the aesthetic as a criterion for judging social relations within a community of participants in social art practices. As she says,

“[W]e find a recurrent focus on concrete achievements and the fulfillment of social goals. In turn, these are elided into a hazy territory of assumptions not so much 'practical and political' as entirely ethical. This is manifest in a heightened attentiveness to how a given collaboration is undertaken, rather than to the meaning of this collaboration and its production in toto. Artists are judged by their working process—the degree to which they supply good or bad models of collaboration—and criticized for any hint of potential exploitation that fails to 'fully' represent their subjects, as if such a thing were possible.” (Bishop, 2006, p.5)

While I applaud Bishop's criticism of judging the processes of art production as “ethical” or not, she seems to miss the central problem: it isn't so significant that a discussion of the ethical dimension is left out in judging this or that work 'good'. After all, if the medium of the artworks is social relations (Bourriaud, 1998), then it is consistent to examine the ethical

import of these relations and the power relationships between individuals etc., which are germane to understanding the social and cultural engineering taking place within the space of the artwork. What is missing in Bishop's analysis is how are we to understand the notions of community, (political) subjectivity and belonging that are in play here? What kind of politics is replicated within this form of art practice? The notion of the 'good citizen' is (tacitly or overtly) in play and yet, it escapes observation and criticism. The problem is not how 'good' the artwork is on ethical terms but what is meant by 'good' within the politics referred to here. A critique of the politics of the artists — how their own (normative) assumptions about citizenship are reinforced or challenged — so far remains invisible or is elided by debates about 'citizen art' that tend toward moralizing over an artist's behavior and/or their praxis (i.e., how they conduct themselves or employ strategies to do 'good' social work).

These oversights are paralleled by a number of authors who have contributed to a book titled *Artistic Citizenship: Artistry, Responsibility and Ethical Praxis* (Elliott, Silverman and Bowman, 2016). This publication is one of so few in the field that uses the term 'citizen art' as a title (coined as 'artistic citizenship' here) that I will refer to it in detail. In contrast to Bishop, this collection of articles presents a more pointed reflection on the intersection of art and citizenship and admittedly, the examination here is not restricted to statist imaginaries of citizenship alone but extends to a cosmopolitan vision of membership as a backdrop for various arguments²⁷ (Elliott, Silverman and Bowman, 2016). I will discuss the problems of both status and cosmopolitan models of citizenship for understanding 'citizen art' throughout this thesis and in detail in Chapter 1. For now, I want to draw attention to the predominant view of 'citizen art' as a discussion about ethics rather than citizenship.

²⁷ See in particular articles by Bowman, Silverman and Elliot and Peters et al. in the same publication.

Authors emphasize ‘citizen art’ in relation to social injustice (as seen in the articles by Diverlus, Vujanovic, Wiles, et al.) or as a pedagogical tool for transforming individuals into “good citizens” (see articles by Montgomery, Silverman and Elliott, Peters, Bowman et al.) (Elliott, Silverman and Bowman, 2016). Wayne Bowman states “Artistic citizenship necessarily entails a relation of stewardship toward social values and practices that make artistry possible” and “artistic citizenship suggests a necessary relationship between artistry and civic responsibility” (p.65). He goes on to say that

“Art is not, [...] an autonomous domain whose values are intrinsic and whose practical concerns extend no further than its disciplinary boundaries. Artistic practices are not merely technical or aesthetic enterprises, but deeply ethical ones — vital ethical resources where we learn some of our most vivid and durable ethical lessons by exploring questions about what kind of person it is good to be, how we should live our lives, and to what values we should collectively aspire” (Elliott, Silverman and Bowman, 2016, p.66).

While these observations are valuable, the point I wish to raise is that examining the ethical dimension of ‘citizen art’ presupposes a citizenship regime as either a statist or cosmopolitan project. Importantly too, the authors (either tacitly or overtly) assume that the very idea of citizenship manifests only within a civic republican or liberal-individualist²⁸

²⁸ Although liberalism is “more than one thing” (Stanford Encyclopedia of Philosophy, 2018, n.p.), I use the term here to indicate its classical formulation as emphasizing the freedom of the individual citizen as “primarily concerned with rational autonomy, realizing one’s true nature, or becoming one’s higher self” (Stanford Encyclopedia of Philosophy, 2018, n.p.). Enlightenment philosophers such as John Locke emphasize the individual (citizen) and her protections for freedom by possessing attributes – properties – such as rights. From this perspective, freedom, which is secured through the mechanism of rights, is fundamental to protecting an individual from say, tyranny. Freedom from harm, for example, is an individual’s human right and is undergirded in Locke’s argument by possession (‘ownership’) of one’s body and more widely, is dependent upon a social and political organizational imaginary that posits the notion of ‘property’ and its protections as central to the role and rationale of the nation state (I will discuss this in more detail in Chapters 2 and 3). In more contemporary formulations, rights are conceptualized as universal and underpin arguments for cosmopolitan notions of citizenship (which I will critique in Chapter 2). Freedom then, within this liberal individualist paradigm (including neo-Liberal framings), is conflated with individual ‘ownership’

imaginary with a focus on rights and responsibilities or the ethical complexities of 'participatory' agendas by artists. Literature within the field is limited to primarily envisaging citizenship through the lens of its Enlightenment framing. The problem remains, what kind of political regimes and social systems are played out within an art practice that purports to 'construct *new* subjectivities' and by implication, new societies (Bourriaud, 1998) – i.e., *new* modes of citizenship? What kind of socio-political being is imagined here? What kind of *new* citizen? How does 'citizen art' genuinely present alternatives to the Western paradigm of citizenship as a republican or liberal, statist or cosmopolitan project? Art criticism that leaves out a discussion of the problems that surround the core concept of citizenship is missing the point. What are the actual potentialities of '*citizen*' art when governments behave aggressively toward those residing within or crossing through a terrain, when they have 'hollowed out' the social contract, when the world about us is 'on the move', when the condition of belonging is precarious, and borders and identities are blurred in the increasing globalisation and digitization of our social and cultural experiences?²⁹ What is at stake here is the pressing need to re-appraise how social and activist art practices redefine citizenship beyond the conventional view of art (either tacitly or overtly) seen as a product and expression of the state or, in resistance to the nation state, or indeed, in the service of humanity at large. Indeed, how does 'citizen art' genuinely instigate *new* modes of citizenship that are not informed and indeed, limited by a civic republican imaginary (with its emphasis on participation) or Liberal-individualist imaginary (with its emphasis on rights) or an (empty) rhetoric of universal bondedness?

of 'property' (in all its forms). The key point here is that this aspect of liberal theory, from the Enlightenment to today, not only posits the individual citizen as a possessor of rights but also, rights and as 'property' are constitutive of the Liberal Democratic state. The very idea of citizenship is understood as dependent on the state as the ultimate arbiter (through legislation, policing etc.) for protections of the individual citizen's rights and 'property'.

²⁹ Campaigns such as #metoo or #blacklivesmatter use of Twitter or other social media interfaces attest to the social and cultural shifts that have formed around online digital technology. Also, the notion of citizenship is complicated by the use of online digital technology in the 'doing' of politics, not only through activist campaigns, but also in the example of the personal use of Twitter by President Donald Trump. His activities interrupt the protocols of governing and the expression of his private opinions challenge the very idea of government as a public institution.

This research therefore is not aimed at assessing the *ethical* significance of art in (re)shaping, repairing, or contesting a state's citizenship regime, or resisting the consequences of the neo-Liberal policies of Nation States. Nor is it aimed at endorsing an idealist view of citizenship as universal. Instead, its purpose is to examine how 'citizen art' frames genuinely *alternative* conceptions of citizenship that are separate from state practices and idealizations of a world community. It aims to shift the discussion to an examination of the *initiatory nature* of citizenship that is revealed through 'citizen art'. This objective has, *in part*, emerged, and only recently, in examples such as that of Philipp Dietachmair and Pascal Gielen (2017) who in assessing how activists carve out and define political issues within 'civil spaces' (as opposed to 'civic spaces' that are occupied and orchestrated through systems of state governance, which I will discuss further below), they notice that artists are undertaking "local, bottom-up initiatives of many varied forms of self-governance" (Dietachmair and Gielen, 2017, p.23). Equally, a recent research project conducted by a group of academics and artists in Hamburg, Germany, called *Performing Citizenship*³⁰ (2018) and their subsequent publication called, *Performing Citizenship: Bodies, Agencies, Limitations* (Hildebrandt, Evert, Peters, Schaub, Wildner, Ziemer, 2019) have made similar observations. They framed a more focused inquiry into the performance of citizenship through art. The objectives of their research project were announced as follows:

"New forms of citizenship are developing in the cities of the 21st century: self-

³⁰ The full title of this programme is '*Performing Citizenship: New Articulations of Urban Citizenry in 21st Century Metropolis*'. It was a 3 year project and commenced in 2016 and concluded in 2019. It was "supported by a cooperation of the HafenCity Universität (HCU)/department Metropolitan Culture, the Hochschule für Angewandte Wissenschaft (HAW)/department Design and two research-led non-academic cultural institutions, the Fundus Theatre and K3 – Centre for Choreography/Tanzplan Hamburg" (HafenCity Universität, Hochschule für Angewandte Wissenschaft, Fundus Theater and K3: Centre for Choreography/Tanzplan Hamburg (2018).

organized and independent from the state and often creatively they do not only negotiate but also practically shape the way of how we live together. Performing Citizenship explores the articulations of this new urban citizenship, which puts into practice its desire and right for participation with performative means. Is it possible to think a “performative democracy” beyond our system of representative democracy? What comes into focus is a gap between traditional institutions such as political parties, public authorities or unions and a self-confident and self-organized (nonviolent) new citizenry, which increasingly contributes to resolving urban crisis situations with artistic means” (HafenCity Universität, Hochschule für Angewandte Wissenschaft, Fundus Theater and K3: Centre for Choreography/Tanzplan Hamburg, 2018).

The emphasis on ‘performed’ citizenship is key to my discussion in subsequent chapters. However, it is worth drawing attention again to the fact that a discussion of citizenship as ‘participation’, as intimated above by these researchers (but subsequently critiqued in their book), can at face value suggest an inquiry into citizenship framed by notions derived from a civic Republican tradition. That is, the fetishization of ‘participation’ within the literature discussed above (Bishop, 2012; Kester, 1998, 2004, 2011; Thompson, 2012, 2015, 2017; Kwon, 2002 et al.) produces the corollary problem that “participation can turn into a vector for dominant ideologies as easily as it can liberate” (see Kluitenberg in Elliot, Silverman and Bowman, 2016, p.265). As Paula Hildebrandt and Sibylle Peters had subsequently noted in their book *Performing Citizenship: Bodies, Agencies, Limitations* (2019), “participatory [art] projects [although they] often seem to question given power relations, they also produce and reproduce them” (Hildebrandt, Evert, Peters, Schaub, Wildner, Ziemer, 2019, p.8). Resisting this confusion is precisely why my own (practice-based)

research offers a fuller exposition of the problematics of status and cosmopolitan notions of citizenship and a more comprehensive discussion of art interventions that ‘do’ politics and in turn, perform *new* (non-statist) modes of citizenship. The ‘performed’ aspects of citizenship that will be discussed in detail through the examples of my own and other artists’ ‘citizen art’ interventions in Chapters 2 and 3, (and especially in my art intervention discussed in Chapter 3 that explores local indigenous understandings of political membership as expanded to non-human beings), reminds us that we need not stubbornly insist that citizenship is contingent on statist imaginaries. Nor is the concept and practice of citizenship original to the Modern period or classical antiquity. David Wiles, in his article titled ‘*Art and Citizenship: A History of a Divorce*’, discusses the history of pre-Modern notions of citizenship in Europe through an analysis of Japanese Noh theatre in relation to Brecht, and draws attention to the existence of an “Eastern theory of citizenship [... with] a different ethical system that puts interpersonal relations before duties to an abstracted state, human responsiveness before moral responsibility, and consensus before choice” (Elliot, Siverman and Bowman, 2016, p.38). I will extrapolate further on this shift in perspective in Chapter 3 when I discuss W̱SÁNEĆ First Nation approaches to membership and governance that originates in *relations*, *responsibilities* and *duties* (rather than individual ‘rights’ etc.). For now, I stress again here that the concept and practice of citizenship is not exclusive to its Western Enlightenment framings. I will revisit this point when I discuss my final art intervention (Chapter 3) and its exploration of local indigenous concepts and practices of political membership, to show that non-Western and sui generis formulations of citizenship are evident, but suppressed, within Canada. This research therefore sets out to distinguish the idea of citizenship from the burden of its statist or cosmopolitan imaginaries. It examines the aesthetic foundation of new and nascent modes of citizenship through the examples of, what I am delineating as, ‘citizen art’. What kind of

citizen is invoked and conceptualised within ‘citizen art’ — i.e., when, as Eric Kluitenberg says, it is not a “vector for dominant ideologies” (Elliot, Silverman and Bowman, 2016, p.265)?

The practice element of this research runs parallel to the written material and documentation of the interventions is also published on an online platform called the 'Citizen Artist' (<http://www.citizenartist.org.uk>). To recap: the four interventions³¹ that are discussed within this thesis are: *The Mobile Armband Exhibition*, (Plessner, 2011), *National Student Surveys* (Plessner, 2013), *Citizen Artist News: The University as a Border Regime* (Plessner, 2013a) and *Citizen Artist News: Clouded Title* (Plessner, 2018). All of these projects are discussed in detail in Chapters 2 and 3. However, in the order of their making, the Mobile Armband Exhibition project was an installation of objects (printed

³¹ There is one other intervention that was produced in 2012 called *Researching the Researchers* (Plessner, 2012a). It contributed to a wider inquiry titled ‘What is a University?’ (see citizenartist.org.uk). However, a discussion of this intervention is not included in this thesis as the visual imagery produced during the intervention was not reproduced in the newspaper publication called *Citizen Artist News: The University as a Border Regime* (Plessner, 2013a). Nevertheless, it was an important intervention into the space of a research workshop at Goldsmiths college that focused on ‘militant research’ and has informed my own understanding of ‘doing politics’ as practice-based research. A ‘citizen artist’ team (Anna Kaufman, Mandi Collett, Iliia Rogatchevski, Daphne Plessner and Dovile Alseikiate) met with researchers from Goldsmiths College and Sciences Po École des Arts Politiques (SPEAP) at Goldsmiths college. The event was instigated by Bruno Latour and his team of researchers for a week-long dialogue with various departments at Goldsmiths College in March 2012; the theme under discussion was ‘militant research’. The term ‘militant research’ has various usages and meanings, ranging from a rejection of claims to objective knowledge – or more specifically, the objectifying gaze within academic research and the recognition that knowledge production modifies and affects subjectivities – to overt strategies for political action and the contestation of strategies of governance based on the investigation and communication of an issue. My own approach to the practice-based research is in line with this latter sentiment as discussed at length in the Introduction, phrased as ‘doing politics’. Definitions of *militant research* include: “Militant research is a concept-tool that works on the premise that all interpretation of the world is linked to some kind of action. Related to practices of co-research and institutional analysis, militant research proposes that all new knowledge production affects and modifies the bodies and subjectivities of those who have participated. Rather than use research as a tool to categorise and separate knowledge from practice, militant research operates transversally, becoming part of the process that organises relationships between bodies, knowledge, social practices and fields of action” (Micropolitics Research Group, 2009, n.p.). Kevin Van Meter states: ‘*Inquiry* is simply the process of producing knowledge and addressing problems; and there is a long history of political inquiry in radical and revolutionary movements. Any substantive and engaged political campaign, organizing drive, and community processes utilizes methods of inquiry to understand the conditions of life, politics and to create initiatives. Within larger radical and community organizing traditions of inquiry, there is militant and co-research. *Militant research* refers to “research carried out with the aim of producing knowledge useful for militant or activist ends” as well as “research that is carried out in a fashion that keeps with the aims and values of radical militants” (Van Meter, 2008, n.p.).

cotton armbands) launched in the space of a protest rally (TUC Rally, aka *March for the Alternative*, March 26, 2011). This involved a small team of students and myself soliciting protestors to participate in the mobile exhibition during the event of the rally. The second intervention took the form of surveys (*National Student Surveys*, 2013) conducted at Central St. Martins College of Art. These interventions formed part of the preliminary research for some of the design and layout of *Citizen Artist News: The University as a Border Regime*. The newspaper is the third intervention of this research and 1500 copies were distributed to universities and arts organisations in the London, U.K. and also involved the collaboration of three students who co-edited sections of the paper. This intervention was pivotal to deciding upon using the format of a broadsheet newspaper for all subsequent interventions, to be discussed further below. These three interventions took place in London, U.K. The fourth intervention is based in Canada. Preparation for the fourth intervention, *Citizen Artist News: Clouded Title*, involved conversations with individuals from Tsawout First Nation, who are also members of the wider ƵSÁNEĆ First Nation community (based in British Columbia, Canada, see also a detailed discussion of the nomenclature of First Nations in Chapter 3). These conversations took place over a period of 2 years (2016 -2018). 1100 copies were distributed to settler residents on Pender Island (B.C., Canada) which is located within ƵSÁNEĆ First Nation territory. The newspaper itself was printed and disseminated in 2018. I will discuss in detail how and why the newspaper has emerged as the primary tool for my 'citizen art' interventions and practice-based research below. I will also outline how the interventions contributed to knowledge production within this research.

However, first, it is important to point out that the earlier iterations – *The Mobile Armband Exhibition*, *National Student Surveys* and *Citizen Artist News: The University as a Border*

Regime, all pivoted on troubling the idea of a university during my employment as a Senior Lecturer. It has been discussed in an article titled ‘What is a University?’, published by the Journal of Artistic Research (JAR) in 2014. However, these three interventions and the development of the newspaper were a form of performative theorizing. They constituted an important learning curve and provided the requisite experience for the decision to focus on the form of a broadsheet newspaper in subsequent (and future)³² interventions. That is, *The Mobile Armband Exhibition*, *National Student Surveys* and *Citizen Artist News: The University as a Border Regime* were vital *practical* learning experiences and important tools for thinking through how to carve out a terrain for intervening in, not only a *civic* space (a protest rally and a university) but also to carry out a *civil* action (subsequently within a small community in SW Canada). In fact, the very distinction of civic and civil spaces, and civic and civil *publics*, has become increasingly visible and relevant as landscapes in which the *Citizen Artist News* interventions especially operate. This requires further explanation and the following will turn to an excellent set of distinctions found in the work of Dietachmair and Gielen (2017) before discussing the design, techniques and strategies of the art interventions and how they were calculated to ‘infiltrate’ either a civic or civil space.

Dietachmair and Gielen outline the difference between ‘civic’ and ‘civil’ space in the following way:

“‘civic’ space describes a set of objectives that are defined by governments of states and carried out by their authorities and public institutions. These objectives cover a precisely pre-defined framework of ‘civic’ tasks that the state provides for its

³² Two more newspapers that involve working with members of Tsawout First Nation will be launched in 2019–2020. I describe some of the details of forthcoming editions of *Citizen Artist News* in footnote 159 in Chapter 3.

citizens through particular services, initiatives and places it controls. [...T]hese 'civic spaces' are already regulated, by law or otherwise. [...] By contrast, the civil space [...] is a space that remains fluid, a place where positions still have to be taken up or created" (Dietachmair and Gielen, 2017, p.15).

The authors also parse the notion of "civil and *public* space" (Dietachmair and Gielen, 2017, p.16). This too is important for describing the scope and strategies of the practice-based research, as I will go on to show below. Again, to quote them:

"The civil space requires collective actions, initiatives and organisations. People have to make an effort, organize something or simply 'do' something in order to shape a civil space. By contrast, public space is the space we can enter into freely, that is or should be accessible to anyone. Or in following Jürgen Habermas, the space of public opinion where people can make their more or less idiosyncratic voice be heard, freely, and preferably with good arguments, like in the media, in public debate or in time-honoured salon conversations. [...W]hereas the public space is a space for the free exchange of thoughts, opinions ideas, and people, the civil domain provides the framework for organizing these thoughts, opinions, ideas, and people. Within the latter space, a thought or opinion or idea is expressed in a public action or in the form of an organization" (Dietachmair and Gielen, 2017, p.16).

With these distinctions in mind, the earlier interventions – *Mobile Armband Exhibition*, *National Student Surveys* and *Citizen Artist News: The University as a Border Regime* – were more explicit interruptions to the ordering of state organized or indeed, state

sanctioned *civic* spaces such as the university or the event of a protest rally. They functioned from within public civic spaces shaped by the state. I will discuss this point and these interventions extensively in Chapter 2. By contrast, *Citizen Artist News: Clouded Title*, which evolved through the practice of the earlier interventions, is a deliberate attempt to intervene in a *civil* space. That is, the intention was to *shape* a ‘public’ through the unconventional means of a single topic, independently published, newspaper, targeted directly at local residents on an island by posting copies to each household, impinging on the private lives of all local residents. This practice-based research set out to *create* a political space using the newspaper – a widely understood and respected mode of communication within the ‘public sphere’ – as a tool to focus the attention of residents on the problematics of being resident on appropriated land. Put in another way, the *form* of the newspaper signifies the public sphere, but importantly, the aim of the intervention was to use the newspaper as a tool for civil action. Indeed, both newspapers are not merely expressions of opinion or a presentation of ideas, or a critique, *but an act of doing politics* – and specifically, an ‘*act of citizenship*’ (I will discuss this point fully in Chapters 2 and 3). Both of the newspapers were aimed at provoking assumptions and challenging the very idea of who and what is seen as ‘belonging’ (to university or to local community) and who is ‘visible’ as a ‘member’, and in turn, what it means to *perform* as a citizen. As Dietachmair and Gielen say, “Public space provides [...] both new ideas and new people (new citizens) but they can only claim and obtain their place in society through self-organisation in the civil domain” (Dietachmair and Gielen, 2017, p.17). In this sense, the *Citizen Artist News* interventions are ‘self-organised’ strategies that carve out space to perform ‘acts of citizenship’ (Isin, 2008). I will discuss this in detail in Chapter 3.

I should briefly add too that my pursuit of interventions as an artistic practice (i.e., as an

artistic medium *and* a ‘tool’ for doing politics) began in 2009 and turned on my own disillusionment with painting as a means for mobilizing dialogue about the issues and concerns that not only confronted me on a daily basis, but that also informed the subject matter of my artwork.³³ Prior to commencing this research (2011), I started to think again seriously about what art can ‘do’ politically and how it can be enacted in ways that do not depend upon the apparatus of the ‘art world’. At the time, the vocabulary of art interventions was in circulation (although it was not as prominent as it is today). However, I was primarily influenced by the example of citizen journalists. I was fascinated by the random interruptions of unsolicited and unregulated ‘news’ and information that emerged from unpredictable spaces and unsanctioned sources. I was inspired by citizen journalists’ interruptions to mainstream Media and networks of communication and in turn, how they exposed the mechanisms and gatekeeping that determine *what is seen* as a political topic and *who was seen* as a political subject. I realized that it was possible to model my own ‘citizen art’ projects on the example of these maverick reporters who break (perceptual and conceptual) boundaries, trouble normative assumptions about who has a right to speak and be seen and importantly, dominate their own means of production. Citizen journalists also provided an important starting point for what has become my primary interest in

³³ From 1985 – 2008, my artistic activities centred on painting images and exhibiting artworks in galleries, museums, receiving commissions, grants and awards, working with dealers, selling work to collectors etc., primarily in the U.K. and Europe. My last exhibition of paintings, titled ‘*Girlye*’ (see plessner.co.uk) was held in a commercial gallery in central London, in 2008. It represented 3 years of research and intense studio work and was a commentary on the sexualization of girls within capitalist, consumer, society. Not only was the experience of working with the gallery a repeat of the frustrations I had previously faced, on numerous occasions, within these commercial spaces (the often uninformed and reductive understanding of art; the fetishization of the ‘value’ of the artwork in terms of its monetary exchange; the flat imaginations of dealers etc.) but also, ironically, the show opened only one week after the collapse of Lehman Bros., marking the beginning of yet another deep economic recession in the UK. The City of London was in a state of shock and perhaps because of the location of the gallery, the Financial District’s deafening silence was palpable for the duration of the exhibition. Three years of intensive studio work was focused on producing an aesthetic mechanism for discussion and reflection on the topic of ‘*Girlye*’. As a reward, I was confronted, yet again, with the limitations of artefacts, the inadequacies of the gallery system to support my artistic objectives, and more widely, the deficiency of the marketplace as a framework for activating discussion and ‘doing’ politics through art. However, this rather poignant moment forced me to think again about the very foundation of my own artistic activities and how I could realize what I was trying (but failing) to achieve through painting and ‘art world’ systems and structures. It was a critical moment for recognizing the potential of performing ‘citizen art’ and what I now see as ‘acts of citizenship’ (Isin, 2008) (discussed further above).

incorporating the aesthetics of journalistic techniques into my art interventions. Therefore, the newspapers, as an artefact produced by one artist rather than a Media organisation, bring to the fore perspectives that sit outside of mainstream News Media – mainstream Media that of course also shapes publics and establishes normative assumptions of and for its readership as a *public*. The interventions carve out different kinds of publics – publics within publics, so to speak. For example, as an artwork, the newspapers are legible as an *artistic* intervention (to be discussed in detail in Chapter 2) to those who have the requisite knowledge (i.e., they've been informed that it is artwork, they are reasonably familiar with contemporary debates in art and aesthetics to anchor their reading of it as an art project, such as 'dematerialization'; 'expanded practice', 'social practice'; 'interventionist art'; 'activist art' or 'artivism' etc.). Otherwise, the newspaper as an 'artwork' is invisible to readers. This is important for escaping the designation of an artefact as an art object which can enclose its interpretation and limit its reach. That is, "designations of certain practices as artworks, or restrictions of activities to the 'art field' can limit and even foreclose their potential" (Kelly, 2005, n.p.). This 'inside' and 'outside' of reading the newspaper as an art object or not, is potent as it troubles the idea of a 'public' readership – that is, what kinds of publics can be shaped by art interventions of this kind in multiple and intersecting ways where readers are situated either inside or outside the artwork and its aesthetics?

The newspapers are also intended to explore the potential of 'investigative' art practice to "contribute to building (critical) knowledge with the mere use of a new aesthetic 'regime'" (Cramerotti, 2009, p.22). Alfredo Cramerotti, an art curator, points to the development of investigative journalistic methods, or reportage, within fine art practice, such as the use of archive information, interviews, field observation, background analysis etc. (2009, pp. 23-

28). These strategies are significant in the hands of artists as they take the 'facts' of investigation and present them in such a way as to "raise doubts about the truth-value of the traditional [news] regime" (2009, p.22). They constitute a 'new' aesthetic regime as he rightly says, recognizing that these strategies have wider implications for how we understand the role of the aesthetic (i.e., our sensed experience) in shaping new imaginaries and understandings. He further argues that journalism "is the interface we use to understand how things work and affect us, and it forms the base for public knowledge in science, politics and many other fields" (2009, p.23) and similarly, art "could be one of the practicable ways to mediate information and prompt initiative. [...W]e need to query not the way art and journalism transform the world, but the way that they can transform the meaning of the world" (Cramerotti quoting Vilem Flusser, 2009, p.28). As I have argued above, transforming 'meanings of the world' (altering what is seen as a political topic and who is seen as a political actor) through interventionist 'acts' is germane to the practice element of this research.

The choice of a *printed* newspaper, as an artistic medium and a 'tool' for 'doing' politics, is also deliberate. In recent decades, the printed newspaper has become somewhat antiquated and because of this it has certain liminal qualities. As a printed artefact, and against a backdrop of the ubiquity of the digital screen, the newspaper is strikingly odd, outdated, and as a result, it has a particular aesthetic register that is 'enhanced', in my view. Its aesthetic oddness is brought to the fore in comparison to the aesthetic qualities of the screen or 'window frame' or the 'interface' of our computers in acquiring 'news'. One might agree that the computer screen as a surface and as a window, is experientially 'ordinary' and routinized as a medium for the acquisition of information and news. The screen is in the background of our awareness. The printed newspaper by comparison is a

communication medium in transition. On the one hand, it is an outmoded form of Media as I've suggested, but on the other hand, it retains 'authority' as a medium of public knowledge. It is the slippage – the breakage in its technology — that makes it compelling and useful as an artistic medium and interventionist tool. The printed form of the newspaper oscillates between being 'ordinary' (and therefore in the background) and 'extraordinary' – i.e., visible as an aesthetic object in its own right. It comes into view through the oddness of its aesthetic register. These 'affordances'³⁴ that present themselves in this technological shift make the newspaper a ripe medium for artistic interventions as the aesthetic character of the newspaper is enhanced through the layering of familiarity and oddness.

The practice element of this research also seeks to maximize how the creative assemblages of 'facts' – i.e., the editing, arrangement and visual display of information (reports, academic writing, interviews etc.) within the pages of the newspaper – can yield multivalent readings of the topic and in turn, suggest or facilitate new imaginaries. Specific examples will be discussed in detail in Chapters 2 and 3. This includes a belief that "representations of the real have *more* rather than *less* power to shape our world heretofore, [and further] that the production and control of the flow of historically based images is increasingly the arena of social power that matters most" (Demos quoting

³⁴ I refer here specifically to J.J. Gibson's notion of 'affordances' in his book titled *The Ecological Approach to Visual Perception* (1986). Gibson describes the notion of 'affordances' in relation to the structural 'invariants' of objects in visual perception, making the important point that visual phenomena are not abstract physical properties but (meaningful) relations between animal and surfaces in a structured environment (of horizons etc. and not abstract 'space'). So, for example, a certain intersection of surfaces as they present themselves to us, 'afford' meanings and 'usages' as one thing or another (so, say, certain surfaces – it could be a boulder or a ledge etc. – can 'afford' themselves as say, things to sit on or stand on etc. When referring to aesthetics within this thesis, Gibson's ideas of affordance very much informs my understanding. However, throughout the thesis I use the term 'aesthetics' to encompass its range of meanings – from its use in describing the formal properties of an artwork (say, for example, the lines, colours, planes etc. within a frame or newspaper layout), through to affect (i.e., emotions and the visceral experience of things), and of course percept – sensory experience. But also, the idea of aisthesis – discriminations made through sensory experience. So, when thinking about aisthesis as including discrimination (judgements that are not propositional statements), I have in mind Gibson's idea of affordances here too. Sadly, it is beyond the limits of this thesis to examine in detail the complexities of 'citizen art' interventions through the lens of Gibson's work and his notion of affordances.

Michael Renov, xvii). In my case, this includes the recombination and design of 'fact' based information and 'news' items, and the assemblage of academic literature etc., presented using formal aesthetic strategies (design of layouts etc.) and to treat 'news' as an artistic medium. Therefore, these projects are to be conceived of as 'works of art' aimed at advancing the idea of 'investigative art practice'³⁵ or 'aesthetic journalism' (Cramerotti, 2009) as a mode of activity that extends and expands political action in the public domain. Hence, the aim of an 'investigative' art practice includes an intention to do politics in such a way as to address specifically "the kinds of knowledge that aesthetic experience is capable of producing" (Kester, 2004, p.9). The formal arrangements of images and text present ideas and information in such a way as to charge the 'facts' with (new) political meaning. This influences how the contents of the newspaper are weighed as a cachet for revealing 'truths'. By presenting an assemblage of 'research' rather than 'opinion', where the idiosyncrasies of the editorial role slip into the background and bring to the fore an arrangement of 'voices' and perspectives on topics not raised in mainstream Media, new perspectives are revealed that are not even conceivable within the domain of mainstream News Media. Jacques Rancière's insights on the intersection of aesthetics and politics (that I will further discuss in Chapter 1) are invaluable for articulating how the 'citizen artist' newspapers, as artifacts *and* as art interventions, make visible the 'partitioning' of beliefs and practices within specific communities and by extension, who and what is seen as public and of importance. As Rancière says, Art is a means for revealing "who ha[s] a part in the community of citizens" (2004, p.12).³⁶ In this way too, *Citizen Artist News* carries its

³⁵ The notion of 'investigative' art practice here is to be understood as analogous to contemporary documentary practices "that have emerged as a central aspect of artistic and theoretical debate" (Demos, 2013, xvii).

³⁶ Also, it is interesting to consider the newspaper as an aesthetic medium in the context of debates about 'fake news', which is historically rooted in the 19th century with discussions about the Yellow Press and the production of sensationalist tabloid news (Public Domain Review, n.d.) or currently, 'post-truth politics' (populist politics) (Wikipedia, n.d.), that appeal to people's emotions and/or are intentionally misleading etc. Fake news obviously troubles the idea of the newspaper as presenting 'facts' about the 'world'. Interestingly, fake news also draws attention to the aesthetic complexity of news media and the way in which politics is framed through the medium. These art interventions therefore experiment with the aesthetics of 'facts' as presented and perceived. How can one

information beyond its own limits.

To 'reveal' and indeed, alter *who* and *who does not* have 'a part in the community' the 'citizen artist' newspapers target specific communities (through their address and distribution) and they solicit readers to enter into a public 'thought experiment' that is dialogical in character. The familiar techniques of journalism (the aesthetics of mainstream journalism – the chronological or narrative story structures, feature stories, short hand opinion pieces etc.) is put aside. Not only do the 'citizen art' newspapers focus on a single topic but the 'facts' are not presented in ways that meet the expectations of news as quick, digestible, stories. 'Citizen artist' newspapers require readers to actively engage in a group experiment and to carefully scrutinize, cross-read and reflect on the meaning of its visual imagery and the implications of (new) 'facts' (about the university as a border regime or the purported ownership of appropriated indigenous lands); facts that implicate readers in the production of border regimes and State acts of colonial appropriation. 'Facts' are presented using academic techniques such as compact, structured arguments, numerous citations, footnotes, etc. and are undergirded by images that problematize the topic under discussion. The information is densely presented so as to slow down the reader and prompt engagement with themes that not only implicate readers in its problematics, but also, challenge normative assumptions. That is, the 'citizen art' newspapers prod at the affective, aesthetic and subjective experiences of individuals, to draw their attention to the 'facts' that their own status as 'members' (students, faculty, staff etc., of a university) and 'citizens' (settlers on a small island in colonial Canada etc.) is at the heart of the *production* of the problems of a (status) citizenship regime. In this way too, the 'citizen art'

stretch and exploit the aesthetic qualities of the 'facts' and the 'evidence' of 'matters of concern' to expand meaning but also, importantly, and unlike fake news, not misrepresent what is at issue. How can the 'facts' that purport to represent a 'public' discourse be differently arranged to make visible other 'facts' that are elided? I will discuss this point in more detail in Chapters 2 and 3.

newspapers 'do' politics through art. One might also say that the aesthetics of (mainstream) journalism are contested within the aesthetics of the 'citizen art' newspapers.

The editorial handling of 'facts' also disrupts notions of 'authority' and the 'authoritative voice' that is part of the posture of a newspaper's historical, social, cultural and political legacy. There is an aesthetic dimension to the newspaper as originating from one (or a few) individuals and not an organization or agency. There is a bodily connection to the artefact as a form of media "where the activation of the instrument is part of the bodily action itself", as Judith Butler would say (2011, p.9). "The use of the technology effectively implicates the body" (Butler, 2011, p.10) and in this sense, there is a 'bodily'/aesthetic dimension to the newspaper that is framed through its authorship, rather than legitimized through the abstract idea of an organization or agency. However, the newspaper, as a highly coded artefact, also transcends the body. As Butler says, "the media is the scene or the space in its extended and replicable visual and audible dimensions. [... it] extends the scene in a time and place that includes and exceeds its local instantiation" (Butler, 2011, p.9). The practice-based research therefore is not an illustration of the theoretical positioning that is developed in the written thesis nor does it aim to develop a theoretical position of its own. It is not a mapping exercise, nor is it an exercise in hypothesizing or schematising. It is an exercise in 'doing politics' and in turn, *performing* new modes of citizenship. The 'citizen art' newspapers are therefore not only an artistic medium, but an aesthetic 'tool'. They are also a political tool where aesthetic and political characteristics intersect.

To briefly sum up: the practice element of the research therefore creates 'dissensual'³⁷

³⁷ I rely heavily on Jacques Rancière's notion of 'dissensus' (Rancière, 2010). This concept will be discussed in full in Chapter 1 and referred to in Chapters 2 and 3. However, at this point, his terminology is used to capture the potential

props that challenge subjective understandings of political membership (*Mobile Armband Exhibition*, 2011; *National Student Surveys*, 2013) and normative understandings and practices of belonging and membership (*Citizen Artist News: The University as a Border Regime*, 2013 and *Citizen Artist News: Clouded Title*, 2018). The interventions are provocations and explorations of issues that pertain to the lived experiences of citizenship: lived experiences such as those that are manifest in the moments and places where one is confronted with the apparatus³⁸ of the state, such as the university³⁹, protest rallies, Treated territory etc. The interventions are aimed at problematising the conditions of citizenship through the lens of specific issues such as the conversion of the university into a border regime in the UK and also 'ownership' of land ('property') and how it frames understandings of membership within (colonial) Canada.

Chapter 1 will focus on some of the contemporary theoretical material within the fields of Citizenship and Migration Studies as well as that of aesthetics, to not only illuminate how this literature informed the development of my own 'citizen art' interventions but also, to clarify how citizenship is to be understood in the context of this research as a whole.

Therefore, the first half of this chapter will draw out the complexities and limitations of the concept of citizenship as a legal status, framed and determined by a nation state, and as a

for art practices to make visible undisclosed socio-political concepts and conditions.

³⁸ My use of the term 'apparatus' follows Michel Foucault's 'dispositif' (also translated as apparatus by Giorgio Agamben in his book, *What is an Apparatus?*, 2009b). Foucault defines an apparatus in the following way: "What I am trying to pick out in this term is, firstly, a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions – in short, the said as much as the unsaid. Such are the elements of the apparatus. *The apparatus itself is the system of relations that can be established between these elements.*" (Gordon, 1980, p.194). This is deeply entwined with Foucault's discussion of social and political 'power'. He argues that power is not a phenomenon that emanates from or is concentrated in the hands of say, political leaders or a Queen, but is constitutive of the relations between individuals. As he says, "The idea that there is either located at – or emanating from – at a given point something which is 'power' seems to me to be based on a misguided analysis, one which at all events fails to account for a considerable number of phenomena. In reality power means relations, a more-or-less organized, hierarchical, co-ordinated cluster of relations." (Gordon, 1980, p.198). The focus on 'relations' is important to my discussion of how 'citizen art' 1) reveals the 'apparatus' of a statist citizenship regime 2) is productive of new modes of citizenship. This will be discussed in detail in Chapters 2 and 3.

³⁹ The role of the University as a statist enterprise, i.e., its historical role of producing critical citizens, is discussed in detail in Chapter 2.

cosmopolitan aspiration. Neither of these understandings of citizenship illuminate the new and nascent forms of citizenship that manifest in 'citizen art'. Therefore, it is necessary to discuss them in detail to show how 'citizen art' differs from these normative imaginaries. Troubling the notions of status and cosmopolitan citizenship will also distinguish this research from other authors in the field of art who do not interrogate the notion of citizenship within their writings on 'citizen art' (as discussed at length above). It will also contribute to very recent discussions of 'performing citizenship' (Hildebrandt, Evert, Peters, Schaub, Wildner, Ziemer, 2019) by foregrounding, deepening and widening an examination of 'citizen art' as a distinct mode of artistic practice that not only counters statist notions of citizenship but also performs new modes of citizenship. The second half of this chapter will discuss the importance of Engin Isin's notion of 'acts of citizenship' (Isin, 2008) and the work of Jacques Rancière for comprehending the aesthetic and nascent dimension of citizenship and the significance of 'citizen art' as performing new modes of citizenship (discussed in detail in Chapter 2 and 3). Therefore, the entire chapter is dedicated to providing a foundation for the ensuing examination of specific 'citizen art' projects in Chapters 2 and 3 and how such practices are instrumental in shaping new modes and conceptions of citizenship.

In Chapter 2, I outline at length how 'citizen art' interventions are '*tools*' for 'doing' politics and how they enact new modes of citizenship. A considerable part of the Chapter describes what an art intervention is and examines a range of its usages and meanings in the art world. This is done to provide some context for how my own 'citizen art' interventions are situated in relation to some other artists and second, to differentiate 'citizen art' interventions from other interventionist strategies within the field. I also briefly outline how art interventions compare to the concept of the 'Right to Protect' as a way of

showing that 'citizen art' interventions are determinable *political* acts and not only aesthetic gestures. This is done to frame how 'citizen art' interventions function as 'tools' for '*doing*' politics, *structuring* relations and *embodying* 'acts of citizenship'. I then examine specific projects: two historical examples of interventions by activist groups of the late 1960s and 1970s (the Guerilla Art Action Group (GAAG) and Roger Coward of Artists Placement Group), to outline some of the key characteristics of (and differences between) their political interventions that prefigure contemporary artistic strategies for 'doing' politics. I then speak at length about Tania Bruguera, Jonas Staal and three of my own 'citizen art' interventions to draw out how 1) 'acts of citizenship' are realized through these projects and 2) how new modes of citizenship become visible through these aesthetic practices.

In Chapter 3, the entire discussion is dedicated to my fourth art intervention called *Citizen Artist News: Clouded Title* (2018). It is the most comprehensive project of the four because it vividly shows how the status citizenship regime of the (Canadian) nation state first, underpins ongoing epistemic violence in the experience of residing within W̱SÁNEĆ First Nation territory (i.e., the southern tip in what is now called Vancouver Island and the Gulf Islands in British Columbia, Canada), i.e., an experience of place that I am intimately related to as a resident within this region. Secondly, this intervention shows that normative ideas of citizenship in no way can accommodate the complexity of relations between Indigenous people and 'settlers', in virtue of the fact that the State's citizenship regime suppresses, rather than adapts to or learns from, indigenous knowledges and relations to land. This is significant for seeing how this 'citizen art' intervention opens up new ways of cognizing and performing alternative modes of (non-statist, non-cosmopolitan) citizenship 1) in drawing attention to differing conceptions of land and indigenous critiques of 'ownership' of land; 2) in the example of indigenous practices of stewarding and extending

kin relations to non-human beings; 3) in how the intervention 'does' politics by circumventing local (political) gatekeeping in new and novel ways; 4) in how the intervention alters what is seen as of central concern to residents of the locale; 5) in how the performative dimension of the 'citizen art' intervention establishes new political actors and also, relations of trust with people who inhabit the land together. Therefore, *Citizen Artist News: Clouded Title* is the most robust of the four interventions in how it functions as a tool for 'doing' politics and in turn, performing an 'act of citizenship'.

In the first part of Chapter 3, I will outline some critical details of how local Indigenous peoples are administered by the State in ways that not only undermine their cultural and political agency and access to stewarding land but also, how this sustains the positioning of settlers as (dubious) 'owners' of land. I will discuss how the content of the newspaper takes to task problematic local narratives of the validity and virtue of colonial claims to 'owning' and 'using' the land and in turn, how these assumptions (purportedly) substantiate membership. *Citizen Artist News: Clouded Title* 'does politics' by publicly raising the specter of the Crown's appropriation of lands and thus makes visible conflicting perceptions of 'ownership', belonging and membership amongst Indigenous and settler colonial inhabitants of a community. I will discuss how the intervention re-circulates the writings of members of the W̱SÁNEĆ First Nation in Western Canada 1) to challenge (local) colonial assumptions of entitlement and membership that are founded on a (dubious) scripting of a treaty of the 'sale' of lands that undergirds Canada's status citizenship regime; 2) to show how the State's citizenship regime disenfranchises Indigenous peoples claims to land and governance; 3) to trouble Western Enlightenment assumptions that citizenship necessarily depends upon the state or a world community or indeed, on human actors and 4) to show that aspects of the W̱SÁNEĆ world view and

forms of governance importantly pivots on aesthetic relations to land and in turn, is demonstrative of 'new' modes of non-statist, non-cosmopolitan citizenship. This is important for seeing how the content of the newspaper not only challenges assumptions about the normativity of colonial practices of status citizenship, but also, calls upon residents to participate in a 'thought experiment' that encloses them in a public act of 'thinking through' the lens of local W̱SÁNEĆ descriptions of "being 'owned' by the land" (Tsawout Nation, 2015, p.23). The staging of this public conversation through the newspaper intervention, and with its focus on W̱SÁNEĆ descriptions of being 'owned by the land', entangles residents in a dialogue not of their choosing. It prods them to reconsider their orientation to land, ownership and assumptions about belonging and it also binds them together as (unwitting) subjects of the art project. It also pushes residents to recognize the seriousness of W̱SÁNEĆ descriptions of reciprocal obligations and duties to non-human beings as a foundation for alternative modes of membership.

The second half of this chapter discusses how *Citizen Artist News: Clouded Title* is an 'act of citizenship' in how it reorients (interpersonal) relations – a new "miniature civil society" (Smith, 1990, p.30) – by targeting settler residents within the small island community as interlocutors and in an active confrontation on an issue that has long been avoided, challenging individual residents to consider what it means to 'own' land. Also, the nature of the intervention was a disruption to the complacency of settler routines and attitudes to inhabiting land. That is, its content, creation and dissemination is an 'act of citizenship' in that it alters *what* is seen as the object of politics and also *who* is seen as a political actor. It stages new interpersonal relations (especially between me and members of Tsawout First Nation) and realizes new potentialities for 'doing' politics and performing new modes of membership at a critical moment when destructive colonial-capitalist behaviours and

assumptions continue to proliferate in the local and national (settler) community. Chapter 3 will therefore draw together the various strands of argument and analysis of how 'citizen art' is instrumental in reframing new modes of citizenship.

Chapter 1: The Problem of Status Citizenship and Cosmopolitan Imaginaries and the Value of ‘Acts of Citizenship’ for Understanding ‘Citizen Art’

In the Introduction, I indicated that understanding the notion of citizenship is complicated by its multifarious meanings, descriptions and usages, under the conditions of globalization and the changed role of the state in relation to its members. In particular, I argued that the normative notion of citizenship as state-bounded is problematic in view of the ‘hollowed out’ conditions of membership; the debasement of entitlements (social care provision, welfare, etc.) and protections (in the fallout of increased anti-terrorist surveillance and securitization, continuing colonial violence in Canada etc.) and the concomitant centralization of decision-making powers to the executive (in the UK et al.) etc. I also argued that the notion of citizenship is germane to ‘citizen art’ and that, barring some recent developments in the study of performing citizenship (Hildebrandt, Evert, Peters, Schaub, Wildner, Ziemer, 2019), to date no robust analysis of this fact has been achieved within the literature on social and activist art. How are we to understand *citizenship* within this form of art practice (where artists *do* politics and claim, either tacitly or overtly, to be ‘citizens’) when the very notion of citizenship has been ‘hollowed out’? The following discussion therefore maps the key debates within the literature that helped to inform the development of the ‘citizen art’ interventions produced for this research. Tracing these debates provided an important foundation for articulating my art interventions as determinably ‘acts of citizenship’ (Isin, 2008) discussed below and in Chapters 2 and 3. It also facilitated my understanding of what I have observed as ‘acts of citizenship’ in the work of some other artists (Chapter 2). These ‘citizen art’ interventions not only trouble normative understandings of status citizenship and cosmopolitan citizenship in important and generative ways but also, perform *new modes* of citizenship.

Therefore, this chapter will address the fundamental problem of how citizenship is to be understood within 'citizen art' and this research. To do this, I will look to the literature within Citizenship and Migration Studies to critique the idea of citizenship conceived of as a status. I will highlight how state-bounded notions of citizenship contrast with cosmopolitan citizenship and in turn, demonstrate that the changed conditions of contemporary membership impact on how we are to understand citizenship within 'citizen art'. This will be done for two reasons: first, to draw attention to the prevalence of the notion of status citizenship as normative and to guard against confusing state bounded notions of citizenship with practices in 'citizen art'; second, to clarify how we might understand citizenship as separate from the state and thereby to understand better how 'citizen art' is productive of new and emergent forms of membership that are not expressive of cosmopolitan or status-centred notions of citizenship.

The chapter as a whole will explore existing literature with a view to clarifying how 'citizen art' practices sit within the spectrum of competing conceptions of membership, also demonstrating some of the missing gaps in the literature. I will outline, in detail, arguments that challenge the normative notion of status citizenship and cosmopolitan citizenship. The most important aspect of this chapter will examine the work of Engin Isin and Jacques Rancière (and others) to establish that citizenship, and by extension, 'citizen art', pivots on the notion of 'acts of citizenship' and this will stand as evidence for my argument that 'citizen art' *performs* citizenship and *does* politics in ways that have yet to be properly recognized or analysed. This latter point is foundational to my (further) discussion (Chapters 2 and 3) of how 'citizen art' is instrumental in producing *new* concepts and practices of membership that do not pivot on Enlightenment framings (Chapter 2) or Western imaginaries (Chapter 3) of status or cosmopolitan citizenship. The problem in

need of clarification here is 1) what is the foundation of citizenship if one strips away its boundedness to the state? And 2) how are we to understand how citizenship is enacted? This matters for understanding how 'citizen art' functions and to guard against conflating (even tacitly) its qualities and characteristics with normative conceptions of status citizenship or cosmopolitan ideals.

To be clear, this chapter in no way is intended to be a survey or even an overview of the literature on Citizenship or Migration Studies. Nor will it discuss examples of social and activist art (reserved for Chapter 2). Instead this chapter is restricted to scoping out literature that disambiguates status citizenship from cosmopolitan notions of citizenship and in outlining these debates, draw out a more nuanced and imminent conception of citizenship that is not only emerging in the literature but also, being performed within 'citizen art'. The purpose is to first consider how citizenship is discussed within the literature before turning to an analysis of how it is enacted within 'citizen art' and, in turn, how it may (or may not) contest normative state-bounded notions of citizenship. This matters when considering how 'citizen art' activities, that at face value may not appear to embrace citizenship practices, exemplify a form of political engagement that fall outside of the normative vision of political participation (i.e., as seen in voting, protesting etc.) on the one hand, or the instantiation of the legal status (rights and obligations) of citizenship on the other. The point is to establish a foundation for a final examination of how 'citizen art' *does* politics by first reviewing contemporary discourses within the academic literature that investigates the role of the individual in enacting and performing, indeed, generating and instantiating new conceptions of membership.

To situate the claim that 'citizen art' is instrumental in generating new forms of citizenship

(to be discussed in full in Chapter 2 and 3), I will outline the notion of 'being political' as discussed in the work of Engin Isin and in particular, his discussion on 'acts of citizenship' (Isin, 2008). I will also discuss Isin's work in relation to Rancière's concept of 'dissensus' (Rancière, 2010). In an effort to frame an understanding of political enactment and obligations that disrupt normative notions of citizenship, which I see as a nascent condition of boundedness between agents (a point that will be developed in the following paragraphs), this discussion will therefore introduce how 'citizen art' can be a generative force in shaping new conceptions and practices of membership. Therefore, the following will open with a brief narrative of the 'boundedness' of status citizenship as an introductory foil for a discussion of its strengths and weaknesses in relation to cosmopolitan citizenship. Again, as indicated above, this is necessary for mapping how normative notions of citizenship, although prevalent and compelling, are not necessarily useful to an understanding of 'citizen art' practices. I will argue that 'citizen art' is not reactionary i.e., it does not reify the concept, values or sentiments of a nation state, but instead is a nascent form of membership which may not yet be fully acknowledged, or indeed easily recognisable, as citizenship per se. Therefore, it is necessary that this chapter takes to task the arguments in support of status citizenship in order to put them aside. I will do this by calling upon various authors who have argued for and against status citizenship. This will provide a foundation for the discussion in subsequent chapters of the new modes of citizenship that manifest within my own and other 'citizen art' projects.

The intellectual architecture that informs citizenship obviously has a formidable history and it is something of a truism to say that the concept of citizenship is contested. Even in antiquity, Aristotle noted that definitions vary and are contingent upon the constitution under which one lives (Sinclair, 1992) and that it has multiple usages and understandings

and is not definable per se (Heater, 1999). But this requires qualification: although Aristotle does claim that the 'state' (the city state) and the citizen conceptually exist on the same continuum, he also assigns an active role to the citizen within his definition and claims that "a citizen is one who participates in giving judgment and holding office" (Aristotle, 1992, p.167). Putting aside the narrow social and class restrictions in ancient Greece that prevented anyone other than property owning men from participating in political life, what is illustrated in Aristotle's words is the belief in the presence and participation of the citizen as a key component of a sovereign political order.

This aspect of citizenship, as an active participant with civic duties, continues to inform a civic republican view that emerged in the Enlightenment in the context of new conceptions of the individual as an autonomous moral and rational agent (exemplified in Kant's 'Copernican turn'⁴⁰) and the concomitant development of the nation state. Here citizens actively constitute the 'body politic' in virtue of a contractual⁴¹ obligation with the sovereign (advocated by Hobbes, Rousseau, Locke et al.). The notion of participation flows from a description of freedom and equality and individual deliberation (free will) and responsibility (duty) to the greater 'self', thereby constituting the political reality of the state.

This narrative of a (social) contract – the boundedness of citizens to a sovereign state and in turn the justification of the existence of the state in virtue of its participant members, in addition to the advent of discourses on 'rights' (Locke, Kant et al.) – gave impetus to the primacy of the nation state as the entity to which citizens owe their title as *citizens*. The

⁴⁰ In *The Critique of Pure Reason*, Emmanuel Kant draws on Copernicus's insight about the revolution of the planets (1987, pp. 110 Bxvi, 113n, 351, 363, 715-716) as a metaphor for shifting the foundation of propositional knowledge from that of the divine (truths etc. as founded in the word of God) to man and man's innate ability to reason.

⁴¹ Following Thomas Hobbes' hypothetical argument in *Leviathan*, 'contractual' is understood as the rational choice to surrender one's autonomy (i.e., "right of governing my self") in exchange for the greater protection of the "Common-Wealth [...] which (to define it) is One Person, of whose Acts as a great Multitude, by mutual Covenants one with another, have made themselves every one the Author, to the end he may use the strength and means of them all, as he shall think expedient, for their Peace and Common Defence" (Hobbes, 1999, p.120).

status of the citizen as a bearer of rights is legitimated by the nation state and this determines the what and the whom of entitlements and protections. Liberal Democratic states in the Modern period emphasize the rights of an individual in terms of the protections and benefits one accrues under its jurisdiction (human, civil and social rights—freedom from harm, the right to vote etc.) and are instantiated as either negative or positive rights that are enforceable in law. Rights, then, are conceived of as predicates and are conditional upon the status of the subject as citizen (Rawls, 1971, Nozick, 1974, Arendt, 1976; Cole, 2010b). This also entails that individuals, via their participation (voting, protesting, assembling) inform the ways that political rights are conceived and implemented.

The assumption of the nation state as “*the* characteristic form of political community of the modern age” (Fine, 2007, p.10) to which normative conceptions of citizenship depend, is pervasive if now also widely critiqued. It has been characterized within the social sciences as ‘methodological nationalism’ (Fine, 2007, Beck, 2003, 2008, pp.24-32, Cherillo, 2006). Methodological nationalism has been criticised as a tacit (and analytic) presupposition that “[n]aturalises or rationalises the existence of the nation state. It locates the development of the nation state in a teleological framework as the apex of a modern political community. It imposes the concept of the nation upon all political formulations which have emerged or survived in the modern period, including multi-national empires, totalitarian regimes, east and west power blocs, city states, and transnational bodies such as the European Union [...and] it presumes its solidity, centrality and increasing pervasiveness” (Fine, 2007, p.10). It is imperative for my analysis of ‘citizen art’ that one resist thinking of citizenship as constitutive of the nation state for this reason: the normative notion of citizenship does not capture the realities of cross border affiliations, population flows and the affective

experience of belonging that characterizes contemporary life and in turn, the context in which 'citizen art' performs 'acts' of citizenship. I will discuss this point more fully below. However, for now it is sufficient to outline the qualitative differences between normative notions of citizenship and the changed conditions in which we find ourselves today. This narrative of state-bounded citizenship has been much criticized by authors who write from a cosmopolitan perspective (Sassen, 1999, 2002; Beck, 2003, 2008, 2012; Held and McGrew, 2002; Nussbaum, 1996; Braidotti, 2013 et al.). For example, in Ulrich Beck's characterization of methodological nationalism, he draws our attention to how the analysis of, as he says,

"'global data', which presuppose nation state statistics...exclude transnational 'networks', 'flows', and 'scapes'. In membership and statistical representation, methodological nationalism operates on the either-or principle, excluding the possibility of both-and. But these oppositions – either 'us' or 'them', either 'in' or 'out' – do not capture the reality of blurring boundaries between political, moral, and social communities" (2003, p.455).⁴²

Beck illustrates how status citizenship is deeply tied to the creation of categorical binaries

⁴² Arjun Appadurai, writing in 1990, similarly describes the impact of the 'global' on the nation-state by the increase of mobile bodies (shifting 'ethnoscapes'), the speed with which technology is reproduced across national boundaries ('technoscapes'), the movement of financial capital ('financscapes'), the reproduction and dissemination of information ('mediascapes') and the spread of Enlightenment 'ideoscapes', exacerbating the nation-state's struggle to sustain itself as a homogenous cultural and economic sphere (Appadurai, 1990). Drawing on the idea of a landscape, these 'scapes' "are not objectively given relations that look the same from every angle, but rather, that they are deeply perspectival constructs, inflected [...] by the historical, linguistic and political situatedness of different sorts of actors: nation-states, multinationals, diasporic communities, as well as sub-national groupings and movements (whether religious, political or economic), and even intimate face-to-face groups, such as villages, neighbourhoods and families. [...] He argues that t]hese landscapes are the building blocks of [...] 'imagined worlds' [...] which are constituted by the historically situated imaginations of persons and groups spread around the globe. An important fact today is that many people live in such imagined 'worlds' and not just in imagined communities, and thus are able to contest and sometimes even subvert the 'imagined worlds' of the official mind and of the entrepreneurial mentality that surround them" (Appadurai, 1990, p.296). Appadurai's analysis slightly differs from authors discussed above as he does not discuss the implications of how these imagined 'worlds', framed through 'scapes', trouble the notion of the *citizen*, which conceptually and theoretically is at the very core of 'nation-states' and 'worlds'.

that are inadequate for understanding how membership is actually enacted in the context of shifting populations. This is also why 'citizen art' is valuable to a discussion of citizenship: it embodies how citizenship is actually enacted in these new and changed conditions of 'shifting populations' and as an affective and relational experience of cross border affiliations. Again, this point will be developed in the following paragraphs.

It is helpful then to take Beck's observation seriously and to beware of conceiving of citizenship as a set of qualities reducible to the state and its gift, or relying on theoretical positions that enclose citizenship within the nation state. Instead 'networks', 'flows' and 'scapes' –that is, the crisscrossing and conceptually borderless domains in which human beings live and move in a globalized (and including a technological psycho-social) space – is the appropriate backdrop for discussing citizenship practices within 'citizen art'. This helps us to understand the conditions in which 'citizen art' performs and partakes in shaping emergent forms of membership. It is important too to recognise that memberships within the 'networks', 'flows', and 'scapes' have been transfigured as multiple (i.e., the rise in dual nationalities and multiple identities and affiliations) and mobile, in parallel with nation states that are seemingly transforming into transnational entities (Beck, 2003; Sassen, 1999, 2000, 2002; Klicperova-Baker, 2010).

Cosmopolitanism, then, (in its contemporary form⁴³ within the humanities) pivots on a critique of the assumption of the primacy of the nation state as the locus within which politics is exercised and citizenship is realised. The following will outline one central thesis from a cosmopolitan perspective that does not factor in the nation state. This is significant

⁴³ Robert Fine outlines the emergence of cosmopolitanism as a critical space within a range of fields (international law, public relations, sociology, politics, cultural studies) that has emerged since the 1980s and that 1) contest the assumption of the centrality of the nation state, 2) recognize the interdependency of peoples and (transnational) organisations (such as the UN, NGOs, the European Union etc.) and 3) the development of new imaginaries and appeals to values such as 'world citizenship', 'global justice' and 'cosmopolitan democracy' (Fine, 2007, pp. 2 – 6).

for mapping the tensions between differing understandings of citizenship in the academic literature and also for contextualising 'citizen art' practices, given that the ultimate goal of this research is to discuss how non-statist conceptions of membership and belonging are generated through art. It is important first to examine the debates in the literature on the relation of the individual to other 'citizens', which in turn constitute a political domain.

At its foundation, cosmopolitanism follows the moral universalism of Kant and in so doing, sees the human being as the primary unit of social and political life. Utterances such as having 'a right to have rights' (Arendt, 1976),⁴⁴ 'I am a citizen of the world' or, "a citizen of a world of human beings" (Nussbaum, 1996, p.6) posit the primacy of the individual as the holder of rights (Human Rights) and as having ethical responsibilities that transcend the boundaries of the state. Rights are not a gift of the state. Instead, they are intrinsic to human beings⁴⁵ and one's responsibility to others in the world is contingent upon this fact.⁴⁶

⁴⁴ Although Arendt's formulation of the 'right to have rights' is an appeal to sustain rights for all within the jurisdiction of the state, her claim tacitly invokes the Kantian notion of the intrinsic nature of right. This can be discerned in her discussion of the Rights Of Man in *Totalitarianism*, which centres on an analysis of the stripping of legal status from the individual to "kill the juridical person", that is to position categories of people (e.g., Jews et al) outside of the visibility and responsibility of the state and humanity (Arendt, 1976, p.145).

⁴⁵ Ruti Tietel outlines the history of the Human Rights movement as emerging out of the values of social contract theory and hence, the assumption of human rights as intrinsic qualities. However, post war politics of human rights "gave rise to a new paradigmatic view of rights as extraordinary and discontinuous from prior expectations [... and] utterly transformed model regarding individual/state responsibility and relations [... The Human Rights Movement] drew their normative force [...] not necessarily from social consensus, but from the exercise of judicial power [...]." He discusses the example of the Nuremburg Trials as a normative vision, where norms were later ratified. In play was a new paradigm; a shift from human rights within a 'social contract' (i.e., where individuals are entitled to rights/protections under a state) to individual rights bearing no particular relation to the state's assumption of duties (indeed, the state, as he argues, is instead perceived of as a potential source of evil). Accordingly, rights protection moved to alternative sites and systems, to international human rights conventions, mechanics and processes (Tietel, 1997).

⁴⁶ It is important to note here that the notion of universalism in Human Rights discourse has a deep history of contestation. Authors such as Adamanti Pollis and Peter Schwab have argued that charters such as the Universal Declaration of Human Rights are particular to the cultural values and political ideology of the West, where "economic rights are given priority over individual civil and political rights" and the "philosophical underpinnings defining human nature and the relationship of individuals to others and to society" are exclusive to Western individualism (1980, p.1). However, even if the notion of Human Rights is culturally relative, which I accept, this does not erase the actuality of how cosmopolitan values, aspirations and beliefs are expressed. The point here is to simply indicate the philosophical rationale from within Western thought.

In her article 'Patriotism and Cosmopolitanism', Martha Nussbaum goes even further and argues that it is imperative that one's emotional connection and identity with the nation state, (which she argues is morally arbitrary), be overcome and replaced by a commitment to basic human rights that "join [a state] to the rest of the world" (1996, p.5) i.e., join with others via an ethical commitment that surpasses the boundaries of the state. She is not claiming that this includes a formal legal status in a world polity (Bozniak, 2000). Instead, it is through a sense of citizenship to the world where first and foremost that self-knowledge is discovered through contact with difference,⁴⁷ the ability to solve problems that require international cooperation is achieved and the ability to recognise moral obligations to others in the world is accomplished (Nussbaum, 1996). Identity with the state or, even one's ethnicity, should be understood as having a second order value. Nussbaum's citizen is *set apart from* the state. Moral commitment to others is a first order aspiration for membership and it speaks to the lived experience of mobility and cross border affiliations.⁴⁸

Authors such as Kwame Anthony Appiah, also speaking from within the literature on cosmopolitan citizenship, criticise Nussbaum for suggesting that one's affective experience of and identification with the state is (or should be) morally arbitrary. Instead, Appiah argues that

⁴⁷ Nikos Papastergiadis's discussion in *Cosmopolitanism and Culture* supports Nussbaum's belief in the epistemological value of 'contact with difference'. He argues that artists are instrumental in problematizing and shaping a social imaginary that speaks to the conditions of difference as experienced in population flows and globalization. As he says, "Art is now a mode through which cosmopolitan ideals have materialized both in visual forms and through collective social actions. [... Cosmopolitanism] requires a greater commitment towards openness and an appreciation that differences really matter [...and] is often explored with vibrant effect in artistic practices" (2012, p.14). Equally, Marsha Meskimmon hones in on aspects of art as an 'embodiment' of "plurilocal subjectivity, one that intertwines the local and the global" (2011, p.18) and the mobility of persons – the 'circulation' of bodies – that is redolent of the conditions of cosmopolitan citizenship.

⁴⁸ This is also exemplified in the politics of say, activists who form solidarities and networks that reach far beyond their own locale. (Della Porta and Tarrow, 2005)

“[s]tates⁴⁹ matter morally, intrinsically. They matter not because people care about them but because they regulate our lives through forms of coercion that will always require moral justification. State institutions matter because they are both necessary to so many modern human purposes and because they have so great a potential for abuse. [...] The state, to do its job, has to have a monopoly of certain forms of authorized coercion, and the exercise of that authority cries out for (but often does not deserve) justification [...] (1997, pp. 623).

Appiah clearly recognizes the apparatus of the state as a key component of its own justification and he also points to how political deliberation is an embodied discipline of the citizen. However, for now, the problem of his argument is that it misses the implications of Nussbaum’s insight that the 'trans-national' affective and ethical affiliations and obligations of people inform the material reality and the lived imaginary of a 'post-national' membership.

This matters when framing the context within which to understand 'citizen art' because the affective and aesthetic experience of membership can easily be overlooked (a point that

⁴⁹ It is nations, not states, that Appiah sees as arbitrary and referencing Benedict Anderson he argues that they are 'imagined communities' of culture, whereas states are spaces in which political and ethical values are contested and determined (Appiah, 1997, p.63. see footnote 10). Writing in the same decade, but from another perspective, Partha Chatterjee argues against Anderson’s hypothesis and suggests that the anti-colonial nationalisms that emerge in places such as Asia and Africa, “are posited not on an identity [with European models of nationalism] but rather on a *difference* with the ‘modular’ forms of the national society propagated with the modern West (Chatterjee, 1993, p.5). She continues: “My reading of anti-colonial nationalism creates its own domain of sovereignty within colonial society well before it begins its political battle with the imperial power” (Chatterjee, 1993, p.6). Importantly, she characterizes the nature of nationalism in places such as India, as “dividing the world of social institutions and practices into two domains – the material and the spiritual. The material is the domain of the ‘outside’, of the economy and state craft, of science and technology, a domain where the West has proved its superiority and the East had succumbed. The Spiritual, on the other hand, is an ‘inner’ domain bearing of the ‘essential’ marks of cultural identity. The greater the success in imitating Western skills in the material domain, [...] the greater the need to preserve the distinctness of one’s spiritual culture. This formula is [...] a fundamental feature of anti-colonial nationalisms” (Chatterjee, 1993, p. 6). Chatterjee’s characterization of nationalisms brings to light the ‘inner’ affective and aesthetic dimension of membership and belonging and how it frames a political domain. Her distinction between an inner/spiritual and outer/material identity and practice also usefully captures the characteristics of First Nations of Indigenous peoples in Canada and their continuing struggles with the colonial state, a point to which I will return in Chapter 3.

will be fully illustrated in Chapters 2 and 3). For example, Appiah supports a belief in the process of political deliberation as determining the 'moral' legitimacy of the state. But this confuses the form and apparatus of governance with the reality of the psychosocial shifts that are present under the conditions of globalization: the "transterritorial quality of political and social life [... that require] a commitment to a vision of citizenship that is multiple and overlapping" (Bozniak, 2000, p.450). However, the 'transterritorial' reality does not necessarily entail the same universalist ideals expressed in Nussbaum's appeal to 'world citizenship' (Bozniak, 2000). For the purposes of the argument here, we need only to hold on to the fact that affiliations (affective ties) between people situate new modes of cross-border membership that displaces the state and skews status citizenship.

To briefly recap, the arguments in the literature have so far caught us in a curious paradigm: on the one hand, an imaginary of the nation state is in play as determining one's identity, status and entitlements as a citizen, not only as a normative claim but also tacitly presupposed in theoretical discussions (hence, 'methodological nationalism') within the literature. On the other hand, we are presented with a somewhat idealised but otherwise aspirational conception of global belonging, as captured in Nussbaum's comments. Neither perspective sheds any light on the (nascent) forms of membership that are explored within 'citizen art'. This is significant if we are to recognise that 'citizen art' and its enactments do not necessarily reiterate state bounded conceptions of citizenship, nor does it necessarily articulate the utopic vision of 'global citizenship'. Instead, 'citizen art' is best understood in the context of the transformation of the nation state (Sassen) and the 'flows', 'networks' and 'scapes' (Beck)⁵⁰ that have framed and instigated our affective and aesthetic embodiment of multiple and overlapping memberships (Bozniak). Indeed, forms of

⁵⁰ Michael Hardt and Antonio Negri's characterization of a 'deterritorialisated multitude' is also appropriate here for describing the phenomenon of 'flows' and 'scapes' (Hardt and Negri, 2000).

citizenship practices are more readily visible in 'citizen art' against a version of cosmopolitanism that recognises and takes seriously the “immanence [of the] material conditions of global interdependence” (Braidotti, Hanafin and Blaagaard, 2013, p.4). It is the affective embodiment of the changed conditions of membership – i.e., affiliations that are not contingent on the nation state – and the implications of this for political agency, that constitutes the terrain of ‘citizen art’ rather than an articulation of an ideal or a reiteration of normative politics.

However, the crux of the matter still rests on how citizenship ‘proper’ ought to be understood, especially if one intends to set it apart from the state and its apparatus. The idea of our status as citizens being brokered by the state is widespread and requires more careful and detailed discussion before one can put it aside. For this reason, the following will draw centrally on Linda Bozniak's defense of denationalization ⁵¹ as a way of amplifying the importance and pitfalls of shifting the focus away from normative conceptions of citizenship as state bounded. I use the schema of her argument for its simplicity and as a kind of prop for drawing out a fuller discussion of the issues in hand. Her discussion was also a useful practical tool for thinking through the nature of citizenship performed within my own interventions (Chapter 2 and 3). The concern is to distinguish between citizenship as a legal status as opposed to an affective (and aesthetic, i.e., sensed) and enacted experience that has real purchase on the formation of membership and the material conditions of belonging as seen in ‘citizen art’. This is key to discussing how 'citizen art' contributes to newly developing conceptions of citizenship.

Bozniak's project is to investigate the empirical conditions of 'postnational' citizenship to

⁵¹ Linda Bozniak uses the term ‘denationalization’ as a “generic short hand term for ‘globalization’ and ‘transnational’, ‘postnational’ citizenship” (Bozniak, 2000, p.449), as discussed above in the Introduction.

determine if citizenship has indeed been 'reconfigured'.⁵² First, she argues that it is not obvious that one's legal status is a necessary or sufficient condition for entitlements as a citizen. For example, much work has been done to map how 'undocumented' and 'stateless' people embrace civic behaviours such as being an active member of a local community, or make claims to rights and entitlements within a region, regardless of their formal status (Oliveri, 2012; Nair, 2012; Glick Schiller, 2009; Nyers, 2005). These behaviours of course do not make them citizens qua (legal) citizens, nor is Bosniak, (nor am I), suggesting that stateless and undocumented people do not have to endure tremendous hardships in securing rights and recognition, but it does begin to capture the ambiguity of citizenship understood solely as a *legal* status. This point is best drawn out through an example. Nicholas De Genova offers an analysis of the mass mobilizations of undocumented migrant workers (primarily Latin Americans) in 2006 in the USA, protesting against the introduction of the Border Protection, Antiterrorism and Illegal Immigration Control Act (passed on December 16, 2005) which aggregated the criminalization of 'illegal migrants' with antiterrorism. Protest slogans such as "Here we are, and we're not leaving!" and "[...] and if they throw us out, we'll come right back!" (De Genova, 2010, pp. 101, 103) are testimony to the 'incurability' of undocumented workers and their claim to be 'present'; 'present' in the sense of a *de facto* entitlement to protest against the oppressive legislation of the state and 'present' as a claim to be seen and understood as members of the society and bearers of rights (De Genova, 2010).⁵³ It seems, then, citizenship conceived of only as a legal status is too thin a criterion especially in the context of examples where the state's scope for the legitimation of membership (even if expressed negatively as curtailing non-members' identity and presence) is contestable in practice. It is worth briefly noting that these observations of De Genova's give deeper significance to

⁵² Bosniak credits Yasmin Soysal's coinage of 'reconfigured citizenship' (Bosniak, 2000, p.452).

⁵³ This point has also been made by Parvati Nair in her article 'The Body Politic of Dissent: The Paperless and the Indignant' (Nair, 2012).

how Tania Bruguera's project (called *Immigrant Movement International*) captures the 'incurable' presence of migrants. This 'incurability' is crucial to how Bruguera's project functions as an 'act of citizenship' (to be discussed further in Chapter 2).

The second argument that Bozniak addresses is the issue of rights and their enforcement. Rights require that individual nation states uphold and enforce them and she points out that international accords that set out to establish standards for civil, social and cultural rights are primarily symbolic. As yet, there is no "transnational body that can ensure state's compliance with major human rights norms" (2000, p.468). This view has support in the work of Raymond Geuss (2008) who also refutes the cogency of rights claims in the absence of a policing authority. As he says, "since the notion of natural right is from the start no more than a moralizing conception about what would be desirable without any concrete specification of an enforcing agency, there seems no particular reason to exclude woods, mountains, or other inanimate objects from the realm of purported rights" (Geuss, 2001, p.142).⁵⁴ His point here is that there is nothing binding in an a priori claim to right (in virtue of being human). Just because we are human beings, that in itself is not a necessary or sufficient condition for the enforcement of rights. And indeed it is true that the directives of the European Court of Human Rights and the International Criminal Court under the Geneva Convention, is consent-based governance and has no policing authority per se. Nation States are under no obligation to honour the directives of international law and uphold Human Rights (unless of course they commit themselves to a particular agreement, e.g., a treaty or settlement). What 'citizens' possess as rights then is coherent and effectual only if the governance of the state of which we are members upholds (otherwise unenforceable) values. Hence, the argument advanced by others that 'nations

⁵⁴ This point about the precariousness of rights obtaining protections within state regimes and especially the observation that rights can just as easily apply to "woods, mountains, or other inanimate objects" (Geuss, 2001, p.142) is developed more fully in Chapter 3.

matter' for framing the 'background conditions' for democratic practices. Conditions such as “securing domestic inclusion and redistributive policies [... that] help locate an experience of belonging in a world of global flows and fears,” provide a robust anchor for rights within a global world. Hence, globalization “has made belonging to a nation-state and having clear rights within a nation-state more [...] important” (Calhoun, 2007. pp. 1-10). However, Bosniak argues that rights alone cannot define citizenship. She points out that even though the lack of enforceable measures by international institutions does sustain the prominence of the nation state, the development of a vocabulary of 'universalist sentiment', where protagonists “reach beyond state law to press claims of right against the state itself”, signals a loosening of the national grip on citizenship (2000, p.470).⁵⁵ In short, the perception of the nation state has been substituted by the conception of it as one of many players in the international (global) arena. This indicates a profound conceptual shift: the state is seen on an equal basis to the citizen. Citizens (regardless of the state in which they reside,) in principle, at least, can call any state apparatus to account when contravening the moral import of (universal) Human Rights. It is feasible too to see how Nussbaum’s discussion of ‘world citizenship’ has more bite. Equally, the perception of the state as a competing actor is important to understanding ‘citizen art’ because it too competes in the field of action. That is, in practice ‘citizen art’ too ‘reaches beyond state law’ by setting itself apart from statist notions of citizenship and ‘presses at the state itself’ in its articulation and manifestation. I have in mind here examples of art projects that actively intervene and take command of citizenship issues such as Khaled Jarrar’s *State of Palestine* project and Tania Bruguera’s *Immigrant*

⁵⁵ Examples of this can be seen in cases where indigenous peoples have presented their claims for political recognition (including property rights and protections) to the United Nations. See, for example, the United Nations Declaration on the Rights of Indigenous Peoples passed by the UN General Assembly on 13th September, 2007. Canada, Australia, New Zealand and the USA initially voted against the Declaration (although Canada, New Zealand and Australia have subsequently accepted the UN’s directives). It should be noted that the Declaration is just that, a declaration and not a treaty. That is, nation states are expected to honour and adapt their laws to meet the Declaration’s international norms and values but are otherwise under no obligation to do so.

Movement International and *Migrant People Party*, Jonas Staal's engagement in Rojava with 'stateless' conceptions of democracy etc. These examples and others will be discussed in full in Chapter 2.

Bosniak's third formulation of citizenship (which, again, I am using as a prop to structure this discussion due to its organizational clarity within the literature), picks up on the theme of participation introduced at the beginning of this chapter. She draws our attention to the practices of direct action⁵⁶ within activist circles (and by extension, 'citizen artists') within the past few decades. She identifies two tendencies in play: first, activism at the local level that believes in the direct involvement of individuals in shaping local institutions and organisations – an aspiration that is evidenced in some examples of social art practices as discussed by Claire Bishop in her book *Artificial Hells: Participatory Art and the Politics of Spectatorship* (Bishop, 2012)⁵⁷ (I will take up this point again in relation to 'citizen art' interventions in Chapter 2). Second, activism at the trans-national level in the growth of NGOs and other 'grassroots social movements' and organisations that organise around an issue or common cause (environmentalism,⁵⁸ issues of justice within human rights, women's rights, labour rights etc.). Unlike the republican and liberal democratic traditions

⁵⁶ By direct action here I mean simply that activists directly address and assume responsibility for the issues and problems that confront them rather than appealing to a political representative. As David Graeber says in his book *Direct Action: An Ethnography*, "Direct action implies one's acting for one's self, in a fashion in which one may weigh directly the problem with which you are confronted, and without needing the mediation of politicians or bureaucrats" (Graeber quoting Sans Titre Bulletin, 2009, p. 201).

⁵⁷ Bishop goes on to say "the recurrent characteristics of [community art, aka social art practice,] can be summarised as follows: it was positioned against the hierarchies of the international art world and its criteria of success founded upon quality, skill, virtuosity, etc., since these conceal class interests; it advocated participation and co-authorship of works of art; it aimed to give shape to the creativity of all sectors of society, but especially to people living in areas of social, cultural and financial deprivation; for some, it was also a powerful medium for social and political change, providing the blueprint for a participatory democracy" (2012, p.177).

⁵⁸ There is also a long history of environmental activists who have sought "to defend one or more ecosystems against the destructive claims of non-resident owners to exploit them [in an effort to secure...] certain natural expanses [...] as living space for a human community" (Sachs, 2003, p.4). Challenges invoke the Human Rights of those who are affected by the exploitation of local natural resources or habitats by national and transnational organizations. Environmental protections are deeply intertwined with Human Rights legislation (Cullet, 1995 Sachs, 2003, Boyle, 2008) and disputes are, in principal at least, actionable at the supranational level through organisations such as the United Nations and international forums such as Rio (OHCHR-UNEP, 2012).

that see participation (voting, protesting etc.) in relation to a polity, what is conceived of as the 'common good' or the 'public domain' by activists is “drawn [out] more expansively than they usually are within the tradition” (Bosniak, 2000, p.479). She argues that this expanded public domain pushes at the boundary of the state and in essence adds to the conditions of denationalisation. Equally, it is important to recognize that ‘citizen art’ too embodies activist strategies of direct participation that expands our understanding of citizenship. Indeed, many authors (Kwon, Bishop, Kester et al.) have discussed activist art as a ‘participatory’ practice,⁵⁹ but none have honed in on what this actually entails in terms of understanding citizenship nor have they examined what citizenship might look like if they were to put aside their preoccupation with activist art as ‘art’. I am concerned here to identify how ‘citizen art’ functions as a mode through which citizenship is framed and performed, not with questions concerning how this kind of political behaviour can be judged as ‘art’. Hence, the purpose of my argument here is to differentiate between political activism and ‘citizen art’ to situate my claim that ‘citizen art’ is transformative; it *does* politics in the same manner in which political activism performs more generally. This latter point needs elaboration and requires returning to my discussion of Bosniak’s argument.

Bosniak does not quite see the implications of an expanded 'public domain' by activists, which is better understood as the 'commons'⁶⁰ and yet this is where differing attitudes to

⁵⁹ Marsha Meskimmon also recognizes the deficit of understanding amongst art critics regarding the implications of participation for citizenship (even though her discussion is not about social or activist art). However, as she says, “While participation is a term frequently invoked by political theorists and art critics alike it is not an easy term to use well. For participation to have any meaning in either the political or the aesthetic sense, it must move beyond passivity, merely ‘going through the motions’; participation must be engaged and active.” She goes on to support my point that “the subject must become part of the process, must actualize the event or, [...] be itself transformed” (Meskimmon, 2011, p.71).

⁶⁰ Definitions of ‘the commons’ (res commune) by the authors Silke Helfrich, Rainer Kuhlen, Wolfgang Sachs and Christian Siefkes (2009) pivots on the idea of communal ownership of material (and immaterial) property such as natural resources (water, air, minerals, DNA, photosynthesis, wind, solar energy, seeds etc.), sometimes conceived of as ‘gifts’; cultural products (language, medicine, internet, open source software, music instruments, frequency

governance finds real purchase and pushes at the normative conception of the bounded character of citizenship. It is also where the idea of a territorial boundary (or state border) is also challenged. First, for example, activists compete with state authorities over claims to the governance of natural resources, cultural products and public spaces via differing attitudes to stewardship⁶¹ (Della Porta, 2006). The notion of 'the commons' is invoked by activists to challenge not only conceptions of (and claims to) property and ownership within state(s) (the issue of 'ownership' of land will be expanded upon in my discussion of *Citizen Artist News: Clouded Title*, Chapter 3), but also as an alternative form of governance involving 'commoning'⁶² within a locale, in a symbiotic relation to an expanded conception

ranges etc.) “produced by persons or groups not always clearly identifiable” and handed down through the ages; public spaces and goods (*res publica*), primarily produced through state institutions (roads, playgrounds, social security, capital markets, political institutions, universities, libraries, laws, etc.). However, a distinction is made between ‘the commons’ and ‘public goods/spaces’: “Public goods require that the state plays a dominant role. The commons require, above all mature, engaged citizens. Living in a commons based culture requires one *taking* one’s life into one’s *own* hands.” (Helfrich, Kuhlen, Sachs, 2009, p.9).

⁶¹ Donatella Della Porta outlines the core political values and practices of social movements as 1) issue based rather than as a representative body deciding on matters for citizens 2) a continual turnover of representatives versus a “specialized body of representatives”; 3) decentralized decision making, versus centralized and “concentrated at the top”; 4) the “reject[ion of] the principle of delegation, viewed as an instrument of oligarchic power, and [the] assert[ion] that representatives should be subject to recall”. In sum, “social movements criticize the “organized” democratic model, based on the mediation by mass political parties and the structuring of “strong” interests, and seek to switch decision-making to more transparent and controllable sites. [... T]he people themselves must assume direct responsibility for intervening in the political decision-making process”. (Della Porta, 2006, pp.239-240).

⁶² The notion of ‘commoning’ is understood as a verb and refers to “a social process where rules and norms are to be negotiated in processes that are often conflict ridden.” (Helfrich, Kuhlen, Sachs, 2009, p.11). Elinor Ostrom’s book titled *Governing the Commons* was formative in contesting the alleged logic of governance as top-down (i.e., in response to arguments of the “Tragedy of the Commons” (Ostrom, Elinor, 2007, pp. 2-6)). She argues that there are cases where people (the example is of herdsman and fishermen) understand the conditions under which they manage their resources and if given autonomy, they negotiate and monitor usage and protect the resource as a whole (2007, p.17). Ostrom’s argument is a sharp rebuttal of Garrett Hardin’s characterization of the Commons in his article, *The Tragedy of the Commons* (Hardin, 1968). Hardin describes the Commons as a space of limited resources that is exploited by one or more individuals in an effort to produce private surplus wealth. He argues that the destruction of the Commons is inevitable given that individuals, such as the herdsman, are compelled to increase their herd, with a limited negative cost to themselves (i.e., because of the distribution of the negative costs to all the herdsman) but otherwise, a devastating cost to the resource itself (say, grassland and environ) as it is finite. While his analysis is important for challenging the false assumption of natural resources as limitless, one problem is that he describes a capitalist system of management of resources in his example of the herdsman. His description is clearly accurate to Britain’s capitalist economy and its own history of the Commons but, it is not obvious that this form of economy is actually practiced by indigenous populations. For example, the First Nations communities of Canada, many of whom have been traditionally (and currently) reliant on harvesting, fishing and hunting, do not begin with the assumption of limitless resources. Nor do they value individual gain (private wealth), as Hardin implies in his imaginary of herdsman. Instead, First Nation’s practices are deeply informed by the notion of *finitude*. Animals, plants etc. are not boundless or necessarily perpetually available for ‘use’ but instead, are part of an annual cycle of reciprocity requiring careful stewardship – and respect (this will be discussed in more detail in Chapter 3). Stewardship is underpinned by Laws, principles and values that limit the ‘use’ of animals, plants etc. for food (Claxton, 2003; Clifford, 2011; Elliott, 1990 et al.) Also, importantly, stewarding is a key function of a *sharing economy* where individual families are tasked with providing for others in the community (Tsawout Nation, 2015).

of the global, understood as 'planet Earth' (Helfrich, 2014, Bollier, 2014). The local is the site of politics proper and governance stands in relation to other locales on 'earth', rather than to the state per se. 'Citizenship' in this scenario is constituted of individuals who conceive of themselves as directly governing at a local level and managing the resources on which they depend, thereby requiring active negotiation between members of the community (contra the passive or reactive conception of participation within the civic republican tradition e.g., voting and protesting, as Bosniak rightly points out). In Chapter 3, I will discuss this expanded notion of citizenship in more detail arguing that citizenship is not necessarily contingent on the state, nor uniquely expressed through participation understood as voting or protesting etc. Instead, I will draw out the example of local (aesthetic) experiences and reciprocal relations (duties) to land and non-human actors in the environ as a system of laws and governance that broadens the notion of citizenship.

However, for now, this paradigm of the politics of the commons is brought into focus when legal disputes between local peoples and state or corporate entities emerge regarding the management of, say, for example, natural resources.⁶³ In focusing on the interdependence

Also, Ostrom's conception of governance (above) as determined by issues and local arrangements are akin to the proto-democratic state of Medieval Iceland. Jesse Byock outlines the legislative practices of the Allthing (Assembly) as an issue-based legislative assembly, constituted of members whose roles as representatives (individuals selected to represent small groupings of farmers) rotated on a frequent basis. The annual Assembly was a place where disputes were discussed and settled and the law was applied or revised, as the case may be. It is notable too that this also took place *without* a policing authority – without a formal government or state. All individuals were responsible for honoring the directives (Byock, Jesse, 2002) of the Allthing and for participating in its political processes, deciding upon and refining its laws. This point is also echoed in Bruno Latour's argument for the privileging of 'matters of concern' as an important counterfoil to normative notions of political agency (Latour, Bruno, 2005).

⁶³ Examples such as in Ecuador, where reparations have been paid to indigenous people from oil corporations for not acquiring FPIC (Free, Prior and Informed Consent). "Despite ongoing conflict between the Ecuadorian government and Indigenous activists, the country has made several notable concessions to Indigenous Peoples' rights. [...] In October, 2012, an Ecuadorian court froze US\$200 million worth of Chevron Corporation's assets in the country, following up on a 2011 decision ordering the company to pay US\$19.04 billion in reparations for environmental damages to Indigenous communities in the Ecuadorian Amazon. In July, the Inter-American Court of Human Rights (IACHR) ruled in favor of a Sarayaku community that claimed the Ecuadorian government violated their rights by allowing a foreign oil company to operate on their lands without acquiring FPIC" (Pelosi, 2012, n.p.). Also, for an analysis of indigenous peoples' management of natural resources on Commons land, see the 'Report on the Workshop and Panel on Indigenous Knowledge (IK) and Natural Commons in Myanmar'. The report summarizes issues and problems facing indigenous people's management of "1) Forests and shifting cultivation, 2)

of human life and well-being and the geographical expanse of the very 'stuff' that sentient life depends on, i.e., the 'environment', the state and its apparatus is positioned as a competing actor in the claim to the management of resources. And of course resources can and do stretch beyond the perimeter of the state's borders (i.e., they are not necessarily contiguous with the state's boundaries) and in disputes, the state is, in principle at least, trumped by claims to stewardship over the resource in question. 'Commoning' therefore conceptually equalises the state and the citizen. Indeed, it exceeds the state. It 'denationalises' the nation state by leveling the role and status of mainstream governance. It also alters one's understanding of what constitutes the 'territory' of a political jurisdiction. Political membership as evidenced here is not legitimated by the state but by the participants in action and the duties and obligations that they take upon themselves as stewards. Similarly, 'citizen artists' claim space in the field of action and this is significant for seeing 'citizen art' as an emergent and enacted form of citizenship that does not reference the state and side steps the apparatus of government and its articulation of membership.

Also, how one conceives of the territory of the state and how this in turn informs the regulation (and 'protection') of its borders and the negotiation of movements of citizens and others, is significant to the institution of citizenship and by extension, my own practice-based research (specifically, *Citizen Artist News: the University as a Border Regime*, 2013) and other examples of 'citizen art' which I will elaborate on in Chapter 2. There is an extensive body of literature on the topic of the border and it is far beyond the scope of this chapter to discuss this material in detail. However, it is important to note that some

Resistance to land grabbing and legal means and political action to support the right of the Commons on their land, 3) Defense of local seeds and promotion of ecological agriculture (based on indigenous heritage), 4) Indigenous knowledge on water, irrigation and soil management" (Bühnemann, Tillmann and Ganjanapan, 2013, n.p.).

contemporary literature (Nyers, 2008, Rygiel, 2010, Mezzadra and Neilson, 2008, 2012) hones in on the “shift from territorial borders to borders based on governing populations“ (Rygiel, 2010, p.142). What is at issue here is an analysis of bordering regimes (the use of transit spaces and internment camps and the procedures for regulating access to a region – biometric data systems etc.) as a ‘method’ of population control (Mezzadra and Neilson, 2008, 2012) rather than a simple matter of permitting (or disallowing) border crossings. Kim Rygiel argues that following 9/11 in 2001 and the increased securitization of nation states such as the UK, USA, Canada and the European Union, the adoption of technological systems of biometric data collection (in addition to internet data collection) individuates and traces the behavior of both citizen and non-citizen alike (and more specifically citizens who are already visible to the state, as they are already embedded in its apparatus). As she says, “practices and technologies of citizenship are increasingly used to govern 1) by displacing power from state authorities on to international organizations and private [e.g., security] companies and 2) by disciplining individual bodies.”⁶⁴ (Rygiel, 2010, pp.51-52). Management regimes are dispersed within a state territory (such as that of a university, to be discussed in Chapter 2 in the context of *Citizen*

⁶⁴ Rygiel draws on Michel Foucault’s discussion of bio-power and his observation that political power is exercised in the management of individual bodies. As she says, “Through the institution of citizenship, and the discourses, practices, and technologies of governing that it entails, individuals (and individual bodies) are disciplined and calibrated to the needs of the broader population and species-body” (Rygiel, 2010, p.101). Foucault himself comments on the wider context: the shift in political power as the dominion over the life and death of a juridical subject to that of the management of ‘living beings’. As he says, “life as a political object was in a sense taken at face value and turned back against the system that was bent on controlling it. It was life more than the law that became the issue of political struggles, even if the latter were formulated through affirmations concerning rights. The “right” to life, to one’s body, to health, to happiness, to the satisfaction of needs, and beyond all the oppressions or “alienations,” the “right” to rediscover what one is and all that one can be, this “right” – which the classical juridical system was utterly incapable of comprehending – was the political response to all these new procedures of power which did not derive, either, from the traditional right of sovereignty” (Foucault, 2013, pp. 48-49). Achille Mbembe, who also relies on the work of Foucault, draws parallels with the extraction industries within colonial (and post-colonial) regimes and the state’s regulation of bodies. As he says, “Correlated to this new geography of resource extraction is the emergence of an unprecedented form of governmentality that consists in the *management of the multitude*. The extraction and looting of resources by war machines goes hand in hand with brutal attempts to immobilize and spatially fix whole categories of people or, paradoxically, to unleash them, to force them to scatter over broad areas no longer contained by the boundaries of a territorial state. [...] Technologies of destruction have become more tactile and sensorial, in a context in which the choice is between life and death. If power still depends upon tight controls of bodies (or on concentrating them in camps), the new technologies of destruction are less concerned with inscribing bodies within disciplinary apparatuses as inscribing them, when the time comes, within the order of maximal economy now represented by the ‘massacre’ (Mbembe, 2003, p.34).

Artist News: The University as a Border Regime) and are globalized under international organisations (such as the International Civil Aviation Authority etc.) (Salter, 2008). The data that attaches to one's 'body' is traced and stored and this frames the conditions on which one not only moves across borders but also within the space of the state itself. The border no longer is at the geographical perimeter of a state but is fluid and 'performed' and contingent on the individual body, on the individual citizen and their behaviour. Citizenship therefore, as Rygiel says, "is a *globalizing* rather than [...] an *international* regime of government" (Rygiel, 2010, p.51). The geographical boundary of the state is superseded by the management of individual citizens. Understanding how 'citizen art' is responsive to the realities of individual bodies being classified and 'bordered' leaves open a discussion about the subversive potential of 'citizen art' when staking claims to being 'citizens'. This point will be taken up in Chapter 2 in the context of a discussion of how interventionist strategies impact on claims of citizenship.

My aim here is to simply indicate that the consequences of this shift in managing populations on the basis of individual 'data' is concerning and Rygiel draws our attention to the implications of 'reading' the body as 'information' and what this does to undermine the former conception of the citizen as a political agent. Indeed, it explodes the presupposition of a citizen as a political subject. As she says, "Mobile citizens are increasingly conceptualized less as political subjects with rights and more as authorized (depending on risk and desirability) mobile bodies. This is a shift that not only blurs the distinction between citizen and non-citizen but also undermines (and potentially renders meaningless) the notion of citizens as political beings with rights to mobility" (2010, p.144). How we perform citizenship, then, is a key concern of this research and the observations outlined so far have helped to clarify and orient my own interventions (and especially in the

development of *Citizen Artist News* interventions, Chapters 2 and 3). The following will return to Bozniak's argument regarding the affective dimension of membership and its enactment, which is critical to an understanding of 'citizen art'.

The final formulation of citizenship that Bozniak outlines, and the one that is the most useful to this argument in exploring how, through enactment, conceptions of belonging and membership are open to new transformations and manifestations that inform 'denationalisation', focuses on the affective aspects of citizenship as they relate to the experiences of 'solidarity and identity'. By this Bozniak does not mean to discuss patriotic sentiments. Instead, she draws out the "psychological dimension" and "affective ties that [...] we maintain with groups of people in the world" (2000, p.479). She too endorses the belief that sentiments of belonging that are experienced through affinities with others across state boundaries are increasingly being formed within the burgeoning interconnectedness of peoples and the rise of transnational identities, trans-border migration, "those who lead dual lives" (2000, p. 484). As she says,

"each version of the post national citizenship identity claim points to the fact that as ties increase across national borders, people are increasingly taking on commitments and identities that exceed the bounds of the national society and its members. Globalization, in this account, reconstitutes us in the deepest personal ways; it has important imaginative and emotional and moral effects on all of us." (2000, p.485).

Bozniak concludes her review with a pragmatic observation: "we can either presume that citizenship is necessarily a national affair, so that these developments cannot be captured

in the language of citizenship by definition, or we can approach the question of where citizenship is enacted as one to be determined in light of developing social practices” (2000, p. 489). Analyzing the nature of political enactment, then, is germane to this discussion. It will help to establish a foundation for a comparison with 'citizen art' practices and to frame how 'citizen art' embodies and indeed, performs citizenship. Again, this point will be discussed in full in following chapters. However, for now, my argument will focus on what is involved in the *doing* of politics as a citizen and by extension a 'citizen artist', (versus weighing up what one possesses in terms of status and properties or data). What exactly are we to understand of how citizenship is 'enacted'? Guidance may be found in the work of Engin Isin who focuses on the nature of the act and sees in it a foundation for citizenship proper. The following will discuss his work in more detail. I will draw on his work to demonstrate how individuals enact citizenship and how 'acts of citizenship' frame (transnational and/or local) social bonds. I will argue that 'acts of citizenship', and in turn 'citizen art', are based not only on affective ties between peoples, but are the basis for binding social commitments, obligations and duties that stages a “miniature civil society” (Smith, 1990, p.30). This is how new, emergent and binding forms of citizenship are coming to fruition and not necessarily through our (legal) status as members of a nation state, or as Nussbaum suggests, our care and concern for others in (relation to an abstract concept of) a 'world' polity. In Chapter 3, I will further develop this observation by arguing that the aesthetic (affective and sensory) dimension of relations (including relations to land and non-human actors within the W̱SÁNEĆ First Nation) constitutes a system of governance, illustrating that citizenship is conceptually expanded *in practice* and challenges normative assumptions (and practices) of the citizen as possessing legal status (property) contingent on the state. Engin Isin's work is an important start to this discussion.

In his book *Acts of Citizenship*, Isin sets out to investigate how acts are a mode through which individuals transform themselves into citizens. He discusses how those who are deemed to be stateless or without political representation make claims to rights and entitlements that are regarded as exclusive to status citizens. The backdrop to this within the field, he argues, is “that most critical studies on citizenship focus on how [the legal] status [of citizenship] becomes contested by investigating practices through which claims are articulated and subjectivities are formed” (Isin, 2008, p.17). Political subjectivity is understood as 'habitus' “(internalised or embodied ways of thought and conduct) [... evident in] routines, rituals, norms and habits of the everyday through which subjects become citizens” (2008, p.17) Furthermore, these routines, rituals, norms etc. are typically analyzed in virtue of their duration in time. By contrast, the problem that Isin is concerned to draw our attention to is one where 'internalised or embodied ways of thought and conduct' is formed “within relatively short periods of time” such as in momentary acts (2008, p.17). He sees acts of citizenship (citing examples such as the Montgomery Bus Boycott in 1955 or Marion Wallace Dunlop's hunger strike in Holloway prison in 1909) as creative breaks or 'ruptures' from social habits and behaviours that do the job of “transform[ing] subjects into citizens as claimants of justice, rights and responsibilities” (2008, p.18). It is the capacity of the act to “break habitus creatively... transforming oneself from a subject into a claimant” (2008, p.18). This is precisely how 'citizen art' should be regarded as well; as transformative acts that *reframe* how politics is done and how citizenship is performed and from where new political actors emerge.

He continues to detail how the act of making claims (to equality or justice etc.) cannot be explained as issuing from the (legal) status of citizenship, as claims to rights (i.e., the

embodied sense of having 'rights to rights'⁶⁵), can be made and are made by people who are stateless or 'illegal', as mentioned above. Equally, acts cannot be understood as actions either, or rather, they are not reducible to actions. And to this he offers a more detailed discussion about the characteristics of acts versus actions. Isin draws on the work of Robert Ware to compile a working list of the characteristics of both acts and actions.

Briefly, they are as follows:

“First, [...] an act is to indicate a doing. [...] Actions [...] also involve a doing [...but] they involve movement, change, and motion of objects and bodies. [...] Second, acts are doings of actors. Actions can happen without actors. [...] Third, acts happen because of a decision to perform an act [... and] will always involve a decision. Fourth, [...] acts take time and space for doing [...but] they do not have spatio-temporal coordinates. [...] Fifth, acts must have completion. [...] 'The accomplishment of something is not an action although it may take action to accomplish something, and doing something will usually involve action' (p.407) [Isin quoting Ware...] Sixth, acts build upon acts. [...] They accrete over time.” (Isin, 2008, p.23).

From this list we begin to see that there is a qualitative difference between these two forms of behaviour. To guard against possible category mistakes Isin notes that acts are necessarily deliberate, they require actors and 'completion' and they aggregate (in meaning and significance). However, it is the discussion of the work of Adolf Reinach where Isin fleshes out the full import of why acts are useful analytical markers of political subjectivity and generative of new forms of citizenship and therefore, are worthy objects of investigation. At the core of the argument is the observation that the nature of an act

⁶⁵ Isin here is referring to Hannah Arendt's work in *Totalitarianism*.

requires an interlocutor. Acts, such as “willing, promising, commanding, requesting and contemplating [... are expressions of] a need by one party to be heard by another” (2008, p.24). Someone has to 'hear' i.e., comprehend what is being said and done, for the act to be a social act and for it to have any reality. The point can be illuminated best in Barry Smith's discussion of Reinach's work:

"A command is not “a desire expressed by language” (Reinach,1969a, p. 61). A promise is not “some kind of will, consent, or intention, which may be expressed, or may not be expressed” (op. cit., p. 453). Social acts are such as to have a necessary directedness towards some other person, and the relevant linguistic expression makes sense only where such a directedness obtains. In a promise, for example, “the prestation promised must be understood by both parties” (op. cit., p. 446). Social acts thereby constitute a miniature ‘civil society’, a special kind of structured whole, embracing both the one who initiates them and the one to whom they are directed." (Smith,1990, p.30).

Acts, then, in virtue of being dialogical, are intrinsically social and binding and distinct from actions which are not necessarily so. Importantly too, acts are qualitatively different from any other form of performed behaviour in constituting, as Smith says, a “miniature ‘civil society’” (Smith,1990, p.30) in virtue of the dialogical ‘contract’ between interlocutors. This is important for understanding the nature of the political relationships that are enfolded within ‘citizen art’ interventions (that I will discuss in Chapters 2 and 3). Isin’s description of the nature of acts (as opposed to actions) and Smith’s clarification about social acts as constituting a ‘miniature civil society’, illuminates how ‘citizen art’ interventions also enclose individuals in new relationships with social and political bonds. This can be further

clarified through John Austin's insights about performative statements. Statements, such as 'I do' at a wedding ceremony, do not *describe* (i.e., represent) a state of affairs but they are the action itself. To say 'I do' at a wedding ceremony is not to report on the ceremony but to perform an act – "it is to do it" (Austin, 1972, p.6). By comparison, 'citizen art' and especially the *Citizen Artist News* interventions, do not *describe* (or critique) a political theme or topic but instead, *perform* an act and specifically an 'act of citizenship'. 'Citizen art' "has a necessary directedness to some other person" (Smith, 1990, p.30). It too encloses both "the one who initiates" the intervention and "the one to whom they are directed" (Smith, 1990, p.30). It too establishes a boundedness between interlocutors – a 'miniature civil society'. Hereafter, I will refer to Smith's coinage of a "miniature 'civil society'" (1990, p.30), or my own phrasing of 'mini-social contracts', to emphasize the subtle nature of the social and political obligations that transpire within 'citizen art' in the performance of 'acts of citizenship', that in turn, constitute a boundedness of relations within new and emergent modes of membership.

Isin goes on to make a further clarification: "acts are a class of phenomenon that indicate transcendent qualities [...] of an action, whereas an action indicates a deed, a performance, something that is done" (2008, p.25). Acts, then, "have a virtual existence that can be actualized under certain conditions" (2008, p.25) and as 'a class of acts', they constitute a conceptual and contractual hub, so to speak, of the ethical and political dimensions of social life and when instantiated by actions are given (spatio-temporal) reality. As he says, acts and actions are to be analytically distinguished (so as not to confuse what is at the foundation of political deliberation) but considered together (as and when occurring).

But one may wonder why this is important to citizenship? Isin is keen to draw our attention to not only how 'acts of citizenship' generate and actualize political agency but in turn, how they 'rupture the given' (i.e., habitus) and thereby *transform* subjects into claimants of rights, justice etc. (2008, p.27). As he says, "the essence of an act, as distinct from conduct, practice, behavior and habit, is that an act is a rupture in the given" (2008, p.25).⁶⁶ Apart from his adoption of Jacques Rancière's notion of dissensus (Nyers, 2008; Rygiel, 2010), which will be discussed below, Isin continues with a fuller definition of an act:

"To act means to set something in motion, to begin not just something new but oneself as the being that acts to begin itself [...] To act, then, is neither arriving at a scene nor fleeing from it, but actually engaging in its creation. With that creative act the actor also creates herself/himself as the agent responsible for the scene created" (2008, p.27).

Isin pinpoints the nature of acts as cognizant and cognizable moments that not only set the stage for the enactment of ethical relations (i.e., we make claims and 'take responsibility') but importantly, they function as mini social contracts that are perpetually negotiated and re-negotiated, newly formed or broken, binding one person to another through our daily social relations and this happens independently of the state and indeed, are distinct from statist notions of political action. These small moments, these acts, determine obligations, affinities and solidarities. Acts inform and shape our imaginary of the larger socio-political body and are at the centre of how the scope of political life is determined. This helps us to better understand the nature of the citizen proper, not in the formal sense of being a

⁶⁶ I will say more about Rancière's notion of dissensus and his idea of a 'rupture in the given' in chapter 2. Chapter 2 will be devoted to a wider examination of the practice of interventions as a strategy within 'citizen art'.

'holder of rights', or as a willing (or unwilling) 'participant', but through acts as fertile and generative behavioural moments that emerge and transform the body politic anew, displacing and/or disturbing normative conceptions of membership in the formation of a 'miniature civil society' (Smith, 1990).

'Acts of citizenship', then, are core to my analysis of how 'citizen art' practices are properly political and in turn, how this kind of transformative art practice demonstrates a reframing of membership that does not align itself with status citizenship. This point needs further explanation and will be at the centre of a discussion in subsequent chapters. For now though, the purpose of my argument here is to draw attention to how 'acts of citizenship' break with normative conceptions of status citizenship and to establish that this is necessary for seeing how 'citizen art' is instrumental in framing new notions of citizenship. This is important because, as discussed in the Introduction, the debates within the literature on social and activist art by Bishop, Kester, Kwon et al., have missed this point. They have missed seeing how the political and aesthetic (affective and sensory) dimension of social and activist art is actively political in its modeling of 'citizens'. They have missed seeing how 'citizen art' is alive to the very real pressures and complexities of membership and that its emergence is the practice of political acts that stake claims as 'citizens' – as *doing* politics and enacting new modes of membership. As Peter Nyers notes, "What is at stake is the model by which the political community constitutes its subjects, audiences and spaces [in the understanding that] the political community is also an aesthetic community" (Isin, 2008, p.164). 'Citizen art' is at the locus of these two trajectories; it embodies the political and the aesthetic. But this raises a question: how exactly are we to understand the role of the aesthetic in politics, and in turn 'citizen art'? This needs clarification and the connection between the two is to be found in the work of

Jacques Rancière. I rely on his insights about the role of the aesthetic in politics, and especially his notion of the “distribution of the sensible” (Rancière, 2011a, p.7) as this too is central to the positioning of my wider argument about the significance and capacity of ‘citizen art’ to *do* politics and in turn, reframe notions of citizenship. His insights are also important for articulating how my own ‘citizen art’ interventions, that were modeled on the random interruptions of citizen journalists (as discussed in the Introduction), expose ‘the configuration’ of a specific community, its habits and practices. His discussion also importantly helped to think through the point and purpose of the *Citizen Artist News* interventions. That is, Rancière’s insights about aesthetic (sensory experience) as an a priori condition of politics align with how my own interventions, especially the latter two (*Citizen Artist News*) alter *what* is seen as a political object and *who* is perceived as a political subject. I will discuss this point further below and in Chapters 2 and 3 especially. The following will therefore review what Rancière says so as to establish how his work is to be understood in this research.

Rancière offers us a two-pronged analysis of the relationship between aesthetics (i.e., sense perception) and politics. One is his conception of how ‘the distribution of the sensible’ is an a priori condition of political visibility (presence, voice etc.) and the second is the role of some acts (as discussed in Isin above) in constituting politics proper – i.e., as points of disruption that expose inequalities and determine genuine democratic practices. Rancière calls such acts a ‘dissensus’. I will discuss each of these claims in turn and then close with a summary of the implications for ‘citizen art’. First, Rancière’s use of the term aesthetics is nuanced and deeply interwoven with his notion of the political and pivots on his discussion of the ‘partitioning of the sensible’, discussed in terms of “the perceptible” (Rancière, 2011a, p.7). As Rancière says,

“My work on politics was an attempt to show politics as an ‘aesthetic affair’. [...] This term has nothing to do with the ‘aestheticization of politics’ that Benjamin opposed to the ‘politicization of art’. What I mean is that politics, rather than the exercise of power or the struggle for power, is the configuration of a specific world, a *specific form of experience* in which some things appear to be political objects, some questions political issues or argumentations and some agents political subjects. I attempted to redefine this ‘aesthetic’ nature of politics by setting politics not as a specific single world but as a conflictive world: not a world of competing interests or values but a world of competing worlds” (my italics, Rancière, 2011a, p.7).

Hence, the ‘partitioning of the sensible’ is the division in what is sensed and perceived rather than aesthetic (or indeed, rational) judgement. As Davide Panagia says in his discussion of Rancière,

“aesthetics names the affective pragmatic for the realignment of the dynamics of sensibility that render anything whatsoever or anyone whosoever sensible and thus perceptible. [...] Aesthetics is always political and politics is always aesthetic: because any system of representation is a carrier of a normative set of assumptions about political inclusivity and exclusivity expressed in terms of who or what counts as worthy of perceptibility or sensibility” (Panagia, 2018, p.10).

Rancière’s conception of the aesthetic then, does not entail judgement – who and what is to be worthy of intelligibility — but “a pre-subjective, but also a pre-objective, moment when distensions of sensation have yet to assign value to specific persons, things and

events. This is the aesthetic moment of indistinction, which is also the political moment of equality, when anything whatsoever or whosoever can count” (Panagia, 2018, p.10). It matters to understanding the nature of ‘citizen art’ as not only challenging the normative ordering ‘of the sensible’ but also enacting new modes of citizenship, as I will argue in Chapters 2 and 3.

Rancière’s notion of ‘the distribution of the sensible’ necessitates more detailed discussion as it provides the appropriate context for understanding how ‘doing politics’ underpins ‘citizen art’ as an ‘act of citizenship’. In his text *The Politics of Aesthetics*, Rancière defines the ‘distribution of the sensible’ in the following way: it is

“the system of self-evident facts of sense perception that simultaneously discloses the existence of something in common and the delimitations that define the respective parts and positions within it. A distribution of the sensible therefore establishes at one and the same time something common that is shared and exclusive parts” (2004, p.12).

What he means by this is that in virtue of ones’ privilege, status and labour within a community, there are not only different and unequal (of course) shares in what is “common to the community” (2004, p.12). Rather, there are varying degrees of what is and can be performed, determined and described as ‘common to the community’, and these are predetermined by the differential between members’ ‘visibility’ (or invisibility, as the case may be). As he says “Having a particular ‘occupation’ thereby determines the ability or inability to take charge of what is common to the community; it defines what is visible or not in a common space, endowed with a common language, etc. There is thus an

'aesthetics' at the core of politics [...]” (2004, pp.12-13). Our sensed experience, and therefore our socio-political experience, is partitioned. Aesthetics (in terms of sense perception), then, predetermines one's understanding of and access to what is 'common to the community'. It determines how visibility in the common space is divided and who has access to what is given. Drawing on Kant, he suggests that aesthetics “can be understood as the system of *a priori* forms determining what presents itself to sense experience. It is a delimitation of spaces and times, of the visible and the invisible, of speech and noise, that simultaneously determines the place and the stakes of politics as a form of *experience*” (my italics, 2004, p.13). This is where the 'acts of citizenship' performed in 'citizen art' projects have real purchase. They alter what is *perceived* as politically significant and they reconstitute what is *experienced* as new modes of citizenship. Politics, then, is not solely contained within activities such as voting, protesting, or exercising one's status as a holder of (legal) rights, but instead is intrinsically shaped and determined by the sensed (and affective) experience of our daily lives.

This point is central to Rancière's second line of argument: his discussion of (democratic) politics as 'inserting divisions in common sense' (which he calls 'dissensus') with a discussion of politics as action. As he says at the very start of his book *Dissensus*:

“Thesis 1: Politics is not the exercise of power. Politics ought to be defined in its own terms as a specific mode of action that is enacted by a specific subject and that has its own proper rationality. It is the political relationship that makes it possible to conceive of the subject of politics, not the other way round.” (Rancière, 2010, p.27)

Citing Aristotle, what he has in mind here is the conception of the political subject, i.e., the

citizen, as embodying a contradiction: the activity of 'partaking' "in the fact of ruling" and a sensitivity to or awareness of the "fact of being ruled" (Rancière, 2010, p.27). Considered in this way, Aristotle's definition of citizenship as 'participation in giving judgement and in holding office' is the corollary of being subject to a ruler's judgments. Rancière draws out the internal contradiction in Aristotle's logic of ruling and being ruled, noting that this is conceptualised within political philosophy as a normative and necessary condition for democratic politics itself (2010, pp. 27-29). This is important to my argument here because he makes a distinction between political theories that frame an understanding of power as formalized, rather than contingent on individual actions (i.e., 'acts'⁶⁷). He continues:

"Thesis 2: What is specific to politics is the existence of a subject defined by its participation in contraries. Politics is a paradoxical form of action" (2010, p.29).

In drawing out how a subject is both an agent who can initiate action (can create and begin a thing) and a subject upon which an action is performed, Rancière goes on to argue that it is necessary to break with the logic of the presupposition "that a determinate superiority is exercised over a determinate inferiority" (2010, p.30). Instead, Rancière subverts the normative view of the political as actors acting on each other from determined social positions of power. As he says,

"Thesis 3: Politics is a specific break with the logic of *arkhe* [i.e., the logic of ruling]. It does not simply presuppose a break with the 'normal' distribution of positions that defines who exercises power and who is subject to it. It also requires a break with the

⁶⁷ Rancière does not distinguish between 'acts' and 'actions' as Isin and others do, as outlined above. However, reading Rancière's use of the word 'action' is not undermined if it is understood as 'act(s)' for the very reason that both Isin and Rancière conceive of acts/actions as doing the same thing; as disrupting normative notions of politics, i.e., as 'breaking habitus creatively', as specified in the discussion of Isin's work above. I will use the terms interchangeably from here on in.

idea that there exist dispositions 'specific' to these positions” (2010, p.30).

Politics, then, (and by implication, the mode in which politics is performed in 'citizen art') is not evident in, as he says, the "normal" distribution of positions', i.e., actions such as voting or demonstrating, commanding or ruling. Politics proper (i.e., forms of action that do not simply passively reiterate the habits and practices of a status quo) requires breaking with the conception of the interplay of ruled and ruler and the endorsement of a governing order within which citizens do not (indeed, cannot) play a part in determining what constitutes the political. 'Citizen art' does just this too: it interrupts the manner in which normative politics is determined and the mode through which it is constituted. This is important to my discussion of the art intervention as a 'tool' for 'doing' politics (Chapter 2) in that 'citizen art' interventions restructure *what* is seen as the subject of politics and *who* is seen as a political actor.

As Todd May says in his discussion of Rancière's work, for Rancière, "politics... concerns equality" (May, 2008, p.40) and what he means by this is that it is a foundational belief. How this presupposition plays out in the context of the status quo (Rancière calls this a "police order",⁶⁸ Rancière, 2010, p.36), Rancière argues that it results in a 'dissensus' – a tension that emerges from the agent acting on the premise of their equality and coming into conflict with a governing order that denies or delimits that fact. "A dissensus is not a conflict of interests, opinions or values; it is a division inserted into 'common sense': a dispute over what is given and about the frame within which we see something as given" (Rancière, 2008, p.69). Disputes expose the structures and practices that delimit equality

⁶⁸ As Rancière says, "The essence of the police lies in a partition of the sensible that is characterized by the absence of void and supplement: society here is made up of groups tied to specific modes of doing, to places in which these occupations are exercised, and to modes of being corresponding to these occupations and these places. In this matching of functions, places and ways of being, there is no place for any void. It is this exclusion of what 'is not' that constitutes the police-principle at the core of statist practices" (Rancière, 2010, p. 36).

and this is the point at which we are enabled as political subjects. Dissensus, then, is a cognitive shift that reveals ‘the political’, founded on the presupposition of equality and this is the basis upon which one acts (May, 2008).

Rancière’s observations were immensely useful to the creative development of my own art interventions. Where his theory was especially important was in how he positions the actions of artists and their creative methods of hybridizing and appropriating ideas and mediums in generating new conceptions and modes of political experience. In particular, he outlines how aesthetic practices determine what is ‘visible’ and by implication, how they can make apparent and/or disturb the ‘partition of the sensible’ – i.e., who and what is seen as the subject and object of politics. But also, his discussion articulates *how* new subjects and objects of politics are revealed, *in practice*. As he says, “Artistic practices are ways of ‘doing and making’ that intervene in the general distribution of ways of doing and making as well as in the relationships they maintain to modes of being and forms of visibility” (2004, p.13). These insights about how creative practice is in itself a tool for ‘redistributing’ what is ‘seen’, illuminates how the *manner* of doing politics is differently arranged in ‘citizen art’ through its aesthetics. As Panagia says, “what carries weight in these instances of aesthetic and political simultaneity is the capacity to arrange relations, and therefore worlds, anew regardless of one’s assigned ways of being and doing” (Panagia, 2018, p.3). This is precisely what ‘citizen art’ does too. Although Rancière relies on a very conventional notion of artistic practice as solely located within an “interface created between differing ‘mediums’” (p.16) which he bolsters by a discussion of how art is delimited by a discourse surrounding representation (the mimetic in Plato and Aristotle etc.), his appreciation of how art can ‘*intervene*’ in normative conceptions of the politic is key to understanding how ‘citizen art’ practices have the potential to reframe notions of

citizenship. As Rancière says, “aesthetics has a politics – which [...] is a metapolitics, a manner of ‘doing politics’ otherwise than politics does” (Rancière, 2011a, p.8). By comparison, the specific ‘doing and making’ that is at the centre of ‘citizen art’ is an act of intervening – an ‘act of citizenship’ (Isin, 2008). ‘Citizen art’ practices employ tactics of intervention to interrupt the daily ‘doing and making’ and ‘partitioning of the sensible’.⁶⁹ Put another way, new and nascent modes of citizenship become apparent in the practice of ‘doing’ politics within ‘citizen art’ interventions. ‘Citizen art’ *performs* new modes of citizenship through ‘doing’ (political) interventions. (This point will be discussed more fully in Chapters 2 and 3).

Isin's and Rancière 's observations open up possibilities first, for rethinking what it is to be a political subject and second, to see in this how certain forms of behaviour (acts) shape a political domain that creates and constitutes a citizen. And this has a bearing on how we recognise the political in ‘citizen art’ practices that at face value we do not associate with *doing* politics and enacting new modes of citizenship. ‘Citizen art’ actively forms and generates new political subjectivities, behaviours and relations that alter the scene of politics and in turn reframe notions of citizenship. Again, I will develop this line of argument further in Chapters 2 and 3 to demonstrate the significance of the material reality of ‘citizen art’ as a space in which new modes of citizenship are re-conceived and performed through ‘acts of citizenship’.

⁶⁹ In close parallel to Rancière, Michel De Certeau observes that the *practice* of walking is potentially a form of resistance within a city. Its subversive potential resides in circumventing, through the act of walking, a city's organisation i.e., the power structures evident in its social architecture expressed through its buildings and roadways and main flows of the populous etc. He argues that via detours, reversals, short-cuts and the forging of new pathways etc., the practice of walking, as an act of appropriation (i.e., being bodily engaged in disruption), is a form of resistance. What is interesting in his discussion is that this implies that the *practice* of walking is a kind of ‘doing’ of politics that intervenes in the normative ordering of the city (De Certeau, 1984). Rancière's own discussion about the ‘police order’ could be understood, in part, as consistent with De Certeau's notion of the city. Rancière's observation about contesting the police ordering is helpful to this comparison too. As he says, “politics does not stem from a place outside the police. [...] There is no place outside of the police. But there are conflicting ways of doing things with the ‘places’ that it allocates: of relocating, reshaping or redoubling them” (Ranciere, 2011a, p.6).

In this chapter, I have argued that 'citizen art' is best understood as a new and nascent form of membership and belonging in line with contemporary literature that criticizes normative notions of citizenship in favour of a conception of citizenship as active and emergent and able to intervene in and change the scene of politics. I have demonstrated that conceiving of citizenship as contingent on or determined by the state is increasingly incoherent in virtue of the affective ties of cross border affiliations, moments of claim-making enacted by people who have no legal status, and activists competing with states over governance (of resources) etc. I have argued that arguments in favour of cosmopolitan citizenship, by contrast, recognise the immanence of cross border affiliations and the affective bonds between peoples as having altered the scene of membership, however it is limited by its adherence to abstract notions of 'world' membership. I have drawn attention to the fact that 'Citizen art' is not an expression of abstract cosmopolitan aspirations but is instead inherently engaged in *doing* politics. That is, it is a *practice* and not an idealization of membership. I have demonstrated that Engin Isin's analysis of 'acts' helps us to better understand the immanent character of political agency and that the formation of 'miniature civil societies' (Smith, 1990) stands as a foundation for the bonds of membership and citizenship proper within 'citizen art'. I have also outlined how 'acts' provide some leverage in shaping and altering the scene of politics through momentary events that 'disrupt' what is taken as normative and that through the lens of Rancière, we begin to see how art practices can be instrumental in reframing notions of membership. What has not been discussed are examples of 'acts' as performed within 'citizen art' and in turn, a fuller discussion of how 'citizen art' thereby troubles notions of status citizenship. In staging 'disruptions' of the 'sensible', how exactly is it instrumental in forming new modes of membership? This will require a more developed discussion in Chapters 2 and 3.

Chapter 2: Examining ‘Citizen Art’ Interventions as Tools for ‘Doing’ Politics and Structuring New Modes of (non-statist) Citizenship

In the Introduction, I outlined the problem of understanding what kind of *citizen* is a ‘citizen artist’. How are we to understand the notion of the citizen in the context of the ‘hollowed out’ conditions of status citizenship and in what sense does ‘citizen art’ speak to these conditions and potentially reframe practices of membership? I also indicated that emergent practices of citizenship that manifest within ‘citizen art’ do not fit with the normative notion of status citizenship or the utopic vision of cosmopolitan citizenship. In Chapter 1, I expanded upon arguments within the literature that illustrate the notion of membership as having been “reconfigured” (Bozniak quoting Soysal. Bosniak, 2000, p.452) in light of the changed conditions of mobility, cross border affiliations, affective ties and ‘commoning’ etc. I also drew out a discussion of how ‘acts of citizenship’ (Isin) intervene or, ‘disrupt’ (Rancière) normative understandings of citizenship and indicated that ‘doing’ ‘citizen art’ is at the centre of the production of new ‘modes of being and forms of visibility’ (Rancière) that are instrumental in shaping new conceptions and practices of citizenship. This leaves much work to be done on how we are to understand the operative nature of ‘citizen art’. That is, how exactly are new modes of membership performed in the ‘making and doing’ of this form of art practice? What exactly is revealed in the ‘acts of citizenship’ as seen within ‘citizen art’? In this Chapter, I will maintain that new modes of citizenship are formed through ‘citizen art’ practices; that ‘citizen art’ *does* politics in a manner that is instrumental in shaping new understandings and practices of citizenship.

The aim of this chapter therefore is to examine more carefully how ‘citizen art’ interventions ‘do politics’ and practice new modes of citizenship. This will require that I first outline some of the various understandings of an intervention within the literature in

contemporary art criticism to show how it is understood in terms of 'actions', 'projects' and 'tools', rather than aesthetic objects and representations. This is important to the analysis of 'citizen art' interventions as the term intervention has wide usage and meanings and is not a coherent or cohesive category. It is noticeable too that a comprehensive study of art interventions is lacking in the literature even though the term is frequently used by artists and academics from a variety of fields (as will be discussed below). This research in no way can fully capture the complexities of the subject and sees the possibility for developing a more robust analysis in future. However, for now, my aim is to draw out some of the core distinguishing features of art interventions for the purposes of facilitating a discussion of 'citizen art'. This will include clarifying how 'citizen art' interventions differ from other conceptions of art interventions (e.g., as understood within Management Studies and the art world).

Secondly, I will outline two historical examples of an art intervention – two artists' collectives of the 1960s – to expose how *relations* matter to the practice of 'citizen art' (and its 'acts of citizenship') and further, to demonstrate that these early iterations draw on a rejection of 'studio art' that importantly, frames the critical purchase of 'citizen art' interventions in the present day. These examples show that there are primarily two strategies within interventionist practices: some are public, 'stunt-like', criticisms that are short in duration and others involve more comprehensive and long-term 'project-based' approaches that often include working with other (non-artistic) people. I will compare one of the historical 'stunt-like' examples with my first intervention carried out for this practice-based research called *The Mobile Armband Exhibition*. By analyzing *The Mobile Armband Exhibition* in this context, I will draw out how this kind of 'making and doing' (Rancière) complicates and rejects the notion of citizenship as a set of properties (rights) or a utopic

aspiration of universal membership. I will follow this with a discussion of key vocabulary, such as the denotation of an art intervention as a ‘*tool*’⁷⁰ for ‘doing politics’ to further delineate ‘citizen art’ as a separate category of art practice that uniquely 1) troubles normative notions of citizenship and 2) practices new modes of citizenship. I will then sum up this introductory section with a brief comparison of ‘citizen art’ interventions with the current practice of humanitarian intervention such as the ‘Right to Protect’ (RtoP) (Evans, 2006; Verellen, 2012; Cannizzaro, 2015; Bajoria and McMahon, 2013; Kardas, 2001; Ryniker, 2001; United Nations General Assembly, 2005, et al.) to demonstrate that ‘citizen art’ interventions are *genuine* political acts and not artistic ‘gimmicks’ staged for private (aesthetic) experience. The comparison is valuable for demonstrating how RtoP and ‘citizen art’ reconfigure the idea of a citizen, in the sense that neither reiterates status citizenship nor promotes cosmopolitan citizenship (contra Papastergiadis)⁷¹. The aim of this introductory overview therefore is to demonstrate and detail how on the one hand, ‘citizen art’ is a mode of ‘doing politics’ and not simply a form of artistic practice that concerns itself with symbolic production⁷² and on the other hand, to show how ‘citizen art’ expands understandings of citizenship beyond rights discourse and in turn, extend the

⁷⁰ The artist Tania Bruguera uses the word ‘tool’ frequently in her discussion of her art projects going so far as to name a category of art production as ‘Arte Útil’ (Arte Útil, 2018; Meschini, 2013; Museum of Arte Útil, n.d.). I will discuss the notion in detail below. However, for the purposes of the discussion here, the idea of art as a ‘tool’ is synonymous with the notion of ‘usefulness’.

⁷¹ One difficulty in the work of Nicolas Papastergiadis and other theorists who see contemporary art practices as an expression of cosmopolitanism (e.g., Meskimmon, 2013; Byrne and Schoene, 2013; et al.), is that socially engaged practices and art interventions that problematize the conditions of the world, are interpreted as necessarily entailing cosmopolitan aspirations. As Papastergiadis says, “the recent shifts in artistic practice [i.e., socially engaged art practices] have vitalized the concept of cosmopolitanism. What is now at stake is the capacity of art not only to capture a cosmopolitan vision of the world but also to initiate situations in which artists and public participants are engaged in the mediation of new forms of cosmopolitan agency” (Papastergiadis, 2012, p.11). The presumption is that Enlightenment framings of either statist or utopian imaginaries capture all possibilities of political agency. Similarly, Byrne and Schoene ask “In what ways can creativity and the imagination as they express themselves in literature, art and theory be identified as practices that not only help raise a cosmopolitan consciousness but, beyond that, instigate and initiate actual forms of emancipatory transnational understanding and agency?” (Byrne and Schoene, 2013, p.6). The concern here is that these readings miss seeing how the aesthetic dimension of social relations can be foundational to *new* modes of membership and belonging — new modes of citizenship that are not utopic, universalist or statist. In Chapter 3, I will discuss this further in the example of my own ‘citizen art’ project in the context of indigenous politics in Canada.

⁷² The notion of ‘symbolic production’ will be discussed in detail below. For purposes here, the term refers to the role of art production as primarily representational and reflexive.

insights of Isin, Rancière and others.

Following this in depth definitional and contextual discussion of ‘citizen art’ interventions, I will turn to a fulsome discussion of three ‘citizen art’ projects: *Immigrant Movement International* (2010-2015) by Tania Bruguera, *New World Summit* (2012 - 2016) by Jonas Staal, and the second of my own intervention, *Citizen Artist News: The University as a Border Regime* (2012- 2013), from hereafter called *CA News: Border Regime*. My third intervention, *Citizen Artist News: Clouded Title* (2018) will be discussed in detail in Chapter 3 as it hones in on my wider argument of the value of ‘citizen art’ and its aesthetics in the formation of new modes of citizenship.

Bruguera’s, Staal’s, and my own *CA News: Border Regime* intervention will further evidence that emergent conceptions of citizenship that manifest within ‘citizen art’ are not expressions of normative notions of citizenship. That is, my intention is to show how citizenship itself is better understood as a space of political emergence rather than as a gift of entitlements of the state, or the cosmopolitan aspiration for universal bondedness between individuals (say, in virtue of moral imperatives as seen in Martha Nussbaum⁷³). I will argue that these ‘citizen art’ interventions reveal the character of citizenship as a perpetually fluid space of negotiation and reciprocal relations between actors (and in Chapter 3, through reciprocal duties that include non-human actors, non-human ‘beings’). I

⁷³ In her article titled ‘Patriotism and Cosmopolitanism’ (1994), Martha Nussbaum argues that one should understand oneself to be a “citizen of the world” over and above other allegiances such as to the nation, one’s ethnic group etc. (Nussbaum, 1994, p.1). As she says, cosmopolitanism “has the promise of transcending [ethnic, gender, religious etc.] divisions, because only this stance asks us to give first our allegiance to what is morally good—and that which, being good, [one] can commend as such to all human beings” (1994, p.2). She continues to suggest that “If we really do believe that all human beings are created equal and endowed with certain inalienable rights, we are morally required to think about what that conception requires us to do with and for the rest of the world” (1994, p.5). The difficulty here is that it is not obvious that an allegiance to fellow human beings ‘in the world’ constitutes an actual (moral) bond between individuals. Instead, her discussion details *aspirations* for world citizenship and this in no way is the same as actual bonds between individuals, i.e., compared to say, ‘mini-social contracts’ (as outlined in Chapter 1) that are not necessarily framed by ethical commitments. Nor does her argument help us to understand the complexity of citizenship as it manifests within ‘citizen art’.

will show that through the examples of 'citizen art', citizenship is not only a practice staging social and dialogical, 'contracts', but a process of emergence and potentiality: a space of becoming. Engin Isin describes this space of becoming as 'incipient citizenship' and what he means by this is that at the interface between individuals and their struggles against and/or within a polity, there is a moment that evinces a kind of perplexity over "the contested constitution of subjectivity and polities themselves" (Isin, 2014, p.9). As he says, citizenship "involves the art of being with others, negotiating different situations and identities, and articulating ourselves as distinct from, yet similar to, others in our everyday lives" (Isin, 2014, p.4). This is important to Isin's argument because citizenship, in its incipient form, is central to the negotiation and framing of (new) rights. "Through these social struggles, citizens develop a sense of their rights as others' obligations and others' rights as their obligations" (Isin, 2014, p.4). Citizenship then is "an 'institution' that mediates rights between subjects of politics and the polity to which these subjects belong" (Isin, 2014, p.1). Understanding citizenship as an 'institution' helps us to not only recognize that within 'citizen art', citizenship manifests as a process of claim-making, negotiating and enacting obligations, but also, citizenship can take the form of assemblies and/or solidarities etc. In my discussion of Staal's, Bruguera's and my own projects, I will argue that outcomes, such as assemblies, or what Arendt calls "voluntary association" (Arendt, 1972, p.96), or compacts, or (public) thought experiments (e.g., *Citizen Artist News*), or formalized associations that emerge through solidarities etc., not only reconfigure the concept and meaning of citizenship, but also reconfigure the 'tools' of politics (Bruguera) in the act of 'doing politics'.

In my discussion of Staal's, Bruguera's and my own projects, I examine how 'doing politics' through interventions directly confronts normative notions of citizenship through key issues such as the protest, migration, statelessness and border regimes (and land 'ownership',

Chapter 3).⁷⁴ I detail examples where the practices of ‘citizen art’ expose problematic commonplace binaries of ‘citizen and state’, ‘citizen versus foreigner’, ‘citizen versus migrant’, ‘citizen versus stateless’ (namely the characterization of migrants and stateless peoples as the citizen’s ‘abject other’, Kerber, 2009, p.76; Schininá, 2017), and aboriginal ‘other’ versus ‘settler’ (Chapter 3). Importantly too, I argue that ‘citizen art’ exposes the problems that are produced – and cannot be resolved – by status citizenship and cosmopolitan imaginaries.⁷⁵ My aim here is to highlight how, through the ‘generative friction’ (Miessen, 2011) produced in the ‘doing and making’ of interventions within ‘citizen art’, conceptions of membership are reconfigured. Markus Meissen describes the nature of an intervention in terms of conflict and argues that artistic interventions are “a force of critical production” (Miessen, 2011, p.101). As he says, “Conflict [...] needs to emerge and needs to be fostered as a generative friction, a force of critical production” (Miessen, 2011, p.101). This chapter will therefore hone in on how ‘citizen art’ troubles norms and conventions of status and cosmopolitan citizenship and generates new spaces of criticality and forms of practice that counter normative understandings of membership. It examines how ‘citizen art’ interventions experiment with new modes of sociality, (re)framing our understanding of each other and altering our relation to the normative conception and regime of citizenship.

⁷⁴ My own practice-based research project called *Citizen Artist News: Clouded Title* (2018), which I will discuss in detail in Chapter 3, concerns the issue of Crown treaties in British Columbia, Canada and specifically the Douglas Treaty: North Saanich. I will discuss this project in more detail in Chapter 3. However, for now, it is important to point out that (land) treaties produce a binate social system of racialized aboriginal ‘others’ versus ‘settler’ entitlement (in Canada).

⁷⁵ As a brief reminder to the reader; in Chapter 1, I outlined how authors such as Mezzadra, De Genova and Rygiel et al., have carefully argued that the normative conception of a state policing its ‘border’, understood as the geographic edges of a state, is deeply problematic and is best understood as the practice of an overall (statist) citizenship regime where bordering is a ‘method’ (Mezzadra) of a state’s management of membership. The border ‘crosses us’ (De Genova) and is inscribed on our bodies and through the management of our bodies (Rygiel). The comparison is significant to ‘citizen art’ practices because of the shift in conceptualizing the border as an object and instead, understanding it as a practice. Borders (as objects) manifest through bordering practices and the ‘management’ (and policing) of mobile bodies. By comparison, ‘citizen art’ manifests through new and nascent ‘citizenship’ practices. ‘Citizen art’ is not an object per se, but a practice – a form of ‘doing’.

The following will now outline how interventions are understood within the art world.

Numerous contemporary authors in art theory and criticism have turned away from theorizing artworks as aesthetic 'objects' to the notion of a 'project'⁷⁶ (Staal, 2015a; Kester, 2011; Miessen, 2011; Thompson, 2012; Wochenklauser, 2009; Carroll La, 2016; et al.), or 'actions'⁷⁷ (Gray, 1993; Hendricks and Toche, 1978; Scholl, 2011), or as 'relations' (Bourriaud, 2002) and in line with these distinctions the use of the term 'intervention' has emerged to denote "art designed specifically to interact with an existing structure or situation, be it another artwork, the audience, an institution or in the public domain" (Tate, n.d.). Although the definition offered here by the Tate Gallery may be vague and sweeping, the use of the term is an indication of its common parlance in contemporary art. The authors Janna Graham and Nicolas Vass go so far as to state that the term has "been turned into something of a fetish in artistic circles and institutions" (Graham and Vass, 2014)⁷⁸ and certainly, numerous authors make use of the term when discussing artistic strategies within the literature on public art and social practice (Cartiere and Zebracki,

⁷⁶ The artist Jonas Staal summarizes the current position as follows: "The last decades have seen an important change in our perception of art. The focus has shifted from artworks as 'objects' towards the concept of the 'project': a temporal intervention or engagement focusing on research and processes rather than on a final product. [Additionally, the notion of a 'project' has evolved into artists founding 'organisations' as a way of overcoming the temporality of a 'project']. The change from [objects to] projects [and] organisations demands more *structural* engagement, more durability and long-term vision. Artists organizations push the concept of self-governance to another level: both within and outside the art world" (Staal, 2015a, n.p.). A similar declaration can be found in an article titled 'From Object to the Concrete Intervention' by the artists' collective Wochenklausur (Wochenklausur, 2009). They state that "Visual art has developed in two directions: into an art that is defined by economic interests and bottom-line thinking, that lures the masses with spectacles and lots of horn-blowing. And conversely in an *art that acts* – independently of profit and populism – in possibilities, that seeks to examine and improve the conditions of coexistence." (my italics, 2009, p.467).

⁷⁷ The desire to parse the activities of art making as on the one hand, a studio activity and on the other, as an 'action' or intervention is indicative of a narrative that persists to today regarding a dual (perhaps even divergent) trajectory throughout the 20th century. As Gray notes in his bibliography of the vast array of artists' 'actions' through the 1960s and on: "There have been two major developments in the art world, one concerned with formal innovations in object making (painting and sculpture) and the second involved with live performance. The first is well documented and available to anyone with access to a library, museum or gallery. The second decidedly anti-art-object-oriented and impermanent in nature, is much more difficult to trace" (Gray, 1993, xi).

⁷⁸ Graham and Vass also argue that the idea of the intervention has been 'neutralised' in virtue of being extricated from "its situated environment in politically informed life", especially when "affiliated within the privatized space of the creative class, in contexts in which [the creative class has] no long-term affiliation (or even interest) with the struggles that are presented" (Graham and Vass, 2014, n.p.). While I agree in part with this criticism as I will discuss below, not all interventions suffer this fate, nor are they necessarily stripped of their political purchase when presented within art world contexts. However, I will develop this criticism more fully below.

2016; Harper, 1998; Harper and Moyer, 2013 et al). The term 'artistic intervention' is also used synonymously with the term 'artists' residencies'⁷⁹ in business contexts and health sectors (primarily in Sweden, Denmark, France, Austria) and are the subject of analysis in business schools and Management Studies programmes⁸⁰ (Styhre and Fröberg, 2016; Berthoin Antal, 2014; Soila-Wadman and Haselwanter, 2014). However, it is important to stress that not all art interventions share the same characteristics, nor do they all 'do politics' in the manner that is significant to 'citizen art'. However, the popularity of the term and its wide and loose usage does not detract from its scope and importance for an analysis of 'citizen art'. To examine the constitutive elements of an art intervention within 'citizen art' practices, it is useful to review some historical examples as they help to illustrate the manner in which some interventions are effective 'tools' for 'doing politics'. The following examples will also help us to recognise the deep legacy of artists

⁷⁹ Maureen Connor notes that the Arts Council funded a private UK foundation (name unknown) in the 1970s to launch 'artists' residencies' modeled on the work of Barbara Stevini and the Artists Placement Group (APG) (Connor, 2013, p.148). Howard Slater states that APG were "witness to having their projects filched [by the Arts Council] and their input erased from the historical record" (Slater, 2000, p.25) and suggests that this is indicative of the tensions and struggles APG endured with the government's desire to "control cultural activities and residencies through the auspices of the Arts Council" (Slater, 2000, p. 25). I will discuss the work of Artists Placement Group (APG) in detail below. However, I will focus on the projects that they launched rather than the political complexities that they faced in realising their organisation.

⁸⁰ In their article called 'Artist-in-Residence work as Détournement and Constructive Situations: Theorizing Art Interventions in Organizations', Alexander Styhre and Jonas Fröberg (2016) use the term 'art interventions' and 'artists-in-residence' as synonyms. Equally, Claudia Schnugg (2017) describes artists' residencies as one of twelve "techniques" of an art intervention "by which the arts have been brought into organizations" (Schnugg, 2017, p.32). The practice of artists' 'placements' or 'residencies' had expanded exponentially in Europe through the 1990s and 2000s and authors such as Berthoin Antal and Nussbaum Bitran (2015) use the term artistic interventions to describe this phenomenon. The assumption that art interventions in organizations yield positive outcomes is a common claim within some of the literature in Management Studies (Styhre and Fröberg, 2016; Berthoin Antal, 2014; Soila-Wadman and Haselwanter, 2014). For example, an artist's residency/intervention is assumed to be a mode through which an organisation can draw on the sensibilities of artists to expose work-based practices and vulnerabilities, taboos and codes etc. that govern the workspace – in essence to expose misunderstandings and/or elisions in the representation of individuals. The presumption is that interventions yield a form of interpersonal learning (Berthoin Antal, 2014) or mitigate problematic issues within the organisation by "develop[ing] organisational creativity as a strategic tool [...] and] handl[ing] challenges within the complex environments of global competition" etc. (Soila-Wadman and Haselwanter, 2014, p.33). Elvia Wilk critiques the idea of the 'artist-in-consultance' noting that "it's not that corporate consulting is service oriented, but that art-world criticality is too" (Wilk, 2016). The instrumentalization of artistic practices has been criticised by Andy Hewitt. He notes that under New Labour's 'Third Way' policies during the years of 1997 to 2010, government arts funding endorsed an ideology of the 'cultural industries' and financed artistic practices (including residencies) that were complicit in advancing neo-liberal economic agendas such as 'art as social amelioration' as seen in examples of 'urban regeneration' that in fact resulted in negative impacts on local communities, dispossessing the (alleged 'undesirable' or poor) local inhabitants (Hewitt, 2012).

interrogating the *practice* of citizenship within ‘citizen art’, even though so little research has been done to identify and analyse this phenomenon within art criticism.

The idea of an art intervention has its roots in the 1960s with the intersection of conceptual art, the proliferation of performance art and more widely, the desire of artists to engage more directly in the political and social issues of their time (and especially in the context of the Vietnam War). Artists’ collectives such as the Guerilla Art Action Group (GAAG) (1969 – 1976), Artists Placement Group (1966 – 1980s), Experiments in Art and Technology (E.A.T. 1966 - 2001), Eventstructure Research Group (ERG. 1969 – 1979), Zoo Group (1968 – 1970 under the leadership of Michelangelo Pistoletto), Fluxus, Viennese Actionism, the Situationists and numerous other groupings of artists and individuals⁸¹ employed what today would be labelled as interventions. In these early iterations, the term ‘Action Art’ (Gray, 1993) was often invoked to distinguish performative event-based practices from formal studio art and also to signal artists’ direct engagement with political issues. In the case of the Guerilla Art Action Group, their interventions were short in duration, decisive and politically pointed and the form that these interventions took, intersected with the activities of other artists of the time who interrogated the very basis of art production, its meaning and role. GAAG’s interventions took the form of public protests and laid the foundation for numerous contemporary artists uses of stunt-based ‘guerilla’ tactics⁸² including the Yes Men (n.d., to be discussed briefly at the end of this Chapter), Art Not Oil (2013), Laboratory of Insurrectional Imagination (LABOFII) (n.d.) and Liberate Tate

⁸¹ For an excellent bibliography on artists’ performance in all its various manifestations in the 1960s, including a section on its antecedents such as the Dadaists, Black Mountain College and Russian Performance, see John Gray’s *Action Art: A Bibliography of Artists’ Performance from Futurism to Fluxus and Beyond* (1993).

⁸² Please note that there is no consistency in the language used to describe interventions and terms such as ‘tactical media’ (coined by Critical Art Ensemble, 2013) or ‘guerilla art’ or ‘DIY (‘do it yourself’) etc. often collide or are invoked within differing art world contexts. For example, see Mimi Zeiger’s *The Interventionists Tool-kit I-IV* (2011) for an example of the mixture of vocabularies to describe urban interventions. Also see the Canadian Centre for Architecture’s project titled *Tools for Actions* (2009) who use term ‘actions’ to describe interventions. Again, this speaks to the need for a more comprehensive body of research on art interventions within the literature.

(2016) to name but a few. Equally, activist groups have partnered with artists to effect biting criticism of government violence such as the activist group H.I.J.O.S. and Grupo de Arte Callejero (GAC), who combined forces in 1998 to launch a street campaign ‘outing’ those complicit in the disappearances of citizens in Argentina (during the military junta led by Jorge Rafael Videla 1976 –1983), launching poster campaigns and publishing stories of the disappearances that contested the State’s official narrative.⁸³ Others have instrumentalized art interventions in launching guerilla campaigns (e.g., Reclaim the Streets; The Clandestine Insurgent Rebel Clown Army) to penetrate police barricades during protest rallies for example, where disruptions are used tactically to “cause confusion” (Scholl, 2011).

What is striking in GAAG’s example is how their work is an early experiment in disrupting hegemonic political narratives – what Rancière describes as ‘rupturing the given’ (2010, p.36) or creating “a fissure in the sensible order by confronting the established framework of perception, thought, and action” (2004, p.85). For example, on January 3, 1970, at Museum of Modern Art, members of GAAG and other artists assembled in front of Picasso’s painting titled *Guernica*. The purpose was to hold a memorial service for “dead babies murdered in Songmy” (Hendricks and Toche, 1978, n.p.) (also known as the My Lai

⁸³ H.I.J.O.S. and Grupo de Arte Callejero were artists’ collectives in Argentina that had produced maps, signage and posters to identify detention (torture) centres, locations where loved ones were arrested and then disappeared, and also the homes of those who had ‘committed genocide’. They were successful in putting pressure on governments to reverse the law permitting immunity of those directly involved in the torture and killing campaigns. Arrests and prosecutions followed their art interventions that publicly ‘outed’ those involved in the massacres (Collard, 2013; Benegas, n.d.). An important aspect of these interventions is the intersection of aesthetics and the mobilization of an ethico-political issue. As Collard says, “Through the *escraches* [i.e., expose or uncover] movement, H.I.J.O.S. have disturbed the peaceful impunity enjoyed by former military officers who benefited from the amnesty laws of the 1980s. *Escraches* publicly expose torturers and killers to neighbours, colleagues, passers-by and the community. Once their protective shield of anonymity is torn away, the repressores become trapped in ‘metaphorical jails’ [i.e., imprisoned socially following *visual* and publicly performed identifications of individuals] throughout Argentina” (Collard, n.p.). This is not only an example of an art intervention that was employed to ‘do politics’ and address an issue of social justice. It was also an ‘act of citizenship’ in the sense that artists and activists took it upon themselves to do the work that a judiciary would (should) perform in effecting prosecutions. The Interventions publicly exposed and visibly ‘judged’ agents of the State who were instrumental in perpetrating violence, and who would have otherwise been condoned for their crimes by the State.

Massacre) by US soldiers during the Vietnam War. At 1:00 pm in the afternoon, members of GAAG and other participants assembled in front of the painting, placing wreaths and flowers beneath it. A woman affiliated with GAAG sat on the floor in front of the wreaths holding a baby while a priest conducted a service, reading a prepared text (Hendricks and Toche, 1978, n.p.). The implementation of this (unauthorized) event within a museum setting, positioned in front of an iconic and evocative painting that is simultaneously representative of the modernist period and also symbolic of a site of state violence, points to the capacity that GAAG's interventionist practices had for 'doing politics'. That is, the parsing of studio art (understood primarily as painting and sculpture) and performative acts on the one hand and on the other, conflating references to the bombing campaign in the town of Guernica with My Lai and in turn, linking WWII German and Italian Fascism with US state violence, drew attention to the role of studio art within the culture industry (Museums etc.) and state violence. This made room for their 'actions' to be seen to do the work of revealing the social and political structures in which they found themselves. Their interventions made visible the role of (studio) art and its symbolic affiliation and valorization of the Nation State and the political establishment. It disrupted the lazy assumption that art is distinct from politics and indeed, revealed how the role of art within State institutions (Museums etc.) can be conflated with the obfuscation of state violence.⁸⁴

⁸⁴ Another example of the freighted role of art and its occlusions and elisions of state violence can be seen in the increase of sensitivities about public monuments as symbolic of, for example, "systemic racial injustice", that has emerged in the rise of the Black Lives Matter movement. There have been numerous demands for the removal of particular public statues memorialising Confederate soldiers and/or prominent historical figures who owned slaves (such as Thomas Jefferson, George Washington, Andrew Jackson) from the grounds of university's in the USA (Sullivan, 2015; Miller, 2013), in Washington, D.C., and the removal of these names from plaques in city parks in Chicago, including the destruction of Mount Rushmore (Payton, 2017). Also, artists' organisations such as Monument Lab, in collaboration with Mural Arts Philadelphia, have engaged with the contentiousness of public monuments by soliciting members of the public to propose alternatives to Philadelphia's current display of statues. This has resulted in over 400 suggestions and the results of the public's proposals were published (in newspaper format) as a *Report to the City* (Monument Lab and Mural Arts Philadelphia, 2018) for the *Festival of the People* (2018). The impulse to monumentalize public figures or cultural objects in the public space and the role that monuments play in determining the markers of membership in the construction of the identity of a Nation State, and indeed, how activists mobilize statues as political critique, certainly intersects with this discussion of artistic interventions. However, a fulsome discussion is beyond the possibilities of this thesis. For now, my aim is to focus on the production of *new*, non-statist, modes of citizenship, enacted and performed within 'citizen art'.

This form of short and piercing intervention has multiple readings consequent upon its temporal nature.⁸⁵ That is, these interventions are seen as having an expressive character in virtue of staging public refutations to mainstream political narratives (say within a protest rally), or as a tactical strategy in disrupting ‘everyday life’ – a disruption that confounds and confuses the opponent and where the intervention is a means to another end. Also, art interventions of this kind “are not an external practice [i.e., are not representations of or commentaries ...] on the struggle [nor are they staged to] influence its representation in the Media. [... Instead, these art interventions] contribute to the *clarification* of social struggles by *immersing* itself into them” (my italics, Scholl, 2011, n.p.). I would hold that this immersive quality of an intervention and the physical encounter with a regime, permits individuals to ‘think through’ and develop new understandings of the political complexities with which they are confronted. This is a key characteristic of the interventions that are created and effected within ‘citizen art’ practices. One of my own ‘citizen art’ interventions – *The Mobile Armband Exhibition* (see Fig. 1, 2 and 3) – specifically makes use of this form of temporal interventionist tactic. In the following paragraphs, I will elaborate on how *The Mobile Armband Exhibition* illustrates the potential of these ‘stunt-like’ interventions for troubling normative assumptions about a citizenship regime. Following this discussion, I will turn to a more fulsome analysis of how ‘citizen art’ interventions, that do more critical work in effecting new modes of membership, primarily follow a ‘project-based’ model. This form of ‘project-based’ intervention will be explained and discussed in detail. They too have their roots in the 1960s and key concepts such as ‘participation’ and social ‘relations’ stage important understandings of ‘citizen art’ as a ‘tool’ for ‘doing politics’.

⁸⁵ Terms such as ‘tactical’ or ‘guerilla’ art have also been used to denote these time-limited, ‘stunt-like’ interventions (Thompson, 2015). I cannot go into further detail here and instead emphasize again the value of a more comprehensive study of interventionist tactics to more robustly parse and analyze these differing art forms and strategies.



Fig. 1: Left: a protestor wearing one of the Citizen Artist armbands. Centre: an example of one of the slogans. Right: Fawn Daphne Plessner and Jonathon Wright joining the protest and carrying a supply of armbands, TUC Rally, March, 2011.

The Mobile Armband Exhibition (2011) was the first intervention executed for this research that set out to examine the nature of citizenship. It intentionally drew on the stunt-like interventionist form, parsing studio art and performative acts by using the event of a protest march as an exhibition space.⁸⁶ It was also an important stepping stone in the development of my practice-based research in that the moment of the rally provided an opportunity to *act* and to *theorize through practice*. That is, in this example, I was interested to draw attention to the space of the rally as, on the one hand, an aesthetic and affective performance of (status) citizenship (i.e., the public refutation of a State's policies). On the other hand, the aim was to critique how protests can operate as a normative expression of status citizenship that itself produces elisions in who and what is 'seen'. Protests admittedly can be immensely valuable and operative expressions of resistance to a state, but they also embody a 'partitioning of the sensible' (Rancière) in that they too produce elisions in what is seen as politically significant and also, who is seen as a political actor. I was also interested to implement an intervention to explore how the aesthetics of a rally influences the field of action. This point requires clarification and

⁸⁶ In launching our intervention within the transient space of the rally, the aim was to turn away from using a gallery or museum environment (the conventional space for the display of artworks), with its attendant branding and corporate sponsorship endorsement and instead, embed an art exhibition within a live political event. By transmuting the protest march into an exhibition space – turning the rally into object in itself, and specifically, an arena for the display of objects – and asking the citizenry to wear armbands that parodied the protest (i.e., the appropriated advertising slogans of corporate branding, see Fig. 1 and 3), the critique was not only made visible but its representation and enactment was embodied within a newly declared public 'exhibition' space.

instantiation. The following will outline the problem more fully and then open the discussion to how 'doing politics' is enacted within this project. To begin, one of the clearest articulations of the citizen, and rationales for the role of (legal) rights conferred on (status) citizens, is found in the work of John Locke. Following Locke's influential discussion on the Right of Revolution in his *Second Treatise on Civil Government* (Locke, 1690, §§149, 155, 168, 207-10, 220-30, 240 – 243), the right to protest is central to the rationale for democracy. As citizens, if the state undermines the public good, we have a right to resist its policies and protest. The right to protest is, for Locke, the key component of oppositionality and a necessary requirement for democracy to exist. It is worth noting too that the right to protest does not always translate in practice (hence, the value of exploring how 'dissensual' props are instrumental in (re)shaping notions of citizenship within this practice-based research). So too, we are all familiar with the rhetoric that is used when reporting the tensions between citizens and state during a march: protesters are often caricatured as a violent 'mob' (Addley, 2010; Harrison, 2010; Coughlan, 2010, et al.) and this in turn serves as justification for provocative and aggressive actions of the state in its policing of such events. When and if protesters display force, the state is seen as a just arbiter instead of being responsible to the political issues. And yet despite these portrayals conveyed in mainstream or 'broadcast' media, one peculiarity of many rallies is the atmosphere of a carnival (e.g., Carnival Against Capital Rally, 1999; Occupy Wall Street, 2011; Peace Now Rally: Bibi and Barak's Masquerade Carnival, 2012).⁸⁷ The performance

⁸⁷ Mikhail Bakhtin describes the origins of carnival festivities as a prominent feature of the Middle Ages involving pageants, processions, and feast days such as the 'feast of fools' and 'feast of the ass' etc. It was also marked "by fairs and varied open-air amusements, with the participation of giants, dwarfs, monsters, and trained animals. [...] Civil and social ceremonies and rituals took on a comic aspect as clowns and fools, constant participants in these festivals, mimicked serious rituals such as the tribute rendered to the victors at tournaments, the transfer of feudal rights etc." (Bakhtin, 1984, n.p.). However, Bakhtin goes on to suggest that "In the Middle Ages folk humour existed and developed outside of the official sphere of high ideology and literature, but precisely because of its unofficial existence, it was marked as exceptional radicalism, freedom, and ruthlessness. Having on the one hand forbidden laughter in every official sphere of life and ideology, the Middle Ages on the other hand bestowed exceptional privileges of license and lawlessness outside these spheres: in the marketplace, on feast days, in festive recreational literature" (Bakhtin, 1984, n.p.). It is important to note that in the 20th century, and within England,

of satire infuses the spirit of a march and that was a source of inspiration for the *Mobile Armband Exhibition*.



Fig.2: Left: members of Anonymous hacktivist group wearing Citizen Artist armbands. Right: one of the Citizen Artist team, Nancy Fleischauer, inviting a protestor to participate in the *Mobile Armband Exhibition* during the TUC Rally, March 26, 2011. Photo courtesy Sophia Selby.

Six people collaborated on designing and fabricating one hundred and twenty protest slogans.⁸⁸ These slogans were generated by an online 'sloganizer' (Sloganizer, 2004) and the phrases were then printed on to cloth armbands. The online software combined movie tag lines and commercial promotional phrases with the key word 'Protest' resulting in a vast array of hideous but amusing new slogans such as 'I lost weight with Protest', 'Be young, have fun, taste protest' or 'Protest, the real thing' or 'Protest: One Name. One Legend.' etc. The armbands were distributed to individual protestors at the Trade Union Council Rally (TUC Rally aka 'March for the Alternative' or 'Anti-cuts protest') on March 26th, 2011.

there is an alternative understanding of carnival rooted in Caribbean culture, as seen in the annual event of the Notting Hill carnival in London which commenced in the 1960s. I will say more about the implications of carnival in the Caribbean, below, in relation to 'acts of citizenship'.

⁸⁸ I initiated a collaboration with Sophia Selby, Rahel Zoller, Nancy Fleischauer, Kristine Bumeister and Parastow Miri. In a series of workshops, the six of us researched, designed and fabricated the armbands and accompanying printed matter (a flyer that outlined the idea and purpose of the Mobile Armband Exhibition), with the intent of using the rally as a space for the intervention. On the day of the rally, we worked as a group and handed out flyers and solicited individual protesters to participate in the exhibition.

The intention was to critique the carnival aesthetic of the protest and in handing out the armbands we were in essence playing a double game. On the one hand, we were participating in the march and the fact of our presence contributed to the practicalities of the event, i.e., as visible markers of the citizenries' rejection of government economic policy. On the other hand, we were offering up a subtle criticism, through parody, that questioned the *sentiment* of the march as a space of entertainment.⁸⁹ The aesthetic of



Fig. 3: Examples of the armband slogans distributed to protestors during the *Mobile Armband Exhibition* at the TUC Rally, London, March 26, 2011.

carnival has come to characterise political events such as these, turning marches into festivals (or entertainment) rather than protests per se. However, there are two perspectives on the efficacy of the protest as carnival and both had influenced the reasoning behind the *Mobile Armband Exhibition* and its attempt to trouble the sentiment of playful resistance and question what is enclosed in public gestures of this kind. For example, some authors interpret this carnivalesque turn as an integral part an anti-authoritarian stance (Tancons, 2011, 2012) or as Simon Critchley has said, a “rendering

⁸⁹ Or indeed, as a space of ‘consumption’, as David Graeber suggests in his discussion of Bakhtin. For Medieval peasants, carnival was a space that promised “all [bodily and gastronomic] desires would be fulfilled” (Graeber, 2007, p.69).

visible of an opposition, an alliance, in the most colourful way” (Gullestad, 2010). Equally, authors such as David Graeber see carnivalesque (and circus) metaphors that inform the design of props within rallies, such as large, often misshapen, puppets⁹⁰ and clowns, as not only a tool for diffusing tensions between police and protesters, but as a provocation of the idea that one is making ‘constituent power’ within the act of the performance itself.⁹¹ Puppets embody alternative frames of reference that are seemingly politically wayward but also, importantly, generative. As Graeber says,

“What this means on the streets is that activists are trying to effectively collapse the political, negotiating process into the structure of the action itself. To win the contest, as it were, by continually changing the definition of what is the field, what are the rules, and what are the stakes – and to do so on the field itself. A situation that is sort of like nonviolent warfare become a situation that is sort of like a circus, or a theatrical performance, or a religious ritual, and might equally well slip back at any time” (Graeber, 2007, p.407).

This is exactly what the *Mobile Armband Exhibition* set out to explore as well: how can an art intervention change, as Graeber says, what is delineated within the field, its rules and what is at stake. The ‘installation’ of the exhibition within the space of the rally (soliciting people to wear the armbands and then photographing them) was to perform a double game of satirizing the carnival atmosphere as a kind of consumer activity (in the messages

⁹⁰ Graeber is making a more general point about carnival props and is not speaking only about puppets. As he says, “there’s no clear line between puppets, costumes, banners and symbols, and simple props. Everything is designed to overlap and reinforce each other” (Graeber, 2007, p.384).

⁹¹ This assessment of Graeber’s is informed by Mikhail Bakhtin’s writings on carnival. Bakhtin suggests that carnival is a bodily expression of the ‘wholeness of the world’ (Bakhtin, 1984, n.p.). It is a collective reimagining, through enactment, of the social and political ordering of society. The nature of parody in the space of the carnival is not an act of critical distancing but an act of ‘the people’ being ‘reborn’. As he says, “People were [...] reborn for new, purely human relations. These truly human relations were not only a fruit of the imagination or abstract thought; *they were experienced*. [...] The [parodic] bodily element is deeply positive. It is presented not as a private, egoistic form, severed from other spheres of life, but as something universal, representing all people” (my italics, Bakhtin, 1984, n.p.).

of the slogans) but also actually participating in the rally (we were amongst the many thousands of bodies moving through the streets also creating fun). As an intervention, the *Mobile Armband Exhibition* temporarily corralled a portion of the people at a rally into the performance of an art exhibition. It was an opportunity to probe, interrupt and reframe the performance of the event itself. It was a rudimentary attempt to explore the performance of an 'act of citizenship' within a politically codified civic space.

However, from another perspective, although carnivals speak to the political, some authors see them as highly reactionary. As Chris Jenks notes in his book titled *Transgression*, "carnival as a historical phenomenon and [...] a lasting symbol of transgression, release and letting-off-of-steam among the populace, [...] now essentially defunct [...]" (Jenks, 2003, p161). He further argues that the transgressive act of carnival, although a temporary space for 'letting-off-steam', is contained within the moment of the event and in turn serves only to valorize and sustain the status quo rather than effecting change (2003, pp.161-174). It is important to warn that Jenks is not specifically talking about the carnivalesque within the space of protest rallies. However, his criticism of carnival, although I certainly do not agree with it being 'defunct' (for reasons I will show below), requires that one be mindful of over-simplifying the effectiveness (or conversely, the alleged inadequacies) of carnival as a political tool within the space of a rally. A more nuanced analysis is required and one that recognizes ambiguities and complexities in the political effects of carnival. For example, in Judith Butler's discussion of protest rallies, she notes that the public space that is created through the assembly of bodies and "collective action collects the space itself" (Butler, 2011, p.2). She continues,

"As much as we must insist on there being material conditions for public assembly and public speech, we have also to ask how it is that assembly and speech

reconfigure the materiality of public space, and produce, *or reproduce*, the public character of that material environment” (my italics, Butler, 2011, p.1).

The idea then of distributing the armbands with their crude, self-critical, parodic slogans, was, as I described above, to reframe the notion of the protest itself and to play on the idea that the carnival can, in part, contribute to the reproduction of familiar political gestures and normative beliefs that are representative of a political status quo. That is, the aim was to draw attention to how, on the one hand, protests critique the status quo, on the other hand, they are not immune to a ‘partitioning of the sensible’ (Rancière). I need to draw on one notable example to illustrate this point more carefully. Eve Tuck and Wayne K. Yang (2012) report on the experiences of Joanne Barker, an American Indian scholar of Lenape origin. During the Occupy Movement protests in 2011, a number of groups from

“Boston, Denver, Austin and Albuquerque had [...] tried to engage in discussions about the problematic and colonial overtones of occupation. [...] Barker blogs about a firsthand experience in bringing a proposal for a *Memorandum of Solidarity* with Indigenous peoples (Barker, 2011) to the General Assembly of Occupy Oakland. [Barker and others had] called for the acknowledgement of Oakland as already occupied and on stolen land; of the ongoing defiance by Indigenous peoples in the U.S. and around the globe against imperialism, colonialism and oppression; the need for genuine involvement of Indigenous people in the Occupy Oakland movement; and the aspiration to “Decolonize Oakland”, rather than re-occupy it” (Tuck and Wang, 2012, p.25).

The response from Occupy Oakland was ironic. Activists were themselves reluctant to relinquish their own privilege, even theoretically, when it came to discussions about their own material advantage and possession of assets such as land. Barker describes the

conversation:

“Ultimately, what they [settler participants in Occupy Oakland] were asking is whether or not we [...] were asking the impossible? Would [the Occupy Oakland activists] solidarity with us [Barker and other Indigenous people] require them to give up their lands, their resources, their ways of life, so that we – who numbered so few – could have more? Could have it all?” (Tuck and Wang, 2012, p.26).

Non-Indigenous participants in Occupy Oakland were reluctant to join in solidarity with Indigenous groups because they were nervous about the underlying issue of their own (colonial) appropriation of indigenous lands and its implications for claims to ‘ownership’. The implications of this exchange are deeply significant to this research and I will return to the politics of indigenous land (ownership) and its bearing on citizenship and ‘citizen art’ in Chapter 3. For now, the aim here is to show that even within the space of street protests, and in their display of resistance, public rallies enclose attitudes and assumptions about what is to be seen and heard. The issue of non-Indigenous people’s appropriation of land, as a path to a more robust rejection of corporate-capitalist and colonial hegemony, was rejected in favour of sustaining the entitlement of the activists. The point and purpose of *The Mobile Armband Exhibition* then, and its intention to ‘do politics’, was to capture and push the tension between differing perspectives (the sentiments of anti-authoritarianism versus a reiteration of the status quo) into the space of the rally. That is, it *problematized* the *sentiments* expressed in the performance of the protest by troubling this tension in the action and moment of the rally.

However, there is another way to understand the aesthetics of the carnivalesque within a protest march and how it bears on ‘citizen art’ and in turn, ‘acts of citizenship’. The aesthetic experience of sentiment is drawn out more fully in Gabrielle Hosein’s case study

of Carnival in Trinidad. She observes that marginalized minority ethnic groups such as Hindu Indo-Trinidadian citizen 'mas-makers' (masquerade makers and coordinators of the performance and event), and their participation in the Carnival, is not simply an act of 'good behavior' or an articulation of the values of the nation state through their contribution to the cultural expression of the citizenry. Instead, the (street) economy and industry of 'mas-makers' (the family run businesses) is motivated by a sentiment of 'love for mas' (Hosein, 2012, pp. 741-744) which importantly, stages reciprocal social and political relations between participants and supporters and upsets the normative hierarchies of local state organisers and bureaucracies. The participants' sentiment of 'love for mas' is a kind of legitimizing feature of participation that allows members to undercut, manipulate or ignore local government management of the Carnival. As she says, "sentiment is the basis of an aesthetic that carries authority" (Hosein, 2012, p.741) and further, "What appear to be citizen and nationalist politics, for example in claims made on the state and nation by Hindu Indo-Trinidadian women and men, is simultaneously overlaid by sentiments, transnational flows, imagined identities and spectacular performances that act to create political subjectivities in ways that statuses, and habituated practices derived from them, do not" (Hosein, 2012, p.740). Here we see how a ground-up involvement with carnival, based on local reciprocal relations, disturbs hierarchies of authority and shapes new emblems of identity (i.e., in the hybrid depictions of ethnicities performed during Carnival), access and belonging. The sentiment of 'love of mas' as central to the production of alliances and political positions has parallels in David Graeber's description of activist puppet-makers or 'puppetistas' who also develop a deep solidarity and camaraderie in the process of designing, making and protecting the puppets prior to a rally. As he says,

"the process of production [...] is really the point. There are brainstorming sessions

to come up with themes and visions, organising meetings, but above all, the wires and frames lie on the floors of garages or yards or warehouses or similar quasi-industrial spaces for days, surrounded by buckets of paint and construction materials, almost never alone, with small teams in attendance, moulding, painting, smoking, eating, playing music, arguing, wandering in and out. Everything is designed to be communal, egalitarian, expressive” (Graeber, 2007, p.382).

With this in mind, we can better understand how carnivalesque expressions within protest rallies – and indeed, the ‘making and doing’ within *The Mobile Armband Exhibition* – do not simply result in temporal displays within the space of the rally. Instead, these parodic, carnivalesque acts, expressed as they are within different social and political contexts, frame new formulations of subjectivities and solidarities in ways that ‘statuses and habituated practices’ of normative politics do not. Within Hosein’s example in particular, the ‘making and doing’ of the carnival generates expressions of belonging and solidarity that elide state-bounded notions of citizenship. The event of the carnival is therefore emblematic of the solidarities between participants, not only in virtue of their bodily presence within the event, but in the constructed contractual relations within its practice that necessitates the carnival itself. I will return to this point below and offer a fuller discussion of the role that ‘making and doing’ plays within acts of citizenship in my next example of a 1960s art intervention.

The following will show how art interventions that are longer in duration and rely on a ‘project-based’ format as a strategy for effecting critical realignments in the social relations of participants and in turn, ‘do politics’, evidence the productive dimension of an ‘incipient’ citizenship. How does ‘citizen art’ produce new modes of sociality and in turn, new modes

of citizenship? I will outline the key characteristics of an historical example in the work of the Artists Placement Group (APG). Their key tenets, such as the use of interventions to expose the systems and structures of a political status quo (the manner in which the 'sensible' is 'distributed') and their focus on structuring and facilitating (new) '*relations*' and 'participation', align with a handling of art as a 'dissensual prop' or 'tool', as I will go on to discuss. Their example points to a deeper trajectory of 'citizen art' practices that challenge statist notions of citizenship and actively perform new modes of citizenship through 'doing politics'.

Artists Placement Group (APG) were active through the late 1960s and on⁹² and they present us with an example of interventions that were long in duration and 'process-based' (Coward, 1975, 1975a, 1976; Hudek and Sainsbury, 2012; Connor, 2013). Equally, they were 'project-based'. APG was one of the very few artists' groups of this time that had sought out non-art organisations (e.g., the Department of Environment, the Scottish Office, London Zoo, Department of Health and Social Security, Esso Petroleum Corporation, Ocean Fleets Ltd., British European Airways et. al.,) within which to work. In the examples I will discuss below, APG's interventions do the critical work of exposing the apparatus of local governmental organisations and the *production of inequality within the (state) citizenship regime*. They also show how artists experimented with structuring social relations in ways that confront normative understandings of citizenship. That is, these 'process-based' (and project-based) interventions are early iterations of 'citizen art' as altering political sensibilities that in turn are productive of new modes of citizenship.

Under the leadership of the artist and founder Barbara Stevini, APG's interventions not

⁹² In 1989, Barbara Stevini changed the name 'Artists Placement Group' (APG) to 'Organization and Imagination' (O+I) in a further refinement of the organisation's ideals. O+I dissolved in the mid-2000s.

only required extensive negotiation with their partner organisations, but the artists were embedded, i.e., 'placed' (hence, the use of the word 'placement' in APG's moniker) in their host organisations sometimes for several years at a time. Being 'placed' also entailed that the status of the artist be equal to other professional members of the organization while also retaining their independence "bound by invitation rather than instructions from authority within the organisations, departments, company, to those of the long-term objectives of the whole of society" (Stevini, 2001, n.p.). As seen in GAAG, they too sought to distinguish their activities from studio art practices and believed art to be a medium "determined not by the factual object" but by the "process" (Stevini, 2001, n.p.). That is, APG "aimed to find ways to relocate their practices from the studio to the industrial or governmental workplace, and in the process alter the perception of the artist as marginal to the key social issues of the day [...] pioneering the shift in art practice from studio and gallery to process-based forms of social engagement" (Hudek and Sainsbury, 2012, p.3). Their interventions were targeted at the administrative systems of government agencies and corporations with the intention of "introducing change through the medium of art relative to those structures with 'elected' responsibility for shaping the future — governments, commercial organisations, and academic institutions" (Stevini, 2001, n.p.). Hence, APG (and later O+I) sought more radical and calculated organizational change, and in turn 'societal change', through direct involvement of the artists in day-to-day politics and decision-making practices within their host organisations. Their interventions were therefore intended to effect a more totalizing and reformist worldview than momentary stunts. In some respects, this kind of ambition is evident in the examples of 'citizen art' too as I will show below when discussing Bruguera, Staal and my own 'citizen art' projects below.

One revealing case is APG's placement of Roger Coward within the Department of Environment (1975-1977). I will discuss this project at some length as it provides a foundation from which to examine the scope and significance of Bruguera's, Staal's and my own 'citizen art' interventions below. Coward's project usefully reveals how art interventions 'do politics' within civic spaces by 1) *structuring* social relations to form new 'mini-social contracts' and political memberships and 2) exposing the limitations of status citizenship in the 'doing and making' of the intervention. These are key aspects of 'citizen art' interventions. The discussion of Coward's intervention also provides an important anchor for my analysis of the work of theorists writing several decades after APG, who refer to social relations as an artistic medium, such as Nicolas Bourriaud and others. Germane to my discussion of 'citizen art' interventions is understanding the different approaches to structuring social relations. There were two phases to Coward's project: the preparation of a feasibility study and proposal outlining its main objectives that were used to negotiate the placement with the Department of Environment (Coward, 1976). Once the terms of the placement were agreed, this was followed by the execution of individual projects during the placement, including a final report (Coward, 1976). Coward was to create audio-visual material for the department's 'Inner Area Study' (Coward, 1975a), a government report on its research on inner-city deprivation in the district of Small Heath in Birmingham. As Coward describes it, the placement was "to investigate through sociological research⁹³ and *action projects* the problems of the deprived and blighted inner

⁹³ Although Coward makes no reference to contemporaneous sociological trends through the late 1960s and on, it is noticeable that there are significant parallels between APG's objectives and the field of Ethnomethodology. For example, Harold Garfinkel, a sociologist who used interventionist strategies within his research to disrupt the social habits and practices of individuals in their daily life, defines these objectives as treating "practical activities, practical circumstances [...] as topics of empirical study" (Garfinkel, 2014, p.1). The premise was that by staging interruptions to routine practices and habits, say for example, researchers spending "15 minutes to an hour in their homes viewing its activities while assuming they were boarders in the household" (Garfinkel, 2014, p.45), including formally addressing family members and behaving as if one is a guest, the premise was that a sociologist could create tensions that disturb the contingent features of social exchanges and normative behaviours, with the aim of exposing the underlying structure of social phenomenon. As he says, the aim is to "treat practical activities, practical circumstances, and practical sociological reasoning as topics of empirical study, and by paying attention to the most

city area of Small Heath” (my italics, Coward, 1976, p.9). It is important to note that this intervention was pointedly framed around the artist servicing local government research and not his own activities *as an artist* – i.e., not to produce ‘studio art’. Equally, the placement was concerned to effect change through investigating and structuring new relationships between actors. As he says,

“effective change cannot take place unless there is an accurate understanding of the internal relationships between the different levels of human experiencing: physical, emotional, mental and intuitional in each individual, as well as of the process of change from past to future, in time. [...] Every relationship is a social responsibility [...]. As soon as we are concerned with relationships we are concerned with society.” (Coward, 1976, p.3).

In other words, Coward’s intervention was concerned to research the aesthetic and ethico-political dimension of relations between members of the community and local government. Hence, APG assumed that artists ‘creative’ qualities were vital to ‘society’ and that “society is starved of an important ingredient when creative people are kept outside of the working parts of governments, organisations and institutions” (Stevini, 2000, n.p.). In line with these ideals i.e., “relocating practices from the studio to the industrial workplace” and making the artist an actor in the “key social issues of the day” (Coward, 1975, n.p.), Coward assembled a team of artists (Gavin Brown, Roland Lewis, Evande Stevens and Frances Viner) to collaborate with the community of Small Heath in gathering and collating

commonplace activities of daily life the attention usually accorded extraordinary events, seek to learn about them as phenomena in their own right” (Garfinkel, 2014, p.1). In parallel, the method of APG’s interventions was to insert artists into the ‘daily life’ of organisations as observers and ‘facilitators’, who stage ‘action projects’, including writing ‘reports’ based on their observations (Coward, 1976).

the perspectives of community members.⁹⁴ This speaks to the elaborate organization of the placement and the scope that this form of project-based intervention had for ‘doing politics’ (albeit a conventional politics that did not necessarily challenge the concept and structure of the institution).

In his feasibility study, Coward describes two stages of the intervention and his approach to structuring social relations 1) a ‘Period of Research’ that involved him in photographing the locale, meeting members of the community and connecting people, meeting with city councilors, sourcing potential support agencies such as a television unit and community drama groups and 2) a ‘Participatory Video Project’. To bring together community members, Coward started a video group with individuals who represented different streets in the area to produce a video of a meeting with city councilors. The production not only drew together people from the community but also evolved into a formal organization as a residents’ committee. As he says, the video “became an appeal to form a Residents Association which actually occurred shortly afterwards. The video group formed the core of the committee. The [video] tape making stimulated discussion locally and brought people together for [...] viewing, tea and a chat.” (Coward, 1976, p.9). The video and the process of its making had the effect, as he says, of creating “an image of the community [which helped] to *make* the community” (my italics, Coward, 1976, p.9.). Coward understood very well the value of the process and the *act* of making an intervention for not only forming

⁹⁴ During the time of Coward’s placement, the projects that were generated ranged from writing reports through to producing videos and co-authored plays. Administrative tasks, such as written reports and ‘feedback’, e.g., Coward’s report to the Department titled *All Fine & Context & Other Papers* (Coward, 1976), were included in the Department of Environment’s own report *You and Me Here We Are*. This was also the title Coward gave to the placement itself. At the start of his report, *All Fine & Context & Other Papers* (1975a) he says, “This is a brief outline of my present understanding for a structuring of a ‘fine-and-context-art’, both in the making event and in the image language used in any resulting object. It is also an account of the project “*You and Me Here We Are*” (Jan-Dec, 1975) in which these understandings were put into practice” (Coward, 1975a, p.1). Coward’s work from this placement was recently exhibited at the Eastside Projects gallery. The exhibition title *Roger Coward: You and Me Here We Are* (2015) displayed Coward’s archive objects, photographs and documentation from the original placement, in addition to restaging two of his ‘group authored’ plays *Here We Are* and *Here We Go* and *Happiness in the Homeland* originally published in *Group Authorship Plays* (Coward, 1975).

bonds between individual participants and when communicating to their audience – the policy makers – but also the importance of co-creating and making filmic imagery for *seeing oneself as a group* of actors. That is, ‘doing politics’ in this example was not about announcing oneself as a resident in the community (and thereby deserving of representation in virtue of one’s *status* as a *citizen*) but instead involved residents in negotiating and enacting obligations, creating ‘mini-social contracts’ and consulting on the terms of their association and importantly, shaping the mode of their representation.⁹⁵ The process also required that residents “a) [clarify] what they meant by ‘community’. b) decide what they wanted and what others wanted for their area. c) the video equipment was an excuse to go into each other’s houses. Somebody noted that neighbours had started to call on each other once again after the video visit” (Coward, 1976, p.11). To see oneself as affiliated with others, especially in this instance where the point and purpose of their association was to visually represent themselves to policy makers and communicate their personal experiences of the inner city and its deprivation, in some measure draws attention to how interventions of this sort (artificially) create new political alliances and membership regimes.

Coward’s entire project was concerned to frame the social relations and make visible the tensions between various actors that were manifesting through the intervention. For example, the placement included a number of ‘projects’ under the following titles: “Participatory Video Projects” (Coward, 1976, p.11), a “City Council Video Project – Participation in Decision Making” (1976, p.12) and a “Drama Project” (p.13). In the development and execution of all these ‘projects’ was the participation and the leadership

⁹⁵ As he says, “the creative modes stimulated were the formation of ideas individually and as a group; working out aims and intentions; planning and structuring a script [...]; selecting situations to video-record and writing commentary [...]; selecting visuals – captions, photographs, documentation of area; operating the camera; selecting shot material for editing [etc.]” (Coward, 1975).

of residents. How this was achieved had much to do with Coward's own role. As he says, "My role was to initiate activity, organize equipment [...] and suggest a working structure to make sure that what [the residents] wanted to do actually happened viz. got them to appoint a chairman and a coordinator and helped the chairman to prepare an agenda to guide the meetings" (Coward, 1975a). In short, what Coward had done was facilitate the residents in such a way as to help them formalize their community as a political organisation – a Residents Association – that was recognizable to and indeed, mirrored, local government. Coward's interventions continued in this vein throughout his placement, during which he produced 'participatory video projects' that documented the chain of decision making within government administration. One of the video projects, titled '*City Council Video Project – Participation in Decision Making*' (Coward, 1976) traced the trajectory of a problem "as it progresses vertically from street to council Chamber and horizontally from department to department" (Coward, 1976, p.12). Coward and his team of residents recorded meetings of the Resident's Association, between the residents and local councilors and communications between local councilors and senior Whitehall staff. At one point his team met with resistance from the leader of the local council who stopped the artists' work which was later overruled through Ministerial pressure. Coward also made a 'feedback film' called *The Most Smallest Place in the Spaghetti Junction* to expose the communication problems between the residents and government officials (Hudek and Sainsbury, 2012). What is important to note in Coward's interventions, is that they exposed the asymmetrical power structure within local and national government and how government offices produce *representations* of 'the citizens'. Not only had Coward's intervention facilitated the residents in being visible to local and national bureaucrats and assisting them in learning about *how* government functions, but the project also revealed the system through which individual relationships, statuses and social hierarchies are

structured and sustained. The intervention enabled those who were 'outside' of the system to witness how their own problems and issues were being interpreted and discussed and indeed, how they were represented within government agencies. Coward's intervention was radical rather than ameliorative in the sense that it provided the residents with a tool with which to investigate the imbalance of power between councilors and residents. The intervention also produced visual material with which to evidence a *new* image of the citizenry not as a collection of poor, blighted inner city subjects, but as engaged, skilled and knowledgeable individuals capable of determining their own forms of political organization and representation. This example also shows how 'citizen art' projects that do the work of making visible the apparatus of a government regime and its problematic management of citizens, once exposed, can subvert normative politics in new and unexpected ways. Hence, my suggestion (inspired by Isin) that citizenship is, *in practice*, fluid and nebulous and perpetually open to new formulations.

It is clear that the team of 5 artists (Coward, Brown, Lewis, Stevens and Viner) acted as 'facilitators' and 'communicators', liaising with residents and councilors, finding linkages and revealing tensions between the grassroots experiences of the residents with the abstractions of government policy and the bureaucratic practices of City Hall and Whitehall. However, the rationale for the placement to have a team of artists is important too and shows how Coward understood the value of structuring the domain of relations within the intervention. As suggested above, attention to 'structuring relations' to facilitate 'participation' using ('action') projects as an interventionist 'tool', are key tactics in the 'citizen art' projects that I will discuss in detail below. Coward explains the importance of a team of artists instead of one leader as not only practical (given the scale of working within a community) but also, as he says, it is

“more appropriate when working with *social/relational* matters. This is in keeping with the nature of the proposals. A group is in some way a microcosm of society and so its dynamics give the artists direct experiences which are significant for the subject they are dealing with and *the structure becomes part of what the work is about* – as is usual in an art-work” (my italics, Coward, 1975a).

As Coward notes, the *structure* of his ‘process-based’ projects depended upon the *relations* between the artists, residents and government officials and the work of the intervention therefore was not focused on the artefacts that were produced or what might have been contrived as ‘studio art’. Instead, the relations between the interlocutors *is* the content and form of the ‘art work’.⁹⁶ I will discuss this point further below in the context of the work of Nicholas Bourriaud as it is important to parse the differing interpretations of how social relations are structured within ‘citizen art’.

The important distinction to note here is that artists’ groups of the 1960s such as APG, GAAG et al., had expanded this constructed dichotomy between ‘studio art’, with its attendant associations with the social and political status quo vs. ‘action’, ‘process’ and ‘project-based’ interventions that were entrenched in specific social and political problems of their time. The products of their art interventions were not *objects* per se, but engineered social and political relationships and a reworking of the visual signifiers of

⁹⁶ In Coward’s final report he reflects on this aspect of his intervention in a poetic manner: “YOU and me Here we are, You AND me here WE are, You and ME here we ARE. Inter-relationship and inter-dependence at all levels is inevitable. An art-event which originates directly through relationship must also be inevitable. How do you do? I am a member of society” (Coward, 1976, p.2). Coward’s discussion is a random weaving together of reflections on what were then intersecting interests in art about art and representation, denoting and language and the notion of ‘relations’ as a ‘medium’ of art practice. As he says “it is not only linguistic phenomenon that refer. Everything refers. Any object, thought or feeling has significance only because it refers to others. Because it is in a RELATIONSHIP” (Coward, 1976, p.2).

political representation as seen in the examples of APG, or sharp disruptions in public places (museums etc.) that interrupt the smooth flow of daily habits and practices – habits and practices that tacitly endorsed the political realities of say, the Vietnam War, as expressed in GAAG, or the problems of the State’s representation of the inner city poverty of a local community in Coward’s project.

The traces of this split between ‘studio art’ and ‘actions’ (interventions) matters to understanding how ‘citizen art’ does politics and the distinction is prevalent today in social practice and activist art. Contemporary critics within the field reiterate this dichotomy using it as a crutch, so to speak, to delineate their own theoretical logics and hypotheses. For example, in his book *Relational Aesthetics* (2002), Nicholas Bourriaud analyses the phenomena of the increased attention to social relations within contemporary art practice. His book is often cited as a key theoretical source for Social Art Practice (Jackson, 2011; Kester, 2011, 2004, Bishop, 2006a, 2012, Thompson, 2017, 2015; et al.). Bourriaud echoes the earlier declarations of APG and GAAG and suggests that, “the role of artworks is no longer to form imaginary and utopian realities, but to actually be ways of living and models of action within the existing real” (Bourriaud, 2002, p.13). He draws on the impulse of (some) artists to merge art and life⁹⁷ and the desire to reject the value, status and relevance of artworks that are *symbolic representations* of social, political or cultural

⁹⁷ The search for ways for art to merge with ‘daily life’ and the desire of artists to erase the gap between audience and artist (and spectator and object) is a thematic that (re)emerged in the 1960s and persists to the present. Examples of artists that speak to this impulse can be found in numerous examples. To name a few: Alan Kaprow’s writings in a collection titled *Essays on the Blurring of Art and Life* emphasize audience participation in the creation of art actions –happenings—that re-enact banal moments of daily life as a necessary dissolution of the category of ‘art’. As he says, “Gradually, the pedigree ‘art’ will recede into irrelevance” (Kaprow and Kelly, 2003, xxii); in the work of Suzanne Lacy and New Genre Public Art the ‘audience’ are participants in the sense that they collaborate in the creation of a work, as she says, “new genre public art brings artists into direct engagement with audiences to deal with the compelling issues of our time” (Lacy, n.d.). That is, site-specific art (sculpture) and its turn away from the display of objects in the public space to ‘issue specific’ public art was conceived of as having a social purpose involving community participation (Kwon, 2002); in the work of Tania Bruguera and her exposure to the rhetoric of revolutionary Cuba and New Cuban Art in the 1980s that insisted on “rethinking the art object through the politics of collective practice” and consequently, her refusal to consider the audience as spectators and to instead approach them as citizens (Schwartz, 2012, p.223).

experience.⁹⁸ Instead, he notes that artists are interested to directly *explore the nature* of social relations through participation with non-artists. In one sense, this is prefigured by Coward's (and other artists of his kind) 'action' interventions. As Bourriaud says,

“The artist embarks upon a dialogue. The artistic practice thus resides in the invention of relations between consciousness. Each particular artwork is a proposal to live in a shared world, and the work of every artist is a bundle of relations with the world, giving rise to other relations, and so on and so forth, ad infinitum. [...] As part of a “relationist” theory of art, inter-subjectivity does not only represent the social setting for the reception of art, which is its “environment”, its “field” (Bourdieu), but also becomes the quintessence of artistic practice” (Bourriaud, 2002, p.22).

For Bourriaud, it is 'relations' rather than 'objects' that are the nexus of social and activist art practices and he makes a case for how “The possibility of *relational* art (an art taking as its theoretical horizon the realm of human interactions and its social context, rather than the assertion of an independent and *private* symbolic space), points to a radical upheaval of the aesthetic, cultural and political goals of modern art” (Bourriaud, 2002, p.14).

⁹⁸Grant Kester follows Bourriaud's usage of the phrase 'symbolic production' to describe what is normatively understood as "Art". As he says, "the "work" of modern art can be understood less in terms of formal or stylistic change per se, than an ongoing struggle to identify, and then displace, normative conventions (whether these are discovered in the surrounding sociocultural environment or within the history of art practice itself). [...] Thus we might view the recent proliferation of collaborative [i.e., social] practices as part of a cyclical paradigm shift *within* the field of art, even as the nature of this shift involves an increasing permeability *between* "art" and other zones of symbolic production (urbanism, environmental activism, social work etc.)" (Kester, 2011, p.7). He notes that "there is a movement toward participatory, process-based experience and away from a "textual" mode of production in which the artist fashions an object or event that is subsequently presented to the viewer" (Kester, 2011, p.8). Kester therefore makes a distinction between art as 'symbolic production' that manifests itself primarily through the fabrication and display of artifacts, where the content in some cases points to some form of representation (or representation) versus art that pivots on 'dialogue' – including action, such as interventions, 'projects', 'research' and the creation of artists' organisations. Kester uses these distinctions as a foundation for emphasizing his idea that '*dialogue*' is integral to "participatory, process-based experience [...as opposed to] a textual mode of production in which the artist fashions an object or event that is subsequently presented to the viewer" (Kester, 2011, p.8).

The assertion that structuring 'relations' is the subject matter of 'relational art' has attracted sharp criticism, primarily from Claire Bishop. She demonstrates that to evaluate artworks based on the extent to which they generate 'dialogue', does not entail critical insights about the kinds of relationships generated within 'relational art'. As she says, "The *quality* of the relationships in 'relational aesthetics' are never examined or called into question" (Bishop, 2004, p.65).⁹⁹ For these reasons, Bourriaud's analysis is also not particularly useful to understanding the nature of interventions that are constitutive of 'citizen art'. To ward off any confusion and to further distinguish 'citizen art' from other manifestations of Social Art practices that have been modeled on his theory, it is important to draw out a comparison between Coward's exploration of social relations and Bourriaud's own thesis. That is, Coward makes visible the *tensions* in relations between actors (local residents and City Hall) within an institution that in turn are productive of new modes of membership. By contrast, Bourriaud's thesis celebrates the artistic staging of *conviviality* (Bourriaud, 1998; 2002) within art institutions – an approach that is strikingly reactionary and at odds with the form of 'citizen art' practices that this research is attempting to delineate. For Bourriaud, not only is the Museum (or gallery) framed as a smooth, uninterrupted, space within which to perform genial acts, citing artists that offer say, food to Museum visitors (Rirkrit Tiravanija) or seek out companionship in an effort to talk about loneliness (Georgina Starr) etc.¹⁰⁰ But more problematically, the staging of such daily habits and practices within the Museum environment, undergirds a sentiment of complacency that in turn, reifies a status

⁹⁹ Claire Bishop rightly criticizes Bourriaud for suggesting that "encounters are more important than the individuals who compose them" (quoting Bourriaud, Bishop, 2004, p.65). As she says, this leads to a shallow assertion that "all relations that permit 'dialogue' are automatically assumed to be democratic and therefore good" (Bishop, 2004, p.65).

¹⁰⁰ Bourriaud claims that there is a "current enthusiasm for revisited spaces of conviviality and crucibles where heterogeneous modes of sociability can be worked out. For her exhibition at the Centre pour la Creation Contemporaine, Tours (1993), Angela Bulloch installed a cafe: when sufficient visitors sat down on the chairs, they activated a recording of a piece by Kraftwerk. For her Restaurant show (Paris, October 1993), Georgina Starr described her anxiety about "dining alone" and produced a text to be handed to diners who came alone to the restaurant. For his part, Ben Kinmont approached randomly-selected people, offered to do their washing up for them and maintained an information network about his work. On a number of occasions Lincoln Tobier set up radio stations in art galleries and invited the public to take part in broadcast discussions" (Bourriaud, 1998, n.p.).

quo. There is serious slippage in the cogency of Bourriaud's argument when he suggests, even rhetorically, that the performance of such convivial social encounters within art institutional spaces can "define new [...] political goals" (Bourriaud, 1998, n.d.). He claims that

"Art is a site that produces a specific sociability; what status this space has within the range of "states of encounter" proposed by the Polis remains to be seen. How can an art that is centered on the production of such modes of conviviality succeed in relaunching the modern project of emancipation as we contemplate it? How does it allow us to define new cultural and political goals?" (Bourriaud, 1998, n.p.).

Bourriaud does not see that enacting conviviality as a focus of artists' interventions *fails* as a mode through which to discern or 'define new cultural and political goals', and by implication, new modes of citizenship. And unlike, say, the sentiment described in Hosein's example of the mas-makers 'love of mas' or Coward's facilitating local residents in ways that produce new affinities and social bonds (i.e., new 'miniature civil societies', Smith, 1990), or Graeber's description of activists' solidarity and camaraderie effected through politicized 'making and doing', the kinds of relations Bourriaud celebrates are 'feel good' moments that venerate unproblematic social conventions rather than (re)structure social relations between participants in ways that instigate new political subjectivities and organisations.

Bourriaud's assessment of how the kinds of artistic interventions that he celebrates can purportedly generate new modes of sociality that are productive of political "emancipation", is lacking. While his thesis parses 'studio art' from art centred on 'social relations', a discrimination that is useful to my discussion of 'citizen art', the example of the artworks he

uses to instantiate his theory paradoxically collapses the distinction between the two – a distinction that is necessary for understanding the generative processes and political scope of ‘citizen art’. Instead, his artists replicate behavioral conventions within their performances as a novelty within Museum and gallery settings. By contrast, ‘Citizen art’ is firmly embedded within a mode of social practice that involves “open[ing] up a *new* regime of the symbolic” (Kershaw, 2015, p.26), as the artist Tania Bruguera would say of activist and other, more robust, examples of social art practices (which I will discuss in more detail below). A ‘*new* regime of the symbolic’, effected through interventions, is a declaration of the potential for art to *trouble* and *alter* what is to be seen and acted upon in the public space – not as Bourriaud would have us believe, as a performance of social consensus.

In the wake of Bourriaud’s text, a (small) body of literature emerged in the field of social and activist art practice (Bishop, 2012; Kester, 2004, 2011; Kwon, 2002 et al.) and disagreements pivoted on how to situate socially engaged art within the field of Art, navigating the fissure between ‘studio art’ and its theoretical underpinnings of the ‘autonomy’¹⁰¹ of art, versus ‘participatory’ art projects (including interventions) and the

¹⁰¹ The idea of the autonomy of art is freighted with contested meanings in the history of Western Art, primarily (although not exclusively) reaching back to Kant where the notion is rooted in his parsing of aesthetic judgements from scientific, political and moral judgements. However, this distinction is not uniformly applied within theories of Art and also ambiguities abound. To take one example, Clement Greenberg twists Kant’s discussion about aesthetic judgements to argue that the autonomy of art is rooted in ‘self-criticism’, a kind of perpetual internal critique that is explored through formal (visual and pictorial) properties of ‘flatness’ (Harrison and Wood, 2003, p.774). Currently, concerns about the autonomy of art have been revived due to the increase of activist and social art practices, community art and its intersection with social work, the rise of discourses on the creative industries and art research (Lattner, 2014). These fields of art practice are perceived as changing the “function of art [...] where art reaches deep into other societal fields” such as social work or academic research or, conversely, where the idea of the autonomy of art rhetorically fits with neo-Liberal understandings of art as a private activity or set of private desires that need to compete within a market place (Lattner, 2014, n.p.). Consequently, the rise of activist and social art practices, art research, community art etc. have drawn attention to how deeply problematic the concept of autonomy is because there is no consensus on what it means. It is also far beyond the scope of this thesis to outline a cogent debate about the notion of autonomy within ‘citizen art’ practices (although this would be a fruitful path for future research). However, for the purposes of the point at issue here, I refer to a more general assumption in play, and one clearly articulated in Harrison and Wood’s anthology of *Art in Theory: 1900- 2000*. As they say, from the end of the 19th century and through the 20th century, the autonomy of art is understood as ‘A form of independent culture, its critical bearing upon the world secured not by connections of likeness or of naturalism, but by virtue of the very independence of its values. What might be done, seen, experienced within this realm would have a critical bearing upon the actual conditions of social existence, but only in so far as art maintain a moral independence from those

ethical implications of its constructed social relations.¹⁰² While some of this literature is interesting, it does not speak directly to the concerns of this research. The aim here is not to situate ‘citizen art’ within a tradition of the Avant-garde, or justify how it intersects (or fails to intersect) with discussions about the ethics or otherwise of working with groups of ‘participants’. Instead, the aim is to assess how on the one hand, ‘citizen art’, as an interventionist practice, exposes the problems produced by a (statist) membership regime (e.g., inequality, exclusions, racism etc.) and on the other, how it embodies, in practice, new modes of citizenship that manifest as solidarity or assembly or problematize contractual obligations and notions of membership. As Shannon Jackson says, “some socially engaged art can be distinguished from others by the degree to which they provoke reflection on the contingent systems that support the management of life” (Jackson, 2011, p.29), that is, “to make art from, not despite, contingency” (2011, p.28).

Consequently, it is increasingly accepted that activist/social art projects are different in kind (Thompson, 2015) and that interventionist tactics are employed to structure, reveal and examine a social and political issue via short, sharp stunts or through ‘projects’ that are embedded in a setting that unfolds through time. The shift from ‘object’ to ‘project’ underpins how artists have distanced themselves from the production of aesthetic artifacts

conditions. [...] This position [...] was never to go unopposed within the development of Modern Art. Specifically, it was to be maintained in tension with the variant commitments of Realism, according to which the practice of art constitutes a form of participation or intervention in the social process” (Harrison and Wood, 2003, p.2).

¹⁰² See Shannon Jackson for her excellent summary of the debates had by authors such as Claire Bishop and Grant Kester, Miwon Kwon and others who took up various positions on the political and/or ethical efficacy of ‘participatory’ art and/or issues concerned with judgements of social art project as ‘good’ within the history of the Avant Garde. For example, Grant Kester (2002) argues that participatory art, which he refers to as ‘dialogical art’, is of its own kind and therefore not contained within the Avant Garde or Modernist tradition with its assumptions about the nature of art as autonomous. He discusses a set of artists’ projects that avail of ‘dialogue’ as a process through which “aesthetic experience can challenge conventional perceptions [...] and systems of knowledge [...]. This resonates with the] attempts of Avant-garde artists earlier in the century to challenge the deadening representational conventions of academic art and to reveal instead the experiential specificity of the world around them” (Kester, 2002, p. 6). By contrast, Claire Bishop advocates for what she calls a “critical distance” that is allegedly sustained through Art’s autonomy within the Modernist traditions but is otherwise absent in social art practice because of its concern to address (or contest) social and political issues. This “critical distance” for Bishop is necessary as a criterion for judging a work of art as good or bad as opposed to focusing on the artwork as ethically effectual (or not).

(framed by a Kantian rationale with its central focus on the valorization of private, aesthetic experience¹⁰³) and instead hone in on social and political *acts* that position art as a means for affecting social and/or political change. As Wochenklausur say, “artistic creativity is no longer seen as a formal act but as an intervention into society.” (Wochenklausur, n.d.). To intervene in society is to ‘do politics’, that is, to determine what is to be seen and acted upon. Therefore, this mixed and varied theoretical background is one in which the art interventions of ‘citizen art’ should be understood as distinct from ‘studio art’ but otherwise at the intersection of political acts and aesthetics. ‘Citizen art’ emerges from within this milieu however, it is not defined by it. ‘Citizen art’ embraces the concept and practice of citizenship as perpetually nascent and emergent – indeed, contingent – and hence, it not only troubles the notion of a status citizenship regime but also is genuinely productive of new and nascent modes of membership made visible through ‘doing politics’.

Before discussing Bruguera’s, Staal’s, and my own ‘citizen art’ interventions more fully, it is necessary first to outline how artists describe art as an interventionist *‘fool’* within social and activist art production and to draw out a comparison with the logics of the ‘Right to Protect’ (R2P). This is to support my observation that ‘citizen art’ interventions are genuine political acts and not discrete artistic performances staged for (private) aesthetic reflection. This is germane to understanding that ‘citizen art’ interventions carry real weight in ‘doing politics’ and to guard against assuming that ‘citizen art’ is simply another manifestation of Avant Garde practices (e.g., in following Bishop, as discussed above). It is also important to remind readers in advance, that the interventions of Bruguera’s, Staal’s and my own are

¹⁰³ In Kant’s *Critique of Judgement* (Third Critique) he argues that aesthetic judgement is based on an individual’s bodily sensory experience and this provides a ‘principle’ upon which judgements can be deemed to be sound. As he says, “a judgement of taste must rest upon a mere sensation, namely, our sensation of both the imagination in its freedom and the understanding with its lawfulness, as they reciprocally quicken each other; i.e., it must rest on a feeling that allows us to judge the object by the purposiveness that the presentation (by which an object is given) has insofar as it furthers the cognitive powers in free play” (Kant, 1987, p.151).

‘project-based’ interventions and not short, sharp disruptions. This matters for understanding that it is in these ‘project-based’ interventions where new and nascent modes of citizenship more fully manifest as ‘acts of citizenship’ (acts that do not reify statist notions of citizenship centred on the state’s gift of legal rights or on cosmopolitan aspirations). New and nascent modes of citizenship become visible when artists *structure* and implement acts of ‘solidarity’ in the case of Bruguera, or ‘assemblies’ in the work of Staal, or in my own practice-based research, stage public thought experiments that problematize and intervene in the border regime of the university, or challenge a small community’s assumptions about their purported ‘ownership’ of land (Chapter 3).

To say that art is a tool is to suggest that it is ‘useful’¹⁰⁴ – it has ‘utility’ – and as Tania Bruguera says, “artists have become interested in providing concrete social solutions by using art as a problem solver, a direct social tool.” (Internationale Sommerakademie für Bildende Kunst, 2013, p. 233). Social art practices are an instrument for intervening in social and political settings. It is deliberately intended to “challenge the field in which it operates” (Internationale Sommerakademie für Bildende Kunst, 2013, p.234) that is, to function as a dissensual prop, opening up new critical spaces “that will challenge the status quo” (Internationale Sommerakademie für Bildende Kunst, 2013, p. 235). Like the artists already mentioned, Bruguera suggests that “We need to move from ‘saying something’ about [i.e., representing] our society to ‘doing something’ about it [i.e., acting] (2013, p. 234).”

The aspirations expressed here and the intention to alter a field of action recall Rancière’s insights about the capacity for art to interrupt what is aesthetically ‘partitioned’. To briefly

¹⁰⁴ Nato Thompson makes it clear that the concern within contemporary social art practice is not defining whether or not a thing is an artwork or not, but instead asking “is it useful?” (Thompson, 2012, p. 16).

recap what was discussed in Chapter 1, Rancière says, “Artistic practices [...] *intervene* [...] in the relationships they maintain to modes of being and forms of visibility” (Rancière, 2004, p.13, my italics). That is, in reading through the lens of Rancière, by conceiving of art as a ‘tool’ for intervening, ‘citizen art’ can also be understood to create the terms in which social and political concerns are made visible. ‘Citizen art’ thereby interrupts normative social and political practices and habits and instead generates new possibilities for political action – new conceptions of what it is to be a self-deliberating citizen. Rancière’s insight underpins Bruguera’s claim for what she calls ‘Arte Útil’¹⁰⁵ (useful art) to

“provide options that can help envision a society that works in a different way. [...] Arte Útil] tr[ies] to use the autonomy¹⁰⁶ that art has for means that go beyond the practice of art itself in order to implement the desire we all have for a society that works differently” (Internationale Sommerakademie für Bildende Kunst, 2013, p.233).

The interventions that are staged in the name of Arte Útil are a tactic for achieving social change and importantly, performing ‘acts of citizenship’. Indeed, Bruguera is concerned to emphasize the turn away from art as a private aesthetic experience *for* viewers to an active engagement *of* ‘users’ – i.e., ‘citizens’. As she says, ‘Arte Útil’ is aimed at “an activation of yourself as a citizen” (2013, p.239). It is a ‘tool’ for transforming an audience into performing as agents of change.

¹⁰⁵ Tania Bruguera and curators at the Queens Museum, New York, Van Abbemuseum, Eindhoven and Grizedale Arts, Coniston, developed a curatorial project called The Museum of Arte Útil. The project outlines the criteria for ‘useful art’ and lists a set of objectives: “The criteria of Arte Útil state that initiatives should: 1- Propose new uses for art within society; 2- Challenge the field within which it operates (civic, legislative, pedagogical, scientific, economic, etc); 3- Be ‘timing specific’, responding to current urgencies; 4- Be implemented and function in real situations; 5- Replace authors with initiators and spectators with users; 6- Have practical, beneficial outcomes for its users; 7- Pursue sustainability whilst adapting to changing conditions; 8- Re-establish aesthetics as a system of transformation.” (Internationale Sommerakademie für Bildende Kunst, 2013).

¹⁰⁶ Bruguera’s use of the word autonomy is not consistent with the stated aims of Art Utile. I therefore interpret her usage here to mean that Art Utile exploits the social and cultural *status* of Art to effect social change. This interpretation will be discussed further below in relation to comments by Jonas Staal, who makes a very similar point.

Importantly, citizenship as practiced here is not a reiteration of the roles assigned to one as a status citizen, where one meets the challenges of political life through say, voting or protesting or as a discriminating spectator (Green, 2010), nor is it an articulation of a utopic cosmopolitan ideal that say, fetishizes the abstract idea of equality as a universal good. Instead, to be a citizen in this iteration is to ‘do’ politics and in turn, is a means to *practicing* new modes of citizenship. ‘Citizen art’ interventions carve out the terrain of what is to be spoken of and what is to be acted upon and this includes exposing, at one and the same time, the limitations of status and cosmopolitan, civic Republican and Liberal individualist citizenship regimes. Interventions are therefore ‘tools’ for excavating and problematizing discourses and mobilizing a field of action and in turn, individuals in their daily lives. As Markus Meissen says,

“If art is political in defining ways of being together and finding common ground and [in] how it emerges, then [...] art is “doing” politics not through modes of representation, but through practice. The moment of the political is when agency is assumed, when one becomes visible.” (Meissen, 2011, p.103).

What Meissen points to, but does not discuss, is the creative and generative nature of belonging and membership and the role that creative practice plays in shaping our understanding of what it means to be a political subject. ‘Citizen art’ interventions are practical tools that stage a “generative friction” (Miessen, 2011, p.101) between the undisclosed and the apparent and thereby bring to the fore – i.e., ‘make visible’ – the perpetually emergent and creative nature of a citizen qua citizen.

Another way to understand this characterization of art interventions as generative ‘frictions’ and therefore useful ‘tools’ is in how the *status* of art is used to prize open a (public) space of contestation and provide new platforms for public investigation. That is, the political content under discussion in an artists’ project (say, for example, statelessness, terrorism, migrant rights etc.) is not always possible under any banner other than ‘Art’ (e.g., Staal’s *New World Summit* hosts assemblies of people who are listed as terrorists; Khalid Jarrar’s *State of Palestine* passport stamp undercuts the authority of the Israeli State etc.). The designation of (political) interventions as ‘Art’ is to make some events possible in the first place (e.g., *New World Summit* would be deeply problematic, if not impossible, if hosted in non-art contexts; it is plausible that Jarrar’s actions would attract some form of punishment for producing official state insignia if it were not an art project). In this sense, the *status* of art affords a degree of permissibility and in following Rancière again, it can be effective in making visible what has otherwise been elided or rather, aesthetically (i.e., sensibly) ‘partitioned’. As Staal says, “art can go where politics and academia cannot go; art is a realm where fundamental political discussions can still take place.” (Staal, 2012, p.14). It is obviously also a realm where fundamental political *acts* can take place too and in this sense, ‘citizen art’ involves using the status of art to, again, ‘do’ politics rather than concerning itself with the (private) aesthetic experience of objects.

To further demonstrate the political leverage that ‘citizen art’ interventions have as ‘tools’ for ‘doing politics’ and enacting new modes of membership, it is constructive to briefly outline how other forms of interventions, such as humanitarian and military interventions and specifically the ‘Responsibility to Protect’ (RtoP), compare with ‘citizen art’ practices. The aim of the comparison is to briefly draw out parallels between ‘citizen art’ interventions and the more obvious form of political intervention of RtoP, to illustrate that ‘citizen art’ also

alters the concept and scene of citizenship (albeit in very different ways in practice). Relevant questions then are: How does RtoP alter the notion of citizenship? How, *in principle*, does the 'Responsibility to Protect' (RtoP) function as a 'tool'?¹⁰⁷ How does the logic of RtoP impact on the concept and practice of citizenship? And importantly, how does RtoP compare with 'citizen art' interventions? I will limit my discussion to a simple summary of the rationale that underpins the Responsibility to Protect within some of the literature in International Relations as the intention is to briefly illustrate how 'citizen art' practices and RtoP are alike in challenging the normative conception of (status) citizenship and the presumption of state sovereignty as absolute. In no way am I suggesting that the two are alike in practice, especially as RtoP involves military violence. The aim is simply to draw attention to how RtoP and 'citizen art' reflect the changing *meaning* of citizenship and further, to indicate that the idea of RtoP interventions manifestly disrupts statist and cosmopolitan imaginaries (for good or ill). My discussion of RtoP will not involve a deeper analysis of the politics and problematics (and failings in practice) of RtoP or its ethical controversies as this is beyond the scope of this thesis. Instead it will show that this form of intervention, articulated within some of the literature on RtoP, shares characteristics with the interventionist acts seen in 'citizen art'. The purpose is to demonstrate, via the comparison, that, like RtoP, 'citizen art' interventions scope out new imaginaries for 'doing politics' and equally, show that the enactment of new imaginaries of the citizen are not restricted to the field of Art. 'Citizen art' interventions are not simply unconventional or whimsical artistic gestures, but determined and persistent practices that 'do politics' in a manner that parallels politics proper. This will become evident in my discussion of Staal's, Bruguera's and my own 'citizen art' interventions, following this brief outline of RtoP below.

¹⁰⁷ It is clear that RtoP has yet to be an effective tool for contesting State violence. The violence of the Assad regime toward Syrians or contesting Saudi Arabia's brutal intervention in Yemen are just two of RtoP's most recent vivid tests and failings.

Since its inception in 2001,¹⁰⁸ the military interventions envisaged under the banner of ‘Responsibility to Protect’ alter the imaginary of (status) citizenship akin to that seen in ‘citizen art’. The ‘Responsibility to Protect’ arose out of a growing concern by the United Nations to develop protocols and to establish a norm for military intervention against states that perpetrate violence on a massive scale against their own citizens following the failure of the international community to respond to Rwanda, 1994, Somalia, 1993, Srebrenica, 1995, Kosovo, 1999, etc..¹⁰⁹ In the wake of the NATO bombing campaign of Kosovo,¹¹⁰ this (illegal) action set a new precedent and instigated a redefinition of humanitarian intervention in terms of a state’s ‘Responsibility to Protect’ (RtoP). It also supplanted the normative notion of state sovereignty as absolute with a conception of the citizen as sovereign. As Kofi Annan had said in an address to the UN General Assembly:

“State sovereignty, in its most basic sense, is being redefined—not least by the

¹⁰⁸ Gareth Evans describes how Kofi Annan’s speech to the General Assembly in 2000 about the problem of humanitarian intervention galvanized the Assembly to act (asking how does the international community legally and legitimately – i.e., justifiably – uphold the rights of citizens when faced with genocide and other forms of state violence?). This led to the formation of the International Commission on Intervention and State Sovereignty (ICISS) who drafted a set of recommendations for humanitarian intervention titled ‘The Responsibility to Protect’ in 2001 (Evans, 2006).

¹⁰⁹ Currently, within the literature in International Relations there is a divergence in opinion regarding the justification for humanitarian intervention (Hehir, 2010; MacSweeney, n.d.; Verellen, 2011). A division exists between ‘traditional’ (or historical) conceptions of state sovereignty and the notion of the ‘Responsibility to Protect’ (RtoP). Historically, there is an understanding that states exercise their sovereignty as a kind of “virtual carte blanche [where they] treat citizens however they see fit on the (false) assumption that governments reflect the will of their people” (Bellamy, 2012, p.39). Under this scenario, interference by one state in another state’s territory for the purposes of protecting its citizens from harm – genocide, war crimes, ethnic cleansing, or crimes against humanity – is only legal if sanctioned by the United Nations or by invitation from the receiving state. We see examples of this in the USA and UK’s military strikes against Islamic State of Iraq and the Levant (ISIL). According to the UK government’s Policy Paper (United Kingdom Office of the Prime Minister, 2014), the Iraqi government had ‘requested’ the international community to intervene in its fight against ISIL, in addition to military action being sanctioned by the UN (United Kingdom Office of the Prime Minister, 2014). This contrasts sharply with other cases such as the Rwandan genocide (1994) that arguably was exacerbated by the absence of humanitarian intervention by the international community (Hehir, 2010). This list of offences – genocide, war crimes, ethnic cleansing, or crimes against humanity – form the criteria for RtoP interventions and are articulated in the 2005 World Summit Outcome document of the UN General Assembly (UN General Assembly, 2005, p. 30). However, these two protocols – intervention authorized by invitation and/or UN sanction – were radically altered following the violence in the Balkans and especially Kosovo.

¹¹⁰ NATO forces sustained a bombing campaign (by air) for 11 weeks in 1999 without the approval or invitation of the Republic of Kosovo. Nor did NATO or the USA secure UN endorsement (Lyon and Malone, 2012). The justification for the violent intervention by the then Clinton government, who led the campaign, was that “the United States had a moral imperative to protect ethnic Albanians” (Lyon and Malone, 2012, p. 19).

forces of globalisation and international co-operation. States are now widely understood to be instruments at the service of their peoples, and not vice versa. At the same time individual sovereignty – by which I mean the fundamental freedom of each individual, enshrined in the charter of the UN and subsequent international treaties – has been enhanced by a renewed and spreading consciousness of individual rights. When we read the charter today, we are more than ever conscious that its aim is to protect individual human beings, not to protect those who abuse them.” (Annan, 1999, n.p.; Bellamy, 2012, p.39).

Since its adoption in 2005,¹¹¹ RtoP posits a conception of sovereignty that radically shifts the relation of citizen to state. It “invented a new way of talking about humanitarian intervention” and state sovereignty (Chandler, 2006, p.708). Instead of talking about rights per se, RtoP insists that the essence of sovereignty “should now be seen not as *control* but as *responsibility*” (Chandler, 2006, p.708), i.e., state sovereignty, conceived of as limited to and contingent upon the rights and protection of its citizens.¹¹² Under its directives, the citizen is seen as sovereign and the state is positioned as if in service to the citizen.¹¹³

¹¹¹ The International Commission on Intervention and State Sovereignty (ICISS) first presented their recommendations to the United Nations in 2001 and at the 2005 World Summit its norms were accepted (with some modifications). Subsequently, the push to translate RtoP into policy – to ‘operationalize’ RtoP – is evident under the leadership of Ban Ki-moon in his report titled ‘Implementing the Responsibility to Protect: Report of the Secretary-General’ (Ki-moon, 2009).

¹¹² As Evans says, “to be sovereign means both to be responsible to one’s own citizens and to the wider international community. The starting point is that any state has a primary responsibility to protect the individuals within in. But that is not the finishing point: where the state fails in that responsibility, through incapacity or ill will, a secondary responsibility to protect falls on the international community, acting primarily through the UN” (Evans, 2006, p.709).

¹¹³ There has been “[...] re-working of the traditionally sacrosanct international relations concept of absolute sovereignty. Although the notion of sovereignty has been debated and adjusted over time, it has retained its essential definition in international law, that a state has absolute supremacy over its territory and citizens. [However, under RtoP...] sovereignty was re-defined and extended to include the responsibility a state bears towards protecting its own civilians from harm. Furthermore, in cases where a state is unable or unwilling to protect its civilians from mass atrocity crimes, [...] the international community has a responsibility to act swiftly in order to prevent or interdict such crimes” (Stark, 2011, p.4).

The emergence of RtoP stages a *new imaginary* of the citizen as distinct from the state. At a formal level, RtoP is based on the assumption that individual rights trump the authority of a state and provide a foundation for the justification of military intervention by another state actor (ICISS, 2001; UN General Assembly, 2005). RtoP is also discussed as an ideal where the “state-centered paradigm [...] has to shift towards the individual right to live a safe life” (Verellen, 2011, p.179). However, in practice, RtoP interventions, like ‘citizen art’ interventions, interrupt the logic of (status) citizenship and instead make visible the potential for citizenship to be understood as conceptually on par with a state *within a field of action*. I am not suggesting that the idea of RtoP displaces state sovereignty (in fact, quite the opposite as it relies on states to intervene in other state jurisdictions). I only suggest that RtoP, like ‘citizen art’ interventions, has the characteristic of a dissensual prop, revealing the capacity for new modes of membership to emerge, in principle at least, starting with a notion of the citizen conceived of as separate from the state. RtoP interventions, like ‘citizen art’ interventions, create a conceptual gap between citizen and state and in so doing, highlight the potentiality for new modes of belonging and membership to emerge. Here we see how the very idea of citizenship is nebulous and continually open to reformulation.

I have argued that the logic behind RtoP interventions interrupts the notion of status citizenship. However, what I have said may seem to suggest that I am lining up a characterization of RtoP interventions (and by analogy ‘citizen art’ interventions) as a tool for advancing a notion of cosmopolitan citizenship. It does not follow that RtoP actually embodies a cosmopolitan vision of membership. For example, some authors argue that RtoP reaffirms state sovereignty in its emphasis on security over freedom (Dederer, 2015; Verellen, 2011) and thereby conceptually converts citizens into wards of the state

(Cunliffe, 2014). In this reading, RtoP is ‘tool’ for top-down, state-led, action (formulated by political elites rather than through consultation with those affected). Equally, when enacted, some RtoP interventions have been employed negatively for the purposes of regime change (Iraq, Libya).¹¹⁴ However, even with these complexities, the fact remains that RtoP has *shifted the perspective* from state to citizen and in turn, altered the imaginary of sovereignty and citizenship. In his discussion of ICISS, Thomas Verellen says that “changing positive international law was not their primary objective. Instead, what they wanted to achieve was a *change of perspective*” (my italics, Verellen, 2011, p.155). The interventions that take place in the name of RtoP function (either negatively or positively) as ‘tools’ i.e., dissensual props, that trouble the notion of sovereignty and in turn, make visible the potential for citizenship to be seen as inhabiting as distinct from the state but also open to reformulation. There is a close parallel here in the activities of the artists’ collective called The Centre for Political Beauty. In discussing their art interventions, they overtly state that “interventions demonstrate how art can be a fifth state power” (Centre for Political Beauty, 2015, n.p.).¹¹⁵ As ‘tools’, interventions alter the conditions ‘on the ground’ when enacted; they are a mechanism for conceptual and behavioral change. RtoP interventions, like ‘citizen art’ interventions, change the terms under which one

¹¹⁴ As Hans-Georg Dederer says, RtoP “calls for outside interference and, thus, disregards the principle of non-intervention, being a fundamental specification of state sovereignty” (Dederer, 2015, p.157)

¹¹⁵ One of the Centre for Political Beauty’s interventions, titled *The Dead Are Coming*, involved the reburial of a woman who died at sea while traveling to the Italian coast. Her body was first buried by the authorities in Sicily and then exhumed and reburied in Berlin. “Against every rule of probability, we exhumed a mother who had drowned on her way to Europe - due to our inaction - and was buried as ‘unknown’ by the authorities in Sicily. We took her to her loved ones in Germany” (Centre for Political Beauty, 2015, n.p.). Not only is the intervention a criticism of Europe’s handling of refugees but also a deliberate attempt to ‘do politics’ by performing a “parallel foreign policy for Germany” (Eddy, 2015). They ‘do politics’ by dramatizing the obligations one has toward those who are desperately in need of sanctuary but importantly, their actions show that one is *also responsible to the dead*. “Every day, hundreds of migrants die at Europe’s aggressively sealed-off borders. These borders are the world’s deadliest. [...] The victims of this cordon sanitaire are buried in masses in the hinterland of Southern European states. They have no names. No one looks for them. No one brings them flowers. [...] The Center for Political Beauty took these dead immigrants from the EU’s external borders right to the heart of Europe’s mechanism of defense: to the German capital.” (Centre for Political Beauty, 2015, n.p.). “Our aim is to honor the dead by bringing them here and giving them a proper burial” (Eddy, 2015). On the artists website, the Berliner Zeitung is cited as stating: “In light of the fact that the victims did not make it to our country alive, the Center for Political Beauty brings us their bodies. We are being confronted with the consequences of what we do or rather what we don’t do. [...] The intervention transforms piles of corpses into individuals who lost their lives. It transforms refugees into people” (Centre for Political Beauty, 2015, n.p.). It also enacts new protocols and responsibilities toward those who have perished.

conceptualizes citizenship and are further evidence of the complex shifts in meaning and practice of both membership and the state.

My argument so far has outlined the how artists conceive of interventions as ‘tools’ for transforming participants into political agents. I have also suggested that ‘citizen art’ interventions, in virtue of being dissensual props, expose the nature of citizenship as a creative and generative practice. In comparing RtoP with ‘citizen art’ interventions, I have drawn attention to how these two forms of intervention share significant commonalities in the manner in which they both reframe the notion of the citizen.¹¹⁶ Like ‘citizen art’, the architects of the RtoP protocols have *altered the perspective* of state sovereignty, emphasizing instead the citizen. This is significant because both the architects of RtoP and ‘citizen artists’ understand that ‘altering the perspective’ of agents within a field of action is to frame the conditions for interventions. Shifting perspectives sets the terms for the manner in which politics is done.

With this in mind, the remainder of this chapter will discuss three specific ‘citizen art’ projects to situate how they constitute *new* modes of citizenship? How exactly do ‘citizen art’ practices ‘do politics’ by troubling normative notions of status and cosmopolitan citizenship and in turn, affirming the idea that the nature of citizenship is perpetually generative, rather than a gift of entitlements of the state? If citizenship is a *practice* and not necessarily a legal status, or a utopic universal aspiration, then examining its

¹¹⁶ There are clearly significant differences in the nature of RtoP and ‘citizen art’ interventions. One obvious difference is the use of military violence to secure protections of citizens within the logic of RtoP. Also, the protocols of RtoP were devised and drafted by experts (academics, politicians from countries primarily based in the West, such as Canada, the US and parts of Europe etc.,) (International Commission on Intervention and State Sovereignty, 2001), rather than by people who are representative of those affected by genocide and war crimes. In this sense, RtoP is a top-down set of directives rather than one issuing from those directly affected by violence. Also, ‘citizen art’ is not necessarily a practice of intervention that has the objective to protect individuals from violence although, some artists have found ways to assist those in need (see footnote below). Nevertheless, ‘citizen art’ interventions are not systematized processes of management and should not be confused with other practices seen in humanitarian organisations or social work.

manifestations in phenomena such as ‘solidarity’ and ‘assemblies’ or by shifting perceptions through say, public thought experiments, is imperative. The following discussion will outline three art projects: Tania Bruguera’s *Immigrant Movement International* (IMI), Jonas Staal’s *New World Summit* and the second of my own practice-based research projects titled ‘*Citizen Artist News: The University as a Border Regime*, reserving my third project, *Citizen Artist News: Clouded Title*, for Chapter 3 as it is a more comprehensive example of an ‘act of citizenship’.¹¹⁷ Each project challenges, to greater or lesser degree, the normative notion of (status and cosmopolitan) citizenship by interrogating issues of migration, statelessness and the university as a border regime on the one hand and on the other by performing ‘acts of citizenship’. They all respond to the background assumption that the counterpart of a citizen is the immigrant or stateless person. However, they shift normative understandings of citizenship and they *practice* alternative modes of membership. I will discuss each art project in turn beginning with Bruguera’s *Immigrant Movement International* (IMI).

From 2010-2015, Tania Bruguera instigated her project *Immigrant Movement International* in Queens, New York City, an area that is populated by new or recent immigrants to the USA of mixed (ethnic and legal) statuses and levels of need. Bruguera had attracted a network of collaborators, including arts institutions (Creative Time and Queens Museum were partners), politicians, lawyers, artists etc. and in short, founded an art project that

¹¹⁷ These examples are representative of but a small number of ‘citizen artists’ who work on issues of migration and statelessness. In addition to those named throughout the body of this thesis, other examples include: Christoph Schlingensiefel, *Please Love Austria: First Austrian Coalition Week*, 2000; Cornerstone Theatre, *Teatro Jornalero Sin Fronteras* (Day Labour Theatre Without Borders, n.d.; Judi Werthein, *Brinco*, 2005; Performigrations, *Mobile Interventions*, 2014). Some have instigated artistic collaborations that assist migrants in practical ways, such as Iannis Zannos’s *The Secret School*, 2014, a local wifi network that allows migrants to communicate privately on a DIY offline file sharing network, or Geiger-Gerlach’s project titled *Raumwunder*, 2016-2018. Geiger-Gerlach brokered the acquisition of an abandoned apartment block in Stuttgart, Germany, and in collaboration with other artists, refurbished the building, including installing original artworks in each apartment, to provide comfortable housing to welcome refugees. Artists have also been at the heart of large and enduring campaigns that refute the presence and logic of national borders (e.g., Florian Schneider, *Kein Mensch ist Illegal* 1997).

was understood in multiple ways; as a refugee support centre, a community centre, a legal advice network, a project space, a meeting house, a series of seminars, a school, a space of friendship, a working hub, all rolled into one (Bruguera, 2011a) . Indeed, like the architects of RtoP, IMI was a deliberate exercise in shifting perspectives. As Bruguera says, “Our idea is to change the way in which migrants are perceived because they always seem to be portrayed as delinquents” (Castillo, 2012, n.p.). To achieve this, Bruguera structured the relations of peoples within the organization by inverting the roles, titles and status of its interlocutors. The participants were not ‘spectators’ but ‘users’ and echoing earlier historical iterations of the intervention such as that discussed above in Artist’s Placement Group, artists were relabeled as ‘facilitators’. In this way, Bruguera’s idea about art as a ‘useful’ tool (Arte Útil) and its capacity to alter perspectives was put into practice within IMI. By recasting the roles of its interlocutors, “replacing authors [i.e., artists] with facilitators and spectators [i.e., an audience] with users” (Internationale Sommerakademie für Bildende Kunst, 2013, p.235), Bruguera opened up the way for ‘doing politics’. For example, unlike RtoP which is top-down in its design (i.e., representatives of those affected by genocide, war crimes etc. were not involved in its drafting), Bruguera had created a space where migrants themselves were invited to ‘(re)define’ themselves to others and to collectively ‘educate their audience’. As she says, IMI is a space

“to imagine social engagement differently and to try to live life that way, instead of accommodating rules. [...It is an] educational place where we try to exercise the merging of creative knowledge with practical knowledge in order to generate political knowledge” (Paz, 2013, n.p.).

Bruguera’s mandate was not to convert migrants into (status) citizens per se or to induct

them in performing the habits and manners of US citizens. That is, IMI was not a centre for teaching migrants how to be US citizens. It was not aimed at ‘re-educating’ migrants for the purposes of assimilation (Chen, 2012). Instead, it was a complex project that folded together three things: first, Bruguera’s own aesthetic theorizing about ‘Arte Útil’ (‘useful’ art), as mentioned above, where she sees art as an interventionist tool for framing new perspectives and transforming, in this case, immigrants into political actors. As she said, “our biggest challenge as artists is to be an active part of the creation of a different society that is becoming” (Paz, 2013, n.p.). Secondly, her explicit appeal to ‘affect’ and championing its centrality in the formation of political agency via day-to-day strategies that, as she says, “turn [...] social affect into political effectiveness” (Paz, 2013, n.p.); and third, her advocacy for the political rights of immigrants on their own terms. That is, to push for ‘migrant rights’ to be recognized as equivalent to other forms of social rights (women’s rights, labour rights, education, health etc.) (Castillo, 2012). Hence, Bruguera’s project avails of the “incorrigible” spirit of migrants (De Genova, 2010, pp. 101) to be recognised on their own terms (as discussed above in Chapter 2).

One of her stated aims then, was to transform how migrants are perceived, from the populist conception of immigrants as ‘delinquents’ or ‘criminals’ etc., to one where migrants are seen as people who are knowledgeable about the complex conditions of mobility.¹¹⁸ The project invites us to “consider immigrants as people we can learn from” (Paz, 2013, n.p.), including seeing migrants as ‘citizens’ in their own right. The IMI project aimed to facilitate ways in which migrants are to be afforded respect and also to support

¹¹⁸ Bruguera folds together the issue of migration with its corollary, the experience of precarious labour. In addition to shaping a concept of migrants as ‘citizens’ in their own right, Bruguera expands the discussion to include an examination of the role of precarious labour as a feature of their mobility. As she says, “We want to create awareness that these people are just seeking work. We need to [...] understand that they are an active and positive part of our society. The temporality of migrants is complex and is generally associated with a type of unstable compromise because one might think ‘I’m going to stay a year’ and it becomes 5 or 10, or they need to go back. But what happens with all their work and all the help a migrant has accomplished in the host country?” (Castillo, 2012, n.p.)

migrants in articulating their collective identity *as migrants* in formal politics not only through the activities of IMI but also through Bruguera's splinter project called the *Migrant People Party* (Castillo, 2012) (a project that emerged from the IMI headquarters and was launched in Mexico City in 2012). It too was aimed at encouraging people to re-think what it means to act politically and to advocate for 'migrant rights'. That is, migrant rights as a set of rights that give credence, status and political leverage to migrants as migrants. As she says,

“What I am looking for is, that migrants, a social group that has no representation of any sort, can have that representation. They are people to whom no laws of any country work, laws from their own countries don't represent them, laws from the country they arrive to don't either and they do not recognize them as people”
(Castillo, 2012, n.p.).

The project endeavored to reimagine the social and political role of the migrant – i.e., as an invitation to migrants to strategize about how to be seen and heard and *understood* and to thereby interrupt popular conceptions of immigrants as marginal or delinquent subjects. Examples of this can be seen in the wide range of workshop activities run by migrants within IMI that offered educational (language classes, advice about higher education etc.), health and dietary advice and legal services and also social and cultural events such as dance classes, Barbecues, laughter therapy etc. (Bruguera, 2011). These workshops were intended to facilitate a culture of participation and also, permit migrants to shape the politics of daily life. The workshops staged a community of 'users' (Meschini, 2013)¹¹⁹ who,

¹¹⁹ Please note that Bruguera has described participants as 'users' and 'initiators' as opposed to 'spectators' or 'authors' as a way of further underlining the significance of an individual's involvement in the politics of migration under the banner of an art project, rather than the production of an artwork per se (Meschini, 2013). This of course is similar to

in turn, determined the issues and concerns of the community as a whole (note the similarity to strategies employed by Roger Coward, as discussed above). However, there were also workshops that were more specific to tackling the politics of political representation and presence beyond the immediate domain of IMI headquarters – workshops that were proactive in changing the terms in which immigrants are perceived and described by political organisations and the Media. Under the banner of ‘Make A Movement Sunday’, workshop projects (such as the ‘Immigrant Respect Awareness Campaign’ (2011), ‘Open House and Slogan Writing Workshop’ (2011), ‘9/11: The War on Migrants’ (2011), ‘Ghana Think Tank’ (2011) ‘Making Media for the Movement’ (2013) etc. (Bruguera, 2011; 2011a) organized interventions where ‘users’ had sent letters to elected officials asking for immigrants to be respected, or they have trained people to visit detained immigrants in prisons (including making drawings from the descriptions of detainees of their arresting officer(s)), or they have manufactured signs, buttons, t-shirts, stickers etc. with slogans written by the participants (i.e., ‘users’) for dissemination at street level. Some of the interventions, such as the ‘Immigrant Respect Awareness Campaign’ share the characteristics of a performative utterance (Austin) in virtue of their written request (a demand) to politicians to show ‘respect’ for migrants. To demand respect from a political representative is to assert that politicians, in virtue of their office, *represent* the presence of migrants and therefore are directly responsible and answerable to immigrants. The campaign highlighted how migrants reside and partake in the culture and indeed, the economy of place, and because they perform as members of a society on a daily basis, contributing to the economy and culture of a locale, they therefore must not be rendered invisible in public discourses. In essence, the Campaign facilitated migrants in being heard and seen and in calling-out and exposing the individuals and systems of representation

the language used by Roger Coward who sought to ‘facilitate’ residents in the unfolding politics of the art project, as discussed in detail above.

that persist in (mis)representing them as marginal subjects.

These interventions, although small gestures and bracketed within a 5 year span of time, had created a self-defining and self-organising culture where ‘users’ collectively, and in virtue of their labour within IMI, determined the manner in which they were symbolically represented, both to themselves and to others in the community. In practice, immigrants performed as specialists on the subject of migration and their expertise and insights on the conditions, needs and image of migrants manifested in the workshops and the services of IMI and beyond.¹²⁰ Migrants embody the idea of being equal in status to other citizens and articulate and enact the conditions for recognition of themselves but as ‘migrant citizens’ “who [are] asked to act politically” (Kershaw, 2015, p.13).¹²¹ In this sense, IMI is a project that embraces the production of new subjects through ‘acts of citizenship’. As Bruguera says, “The idea of IMI is to empower immigrants and to educate U.S. residents and citizens. We want immigrants to be seen as political beings” (Paz, 2013, n.p.).

I have outlined how Immigrant Movement International made use of interventionist tools to facilitate the autonomy of migrants. I have also indicated that IMI sets a precedent for disrupting the populist narrative of migrants as criminals. In invoking Rancière, we see how this ‘citizen art’ project exposes the capacity for ‘migrant citizenship’ to be understood not only as a form of membership in its own right but also a tool for ‘doing politics’. That is, the

¹²⁰ Another example of an organisation run by migrants who aim to challenge the public perception of immigration is The Silent University. It is “an autonomous knowledge exchange platform by refugees, asylum seekers and migrants [and] is led by a group of lecturers, consultants and research fellows.” It runs classes in line with any other academic institution and is conducted entirely by migrants of varying statuses whose expertise as intellectuals, academics and professionals is negated in their European host countries (launched in the UK and now established in Sweden and Germany). In addition to offering university courses run by migrants, its mandate is “to challenge the idea of silence as a passive state, and explore its powerful potential through performance, writing, and group reflection. These explorations attempt to make apparent the systemic failure and the loss of skills and knowledge experienced through the silencing process of people seeking asylum” (The Silent University, 2012, n.p.).

¹²¹ In addition to exploring the notion of the migrant as citizen, Bruguera also “refuses to consider the audience as spectators. Instead, [she] approaches them as citizens” (Schwartz, 2012, p.225).

'users' of IMI interrupt and impinge on the hegemonic notion of membership as bounded by the state, albeit through modest community projects. As Davide Panagia says,

“aesthetic practices that transform perception and sensibility are also political practices of emancipation, solidarity, and participation, and vice versa. For what carries weight in these instances of aesthetic and political simultaneity is the capacity to arrange relations, and therefore worlds, anew regardless of one's assigned ways of being and doing.” (Panagia, 2018, p.4).

Equally, in following Isin's insights about 'acts of citizenship', we see how IMI's members act out the status of equality by making claims to rights within the domain of the state. IMI provided space for individuals to re-conceptualize their role and identity as migrants and at least, began to carve out their own terrain of membership. In implementing workshops and interventions that test-out, (re)imagine and embody 'migrant citizenship', the nature of citizenship is revealed as nascent, generative and creative, rather than a legal status or a utopic aspiration.

It is important to briefly review the implications of the solidaristic acts¹²² within Bruguera's

¹²² Normative notions of the term solidarity, as Sibyl Schwartzenbach says, “tend to refer to class-struggle, to a “standing-together” in opposition to exploitative practices, whether these are perpetrated by individual capitalists, the political state, or by multi-national corporations. The term's scope is vast, however, *and its meaning unsettled*. In recent scholarship, for instance, the notion of solidarity ranges from indicating the social bond between two or more individuals to a general feeling of empathy or sympathy for others (e.g. for Jean Harvey or Richard Rorty), to group or class cohesion based on the recognition of a common good (William Rehg), to one based on justice (Laurence Blum or Carol Gould); solidarity is even identified with the concept and practice of democracy itself within the modern welfare state (Brunkhorst)” (my italics, Schwartzenbach, 2015, p.4). Also, solidarity emphasizes a moral obligation rather than simply cooperation and includes more overtly political issues of common good, reciprocity and responsibility. Hannah Arendt distinguishes between solidarity and the sentiments of pity and compassion, which further clarifies why it is important to guard against reducing the significance of solidarity to sentimental emotions and instead to understand its political role. As Arendt says, “Pity may be the perversion of compassion, but its alternative is solidarity. It is out of pity that men are ‘attracted to *les hommes faibles*’, but it is out of solidarity that they establish deliberately and, as it were, dispassionately a community of interest with the oppressed and exploited. [...] For solidarity, because it partakes of reason, and hence of generality, is able to comprehend a multitude conceptually, not only the multitude of a class or a nation or a people, but eventually all mankind. [...] Terminologically speaking, solidarity is a principle that can inspire

project and what this tells us about ‘citizen art’ enacting *new* modes of citizenship.

Bruguera found ways to facilitate solidarities between people in the ‘making and doing’ of this new community of people who were deemed to be immigrant ‘strangers’, and in so doing to challenge the perception of the immigrant *as a stranger* (or ‘criminal’ stranger etc.). At face value, IMI’s newly organized community of immigrants were represented as immigrant-citizens, residing in a purported host ‘community’ of the state (i.e., the United States). However, this larger ‘community’ of the state is, as Jacob Levy suggests,

“more like strangers who find themselves locked in a very large room together than they are like an extended family or voluntary association united in pursuit of a common purpose. [...] They are not what nationalists falsely claim co-nationals to be: members of some pre- or extra-political social whole that can make its will felt through politics, some social soul that wears the state as a body. [...] F]ellow citizens are in a fundamental sense novel strangers to each other, united only by the shared circumstances of inhabiting a common political jurisdiction, and not by any prior relationship that legitimizes, grounds, underlies, or stands outside of those circumstances.” (Levy, 2015, p.2).

In other words, solidaristic affiliations are not a priori foundational properties of a citizenship regime.¹²³ As Jelena Vasiljević points out “there is hardly a theory or approach

and guide action, compassion is one of the passions, and pity is a sentiment” (Arendt, 1990, pp. 88-89).

¹²³ Also see Van der Ploeg and Guérin, 2016; Schwarzenbach, 2015. Jelena Vasiljević further notes that “many political theories [...] rely on specific visions of solidarity as the cohesive force that turns individuals into members of a society. However, there have been very few attempts, especially in more recent political and social theories, to discuss solidarity from a theoretical point of view and to provide a coherent framework that explains the role of solidarity in constituting the fibre of a political community. [...] S]ocial theory interpretations of solidarity have predominantly viewed it as a given feature of every group or as the essence of cooperative behaviour. For instance, both mechanical and organic solidarity are assumed in Durkheim’s account, emerging from the particular character of individual groups. [...] It is usually also presumed that solidarity takes place between actors who are alike, or, as in rational choice theory, who strive to achieve the same goal. In other words, these accounts do not treat solidarity

to citizenship that does not presuppose some aspects of solidarity as foundational” (Vasiljević, 2016, p.375). “[S]olidarity’s role is often presupposed, or taken for granted, and rarely thematized as a consistent feature of interpersonal relations that demands its systematic place in citizenship” (Vasiljević, 2016, p.376). For citizenship to be visible, say in the example of IMI, it requires the creation of a deliberate ‘voluntary association’.¹²⁴ Solidarity, as instanced here, is an ‘act of citizenship’. It is

“implicitly levelling [...] and emerges from situations in which people recognize each other as equal. [...] It is also] defined as an act. [...] To be in solidarity with thus implies the sharing of a position or experience with those who need or seek solidarity, and in partaking in their situation” (Vasiljević, 2016, p.381).

Most importantly, in the example of IMI, we see that solidarity has to be “created, agitated for” and therefore is “*transformative*—capable of challenging and establishing [new] political and social orders” (Vasiljević, 2016, p.374). In this sense, I suggest that the role that solidarity plays in the formation of artificial communities within ‘citizen art’ projects, such as Bruguera’s, actively construct *new* modes of citizenship—new ‘mini-social

as created, agitated for, and as *transformative*—capable of challenging and establishing political and social orders.” (Vasiljević, 2016, p.374).

¹²⁴ The term ‘voluntary association’ is discussed in Hannah Arendt’s writings on *Civil Disobedience*. She comments on Tocqueville’s description: “‘As soon as several of the inhabitants of the United States have taken up an opinion or a feeling which they wish to promote in the world,’ or have found some fault they wish to correct, ‘they look out for mutual assistance, and as soon as they have found one another out, they combine. From that moment, they are no longer isolated men but a power seen from afar, whose actions serve for an example and whose language is listened to’” (Arendt, 1972, p.95). According to Arendt, civil disobedience (solidarity expressed in dissenting groups of people) is an essential component of the (American) democratic state and supervenes on ‘consent’. The key problem she sets out to assess is what the “citizen’s moral obligation is to the law in a society of consent” (Arendt, 1972, p.85). As she says, “The citizen’s moral obligation to obey the laws has traditionally been derived from the assumption that he either consented to them or actually was his own legislator; that under the rule of law men are not subject to an alien will but obey only themselves—with the result [...] that every person is at the same time his own master and his own slave, and that is seen as the original conflict between the citizen, concerned with the public good, and the self, pursuing his private happiness, is internalized.” (Arendt, 1972, p.84). The assumption that ‘consent’ is a priori will be briefly contested in the discussion below for the purposes of drawing out the generative nature of ‘acts of citizenship’ within ‘citizen art.’ However, Arendt’s discussion of ‘voluntary association’ is useful here for seeing how solidarity is a deliberate political act.

contracts' that shape one's sense of oneself as a citizen and as *distinct from the state*. To restate this in another way, "Solidarity, emancipation and equality aren't concepts, [...] they're *practices*" (my italics, Panagia, 2018) and this is more sharply discerned when statehood is understood as "a big happenstance" (Levy, 2015, p.3). That is, just because one happens to be residing within a particular political domain, it does not follow that solidaristic practices, even within a state's boundaries (or if 'dissenting'), are necessarily expressive of (statist) citizenship. Solidarity and (statist) citizenship are incommensurable (Vasiljević, 2016, p.380). 'Citizen art' projects (such as Bruguera's) show us that 'acts of citizenship' not only manifest as solidaristic practices but also, because the nature of citizenship is fluid and perpetually nascent, citizenship has to be *constructed* to be *recognized as citizenship* and that construction does not seamlessly align with the state. Citizens are formed in *practice* (Isin) and, I suggest that 'citizen art' is one of the many modes through which citizenship is not only made visible, but is also enacted in new and novel ways that do not valorize the state. As Panagia says,

"if we consider [solidarity, emancipation and equality] practices, then each iteration of the practice is unique precisely because every scene manifests as a specific configuration of forces and objects and persons. That is to say, the construction and reconstruction of the sensible world to which a specific activity and event of assembly-forming belongs means that we can't speak of a general concept of solidarity or equality or emancipation. This is a fundamental point about aesthetic experience: it is born of the particular (not the general) and is resistant to the general application of a concept. Here there are no general concepts of solidarity, emancipation, or equality. There are only scenes whose 'conditions are immanent to their being executed'" (Panagia, 2018, p. 4).

The intersection of solidarity, citizenship and ‘citizen art’ has not received any critical attention within the limited literature on ‘citizen art’. The aim here is to simply alert readers to one of the ways that ‘acts of citizenship’ manifest within ‘citizen art’ as solidarity and as a substantively *new* mode of citizenship and to point out that these acts are not an expression of statist citizenship. There is neither time nor space to examine further complexities of the role that solidarity plays within ‘citizen art’ and in turn, citizenship. It certainly merits more attention and analysis and would benefit from emerging literature on how solidarity is a “politically operational concept” (Vasiljević, 2016, p.374). Key to this would be to do what Jelena Vasiljević suggests and “discuss solidarity from a theoretical point of view and to provide a coherent framework that explains the role of solidarity in constituting the fibre of a political community” (Vasiljević, 2016, p.374). It would be very productive too, to examine the role that ‘citizen art’ plays in providing a coherent framework, where solidarity is understood as creative and “transformative” (Vasiljević, 2016, p.374), rather than as an intrinsic component of citizenship and political relations (especially in the context of escalating involvement of individuals in ‘citizen art’ and activist politics). However, such an inquiry is far beyond the scope of this thesis. Therefore, the following will turn to a discussion of Jonas Staal’s projects to draw out other aspects of ‘doing politics’ and to show how ‘citizen art’ alters the perception and practice of citizenship.

Jonas Staal’s project called *New World Summit* (2012; 2012a)¹²⁵ is a series of interventions that take the form of “alternative parliaments” for and with the participation of those deemed to be stateless, blacklisted (‘terrorist’), organisations (Staal, 2012; 2012a).

¹²⁵ Staal has facilitated other art projects that thematically intersect with the *New World Summit* and *New World Assembly*, such as *New World Academy* (2013-2017) and *Artist Organisations International* (Staal, 2015a).

The purpose is to formalize a space of public assembly for “organizations that currently find themselves excluded from democracy” (Staal, 2012, n.p.).¹²⁶ To date, Staal has hosted two *New World Embassy* events (*New World Embassy: Azawad*, 2014 and *New World Embassy: Rojava*, 2016) and six summits, most of them housed within arts and/or educational organisations (e.g., such as at the Berlin Biennale, 2012; the Museum de Lakenhal de Veenfabrik, Leiden, 2012; 1st Kochi-Muziris Biennale, 2013; Royal Flemish Theatre (KVS), Brussels, 2014; Basis voor Actuele Kunste (BAK), 2014; Anla University, Utrecht, 2016 etc.) with one held in Northern Syria, in a region called Rojava (2015). Rojava is a newly declared ‘autonomous’ political region populated by a number of ethnic groups (Kurdish, Assyrian, Armenian, Arab etc.) who are engaged in developing and practicing “Democratic self-administration”¹²⁷ as *stateless*¹²⁸ people (Staal, 2012, n.p.). To

¹²⁶ It is worth pointing out that Staal’s projects differ significantly from other art projects that stage assemblies, such as *For Freedoms*, founded in the USA in 2016 by the artists Hank Willis Thomas and Eric Gottesman. *For Freedoms* assemblies are called ‘Town Halls’ (For Freedoms, 2016). Their artistic intention is to explore dialogue and discourse as an artistic medium in its own right. However, unlike Staal, whose project is a weighty critique of the state, as I will go on to argue, the intention of Thomas and Gottesman is to reinvigorate the American State’s values articulated by Franklin D. Roosevelt in his ‘Four Freedoms’ wartime address (freedom of speech and worship and freedom from want and fear). The *For Freedoms* project is intentionally aimed at “using art as a vehicle to build civic engagement” (my italics, For Freedoms, 2016) and in doing so, they ape the systems and structures of the nation state in encouraging ‘town hall’ meetings, producing political advertising, even reiterating Donald Trump’s election slogan ‘Make America Great Again’ (For Freedoms, 2016; Crowdpc, n.d.). Their aim is to finance artists’ projects that stimulate portions of the population to address civic issues that intersect with the production and role of Art. As they say, “For the *For Freedoms 50 State Initiative* in September to November, 2018, concurrent decentralized art exhibitions and public events across the country will encourage broad participation in civic discourse and through lifting up a multiplicity of voices, will spark a national dialogue about art, education, advertising and politics” (For Freedoms, n.d., p.3). They have also established a Super PAC (Political Action Committee) to generate financing for their project. Super PACs are registered with the Federal Election Commission and permit groups to collect and distribute monies for the purposes of supporting political campaigns. *For Freedoms* is the first “Super PAC where Art Meets Politics” (Novick, 2016; Crowdpc, n.d.). However, rather than produce new modes of citizenship, Thomas and Gottesman emulate the nation state and civic Republican, participatory, model of citizenship.

¹²⁷ The ‘Democratic Self-administration of Rojava’ is spearheaded by the Kurdish Women’s Movement that “encompasses a variety of different, interconnected social and political organizations, political parties, armed wings, cooperatives, and other parliamentary action groups, active in the larger region of Kurdistan. [...] The Kurdish Women’s Movement has played a key role in translating their resistance against state oppression towards a fundamental critique of the nation-state itself, which they regard as a patriarchal construct in service of the global capitalist doctrine. [...] The historic base of the Kurdish Women’s Movement can be found in the prominent role of women in the Kurdistan Worker’s Party (PKK), the Marxist-Leninist organization that was founded in 1978 to wage armed struggle against the Turkish government in favour of an independent Kurdish State” (Staal, 2015b, p17). The Kurdish Women’s Movement sees the potential for emancipation through the lens of non-patriarchal, *non-statist* practices. In essence, the Women’s Movement is looking for strategies that do not involve resistance or conflict with a ‘host’ nation but instead look for ways to operate autonomously. They apply the practice of direct democracy and a more expansive and porous notion of ethnicity (in essence, a critique of the own label as ‘Kurdish’) (Staal, 2015; 2015b).

date, Staal has collaborated on three projects with the people of Rojava: 1) *New World Summit: Rojava* (2015) in Canton Cizîre, Rojava, 2) the design and creation of a new public, open-air parliament for Rojava, located in the Canton Cizîre (completed in 2018) and 3) a temporary *New World Embassy: Rojava* (2016), housed in Oslo's Town Hall. In 2018, the Van Abbemuseum in Eindhoven, Netherlands, launched *Museum as Parliament* (2018) having commissioned Studio Jonas Staal to run a parallel parliament within in its premises. This involved installing a partial replica of the Rojava parliament with the idea to perform the parliament in parallel.¹²⁹ I will discuss Staal's *New World Summit* project in general but pay special attention to his work with the people of Rojava as it is the culmination of Staal's own ideas about art as 'useful' for framing new imaginaries of statelessness, actualized by working with intellectuals in the Kurdish Women's Movement who are proactively shaping and practicing regional 'democratic self-governance'. It is in examples such as these where 'citizen art' 'does' politics in a robust manner and is productive of new modes of citizenship on an impressive scale.

New World Summit and its collaboration with the people of Rojava exposes the manner in which 'doing politics' is central to 'citizen art' – that is, it reveals the 'distribution' of who and what is seen as political. *New World Summit* exposes, as Rancière says, "the conflict about what an 'interest' is [and] the struggle between those who set themselves as able to manage social interests [e.g., the state] and those who are supposed to only be able to

¹²⁸ The classification of Kurds as 'stateless' is concurrent with their struggle for autonomy following the colonial remapping of the region of Mesopotamia under the Sykes-Picot Agreement in 1917 and the decline of the Ottoman Empire and the formation of nation-states in the Middle East under Britain and France, including the emergence of the Turkish Republic in 1923 (Staal, 2015b, p.33). Kurds have dealt with exceptional marginalization of their peoples in not one, but four states [e.g., Turkey, Iraq, Syrian and Iran]. The Kurds, apart from those in Iraqi-Kurdistan, have little to no international support [...] (Staal, 2015b, p.31). Nevertheless, the Kurds "strive towards the liberation of Kurdish peoples from state oppression" (Staal, 2015b, p.17) with persistent resistance to state violence by the Kurdistan Workers Party (PKK) in Turkey. The PKK is banned in Turkey and labeled a terrorist organization by the Europe Union and the United States (The Times of Israel, 2017; Leduc, 2015).

¹²⁹ "For the period of a year the Rojavan diaspora in the Netherlands and Europe, together with the museum and Staal's team, will develop a programme to activate the parliament continuously" (Van Abbemuseum, 2018, n.p.).

reproduce their life [e.g., the stateless]" (Rancière, 2011, p.2)¹³⁰. Therefore, Staal's project is important to my discussion of 'citizen art' in that he and the Democratic Self-administration of Rojava distinguish between the idea of the 'state' and 'stateless' democratic practices and this shows that the form of citizenship performed within 'citizen art' projects (such as Staal's) is not contingent on statist notions of citizenship. What we see instead are *new* modes of citizenship enacted within 'citizen art' practices in the example of *New World Summit*. The Rojava example is also most vivid because the activities of the people of this region and their efforts to politically organize themselves as determinedly 'stateless' peoples, foreshadows Staal's own theorizing about the role of art and his interest in developing 'assemblies' as a 'tool' for the performance of new modes of (democratic) politics (Democratic Self-administration of Rojava and New World Summit, 2016, p.164). The emergence of the 'Rojava Revolution'¹³¹ is a timely moment within which Staal developed and instantiated his own practice of art as a mode for 'doing politics'. Therefore, I will draw out how Staal's *New World Summit* project is twofold in its agency: on the one hand, it parses the notion of the nation-state and citizenship from the perspective of statelessness and in so doing, further illustrates that the nature of citizenship is perpetually nascent and not contingent on the existence of a state.¹³² On the

¹³⁰ Hannah Arendt outlines the significance of the confluence of action and speech and the shaping of shared (binding) political 'interests'. As she says, "Action and speech go on between men [and] physically lies between them and out of which arise their specific, objective, worldly interests. These interests constitute [...] something which *inter-est*, which lies between people and therefore can relate and bind them together. Most action and speech is concerned with this in-between, which varies with each group of people, so that most words and deeds are *about* some worldly objective reality in addition to being a disclosure of the acting and speaking agent. Since the disclosure of the subject is an integral part of all, even the most 'objective' intercourse, the physical, worldly in-between along with its interests is overlaid and, as it were, overgrown with an altogether different in-between which consists of deeds and words and owes its origin exclusively to men's acting and speaking directly *to* one another" (Arendt, 1998, p. 183). This bears on the importance of the assemblies in Staal's *New World Summit* project and will be discussed in more detail below.

¹³¹ The Rojava Revolution emerged at the start of the Syrian Civil War in 2011 and was led by Kurdish revolutionaries who "reclaimed the northern part of Syria, known as Rojava, which means 'West' in Kurdish and refers to the western part of Kurdistan" (Democratic Self-administration of Rojava and New World Summit, 2016, p.5). In 2012, the Rojava Revolution "declared autonomy of the region" (Staal, 2015b, p.17).

¹³² There are examples of similar formulations within some First Nation communities in Canada. For example, the Fort Nelson First Nation uses the term 'citizen' to refer specifically to membership of the Nation and not to the State. In their *Membership Code*, they describe this special status as "traditional citizens of Fort Nelson First Nation" (Fort

other hand, through his staging of ‘assemblies’ as an expression of ‘self-rule’, I will discuss how Staal structures the performance of citizenship in unprecedented ways. I will first briefly describe the design and format that Staal’s assemblies take and then discuss how *New World Summit* critiques normative notions of the nation-state and in turn, statist notions of citizenship. I will follow this with an analysis of the use of the assembly as a ‘tool’ for ‘doing politics’ and its significance to ‘citizen art’.

Most of the staging for the Summits involves constructing temporary covered enclosures with circular or rectangular seating plans, elaborate lecterns surrounded by terraced benches, and the display of national flags (of organisations on international ‘terrorist’ lists) as decorative features, housed within a public art event (e.g., a biennale) and/or an existent building dedicated to the display of art (an art gallery, theatre, university etc.).

Staal analyzes the staging of a parliament in the following way:

“A morphological reading of a parliament [...] shows us the parliament as an arena, as a theatrical space, where power is performed through the specific spatial configuration, a specific number of actors and a composition of symbols, as well as an overall choreography. [...] From a morphological perspective – from a perspective that reads into the form of the parliament – we understand that a square parliament creates a different spatial and social dynamic than a circle, to the point that the form and choreography of the assembly affect the outcome: an open-air parliament might produce a radically different outcome than a covered one: a parliament with benches might produce a radically different outcome than a parliament with chairs. Each spatial configuration, each object, each choreography

Nelson First Nation, 2004). The distinction and classification of First Nations under Canada’s citizenship regime will be discussed in detail in Chapter 3.

inscribes a set of ideas into the performance of its actors. So while the nation-state is a construct that demands a specific performance, so do the shapes and forms through which its power is articulated and inscribed upon those speaking its name. Ideology, in other words, has a material reality, which one can understand through morphology – through art. The discipline of the revolutionary practice of stateless democracy thus also affects the possibilities of the discipline of art to engage new, yet unscripted morphologies” (Democratic Self-administration of Rojava and New World Summit, 2016, p.100).

Indeed, the staging of his summits is an avowal of ‘New Worlds’ – that is to say, newly visible actors within a field of action – and even though the imagery (flags etc.) is a showy display of ethnically determined ‘national’ symbols, the summits are not presented as rallies. Nor are they ironic or ostentatious. Instead, the staging of these assemblies, replete with novel architecture and national symbols, is a formal acknowledgment of people who are not recognized on the ‘world stage’, and through this we see a disruption to our own orientation as a public audience. The participating blacklisted organisations¹³³ are visually presented as nascent governments and afforded an authority that they do not possess within mainstream or International politics. They are provided with a space in which to perform their democratic statelessness. The summits therefore shape a kind of evolution (or revolution) of stateless political actors through assemblies, where the architectural spaces provide the requisite spectacle for validating the presence, authority and identity of those assembled.

¹³³ Staal invited “representatives of the Kurdish Women’s Movement (affiliated with the PKK), the Basque Independence Movement, the National Liberation Movement of Azawad and the National Democratic Movement of the Philippines, as well as lawyers, public prosecutors, judges and governmental advisors involved in high profile cases after the passing of the Patriot Act in the United States” (Staal, 2012).

Equally, in keeping with artists such as Bruguera, Staal invokes the idea of the summits as a “useful tool” (Democratic Self-administration of Rojava and New World Summit, 2016, p. 104) for not only facilitating the visibility and audibility of those who are ‘partitioned’ (Rancière) but also, the summits embody *new* approaches to performing politically. They appropriate public spaces that are extensions of nation-state (cultural) agendas (Museums, galleries, universities etc.), but they do not valorize the nation-state in their political expression. They “*repartition* the political from the non-political. [... They] occur ‘out of place’, in a place which was not supposed to be political” (Rancière, 2011, p.4). *New World Summit* appropriates the idea of parliaments but does not reiterate statist ideologies. Instead, these assemblies assume the role of reconfiguring power and in so doing, illustrate very well how art can be a space of action – an activity of ‘*doing* politics’ by revealing the perspectives of those who would otherwise be excluded from an international political arena. In this sense, *New World Summit* is an ‘act of citizenship’ (Isin). It stages what otherwise would not be visible within the political arena. Importantly too, what we see is a new mode of citizenship being actualized in the practice of the assemblies. These new manifestations of citizenship are not about exercising legal rights as if conferred on status citizens, but about new ways to organize and perform politically through alternative public assemblies. The aim of the summits therefore is not only to devise (new) ways of recognizing and sanctioning the (political) claims and perspectives of stateless peoples within particular polities through the spectacle of assembled bodies and speech, but also, in the case of Rojava especially, to *structure* dialogue and *shape* assemblies so as to underpin how politics is performed as ‘self-administration’. This latter point requires further discussion and is best seen in the example of Staal’s work with the people of Rojava.

New World Summit: Rojava (2015) and *New World Embassy: Rojava (2016)* focused its

critique on the nation-state and drew on the theoretical discussions and practices of governance of the Democratic Self-administration of Rojava. The critique of the state by the Democratic Self-administration of Rojava is not only a scathing and deliberate *rejection* of the construct of the nation-state as a political and aspirational goal for the stateless people of Rojava but there is a proactive determination to *prevent* the very idea of a state taking shape within the politics being developed in the region. This is important to understanding the scope and significance of ‘citizen art’ projects and their capacity to reveal the limitations of the nation-state and the problem of normative notions of citizenship. The analysis of the state, and as interrogated through Staal’s project, is outlined by Kurdish Women’s Movement in the following way:

“None of the tyrannical regimes in the Middle East have ever created solutions; instead of addressing essential issues, they created models that only increased sectarian tensions and laid the basis for the explosion of the entire region.¹³⁴ [...] Under the colonial model of the nation-state,] the forced imposition of borders do not reflect the realities, loyalties, or identities on the ground, but are based solely on Western (or other non-local) interests ((Democratic Self-administration of Rojava and New World Summit, 2016, pp.62-74).

¹³⁴ The claim here is that underlying historical, cultural and political dispositions of the people of the region is more complex than that which can be captured and administered within a nation-state. Prior to the colonial period, systems of governance within the Ottoman and Persian Empires reflected the “different sorts of regimes but not in the sense of the nation-state [...]; people of various religious groups and ethnic groups lived together, with different hierarchies and social orders in place. [...] The world’s dominant [nation-state] system is rather primarily based on people forming one collectivity, unity, through monopoly, established and restricted through the terms and borders determined by the nation-state, and having emerged in parallel to the rise of capitalism and the stronger, formal institutionalization of patriarchy. Indeed, the European colonialists forced the concept of the nation-state upon the Middle East, but the notion resonated with certain elites in the region who saw it as an opportunity to assert their power by breaking with former hierarchies and powers. [...] Some of these borders were literally drawn with rulers along colonialist interests, thus blatantly illustrating the arbitrary imposition of imagined constructs like the nation-state, which violate and deny the more fluid and organic realities on the ground.” (Democratic Self-administration of Rojava and New World Summit, 2016, p.74).

In the late 1990s, under the influence of the Kurdish Women's Movement, the PKK "began to theoretically deconstruct the state" and arrived at the conclusion that the state and democracy are "inherently incompatible" (Democratic Self-administration of Rojava and New World Summit, 2016, p.74).

"Statelessness exposes you to oppression, to denial, to genocide. In a nation-state oriented system, recognition and monopoly of power is reserved for the state and this offers some form of protection. But the point is that the suffering and the stateless results from the same system being based on a nation-state paradigm. Having a state does not mean that your society is liberated, that you will have a just society, or that it will be an ethical society. [...] This shift away from desiring a state was an acknowledgement that the state cannot actually represent one's interests, that the monopoly of power will always be in the hands of a few who can do what they want with you, specifically because the state is implicated in several international agreements [...]. That is why the PKK began to understand the importance of rejecting top-down approaches to power and governance."

(Democratic Self-administration of Rojava and New World Summit, 2016, p.77).

In other words, the principles and practices of the nation-state *produce* injustices, inequalities and ethnic tensions and hatreds amongst those residing within its boundaries. Equally, it is important to recognise that the nation-state also *produces* statelessness. The relationship between citizenship and statelessness is a deeply symbiotic one and current discussions in the literature within Citizenship and Migration Studies see statelessness as a component part of a state's citizenship regime (Mezzadra and Brett, 2008, 2012; De

Genova, 2009).¹³⁵ Statelessness is produced through the managerial technology that develops in the handling of *all* bodies within a territory of a nation-state (including status citizens).¹³⁶ Some artists have warned; “when the rights of migrants are denied the rights of citizens are at risk” (Bruguera quoted in Staal, 2013, p.82).¹³⁷ In my view, the rights of

¹³⁵ The evidence for this is in the continuing creation of stateless peoples within a state’s citizenship regime; it is in the securitization of our mobility, of border crossing (Mezzadra and Brett, 2008, 2012; De Genova, 2009 et al), our economic class and status permitting different treatment at the territorial edges of a country; in the data profiles that are captured and inscribed on our bodies and remain with us regardless of where we are located (Rygiel, 2010) etc. In fact, citizenship and statelessness are not necessarily about a legal “status [per se] but [both are aspects of the] *practice* [of citizenship], made and remade in [the] daily decisions of judges, border guards and prison guards, managers and pimps” (my italics Kerber, 2009, p.107).

¹³⁶ The administration of migrants and the classification and regulation of the presence, visibility and movement of the undocumented, is the space in which new technologies are explored and devised that in turn informs the ordering of citizens generally (Rygiel, 2010; Mezzadra and Brett, 2008, 2012). The point here is that statelessness is not the *absence* of citizenship as some authors have argued – it is not citizenship’s ‘abject other’ (Behabib and Resnick, 2009). The stateless are not at the edges or outside of a (status) citizenship regime; nor is the existence of the stateless simply a consequence of the exclusionary management of a state’s bureaucracy or a ‘*lack*’ of legal recognition (under the false assumption that a legal system of rights is the ultimate safeguard and only needs perfecting such as discussed in the literature of the United Nations High Commission for Refugees, see UNHCR, 2010, 2010a, 2011, 2014). There are a multitude of routes to stateless, produced through the technologies of state management. For example, if a refugee/asylum seeker is successful in crossing a border, but unsuccessful in acquiring the right to reside in a host state and is unable to return, they are deemed ‘undeportable’—that is, situated in a legal limbo. They are neither legally resident nor fully absent. Statelessness is also produced when state borders are redrawn (or newly created) and people are excluded by the new regime (Europe after WWI and II, British and French colonial practices in the Middle East, the collapse of the Soviet Union, 1989 etc.); or it is produced through the banal activities of the administrative bureaucracy of a state (e.g., there are 27 countries where women cannot transfer citizenship to their children or husbands such as in the Middle East and North Africa, Asia-pacific and sub-Saharan Africa); until 1948 British women were stripped of their citizenship if they married a foreign national, as they were in the USA (1922) and Japan (1985) (Behabib and Resnick, 2009). Some states do not acknowledge their minorities (Roma in many parts of Europe; Rohingya of Myanmar, Burma, et al); States that use migrant labour do not acknowledge the presence of the labourers, even after generations of residency (Nubians in Kenya, Hispanic communities in the USA, et al.); many people are born stateless such as the children of ‘illegal’ migrants in the UK, Ireland etc.; statelessness also occurs when a state retracts the birthright citizenship of its minorities (the Armenians and the Jews during WWII, Kurds in Syria, 1960 (Staal, 2014b); the Bedoon in Kuwait, 1985; Meshketian Turks from Southern Russia).

¹³⁷ This notion of statelessness as a state’s denial of rights to individuals is expressed in the work of Hannah Arendt in the following way: “The clearer the proof of [a state’s] inability to treat stateless people as legal persons and the greater the extension of arbitrary rule by police decree, the more difficult it is for states to resist the temptation to deprive all citizens of legal status and rule them with an omnipotent police” (Arendt, 2009, p.290). Arendt argues that stateless people are by default classified as ‘illegal’ and ironically, illegality is the only kind of ‘legal’ existence that a stateless person can achieve. However, her assessment reveals an implicit lacuna: the illegality of the stateless is directly *produced* through a state’s management and classification of the stateless and the production of an alleged ‘criminal’ class becomes a rationale for further police ordering. This results in descriptions of stateless people as ‘invisible’. They are deemed to have no ‘voice’ (such a central rationale in democratic theory). They are perceived as having no agency or presence in the political space. They cannot vote therefore they are described as having ‘no opinion’ – i.e., no political being, no right to rights. All that is possessed is a ‘bare life’, as Arendt would say, a life stripped of all rights, so that they are only ‘human’, reduced solely to a material body (Arendt, 2009). However, Arendt’s categorization of legal persons (sanctioned by a state) versus ‘abject others’ misses a central problem: rights are a necessary condition for establishing a legal person, *but not a sufficient one*. That is, rights are contingent on the gift of the state and therefore precarious and limited. As Raymond Geuss points out, rights are contingent on a policing authority that upholds the law and this is not always the case within Nation States, nor is it guaranteed (Geuss, 2008; 2010). Instead, contrary to Arendt’s binary of “political versus non-political life or ‘bare life’” (Rancière, 2011), statelessness is an integral part of the administration, ordering and policing of membership and a

citizens are always at risk and the denial of migrants' rights simply makes this visible. By comparison, the Democratic Self-administration of Rojava aim to first reject statist imaginaries and aspirations and instead embody, through *practice*, a system of devolved governance where villages –"society's small cell" (Democratic Self-administration of Rojava and New World Summit, 2016, p.64) – such as local committees, councils and interest groups assemble, organize and represent themselves (in all their ethnic diversity) within a 'democratic confederation' (2016, p.64). "Democratic confederalism is thus not a centralized mechanism of decision making and forming policies, but rather a decentralized form of local self-administration made up of councils, municipalities, and communes. These council's decisions are decentralized and are based on self-sustainability." (Democratic Self-administration of Rojava and New World Summit, 2016, p.65).¹³⁸ The construct of the state runs counter to these values and objectives and is therefore rejected by the Democratic Self-administration of Rojava. There are important and striking parallels between the Democratic Self-administration of Rojava and the (historical) example of the Althing in Iceland (930 – 1260 AD). The Althing was an open-air assembly that functioned democratically *and without a state* for over 300 years. "The Althing was egalitarian in nature and consisted only of a legislature and a judiciary. There was no sovereign, no state bureaucracy, no police, no army. Instead, the Althing was in practice an annual assembly for discussing matters of concern, settling disputes, formulating laws and

state's production of inequality (presumably this is why, in her later writings of the 1960s, she addresses this problem by asserting the 'right to have rights' as preceding any political institution, Butler, 2011, p.4). The privileges and protections of (status) citizens persists alongside of, or indeed, is underpinned by, the racial, cultural, political and economic categorization of the stateless and migrants.

¹³⁸ The model of democracy emulated in the design of Rojava's new open-air parliament in the Canton Cizîre, is self-consciously an echo of the agora of ancient Greece. As Jonas Staal says, "Rojava claims to be recuperating democracy's origins as found in the agora (assembly) of ancient Greece, the space where the theatre of politics began. The fact that Rojava's parliament is declared as a public space is a result of the declaration of Rojava's stateless democracy, which by definition turned all parliaments into public, communal domains. The circular shape of the parliament derives from the shape of the assembly and its attempts to dislocate power from a clear centre and instead engage in an egalitarian social composition in which the distance between people is equalized." (Democratic Self-administration of Rojava and New World Summit, 2016, p.105).

implementing standing courts. It was the formal manifestation of government of a decentralized free state, an annual public gathering conducted in the open air” (Byock, 2002, p.3)¹³⁹ What is important to note here is that key to sustaining this system of devolved ‘self-governance’, and the logical consequences for underpinning experiments with new modes of citizenship, is the practice of assembling and dialogue. The Althing shows us that assemblies, and not nation states, are crucial to the performance of citizenship. Assemblies that are not oriented to a state enterprise, are shown to do the work of facilitating interpersonal ‘contractual’ obligations and duties: they stage a ‘miniature civil society’. They expose the fiction that citizenship is contingent on the state. This matters for understanding how both the ideas of a ‘stateless democracy’ as embodied in Staal’s creation and construction of assemblies, not only *mobilize* new and novel practices of citizenship but also are *mobilized* by state-less *citizens*. Furthermore, it is in the act of ‘doing politics’ within Staal’s ‘citizen art’ project where the principles of self-governance, and in turn the role of the citizen, are re-scripted. As Hannah Arendt would say,

“What guides the action is not a future aim that is conceived by the imagination and can be seized by the will. The action is guided by something else [...] – a principle. The principle inspires the action, but it cannot prescribe the result, as if it were a matter of carrying out a program; it does not manifest itself in any kind of results,

¹³⁹ Similar to the devolution of power to local villages and organizations in Rojava, within Iceland, assemblies were held at the local level (called Varthing) as well as the national level (Althing). Both consisted of representatives (called ‘Gothar’) who were equal in status and unlike their counterparts in Europe, “they were neither war lords nor petty kings” (Byock, 2002, p3). What is significant is that the Gothar differed from their European contemporaries in that they acted as representatives of small groups of farmers rather than as overlords, formulating laws and communicating the farmers’ concerns at the annual meeting of the Althing in Pingvellir. Selection of the Gothar was not via elections but was based primarily on kinship however, it was not tribal. Anyone could change their allegiance to a Gothar and in theory at least (this hasn’t been verified), could opt out. More significantly, the selection (or deselection) of a Gothar depended upon interdependent allegiances between the ‘citizen’ and Gothi and it was open to both to break allegiance which was proclaimed publicly (i.e., officially published) at the Althing. The system of selecting local representatives was effected not through voting but through actual contact and negotiation with those whom one represented. Importantly, it was the system of assemblies that drew together, educated and informed those in the society. Legislation then emanated from the widespread practice of assembling” (Plessner, 2012b, n.p.).

but *only in the performance of the action itself*" (my italics, Arendt, 2018, p.225).

Arendt's observations help us to see that citizenship, when not conceived as either requiring or being determined by the state, is actually perpetually generative. It manifests in the 'action itself', in the act of assembling and speaking and in the context of the pressures and problems that people face, being bound together through *inter-est* (Arendt) and in an active engagement with, in this case, the practice of self-governance. The performance of citizenship then, within the assemblies of *New World Summit* and the Democratic Self-administration of Rojava, matters to cognizing and embodying new modes of governance and alternative practices of citizenship. Indeed, my claim here is that (non-statist) citizenship, and 'citizen art' (in its production of 'acts of citizenship'), is the starting point for re-scripting genuinely new and alternative modes of 'doing politics' – new modes of political affiliations and membership. When 'citizen art' projects give form to new practices of (non-statist) citizenship, such as in the summits staged by Staal, 'citizen art' proves to be responsive, generative and conceptually and materially productive.

I'd like to add one more observation about the intersection of assemblies, 'citizen art' and new modes of citizenship. Judith Butler makes an important point about the material supports for action, such as those seen within Staal's assemblies and by extension, within 'citizen art'. As she says,

"Human action depends upon all sorts of supports – it is always supported action. But in the case of public assemblies, [...] not only is there a struggle over what will be public space, but a struggle as well over those basic ways in which we are, as bodies, supported in the world – a struggle against disenfranchisement, effacement,

and abandonment (Butler, 2011, p.1). [...] The material supports for action are not only part of the action, but they are also what is being fought about, especially in those cases when the political struggle is about food, employment, mobility, and access to institutions. To rethink the space of appearance in order to understand the power and effect of public demonstrations for our time, we will need to understand the bodily dimensions of action, what the body requires and the body can do, especially when we must think about bodies together, what holds them there, their conditions of persistence and power” (Butler, 2011, p.2).

New World Summit ‘holds’ bodies together and structures (and supports) the material conditions that make new political actors visible. It is important to appreciate that this is done through the vehicle of ‘citizen art’. The summits make visible the “interval” between the “legitimacy of a regime [e.g., a state being] called into question” (Butler, 2011, p.2) and, I would argue, when a new regime is taking shape. As Butler says, “This time of the interval is the time of the popular will, not a single will, not a unitary will, but one that is characterized by *alliance with the performative power to lay claim to the public* [...]” (my italics, Butler, 2011, p.2). The ‘popular will’, indeed, the alliance of peoples, is codified through action and assembly – i.e., *codified through a ‘citizen art’ project*. Staal’s projects, like that of Tania Bruguera’s, provide rich frameworks for ‘acts of citizenship’ within which perceptions are altered and subjects are transformed into visible actors within a field of action. The Summits reframe how politics is done and from where new political actors emerge. These ‘citizen art’ projects trouble the notion of the nation-state as hegemonic and by extension, normative notions of citizenship. They alter how statelessness is understood, discussed and *mobilized* and they reconfigure the nature and role of the citizen.



Fig. 4: *Citizen Artist News: The University as a Border Regime*, London, 2013. Left: front cover. Right: back cover.

This last example of a ‘citizen art’ intervention that I will discuss in this chapter is my own *Citizen Artist News: The University as a Border Regime* (2013, hereafter called *CA News: Border Regime*, see Fig. 4 and Appendix A). This project was the first of the two art interventions in the form of a printed newspaper (as stated above). *CA News: Border Regime* was an exploratory exercise in the use of an (archaic) communication medium for contending with the issue of citizenship and immigration as experienced within the space of a university, in its transition into a border regime. That is, the newspaper was intended to intervene in a moment of the repurposing of the university into a border regime following the ramping up (in 2012-13) of the UK government’s requirement for universities to monitor and track their ‘foreign nationals’ (aka International students).¹⁴⁰ The newspaper evolved

¹⁴⁰ Since 2014, the use of the term ‘foreign national’ to describe students from outside of Britain and the EU has all but disappeared from use in universities and on websites. However, at the time of preparing this intervention (2012), this vocabulary was still in evidence. See for instance, *University and College Union Report on Points Based Immigration Seminar* (University and College Union, n.d., p.4); *University of the Arts London Joining Information 2012-13* (University of the Arts London, 2012, p.7.) and for a discussion of an earlier proposal by the UK government to issue ‘foreign nationals’ and ‘immigrants’ with ID cards see, *Foreign National ID cards will do little to improve security in the near future says LSE academic* (London School of Economics, 2008). For a criticism of

out of one preliminary art intervention where I and a small team of students¹⁴¹ solicited ‘home’ students at Central St. Martins College of Art & Design to complete two surveys (called *National Student Surveys*, see Fig. 4 and 5 and Appendix B. These surveys were also reproduced in the newspaper on pp. 5 and 14, see Appendix A). This preliminary intervention not only provided content for the newspaper but also, importantly, interrogated the issue of the language and designation of a ‘foreign’ student and membership through the *practice* of the intervention. I will discuss this intervention in more detail below as it involved the direct participation of ‘home’ students and was important for setting the tone of the newspaper as an ‘act of citizenship’. *CA News: Border Regime* was an important exercise in scoping out how this form of artistic (media) intervention could ‘do politics’ through ‘citizen art’ practice. As an interventionist tool, and in the hands of a declared ‘citizen artist’, the intention was to use the newspaper to interpose between the seemingly prosaic culture of the university and its new bordering practices by drawing attention to how its individual members are entwined in the daily production and policing of a specific group of its members – international students – in the production of a State’s citizenship regime. The newspaper therefore is unique in its aesthetic capture of the moment (2012) when universities became directly responsible for monitoring the physical presence of international students. It predates and in some way, anticipates, the tensions that surround

the cynical attitudes to ‘foreign students’ within universities, see *The Economist* (2010) article titled ‘Foreign University Students: Will They Still Come’; the discussion is about how “money-grubbing” (The Economist, 2010, n.p.) universities target ‘foreign students’ as a source of income. It uses the terminology of ‘foreigner’ repeatedly and states “Long before Oxford had dreaming spires, it welcomed its first foreign student for whom records exist: Emo of Friesland, in 1190” (The Economist, 2010, n.p.). The current exclusion of European Union nationals from the category of ‘International’ may change in the wake of Brexit but no change to the status of EU students is expected until 2020/21 (Bridgestock, 2018).

¹⁴¹ The newspaper and the preliminary intervention was produced in collaboration with a small team of students (Ilia Rogatchevski, Dovile Alseikiate, Mandy Collett and Anna Kaufman, two of whom, Ilia Rogatchevski, Dovile Alseikiate), worked with me for the full arch of the project, helping to edit some sections of the paper, solicit contributors and produce visual imagery. The production of the newspaper was also helped by the participation of approximately 25 students from the BA (Hons) Book Art & Design programme at LCC who generously gave their time to being photographed for the design of page 5. It is important to add too that my participation in a Borders, Citizenship and Mobility research workshop (2011-2013), held monthly and chaired by Dr. Nicolas De Genova, first at Goldsmiths College and then at Kings College, London, was invaluable for navigating some of the issues of immigration highlighted in the newspaper, prior to and at the time of its creation.

immigration and membership in the rise of Brexit and the State's reordering of citizens.¹⁴² The purpose however was to make apparent the lived, affective, experiences of the members of the university in the moment when the procedures to monitor 'foreign' nationals rapidly became instrumentalized within the administrative and pedagogic systems of the institution. The aim was to question this unfolding complexity and to trouble the university's logic and rationale through the lens of the aesthetic effects of its bordering regime. That is, to problematize how the institution functions as a space where differences and divisions are formed and indeed, performed, and in turn, how membership and citizenship is enacted under these conditions. As Nando Sigona has noted in his brief discussion of the impact of immigration policy on citizens, one "side of immigration policy and practice [is] the permeability and historically contingent nature of the boundaries between citizenship and non-citizenship and the concrete ways immigration rules produce and shape not only the position, entitlements and experiences of non-citizens in society, but also the very meaning of what citizenship is and of what being a citizen entails" (Sigona, 2013). The aim therefore of *CA News: Border Regime* was to make visible the silent workings of the attitudes, behaviours and various managerial systems that prevail in sustaining the immigration policies of the State and in disseminating the newspaper, to intervene in and indeed, to interrupt the normalization of the seemingly workaday (but otherwise 'malignant', Hutnyk, 2013) immigration procedures of the university.

A central strategy of the newspaper therefore was drawing attention to the 'janus faced'

¹⁴² Since November, 2018, Elderly British residents of West Indian descent who arrived as children (between the years 1948-1971) have been subject to the enforcement of strict rules set out in 2012 – the same year as the implementation of bordering practices in the university – "that required employers, health services and landlords to demand evidence of people's immigration status" (Al Jazeera, 2018). Many of those affected have lived in Britain for their entire lives (paying taxes etc.) but are now subject to unparalleled scrutiny and harassment. It is estimated that approximately 50,000 Britons are affected (Al Jazeera, 2018). The scandal has led to much discussion in the News Media, with headlines such as 'The Windrush Scandal Made Me Realise that I'm Still Seen as a Foreigner in My Own Country, So I've Applied for Jamaican Citizenship' (Chambers, 2018) and 'Windrush Generation asked to 'Prove They Are Worthy of Citizenship' (Sputnik, 2018).

character of the University environment as, on the one hand, a space that propagates the values of 'equality' and 'mobility' and on the other, as a regime for policing the presence of 'foreigners', marking out those who do not belong even within its membership, i.e., those who are neither 'equal' (subject to extensive monitoring) nor wholly 'mobile' (bodily tied to the institution). In this sense, the newspaper intervention drew on contemporary analysis of a state's border regime where the University not only operates as a 'method'¹⁴³ (Mezzadra and Nielson, 2012) where its members (students, staff, administrators etc.) are actors in the production of divisions in status that enact the policing policies of the State but also, members are subject to the state's systems and procedures of securitisation. It is the very complexity of the tension between the aspirational and idealised values of the institution on the one hand and on the other, one's own role in reproducing social divisions and discriminations that the newspaper was aimed at highlighting and problematising.

To give some context, the newspaper was produced during my employment as a Senior Lecturer at the University of the Arts London, UK. Drawing on what I had learned from the *Mobile Armband Exhibition* intervention and as a member of a university who was expected to actively participate in discriminating against its 'foreign' students, I was immersed in the (aesthetic, affective) experience of the university/state's (status) citizenship regime and its silent bureaucratic operations. I hoped that the act of intervening would go some way to interrupt what was unfolding and being normalized. The purpose of making visible the private experiences of some of the university's members who were struggling with the harmful effects of this new regime, was to press on other teaching and

¹⁴³ I borrow Sandro Mezzadra's and Brett Nielson's concept of the 'border as method' where borders are seen as "making a world rather than dividing an already-made world.[...]It is useful, perhaps even necessary, to [...] investigat[e] concrete practices of border crossing that embody the elements of constituent excess present in every scene of border making or border contestation. This is why we focus on the subjective dimensions of migration and the ways in which bodies in motion challenge border regimes across diverse geographical scales. It is also why we emphasize the making and unmaking of social worlds." (Mezzadra and Nielson, 2012, p.60)

support staff, students, administrators etc. that *everyone* was involved in the production of inequalities within the institution, and to prod at individuals who did not (or would not) recognize this fact. It was therefore imperative to perform an act that challenged the University's own techniques of bordering and racialized categorization of students that was actively redefining who 'belongs' and characterizing 'foreign' students as suspicious, untrustworthy and therefore deserving of close monitoring and policing. 1500 copies were printed and distributed on May 1, 2013, to universities in central London – the University of London: Goldsmiths College; University College London; School of Oriental and African Studies; London School of Economics; Birkbeck College and the University of the Arts London (the London College of Communication and Central St. Martins) and other arts organisations such as the Whitechapel and the ICA. Copies were also sent to the Department of Education and the Home Office.

As an art intervention, *CA News: Border Regime* deliberately appropriates the design of a conventional broadsheet newspaper, organized into sections with headings such as 'International News', 'National News', 'Analysis', 'Opinion', 'Property' and 'Lifestyle' pages, to avail of a newspaper's aesthetic framing that underpins the meaning of its contents (see Appendix A). However, unlike a conventional newspaper, *CA News: Border Regime* is a single topic newspaper and all of its elements, such as images, adverts, news items etc. deliberately focus on issues of membership and immigration and its complexities, as it affects those in the university. Rather than perform an objective analysis of the institution, the aim was to capture the *affective* experience of its members – the lived experience of working and studying in a university as a border regime. The newspaper's content brings together 'experts' views, opinions and experiences of the University (i.e., lecturers, professors, students, alumni etc. regarded as 'experts' in virtue of their membership and

direct experience of the University, rather than their status as professionals). Unlike a conventional newspaper, the editorial role is a wholly creative one and entirely focused on the manifestation of a border regime within the space of a university. Every aspect of it, every illustration, interview, opinion, reflection, advertisement etc., has been collated and arranged to build up a multi-perspectival reading of the theme. Authored articles and interviews with specialists in the field of Citizenship Studies discuss the concept of the citizen and an analysis of 'bordering' and these perspectives are juxtaposed with the personal reflections of a lecturer who describes their experience of the use of barriers and security guards within the spaces of their institution alongside an alumni who reflects on the notion of 'foreignness'. Material appropriated from online sources, such as anonymously authored texts that give 'attendance guidance' to International students, lists of immigration rules and legislation is placed alongside news items that report on International students forming lengthy queues outside of police stations, the mapping of 'high risk' nationals and quotes of students of various nationalities who describe their different treatments within the university.¹⁴⁴ Non-national lecturers discuss their struggle with the Border Agency alongside an interview with a Border Agent who oversees case work, next to an advert by an activist group who focus on precarious labour within the university (drawing parallels with migrant labour). Private correspondence and internal notices and memos with bullish language and oppressive directives of the administrators evidence the coercive policing of (academic) staff to monitor 'foreign' students. The Property pages highlight security cameras, door locking mechanisms, warning signage and turnstiles at entrances of buildings that inform the architectural spaces of the university. And the Lifestyle and crossword pages point up yet more paradoxes of the

¹⁴⁴ As research developed for the newspaper intervention, it became evident that students from Canada and studying at Cambridge, for example, have negligible exposure to policing measures whereas students from places such as China, studying at the University of the Arts London, were subject to weekly checks. See pp. 2-3 *Citizen Artist News: The University as a Border Regime*.

university as a border regime, soliciting readers to engage with provocative quizzes and puzzles, 'weather' maps and faux adverts.¹⁴⁵ All of this is presented in such a way as to draw attention to aesthetic (affective) dimension and complexities of the politics of membership that the source material had not previously possessed. The newspaper houses articles and images in such a way as to draw out and highlight the sub-themes of the publication such as the bureaucracy of the state, precarity and mobility of labour, securitisation, and the effects of the university's economic conditions. Its form and arrangement is intended to draw readers into an affective experience of and reflection on ones' own involvement in constructing the politics of belonging within a University, reminding the reader of the central problem: what kind of socio-political being is in play here — what kind of 'citizen'?

To better understand the context of the newspaper intervention, the following will briefly detail the internal procedures and administrative systems devised for monitoring the behavior of International students. In servicing what was (in 2012) called the UK Border Agency¹⁴⁶ teaching staff were required to document and report on International student attendance and some institutions, such as the one I was working for, had set up an additional layer of administration where International students had to sign in at a designated office every week. If faculty did not participate in documenting and reporting¹⁴⁷

¹⁴⁵ One advert by the artistic duo Mirza and Butler, in collaboration with the artist and curator Portland Green, is a deliberate mirroring of the newspaper's intervention. That is, they prepared an advert for the newspaper's back page of an image and extract from Mirza and Butler's film called *Direct Speech Acts*, 2011. It highlights the example of a student called Nabil Ahmed from Bangladesh who, not untypically, arrived on a student visa but needed to work to support his studies. The speech he makes reveals the hardship that many face in meeting the material demands of their studies.

¹⁴⁶ At the time of developing and launching this intervention, the UK Border Agency (UKBA) oversaw all immigration (visas, policing, detention, intelligence etc.) within the UK and held an executive position within government (since 2009). In 2013, the UK Border Agency's executive powers were abolished and their work transferred to the Home Office. The agency was split into two and renamed as UK Visas and Immigration and Immigration Enforcement. (Wikipedia, n.d.).

¹⁴⁷ Monitoring was done by keeping a register of students' attendance in class and being required to pass on information to senior administrators if and when an International student was absent for 3 classes. It is important to point out that keeping records of students' attendance was not otherwise enforced inside the university, nor were there any

on the physical presence of International students and account for their attendance in class, students were then vulnerable to the decisions of the UKBA under threat of the commencement of deportation procedures. This layer of surveillance was in addition to an elaborate system of screening and application procedures that foreign national students endured to gain access to universities in the UK. At the time of this project's development in 2012, John Vine, the then Independent Chief Inspector of Borders and Immigration, stated "Tier 4 of the Points Based System (PBS) was introduced in 2008 to strengthen controls over the migration of students from outside the European Economic Area (EEA) to the UK. Strict rules govern what courses can be studied, the educational institutions that a migrant student can attend and the amount of time allowed to study" (Vine, 2012, p.3).¹⁴⁸ Extensive tracking, monitoring, and maintaining records included passports and biometric data, leave stamps and or immigration status documents, UK Biometric card, proof of entitlement to study, a history of the student's contact details (addresses in UK), copies of the offer to study, clearance certificates for Academic Technology Approval Scheme (where appropriate), copies/evidence of the documentation required for offer of a place to study (references, certificates etc.) and if under 18, provide details of foster carer to the local authority etc. The point here is that even prior to a student's daily surveillance within the university, numerous government agencies were involved in scrutinizing and surveilling International students and extensive personal data was collected and stored by the

consequences at senior administrative level if a UK national – i.e., a 'home' student – or a student from within the European Union was persistently absent. Therefore, record keeping was unevenly practiced amongst teaching staff. In my case, my own records were pegged to making sure all students within a cohort were able to keep up with the teaching material as it unfolded throughout a term. However, it was not always necessary to keep records (given that different cohorts behave differently). In my role as a Course Director, when there were problems with a 'home' or EU student, it was impossible to apply this information within the University's administration system to compel them to attend classes. Instead, the practice was to facilitate a student in any and every way to complete their studies (e.g., teaching faculty were required to provide extra-curricular support etc.) and there were no disciplinary procedures, or threat of expulsion, if a 'home' or EU student was frequently absent.

¹⁴⁸ Note that only recently have there been changes to the Tier 4 Visa system under Home Secretary Mr. Sajid Javid. Some restrictions have been eased for 11 countries (Bahrain, Cambodia, China, Dominican Republic, Indonesia, Kuwait, Macau, Maldives, Mexico, Serbia and Thailand) and have been added to the government's "trusted list" (Waldron and Ali, 2018, n.p.). Students from these countries will have to abide by all Tier 4 rules and regulations however, they no longer are required to speak English or provide evidence that they can support themselves while in the UK (Waldron and Ali, 2018).

university on behalf of the immigration services.¹⁴⁹ In other words, the administration of a university is deeply entangled in the partitioning of its members.

Pages 5 and 14 of the newspaper (see Fig. 5 and Appendix A) were explicitly designed to capture the partitioning of university members and the commonplace attitudes that shape the institutionalized delineation and classification of the 'foreigner'. I will discuss the content of these pages in detail as they were based on a prior intervention mentioned above. Two (visual) questionnaires were designed to provoke participants ('home' students) by asking them to puzzle through a quiz about the purported visual appearance of a 'foreign' student. The Citizen Artist team approached forty-five 'home' students at Central St. Martins College of Art & Design (23 March, 2013), supplying pens and colouring crayons to students to complete the task. The questionnaires were intended to present the participants with a dilemma: they were asked to either pick-out or describe (i.e., make a drawing of) what a 'foreign' student looked like. However, what was a seemingly simple task of either rendering the features of a 'foreign' student (p. 12) or selecting from a set of passport sized photographs (Fig.5), involved 'home' students in addressing a set of (tacit) racist assumptions while actively inscribing and classifying who purportedly does and does not belong. It is important to note here that the surveys do not celebrate the language of racism. Instead they pick-up and re-present the vocabulary of 'foreignness' that was then commonplace within the University. The point was to position the students as producers of the institution's administrative and classificatory practices by drawing their attention to their own role in deciding who is 'foreign'.

¹⁴⁹ Similarly, the USA made changes in legislation in 1996 to accommodate an immigration programme called SEVIS: Student and Exchange Visitor Information Service. The programme lay dormant until September, 2002, following the emphasis on terrorist legislation post 9-11. "Sevis checks the biographical information of foreign students entering the United States against criminal and terrorist databases. SEVIS participating schools are required to report when a student reports for classes, drops out, or changes a major" (Chishti and Bergeron, 2011, p.4).

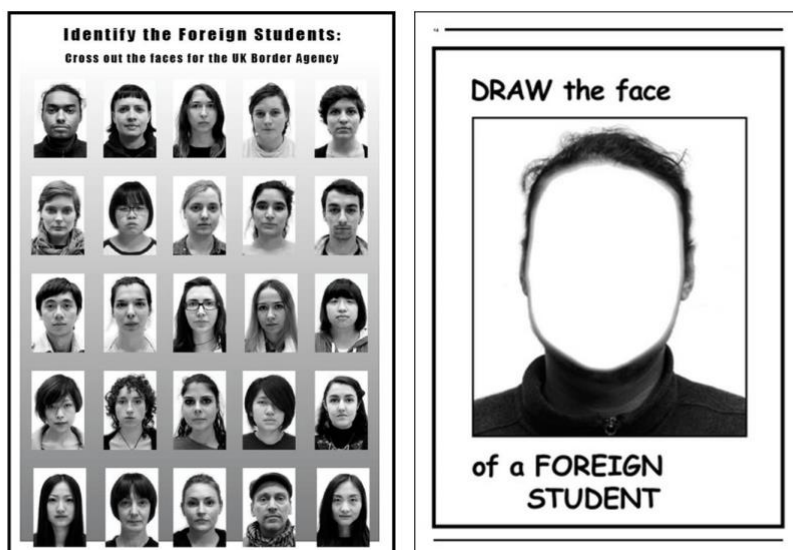


Fig.5: *National Student Surveys*, London, 2013. Left, page 5 and right, page 14 of *Citizen Artist News: The University as a Border Regime*.

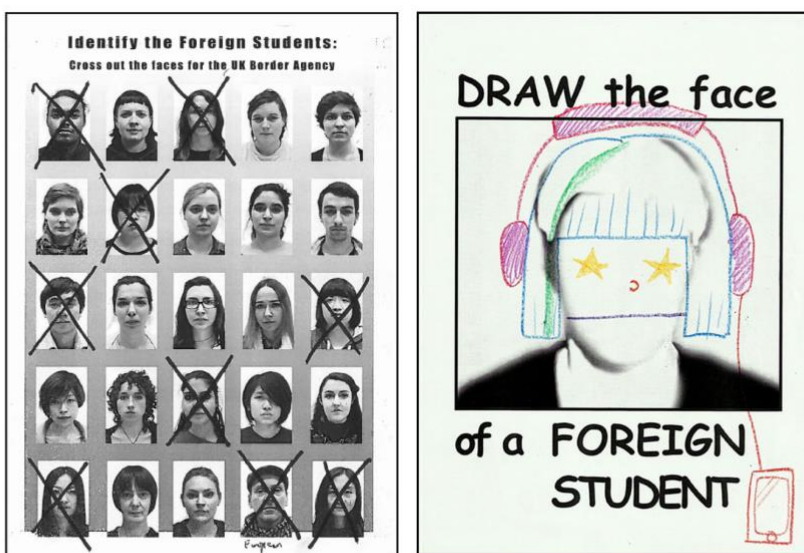


Fig.6: Examples of completed surveys, *National Student Surveys* Central St. Martin's College of Art & Design, London, 2013.

The one survey (fig.5) made use of the 'evidence' for surveillance – the 'proofs of identity'¹⁵⁰ – in the form of passport photographs used when processing the registration of students, which is often assumed to be incontrovertible (see also Appendix B). In doing

¹⁵⁰ In his book *The Invention of the Passport: Surveillance, Citizenship and the State*, John Torpey draws attention to how the evolution of state sanctioned identity papers in the Modern period goes hand in hand with the characterization of the 'foreigner' as "someone from another country whose trustworthiness is questionable" and that this concept of 'otherness' is embedded in the bureaucracy of Nation States as they emerged in Europe, first notably during the French Revolution (Torpey, 2000, p.30). The foreigner, as he says, "was perceived more and more *ipso facto* as a suspect" (p.42). See also the Migration Observatory's website where they use the term 'foreign' explicitly to define immigrants for the purposes of their research. As they say, "this briefing defines the migrant population as the foreign-born population in the UK. Wherever relevant and indicated, the briefing also provides data on foreign citizens residing in the UK, as well as for recent migrants – defined as foreign-born people who have been living in the UK for five years or less" (Migration Observatory, n.p.).

this, the survey not only drew out the wider connotations of (visually based) racial prejudices and the assumptions about the fixity of the photographic image and its scope for 'identifying' a person (e.g., as within passport security¹⁵¹) but also the assumptions about the veridicality of the passport photograph that play out in society at large. The surveys therefore drew out the problematic of actively classifying who is 'foreign' (or not), distinguishing between the different statuses of 'citizens', on the visual 'evidence' of a passport photograph.

The overall objective of the intervention was to instigate a (subtle) moment of disruption in the daily lives of the members of the university by soliciting the involvement of individual 'home' students'. In this sense, the intervention was a rudimentary 'act of citizenship'. Its aim was to directly discombobulate participants and heighten their awareness and prompt a self-conscious, decisional, act. Students had to physically engage with crossing out passport photographs or drawing faces of 'foreigners' (see Appendix B) to affectively enter into the problem of making judgments about who and what is a foreigner — who is a member of the university, or not. 'Home' students had to *experience* the unanswerability of the questionnaires, to live through the absurdity of setting out to make any kind of decision about who may or may not be a 'foreigner' based on mere passport-sized photos – indeed, representations of their fellow colleagues – or making drawings of their own imaginary assumptions of the appearance of a 'foreigner'. The intervention engaged students in a slow and deliberative provocation that entangled them in having to think through and make choices about who and what is foreign and what constitutes a member. The surveys therefore required that they be visual. The point was to pin people down to judging *images*

¹⁵¹ See John Torpey's discussion of the use of the photograph to verify the accompanying descriptors in passports (e.g., "name, age, profession, description, domicile and nationality of the bearer"), in countering misidentification amongst the authorities. And further, that the precedent for a passport to be issued to 'individuals' was due to the historical case of the French King's attempted flight using a servant's travel documents (Torpey, 2000, p. 38).

of 'others' and to have them enact their discriminations by making apparent the tensions between the multiple (visual and conceptual) connotations of citizen and foreign national, status and identity, race and otherness and membership or non-membership within the university.¹⁵² This approach to testing political subjectivity via what Rancière has described as a 'dissensus' further prompts the problem of the complexity and ambiguities that surround the concept of citizenship. Citizenship is not simply a set of properties or qualities understood as say, a legal status (an allegedly objective criteria) but a *relation* between members. This intervention brought to the fore how the active discrimination of a university's members and the *aesthetic* dimension of their relations play out within the arena of the university in sustaining differences and divisions between 'home students' and 'foreign students'.

The questionnaires were a medium for a public and dialogical act, but they also turned the dissensual moment inward—to prompt an act of 'interiority' ("an inner dialectical logic [...] allowed to think itself out and to become explicit"¹⁵³). And this internalization of the dilemmas presented within the questionnaires, in addition to the requirement for individual deliberation (the act of choosing), places the participant at the centre of the production of

¹⁵² To elaborate a bit more on the ability of the surveys to penetrate subjectivities, the Citizen Artist team came to 'play' with the students' participation in the act of approaching them. The results were interesting: out of the forty-five who were canvassed, two students who had quickly and confidently completed the task had asked if they had answered the questionnaires correctly. To these people we either confirmed that they had 'got it right', hoping that they would eventually see through this absurdity at a later date, or we pointed out that the question isn't answerable as it relies on assumptions about the appearance of people (and indeed, more absurdly, a photograph of a person) to determine 'foreignness'. However, most participants slowly began to glimpse aspects of the problem during the act of deliberation (i.e., while crossing out passport photos or drawing facial characteristics), very often pausing and reflecting on who they had selected or troubling who to choose as foreign. Some people asked for advice in making their selection or wanted to be guided, concluding that it was complicated and difficult to form a decision. Others began to interrogate and discuss the idea of 'foreignness' during the exercise. Only one student was alert to the implications of the survey from the start. In this case, we were challenged about the possible racist issues that it raised to which we were then able to draw out a discussion about the role of students and staff in the functioning of the Immigration Services within the University.

¹⁵³ The conception of an 'inner dialectic' as 'interiority' entailing political subjectivity is discussed in an introduction to the work of Wolfgang Giegerich on The International Society for Psychology as the Discipline of Interiority's website and as part of their 'Definitional Statement' (The International Society for Psychology as the Discipline of Interiority, n.d.).

membership. It embeds them in real world settings and situations and exposes how their own conceptions (and prejudices) of belonging determine the lived experiences of the 'other'. It makes visible, as Rancière notes, how affective (aesthetic) experience is partitioned and in turn, makes apparent one's role in the division of power (Rancière, 2004). The surveys were not only 'tools' for doing politics, but also the politics being 'done' – the troubling of accepted norms and assumptions as it pertains to the classification and intensification of unequal treatment of non-national students and staff within the university – was to perform an 'act of citizenship'.

Exposing the internal partitioning of people within the university and the differing treatment of 'home' member and 'foreigner' was themed throughout *CA News: Border Regime*. The newspaper, and its scope as a 'citizen art' intervention, begs the question of what kind of membership is produced by a university's systems and practices? What kind of 'citizen' is shaped within the domain of higher education? How exactly is citizenship performed, especially when the popular conception of a university involves notions of hierarchies of knowledge distribution and centres of excellence? The university is also allegedly a space where the values of social equality and mobility are propagated, carrying the traces of sentiments such as those where education is seen as a preparation for public life and civic responsibility, and especially in the UK, to perform as 'citizens' by embodying the values of a Liberal democracy.¹⁵⁴ The following will briefly outline some of the cultural and historical imaginaries of a university that constitute its (contested) values, to better situate the scope and meaning of *CA News: Border Regime* and its rudimentary attempt at exploring 'new' modes of citizenship.

¹⁵⁴ See also Bill Reading book *The University in Ruins* (1996). He outlines the influence of the German Idealists on the development of the modern University and the role that the University played in shaping the 'citizen', 'community' and 'national culture' within the burgeoning Nation States of Europe and America.

William Talcott outlines the shift in the emphasis on citizenship within the university, aimed at fostering 'moral education and civic responsibility' in the 19th century, to a focus on 'research' and personal development in the early 20th century. As he says: “New, more private and scientific notions of citizenship were gradually eclipsing the collegiate emphasis on moral character. Ostensibly handing the task of character development to secondary and lower schools, the university became more concerned with technical expertise, scientific research and professional development” (Talcott, 2005, p.2). He goes on to quote Benjamin Barber: “by the end of World War II, higher education had begun to professionalize, vocationalise, and specialize in a manner that occluded its civic and democratic mission” (Talcott quoting Barber, 2005, p.3). Not only has the University been economically decoupled from the State,¹⁵⁵ but the role and purpose of the institution has moved from its Enlightenment objectives – the formation of critical citizens – to a complex commercial enterprise, producing 'knowledge capital' (i.e., Intellectual Property) (Anderson and Rossi, 2010). Consequently, students look to a University for material (i.e., career) advantage, lecturers believe that universities are for critical inquiry and self-development (at least in Europe and America) and managers see it as a business enterprise and replicate the economic strategies of neo-Liberalism.¹⁵⁶ None of these conceptions sit very well together. In fact, they sharply conflict.

¹⁵⁵ Andrew McGettigan’s book titled *The Great University Gamble: Money, Markets and the Future of Higher Education* is a detailed case study of the monetization of the UK university and how “opening up public funding to private providers is already underway and will provide the gateway for large for-profit companies and private equity to establish themselves in competition against the established, charitable sector and to extract profits through state-supported loans” (McGettigan, 2013, p.96). In short, he draws attention to how the university is seen as a space of commercial exploitation by corporate business and government interests in the push to internally and externally privatize the university.

¹⁵⁶ David Harvey offers a clear and sharp distinction between the economic strategies that have been exercised by multinational corporations and banks since 1970 and the values that have proliferated in the wake of these changes in his book *A Brief History of Neoliberalism* (2005). Harvey argues that the former has been the primary driver of changes to our social and political landscape. The adoption of neo-Liberal economic strategies by universities' managers and the impact on the culture and values of the University is discussed by Bill Readings in his book *The University in Ruins* (1996).

While it is too soon to gauge the long-term consequences of this turn in Higher Education, Gerald Raunig's metaphor of a 'factory of knowledge' may be useful here in framing the problem anew. His analysis gives us some purchase on what a university is, so as to understand how it can be a space of resistance to statist and corporatist enterprises. This is important for understanding what *CA News: Border Regime* captures as the aesthetic and affective dimension of the university's system of classifying and ordering its members. It also sheds more light on how one might interpret the context of this 'citizen art' intervention as an 'act of citizenship' in its active involvement with the university and its systems. Raunig declares that "What was once the factory is now the university" (Raunig, 2013, p.24) and by this he means that the institution not only replicates the embodied subservience to a 'machine' i.e., the University as an apparatus "supporting authorities" and an "accommodation to subjugation" (2013, p.25), but importantly, he also observes that it is a space in which solidarities and resistance to subservience is realised and takes form. He continues to argue that the University is not simply "a site of the transfer of knowledge, but rather [...] a complex space of the overlapping of the most diverse forms of cognitive, affective, subservient labour" (2013, p.24). He speculates that as a space of 'modulation' the university is potentially a site that can be 're-territorialized' into a space of resistance to the production of its own disciplinary regime (2013, pp.23-24) and in so doing, asks us "to consider the transformations of contemporary modes of production as a condition for the emergence of the modulating university, or more generally the fact that the adaptive capacity of capitalism has taken over precisely the central characteristics of these struggles, in order to flexibly immunize and newly position itself" (2013, p.25). While I would agree with Raunig's observation that the university as an institution is responsive to the demands and flows of capital, his argument does not wholly capture the implications of critical discourse and practices amongst a university's members. This point is better

expressed in the work of Jacques Derrida. The following will outline more carefully how one might understand the university as producing a critical space as this bears heavily on how one conceives of its potentiality for performing 'new' modes of citizenship. It also matters to how one interprets *CA News: Border Regime* as 'doing politics' and as a rudimentary 'act of citizenship'.

Derrida frames the nature of the university in such a way as to conceptually open up not only a space of resistance within its system, but also, the larger claim of its *independence* from the state. As he says, the university is a site of resistance "to the power of the nation state and its phantasm of indivisible sovereignty [...] to corporations and to national and international capital [...] to the powers of the media, ideological, religious, and cultural powers" etc. (Derrida, 2002, p.26). Unlike Raunig's characterization of the university as a 'modulating' space, Derrida suggests that the 'unconditional university' as a site of 'deconstruction' (i.e., a site of intellectual analysis and hypothesizing without restriction), is not in existence per se and yet, this should be what constitutes its nature. Why? Because for Derrida the 'unconditional university' *stages an 'unconditional independence'* (2002, p.28) *from state and corporate apparatuses*. As he says "The university claims and ought to be granted in principle, besides what is called academic freedom, an *unconditional* freedom to question and to assert [...] the right to say publicly all that is required by research, knowledge and thought concerning the *truth*" (2002, p.24). The key point here is that Derrida envisages the university as a sovereign space analogous to that afforded to the state and he troubles the question of how sovereignty could plausibly be divided between the two (2002, p.28). To this question he offers a subtle answer: he hones in on how the Humanities play a decisive role in foregrounding critical inquiry and that in essence they capture the necessary preconditions of resistance to state and economic

powers, in so far as the Humanities represent “the place where the university is exposed to reality, to the forces from without, (be they cultural, ideological, political, economic or other).” He continues, “It is there that the university is in the world that it is attempting to think. On this border, it must therefore negotiate and organise its resistance. And take its responsibilities. Not in order to enclose itself and reconstitute the abstract phantom of sovereignty [...b]ut in order to organise an inventive resistance, through its oeuvre, its work, to all attempts at reappropriation (political, juridical, economic and so forth) to all other figures of sovereignty” (2002, pp. 55-56).

The push and pull between institutional powers (government authority and the ‘unconditional independence’ of the university) and the role of the university in contesting imaginaries in the (‘real’) world, speaks to a democratic ideal and in turn our role as members of the university and more widely, as citizens, that Derrida makes visible – an ideal that is ‘in the world we are attempting to think’. Such are the challenges that are in play within the (UK) University today that bear heavily on the reality of one’s membership and participation and of course, on the concept and role of a citizen. I would argue too that it is in this context that *CA News: Border Regime* gains real meaning as an ‘act of citizenship’. As an act that exposes the aesthetic dimension of the university as it manifests as a border regime on the one hand, and on the other, as a performance of citizenship that does not reiterate or valorize statist notions of membership.

It is important to briefly note here too that this approach to the intervention is very different from other manifestations of interventions that have used the newspaper format (and other forms of Media, such as those that rely more heavily on performative speech acts) as say, in the case of the Yes Men whose interventions are adroit public protests. The Yes Men

are well known for their sensationalist, staged pranks aimed at attracting the attention of and manipulating the mainstream Media (both print and broadcast).¹⁵⁷ Their strategy is to wrong-foot the mainstream Media, and expose the Media's complicity in the visibility (or invisibility) of ethical and political issues. By contrast, the *CA News: Border Regime* intervention was not devised to wrong-foot anyone, but instead was aimed at *taking participants through a process* that embodies them in recognizing that their own (one's own) membership of the university is a political act and *produces* the border regime. It highlighted that the University's implementation of bordering involves unequal and differential treatments that are not only obfuscated by the rhetoric of equality, but also, reproduced and/or supported in the daily behaviours and actions of its individual members. The intention was to 'get under the skin' so to speak and this required that the strategies for engagement be more subtle, pointed and enacted. It also required that material from preliminary interventions that involved collaboration with members of the university (e.g., the *National Student Surveys*, as discussed above), provided a layering of meaning and content for the newspaper, making apparent intersecting themes of racism, precarious labour, and the language of b/ordering within its administration. The success of *CA News: Border Regime* then, lay in its ability to tease out and make visible the affective dimension of university membership and through its enactment, to call to account one's individual role in the production of a border regime, at the very moment when the university was in transition.

This chapter began with an outline of artistic interventions as understood and discussed

¹⁵⁷ Not only have the Yes Men produced newspapers as interventions (e.g., *The New York Times Special Edition*, 2009; *New York Post Tells the Truth*, 2009a) that critique the corporate sector and its influence, but on 3rd of December, 2004, one member (Andy Bichlbaum) passed himself off as the chief executive of Dow Chemical, the corporation responsible for the Bhopal disaster in 1984 (Dow Chemical own the Union Carbide Corporation who operated the chemical factory in Bhopal, Madhya Pradesh), and in an interview by BBC News, declared that Dow would reimburse the victims of the disaster (Yes Men, 2004). This had astonishing consequences and launched not only a media frenzy but led to a temporary crash in Dow's stock market ratings. The public spectacle and indeed, the bitter humour of their intervention, highlighted the terrible legacy of corporate misdeeds and the lack of justice for those affected (Yes Men, 2004).

within the literature to show how 'citizen art' differs from other forms of performative and 'studio' based art practices. It has discussed in some detail how 'citizen art' interventions 'do politics' in important ways that actively carve out new political terrain. It has also drawn attention to how the practice of 'doing politics' within 'citizen art' both troubles and reveals the limitations of normative notions of (status and cosmopolitan) citizenship. I also suggest that the example of 'citizen art' shows us that citizenship is, by nature, relational and perpetually emergent, i.e., incipient (Isin), rather than a set of entitlements of the state or a utopic aspiration of universal bondedness. This chapter also brings to light how 'citizen art' reframes not only the *perception* of citizenship, but also practices new modes of membership that are not contingent on the logic of a state. In Chapter 3, I will discuss my fourth practice-based research project called *Citizen Artist News: Clouded Title*. This intervention further troubles normative conceptions of citizenship and partakes in an 'act of citizenship' by involving itself with the ongoing political adjustments between people ('Canadians' and Indigenous peoples) within a locale.

Chapter 3: Shaping New Terrain: A Newspaper Troubles Colonial Assumptions of Belonging and Membership and Alters the ‘Facts’ on the Ground

The ‘citizen art’ interventions discussed in Chapter 2 interrogate citizenship through the interconnected issues of migration (Bruguera’s formulation of ‘migrant citizens’), statelessness (Staal’s assemblies for practicing ‘stateless democracy’) and border regimes (my own scoping out of the university as a border regime). All of these ‘citizen art’ interventions expose the problems created by a state’s status citizenship regime and the limitations of a cosmopolitan imaginary. Also, the ‘citizen art’ interventions of Tania Bruguera and Jonas Staal especially, robustly perform *new* modes of citizenship in response to the problematics of statist citizenship regimes. My own *Citizen Artist News: The University as a Border Regime* also performed an ‘act of citizenship’, albeit a more subtle interruption to the daily lives and practices of the university’s members and the smooth, racialized bordering of the institution’s spaces. It also provided the requisite (practice-based) experience (i.e., the act of ‘doing’ politics as performative theorizing) for the development of my next intervention that is more explicitly an ‘act of citizenship’. This chapter will therefore expand upon the discussion had so far by examining, through my intervention called *Citizen Artist News: Clouded Title*, the differing nature of relations to place (including the aesthetic orientation and relation to land) and in turn, assumptions about belonging and membership between a small local, settler, colonial community in South West Canada – Pender Island (one of the Gulf Islands in the province of British Columbia) and the local Indigenous community – the WSÁNEĆ First Nation.¹⁵⁸ Hence, this

¹⁵⁸ The WSÁNEĆ (Saanich) First Nation is a collective name for four bands located at four different village sites on the North Saanich Peninsula on Vancouver Island, B.C., Canada. The four related bands are called STÁ,UTW (Tsawout) First Nation, WJOLELP (Tsartlip) First Nation, BOKÉĆEN (Pauquachin) First Nation and WSIKEM (Tseycum) First Nation. During the development of *Citizen Artist News: Clouded Title*, I was in conversation with members of STÁ,UTW (Tsawout) First Nation and primarily Earl Claxton Jr. Hereafter I will use the more

chapter is dedicated to a fulsome discussion of *Citizen Artist News: Clouded Title* (see Appendix C).¹⁵⁹ From different perspectives, this ‘citizen art’ newspaper ‘does’ politics by exposing the problems of the Canadian State’s colonial citizenship regime that underpins assumptions about (local) settler entitlement and as a ‘citizen art’ intervention, the newspaper functions as an ‘act of citizenship’ (to be discussed in detail below). The aim of this intervention is to make visible a deeply submerged and indeed, obfuscated, political topic in a local settler community – i.e., Crown appropriation of W̱SÁNEĆ First Nation territory (to be discussed in detail below) – but also, it sets out to reframe *who* is seen as a political subject within a local settler community. That is, the ‘voices’ of members of the W̱SÁNEĆ First Nation are foregrounded as central speakers in the presentation of W̱SÁNEĆ histories and in turn, understandings of place, but also, this intervention pivots on my own handling of the newspaper’s creation and dissemination as an ‘act of citizenship’. Put another way, the aim was to push back at the erasure of W̱SÁNEĆ rights and title to their lands by local settler-colonial habits, practices and imaginaries and through the printed medium of the newspaper, to recast the island as a W̱SÁNEĆ community and territory and their presence “as an idea of steady, solid simultaneity through time” (Anderson, 2006, p.62). The newspaper intervention therefore carves out

commonplace spelling of Tsawout First Nation and also the name W̱SÁNEĆ to refer to the culture and peoples of this region.

¹⁵⁹ These newspaper interventions have become central to my artistic practice and will continue into the future. In fact, this research was fundamental to the evolution of my interest and commitment to this form of artistic practice. In the near future, the *Citizen Artist News: Clouded Title* intervention will form part of a series of newspaper publications targeted at the same local (Pender Island) settler community. Two more special edition newspapers are in development (to be printed and distributed by 2020). Currently in development is *Citizen Artist News: Kinship* (forthcoming, 2019) that focuses on the aesthetic, cultural and political understandings of non-human beings and conceptions of ‘kinship’ within W̱SÁNEĆ First Nation culture and contrasts this with the notion of ‘resources’ (e.g., trees, fish, land etc. as characterised in the Douglas Treaty and perpetually within the colonial state). This publication aims to challenge colonial understandings of membership of the political community as solely human. The third edition of the series called *Citizen Artist News: Returning Land* examines the idea of returning Crown and fee simple lands to Indigenous peoples in Canada. It explores how might one understand ‘citizenship’ if underlying title to lands appropriated by the Crown were instead transferred to First Nations communities. All of the newspapers follow the strategy of proposing a thought experiment in the context of local social and political practices, to be discussed further below. Research for *Citizen Artist News: Trees, Fish and Deer as Next of Kin* is supported by a grant from the Canada Arts Council (Research and Creation Grant, 2018). The funding covers collaborative workshops (currently underway) with members of Tsawout First Nation and Pender Island residents, including the participation of Doug LaFortune, a professional Coast Salish artist, who is collaborating on the development of artwork for the publication.

new conceptual (and affective) terrain for exploring *and enacting* new orientations to place. It takes on the important task of breaking new ground, so to speak, for ‘doing’ politics within the local community and *as within WSÁNEĆ territory*, rather than a settler colony. That is, the intervention is based on the insistence of my own residency, and by extension other non-Indigenous inhabitants, as within WSÁNEĆ territory and *not* ‘Canada’. This Chapter will therefore draw out how ‘acts of citizenship’ (Isin) – and the framing of ‘miniature social contracts’ (Smith) – take on a new meaning in this local context because of 1) the shifting psycho-social realities and growing public awareness of indigenous lives and histories within Canada and 2) the expanded conception of relevant actors within a community that also includes non-human beings that are central to indigenous beliefs, practices and relations to place, but are otherwise publicly unknown or misunderstood.

This chapter will discuss how the *Citizen Artist News: Clouded Title* intervention draws out and makes visible to a local public some of the key fundamental differences between settler, materialist, perspectives about belonging and membership, dubiously legitimated by the appropriation of indigenous land, and indigenous orientations to place and understandings of membership, by honing in on the contested notions and attitudes to the ‘ownership’ of land. Therefore, the first part of this Chapter will provide an extensive description of the newspaper’s content and relevant aspects of Canadian and indigenous politics to give context to the challenges that the intervention presents to the local residents of Pender Island. I will first discuss how the newspaper disrupts local hegemonic settler narratives of entitlement and belonging by drawing attention to local WSÁNEĆ stories and histories of place that sharply conflict with entrenched colonial narratives of settler virtue and appropriation of land. I will also discuss how *relations* to place is conceptually expanded in the example of a local WSÁNEĆ cosmological story of a

covenant between humans and non-human beings that informs ethical, political and contractual responsibilities within a wider community of human and non-human actors (beings). This is important for seeing the import of the intervention as a disruption to local settler beliefs and practices. In the second part of this Chapter, I will discuss, in detail, how, in my efforts to communicate with the local residents, the intervention was designed to circumvent established networks of communication, gatekeepers, and locally organized and ordered pathways for 'doing' politics within the local community (what Rancière would call the 'police order', as discussed in Chapter 1). I will also outline how the intervention was received by the local community, its effects and in turn, how the intervention is an 'act of citizenship'. I will then offer my assessment of its performance as a new mode of citizenship.

I focus my art intervention on an interrogation of a key historical colonial¹⁶⁰ document called the *Douglas Treaty* (North Saanich, see Fig. 8 and Appendix C)¹⁶¹ because it is an artefact that captures, reinforces, and indeed, antagonizes, foundational differences and contested relations between Indigenous and non-Indigenous peoples living in this region

¹⁶⁰ My understanding of colonialization in Canada follows the views of authors such as Mavis Underwood and Alan C. Cairns, among others. As Cairns says, "To describe the relation of governments to Indian, Inuit, and Metis as colonial – when it was not simply neglect, as for long periods it was for Inuit and Metis – is factually correct, not a misapplied ideological construction" (Cairns, 2000, p.22). The colonial regime is most acutely seen in the legislation and administration of Status Indians and unlike the Metis and Inuit, Status Indians are specifically an "administered people" (Cairns, 2000, p.21). Mavis Underwood expresses this as: "Colonization remains a lifelong project for colonizers who maintain an overbearing necessity to change and displace First Peoples from their birthright and connection to their homelands" (Underwood, 2018, p.18). This is seen in a range of overt or tacit governmental tactics to 'assimilate' First Nations in the emergence of the Canadian state, continuing to today. At the very origins of the state is the pronouncements of politicians such as Duncan Campbell Scott, who in mandating a bill for compulsory education of 'Indians' stated: "I want to get rid of the Indian problem. I do not think as a matter of fact, that the country ought to continuously protect a class of people who are able to stand alone. [. . .] Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department, that is the whole object of this Bill. [. . .] Scott summarized the prevailing attitudes of Canadian officials: the First Peoples, despite many agreements with the Crown [namely, the Royal Proclamation of 1763] that guaranteed their independence, were to be eradicated as distinct nations and cultures" (Facing History and Ourselves, n.d., n.p.).

¹⁶¹ Between 1850 and 1854, parts of W̱SÁNEĆ Nation traditional territory were claimed by James Douglas on behalf of the British Crown and are known as the Douglas Treaties. There are 14 treaties in total. The North Saanich Treaty is specific to one small part of the (northern) territory of the W̱SÁNEĆ (Saanich) Nation, home to four bands: STÁ,UTW (Tsawout), WJOLĒLP (Tsartlip), BOŖEĆEN (Pauquachin) and WSIŖEM (Tseycum) First Nations.

(South Eastern Vancouver Island and the Gulf Islands).¹⁶² The *Douglas Treaty: North Saanich* (hereafter referred to as the Douglas Treaty, or simply, Treaty) is an expression of a British colonial and now a Canadian colonial desire to control and exploit indigenous lands (not only the extraction of resources such as fishing, mining, logging etc. but also, land 'development' and the real estate market). It is also an important document in what it leaves out, namely, the local Indigenous W̱SÁNEĆ Nation's own description of the Treaty, its purpose as an agreement and their own attitudes to land and non-human forms of life. My art intervention sets out to expose and challenge settler claims of entitlement to land that in turn, justifies the existence of the state and fuels assumptions about belonging and membership. Within the pages of the newspaper, I highlight the claims of the Douglas Treaty and the implications of its interpretation by the State as a 'contract' of the 'sale' of land. I contrast this with Indigenous W̱SÁNEĆ understandings of the Treaty as a *peace* treaty and not a 'sale' of land. I support this perspective with the description of a W̱SÁNEĆ cosmological story that emphasizes a relational compact involving reciprocal responsibilities between humans and land (understood as a non-human being and 'kin'¹⁶³ relation) to emphasize the implausibility of the colonial State's claims. The profoundly different conceptions of land, and indeed, the role and purpose of a compact, are deeply

¹⁶² My discussion only references British-Canadian colonial practices and not French Canada or other modes of colonization in the world (such as those countries impacted by Spain, Holland, Belgium, Portugal etc.). The purpose is to hone in on the specific characteristics of British-Canadian colonial expressions and practices that constitute the jurisdiction of the province of British Columbia and its social, political and cultural norms—and especially within the local community of Pender Island.

¹⁶³ Donna Haraway has done some work on thinking through the notion of non-human beings as 'kin' in her book *Staying with the Trouble: Making Kin in the Chthulucene* (2016) and a short article called '*Anthropocene, Capitalocene, Plantationocene, Chthulucene: Making Kin*' (2015). In both texts, she emphasizes the 'connections' between different species and relations of interdependence in the struggle for life etc., in a world that she sees as dying. As she says, "no species, not even our own arrogant one pretending to be good individuals in so-called modern Western scripts, acts alone" (Haraway, 2015, p.159). Much of her writing points to a kind of rallying call to seek ways for "multispecies flourishing [...] and to join forces to reconstitute refuges" (Haraway, 2015, p.120) and to thereby expand the concept of 'kin' to include more than entities tied by ancestry or genealogy. However, her understanding of 'kinship' with non-human beings is not as sophisticated or coherent as that of the W̱SÁNEĆ peoples, who describe non-human forms of life (such as, say, 'islands', to be discussed below) as 'ancestors' and in turn, expand notions of bodily connectedness to non-human forms of life as active and agential (Clifford, 2011, 2016, 2016a, 2019). This is evidenced in cosmological stories and other biographical literature, to be discussed further below.

inscribed in understandings of citizenship and membership statuses within Canada today. The ‘citizen art’ intervention therefore honed in on these differing perspectives to challenge and interrogate the very foundation of the Canadian colonial citizenship regime, sanctioned as it is by the purported ‘ownership’ of land. As an intervention, the newspaper therefore aimed to both disturb common (settler) assumptions of entitlement to land, and to introduce readers to alternative, W̱SÁNEĆ, understandings of non-statist forms of ‘membership’,¹⁶⁴ founded on both human kinship relations *and* non-human kinship relations to ‘land’. This chapter will therefore discuss the key points of the newspaper intervention that trouble understandings of ‘ownership’ and its implications for citizenship, but it will also provide more detailed contextual information to better convey the full import of the intervention as an ‘act of citizenship’.

One last note before turning to a description of the art intervention: I will use the terms ‘status citizenship’ to distinguish the practices of the colonial state from what I am detailing as ‘incipient citizenship’ (following Isin), informed by indigenous notions and practices of membership as discussed within this art intervention.¹⁶⁵ I will aim to draw out the *aesthetic*

¹⁶⁴ The current cultural resurgence of Indigenous Law in Canada (as opposed to Aboriginal Law, as practiced by the Canadian state that regulates the lives of all Indigenous peoples) is evident in the work of scholars from Tsawout First Nation (Clifford, 2011, 2016, 2016a, 2019 et al.,) who are actively articulating and formulating principles of governance, based on W̱SÁNEĆ cosmological stories and sacred teachings, rooted in notions of land as ancestors (to be discussed below). The resurgence of W̱SÁNEĆ law has deep implications for how political membership and strategies for governing is conceived and practiced not only on Reservations, but also for non-Indigenous residents within W̱SÁNEĆ traditional territory and those traversing or using Indigenous lands and waterways. For clarification of how W̱SÁNEĆ law contests notions of political authority and jurisdiction as exercised by the Canadian state, see Clifford, 2011, 2016, 2016a, 2019). It is worth drawing attention too to the fact that even though the W̱SÁNEĆ First Nation systems of governance and methods of establishing membership are much interrupted by the State’s system of classification as status (or not) ‘Indians’, membership is also *performed* through enactments of roles and responsibilities. This point will be illustrated in my discussion throughout this Chapter. See also, Audra Simpson’s book *Mohawk Interruptus* (2012) for distinctions between ‘citizenship’ (as a place where one lives) and ‘membership’ (as a legislative process for Indian status, brokered through Band Councils) (Simpson, 2012). However, membership is complicated by how “territorial history of the Mohawk nation, and Kahnawakà:ke in particular, shapes the central question of membership [and] those factors also shape the methods that are used to examine membership and nationhood” within the Mohawk Nation and its own Laws (Simpson, 2012, p.41).

¹⁶⁵ The language of membership differs widely between First Nations and is also complicated by an expanded notion of (political) agency of non-human beings that has not translated into colonial systems of governance (discussed in this Chapter). However, the use of the term ‘citizen’ is evident in some First Nations communities but it is certainly not common or universally applied. A case in point is the Fort Nelson First Nation who very specifically use the term

foundations of belonging and membership as distinct from a statist or cosmopolitan imaginary. In my discussion of indigenous practices of membership (below), specifically the WSÁNEĆ First Nation, I also invite reflection on the complexities and potentialities of what I see as ‘incipient citizenship’ for framing new modes of (non-statist) membership. I believe it is appropriate to suggest that there are new modes of non-statist citizenship in play within First Nations given that they are self-described as ‘nations’, denoting their formal organisation as a political unit with (various) systems of governance (i.e., various because not all First Nations are similarly organised), but nevertheless, ‘incipient’ (i.e., perpetually emergent) because founded on 1) dynamic and evolving (kinship) relations to human and non-human beings and ancestors 2) reciprocal *responsibilities and duties* to land as non-human being and 3) being actively performed. That is, kin relations (to human and non-human beings) that are subtended by histories of place “produced through discussion, debate, and enactment, through social interactions that perpetuate and create the past, through the living and the present” (Simpson, 2012, p.43) show that membership is brokered through community ‘recognition’ (Simpson, 2012) and active relations with humans and non-humans alike. In describing specifically Mohawk approaches to membership, Audra Simpson points out that even though some people may claim identity and lineage derived from place, they may not be ‘recognized’ by the community and therefore not acknowledged as a member (Simpson, 2012). It is important to understand that these expressions of non-statist citizenship/membership manifest in multiple ways and within numerous Indigenous communities. There is no *universal* principle that exemplifies Indigenous peoples’ practices and methods of non-statist citizenship/membership and

‘citizen’ to describe members who not only meet the requirements of being a ‘status Indian’ i.e., a criterion set out by the Indian Act (revised in April 17, 1985 – to be further discussed below), but also members need to satisfy an additional criterion of being a ‘traditional citizen’, i.e., a person who has familial and/or blood ties to members who were/are known to the Nation (Fort Nelson First Nation, 2004). What is important to note here is how the term ‘citizen’, even though denoting status, is applied within a *Nation*. This usage further ambiguates the normative notion of citizen and state. However, the term ‘citizen’ is not used by the WSÁNEĆ First Nation and indeed, their discussion of membership practices speaks to the cultural and philosophical differences with the colonial state. I will discuss this in more detail throughout this Chapter.

governance. However, we see how non-statist practices of citizenship is actively produced and is contingent on *relations* between peoples and living histories of land/beings/ancestors. Membership therefore has to be *performed*: it is *active* rather than a static designation of status conferred by the State or legitimated by the purported ‘ownership’ of land. Again, this point will be fully discussed below. I will now open with a description of the art intervention.

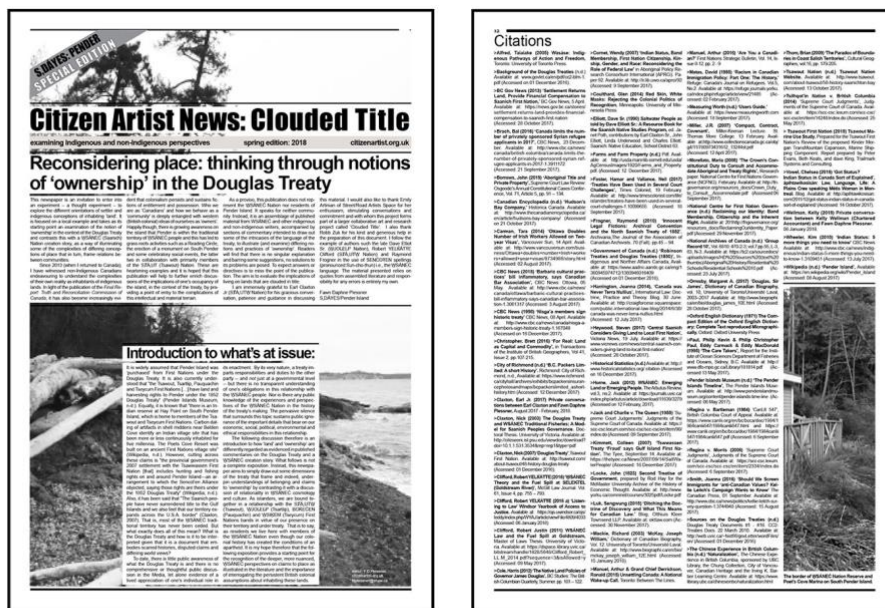


Fig.7: Citizen Artist News: Clouded Title. Left: Front. Right: back pages showing citations and border of Tsawout First Nation reserve, Pender Isl..

On April 3, 2018, I launched (distributed) *Citizen Artist News: Clouded Title* (see Fig.7 and Appendix C).¹⁶⁶ 1100 copies were printed and 820 copies were sent to the homes of residents on Pender Island (a settler population of approx. 2600 permanent residents) via Canada Post services. Two weeks later, on April 14th, the newspaper intervention was

¹⁶⁶ ‘Cloud on Title’ is a term in US property law for “any document, claim, unreleased lien or encumbrance that might invalidate or impair the title to real property or make a title doubtful” (En.Wikipedia.org, 2018). Also described as “An apparent claim or encumbrance, such as a lien, that, if true, impairs the right of the owner to transfer his or her property free and clear of the interests of any other party. The existence of a cloud on title casts doubt upon the ability of an owner of real property to convey marketable title to his or her land, thereby lessening its value. The owner must present evidence to dispel the cloud on title if he or she wants to transfer ownership free of legal uncertainty. One method to remove a cloud on title is the commencement of an action to quiet title” (TheFreeDictionary.com, 2018).

followed by a day long public art and research workshop of the same name, in collaboration with the artist, Emily Artinian, founder of Street Road Artists' Space¹⁶⁷. This workshop was the second in a series of art and research workshops with Artinian that are profiled in an exhibition held at Street Road, also called *Clouded Title*¹⁶⁸ (Street Road, 2018). The workshop was held at the local community hall on Pender Island and residents were invited to explore examples of the participating artists' projects¹⁶⁹ that are components of the Street Road exhibition called 'Clouded Title' and to witness the formal launch of the newspaper and hear invited speakers from W̱SÁNEĆ First Nation, whose traditional territory includes Pender Island.¹⁷⁰ We hosted two speaker events during the workshop: one was a panel discussion that was based on the topic of 'ownership', differing

¹⁶⁷ Street Road is based in Chester County, Pennsylvania, USA. Emily Artinian, artist and founder of Street Road (formed in 2010), states that it "Developed as an evolution of a family real estate business. Street Road Artists' Space hosts projects that relate directly to the problematic, capital-driven activity which produced its possibility. Challenges to received wisdom about property ownership, especially how this relates to social relationships, are the focus" (Artinian, 2018, n.p.).

¹⁶⁸ *Clouded Title* is an art and research project in collaboration with Emily Artinian. We began developing the project in February, 2017. The following is a brief outline of its intention: "*Clouded Title* is a series of workshops and interviews centered around ownership – its ambiguities, histories, and areas of contestation, especially in relation to land. Different landholding models – especially those emphasizing social and ecological relationships over private possession – are explored. Conversations, site visits, and visual artworks that draw out these themes are presented in an exhibition at Street Road in 2018. A 2019 publication will follow. [...] A starting point for this broad subject are perspectives on ownership held by people in our Street Road community and [the Pender Island community]: this somewhat arbitrary beginning is apt, as it resonates with the proposition that *ownership of places and spaces is intertwined with and constructed by relationships, and is always, everywhere a process* rather than a fixed set of stakes in the ground" (my italics, Artinian and Plessner, 2018, n.p.). The work expands on Artinian's overall project of troubling received wisdom around the activity that enabled Street Road's inception: real estate investment and speculation.

¹⁶⁹ To date there are 10 participating artists and interlocutors, including my own *Citizen Artist News: Clouded Title* and Emily Artinian, developing 2 projects called *Mine/Yours* and *Real Estate Dictionary: Improved Edition*; Denise Holland, *94 Calls*, Vancouver, Canada; interviews with Stella Lou Farm and the School of Living, Pennsylvania, USA; interviews with Julia Dooley and Julie Hambrook representing Our Spaces, The Foundation for Good Governance of International Spaces, Pennsylvania, USA; Carol Mauer and her project *Walking Forward—Looking Back* explores her family history of slave ownership. Pennsylvania, USA; Felise Luchansky's project titled *The Eruv: A Spiritual Example of Public Domain* explores Orthodox Jewish practices of discreetly bordering a New Jersey suburb to expand the domain of the home on the Sabbath, New York, USA; Maria Moller project *75% West, 75% East*, Pennsylvania, USA; and an artists' initiative called Clusters and Entanglements: Phenomenological Reading Group, who are developing a project called *Ownership by Walking*, Manchester, UK.

¹⁷⁰ Pender Island is within the W̱SÁNEĆ First Nation traditional territory. The Island has never been ceded to the Crown. However, there are problematic claims by the Crown, first, in its assumed 'ownership' of underlying title to unceded lands (discussed in detail in text), and secondly, in the usurpation of the inherent rights of the W̱SÁNEĆ in the Crown's subsequent solicitation and implementation of new Treaty agreements with adjacent First Nations communities that encroach on traditional W̱SÁNEĆ territory, such as the Tsawwassen First Nation and the Hul'quimi'num Treaty Group (comprising Chemainus, Halalt, Lake Cowichan and Lyackson First Nations and Cowichan Tribes and Penelakut Tribe). This is a complex point and is discussed in the pages of *Citizen Artist News: Clouded Title* (Plessner, 2018) but cannot be covered in the discussion here. The important point is that Pender Island is 'clouded in title'.

conceptions of 'land', legal developments in the 'rights of nature' (the rights of non-human beings – land, rivers, animals etc.) and the implications for membership. The panel of speakers were Mavis Underwood (Member of Council, Tsawout First Nation Band Council), Earl Claxton (Elder, Tsawout First Nation) and David Boyd, (Special Rapporteur to the United Nations, UBC Law Professor, Environmental Lawyer and author of a book titled *The Rights of Nature*). Artinian and I also conducted a group interview via Skype with Robert Clifford (Tsawout First Nation), a young lawyer working on W̱SÁNEĆ law as a sui generis system of principles that are envisaged as operating alongside Canadian Common Law.¹⁷¹ Questions were aimed at better understanding how W̱SÁNEĆ cosmological stories, that continue to inform the (legal, cultural and spiritual) protocols and practices of the W̱SÁNEĆ community, emphasize relationality rather than dominion over other human and non-human beings. Clifford's discussion of W̱SÁNEĆ law is referenced throughout the pages of the newspaper and I draw heavily on his retelling of a W̱SÁNEĆ origin story that will be discussed in detail below.

The newspaper is an assemblage of (primarily) direct quotes from published literature by W̱SÁNEĆ and other Indigenous authors on the subject of 'ownership' through the lens of the Douglas Treaty. I was careful to draw attention to the connections between the suppression of W̱SÁNEĆ perspectives and knowledge in the Treaty's making and the current colonial management of the W̱SÁNEĆ and their lands. To give some context: W̱SÁNEĆ sources of literature are not widely known nor is the viewpoint of the W̱SÁNEĆ

¹⁷¹ Currently emerging in Canada is the study of Indigenous Law as a programme of study at the University of Victoria. “[John] Borrows [Canada Research Chair in Indigenous Law] describes the difference between common law and Indigenous law this way: Indigenous law looks to nature and to the land to provide principles of law and order and ways of creating peace between peoples; whereas the common law looks to old cases in libraries to decide how to act in the future” (University of Victoria, 2018). The programme is supported by the Indigenous Law Research Unit (UVIC) who are “committed to the recovery and renaissance of Indigenous laws. We believe Indigenous laws need to be taken seriously as laws. We partner with and support work by Indigenous peoples and communities to ascertain and articulate their own legal principles and processes, in order to effectively respond to today's complex challenges.” (University of Victoria, 2018).

people about the Douglas Treaty and its meaning, understood or acknowledged within the local community of Pender Island. Equally, the issue of appropriation and ‘ownership’ of land is only beginning to enter public discussion within Canada (Shahzad, 2017; Kapler, 2017).¹⁷² At the local level of Pender Island, the issue of ‘ownership’ is not openly or publicly discussed.¹⁷³ Public discussions of the core issue of the Crown’s appropriation of lands and the real consequences for the lives and living conditions of the W̱SÁNEĆ people today are still widely avoided. One example is that the W̱SÁNEĆ continue to be limited to living on and having rights only to what was deemed to be ‘reserved’ lands under the Douglas Treaty – small tracts of land that are the sites of their ancestral winter villages, situated on the Saanich Peninsula (approximately 31 km from Pender Island and an area that is frequently traversed by islanders who drive through the reserve lands to access goods and services on a frequent basis). As a consequence of the lack of public knowledge of the details that surround the question of ‘ownership’, fictions of entitlement persist on Pender Island of a (glossed) settler history that (falsely) asserts that there was a ‘sale’ of lands by the Indigenous peoples to early settlers (Pender Islands Museum, 2005;

¹⁷² ‘Whose Land’ (<https://www.whose.land/en>) and ‘Native Land’ (<https://native-land.ca/>) are online platforms designed “to increase knowledge and awareness of Indigenous territories, communities and Treaties and to help create dialogue around Indigenous territory recognition and acknowledgement. It was developed to assist users in identifying Indigenous Nations, territories, and Indigenous communities across Canada. Educational videos are available to watch that will give you a better understanding of why land acknowledgements are important, and the way Indigenous people view their relationship to land. The app can be used for learning about the territory your home or business is situated on, finding information for a land acknowledgement, and learning about the treaties and agreements signed across Canada. [...] The app consists of six different maps of Indigenous territories, Treaties, and First Nations, Inuit, and Metis communities” (Whose.Land, 2018).

¹⁷³ Following the publication of the *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada (2015)*, a reading group of approximately 30 island residents gather monthly to exchange views on the consequences of the British-Canadian colonial project and its containment and abuse of indigenous peoples (i.e., the Residential School system etc.). There have also been local public celebrations of W̱SÁNEĆ culture in summer of 2017 in the form of an installation of a public sign in front of a decommissioned Anglican church depicting a 13 Moon calendar that maps the cycle of the seasons and W̱SÁNEĆ spiritual beliefs about land and non-human beings. Also, on July 1st 2017, members of the Tsawout First Nation Band were invited by a small local organisation, called the South Pender Historical Society, to ‘Canada 150’ – a national day of celebration marking 150 years of confederation. A pit cook was prepared for islanders by some of the members of the W̱SÁNEĆ Nation. These events, although important for understanding the impact of British and Canadian colonialism, do not address the underlying issue and ongoing injustices rooted in the appropriation and occupation of lands. Nor do these events provide a space for education and discussion of the specific and detailed history of the local community that further challenges residents to consider how their own occupation is a form of endorsement of the colonial state.

Plessner, 2017). The consequences of these elisions in the local context sustains public ignorance of not only the rights and title of the W̱SÁNEĆ to their traditional lands but also perpetuates the ongoing abuses and suppression of the W̱SÁNEĆ Nation under State legislative practices (I will discuss this point more fully throughout this Chapter). Importantly too, it also prevents real understanding of a more complex W̱SÁNEĆ conception of membership that includes non-human beings. Therefore, the newspaper was designed to invite settlers on the island (a population that is primarily of British ancestry) to engage with a thought experiment. The following is an abridged version of the introductory text:

“This newspaper is an invitation to enter into an experiment – a thought experiment – to explore the different orientations of settler and Indigenous conceptions of inhabiting ‘land’. It is focused on a local example and takes as its starting point an examination of the notion of ‘ownership’ in the context of the Douglas Treaty and contrasts this with a W̱SÁNEĆ (Saanich) Nation creation story, as a way of illuminating some of the complexities of differing conceptions of place that in turn, frame relations between communities.

Since 2013 (when I returned to Canada), I have witnessed non-Indigenous Canadians endeavoring to understand the complexities of their own reality as inhabitants of indigenous lands. In light of the publication of the *Final Report: Truth and Reconciliation Commission of Canada* (Truth and Reconciliation Commission of Canada, 2015) it has also become increasingly evident that colonialism persists and sustains fictions of entitlement and possession. Who we are as ‘Canadians’ and how we behave as a ‘community’ is deeply entangled with western (British colonial)

ideas of ourselves as ‘owners’. Happily though, there is growing awareness on the island that Pender is within the traditional territory of W̱SÁNEĆ people and this has led to grass roots activities such as a Reading Circle, the erection of a monument on South Pender and some celebratory social events, the latter two in collaboration with primarily members of the STÁ,UT (Tsawout) Nation. These are heartening examples and it is hoped that this publication will help to further enrich discussions of the implications of one’s occupancy of the island, in the context of the Treaty, by providing a point of entry to the complications of this intellectual and material terrain.

As a proviso, this publication does not represent the W̱SÁNEĆ Nation nor residents of Pender Island. It speaks for neither community. Instead, it is an assemblage of published material from W̱SÁNEĆ and other Indigenous and non-Indigenous writers, accompanied by sections of commentary intended to draw out some of the intricacies of the language of the Treaty, to illustrate (and examine) differing notions and practices of ‘ownership’. Readers will find that there is no singular explanation and barring some suggestions, no solutions to its problems are posed. To expect answers or directives is to miss the point of the publication. The aim is to evaluate the implications of living on lands that are *clouded in title*” (Plessner, 2018, p.1).

The thought experiment invites readers to compare the two narratives of the Douglas Treaty and a W̱SÁNEĆ cosmological story that are displayed on adjacent pages of the newspaper (Plessner, 2018, pp. 2-3). On the left-hand side (see Fig. 8 and Appendix A) is the full text of the Douglas Treaty describing an alleged ‘sale’ of W̱SÁNEĆ lands to James Douglas, Chief Factor of the Hudson Bay Company, on behalf of the British Crown. On the

right-hand side (see Fig. 8) is displayed the W̱SÁNEĆ story of XÁLS, the Transformer (Creator), who not only transformed some of the W̱SÁNEĆ people into islands (thus creating non-human ancestors of the W̱SÁNEĆ people today) but who also ascribed reciprocal obligations of care (stewardship) and life support to the two parties (humans and non-human beings/islands). As Robert Clifford says, the story of XÁLS “is not *about* land but deeply *informed* by the land as a system of reciprocal relations and obligations” (Clifford, 2016, p.774). That is, as a system of ‘mini social contracts’ that determines not only membership, i.e., who is encompassed by this traditional ancestral story, but also as a set of concepts and principles that expand the domain of membership: i.e., inclusion of the lives of animals and non-animal beings (such as islands etc.) within the community. I will outline more carefully the various notions of ‘relations’ that are important to this discussion of the nature of citizenship as ‘incipient’, following an outline of the visual display of the newspaper and the core issues that are woven through the art intervention that inform its interrogation of the Canadian status citizenship regime that is based on claims to the ‘ownership’ of land.

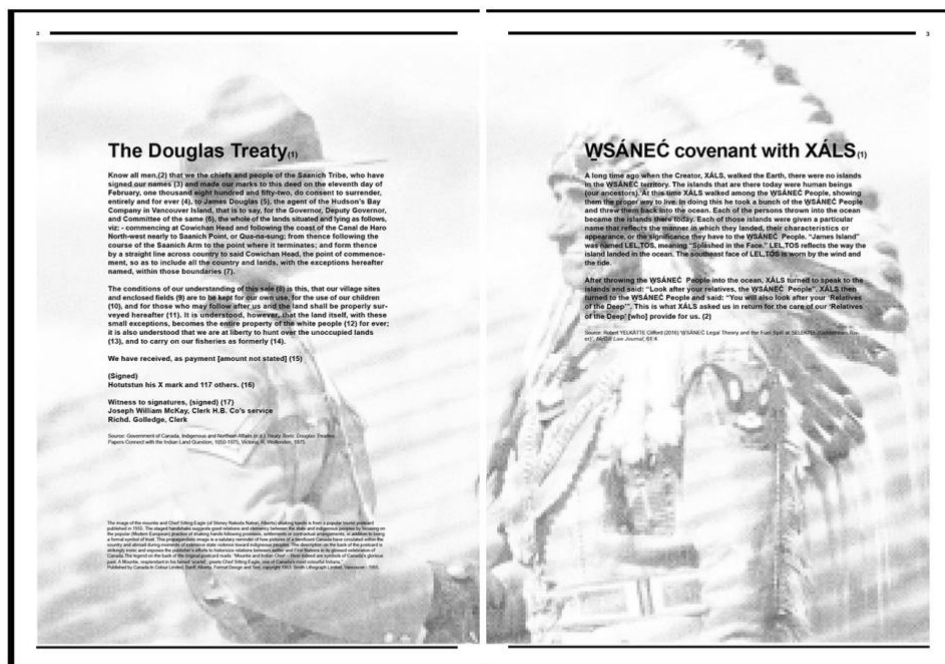


Fig.8:Left: page 2, right, page 3 of *Citizen Artist News: Clouded Title*. Launched on Pender Island, B.C., Canada, 2018.

Not only are key phrases within the two texts (the Treaty and the W̱SÁNEĆ covenant with XÁLS) accompanied by detailed footnotes that draw out the complexities of each parties claims but also, both of these texts are superimposed on an image from a postcard (published in 1955, see Fig. 9) of a Royal Mounted Policeman and an “Indian” Chief – Chief Sitting Eagle – shaking hands. Their clasped hands – the handshake – are positioned on the centre seam of the newspaper so as to visually underpin the very idea of a contractual agreement. It is important to note that the postcard was also selected because it was produced during the peak of extensive violence toward Indigenous people across Canada (Truth and Reconciliation report, 2015) and speaks to the hypocrisy of the Canadian State and its legacy of ‘white washing’ and propagandizing. To alert readers to the irony of the image and in turn, the problematics of the ‘contract’ and the history of Treaty’s broken promises through the eyes of the W̱SÁNEĆ, the newspaper included the following caption:

“The staged handshake suggests good relations and clemency between the state and Indigenous peoples by focusing on the popular (Modern European) practice of shaking hands following promises, settlements or contractual arrangements, in addition to being a formal symbol of trust. This propagandistic image is a salutary reminder of how pictures of a beneficent Canada have circulated within the country and abroad during moments of extensive state violence toward Indigenous peoples. The description on the back of the postcard is strikingly ironic and exposes the publisher’s efforts to historicize relations between settler and First Nations in its glossed celebration of Canada. The legend on the back of the original postcard reads: “Mountie and Indian Chief – Here indeed are symbols of Canada’s glorious past. A Mountie, resplendent in his famed ‘scarlet’, greets Chief Sitting Eagle, one of

Canada's most colourful Indians" (Plessner, 2018, p.2).



Fig. 9: Original postcard published by Smith Lithographic Ltd., Vanc., Canada, 1955.

The newspaper co-opts and problematizes this popular image and its narrative of colonial, police/state benevolence by making use of a well-known artistic strategy of 'detournement' in its semiotic intervention. It also highlights the connotations of a treaty as a *promise* – a 'mini social contract' – that, like the handshake within the pages of the newspaper, can, and have, come apart. Equally, the design of these two pages underpins one of the key issues that are interrogated in the newspaper, namely, the disputed interpretations of the meaning of the Douglas Treaty. The State insists that the Treaty is a transfer of land title and the WSÁNEĆ people understand it as a *peace* treaty – a settlement for harm done by Douglas and his men on their territory¹⁷⁴ and a set of *promises* for compensation and future peaceful conduct.¹⁷⁵

¹⁷⁴ Following the murder by James Douglas's men of a young messenger boy from Tsawout Nation (Claxton, 2017), in addition to the felling and theft of trees in Cadboro Bay in Songhees territory (Elliott, 1990), the Treaty was understood by the WSÁNEĆ as a *peace* treaty and an agreement not to enter into war with Douglas and the settlers (Claxton, 2017; Elliott, 1990; Sources of the Douglas Treaties, n.d. see #10, #13, #14, #16).

¹⁷⁵ During this period of contact, Victoria (a settlement, and now a small city on Vancouver Island situated near WSÁNEĆ winter villages) was founded by the Hudson's Bay Company and was one of many militarized Forts across

As a way of further emphasizing these contested understandings of the Treaty, the discussion of the W̱SÁNEĆ cosmological story does two things: first, it further evidences the W̱SÁNEĆ claim that the Treaty was a peace agreement by introducing readers to W̱SÁNEĆ understandings of relations to place. That is, the story of XÁLS describes a covenant between the islands (that are the W̱SÁNEĆ people's ancestors) and humans, a compact that is foundational to an orientation to land – the islands – as vibrant forms of non-human life and beings that one is intrinsically connected to through time, in virtue of kinship and indeed, the practicalities of sustaining of one's own life. The idea of one 'selling' the world to which one belongs is highly implausible and indeed, absurd. Second, by contrasting these two texts, the thought experiment therefore invites readers to reflect upon the layered and complex implications of British-Canadian appropriation of land as a basis for belonging and membership. The newspaper therefore exposes how the Douglas Treaty, as an alleged legal 'contract', lays bare the conflation of skewed, asymmetrical, interpretations of the Treaty and assumptions about entitlement that play out within the non-Indigenous population. That is, through the eyes of the W̱SÁNEĆ we learn that the Treaty is not a 'contract' but a set of ongoing undertakings and *promises*, meant to be based on (annual) review and discussion—a *dialogue*— and assurances to live well (Miller, 2007, p.28) and remain self-sufficient (Supreme Court of British Columbia, 2018, p.5). In the newspaper, I quote J.R. Miller's (2007) analysis to further emphasize this point. As he says:

“Canada until very recently has insisted that the written version of the treaties, which its treaty commissioners and bureaucrats had drawn up, of course, were the sole and complete account of what had been agreed. Consequently, the

Canada. At the time of the negotiations between the W̱SÁNEĆ Nation and Douglas, there had been instances of British military bombardments of First Nations villages on the Coast (Elliot, 1990, pp.63-65).

government has usually refused to interpret treaty commitments as anything other than the literal words of its version of the treaty. So, for example, if a treaty said that members of the First Nation that signed it in the 1870s are each entitled every year to five dollars, then that is what they get in the early twenty-first century. [...] In short, the federal government has generally interpreted and applied treaties as contracts, reading them in strict literal fashion. For the First Nations, this reading is a perversion of what the agreements were about. [...] They] take the position that the treaties were not just contracts, and disagree that the full meaning of the treaties is found in the government's published version. [...] Instead,] First Nations approached treaty making in search of connection with the incoming people and the crown. They were looking for *assurances of friendship and future support* that would guarantee their survival. For them, the meaning of the treaties is found in the *relationship* established rather than any specific clause, and the overall significance of treaties to them is that *they were promised help to live well*" (my italics, Plessner, 2018, p.4).

In other words, the WSÁNEĆ were seeking to establish a 'miniature civil society' (Smith, 1990) by securing political agreements through formal promises and their review within an ongoing dialogue. The newspaper intervention therefore highlights how the State's (mis)representation of a historical commitment to the WSÁNEĆ people, indeed, its feigned blindness to WSÁNEĆ interests and concerns, continues to inform current fictions of settler entitlement. It also draws attention to the misuse and (willful) abuse of formal agreements at a state level that in turn, aggravate the very idea of Canadian membership and sentiments of belonging. That is, the newspaper shows that at a formal level of the state, promises have been broken and ignored and I would argue that the "sharp dealing"

of the Crown (Supreme Court of British Columbia, 2018, p.9) has been achieved without recompense because the *promises* of the *peace* treaty are not embodied in the practices and understandings of the people who reside within the domain of W̱SÁNEĆ Nation territory and throughout daily life. There is no open dialogue or shared understanding between island residents and the W̱SÁNEĆ people and the legacy of this is rooted in the early attitudes and practices of settlers and the state. Opening up a space of dialogue is one of the objectives of the newspaper intervention and will be discussed in more detail below. However, the following will further demonstrate the legacy of colonial readings of the Douglas Treaty that are currently in play as a way of further fleshing out the social and political context of the ‘citizen art’ intervention.

Douglas and the new settlers did not honour their responsibilities to the W̱SÁNEĆ and this exposes the attitude of the Crown and its representatives, in that Treated prestations apply ‘to others’ – the Indigenous peoples – with the expectation that ‘others’/Indigenous peoples must uphold agreements, not the Crown itself. The state’s asymmetrical interpretation of the Treaty continues to the present day. For example, in a recent *Notice of Civil Claim* (Supreme Court of British Columbia, 2018) issued by Tsawout First Nation (one of the W̱SÁNEĆ Nation Bands) to the Attorney General of Canada, Her Majesty the Queen in Right of the Province of British Columbia and J.I. Properties, Tsawout First Nation is seeking reparation for the “sharp dealing” of the Crown and its appropriation of lands that were deemed to be ‘set aside’¹⁷⁶ for the W̱SÁNEĆ, but subsequently taken into private

¹⁷⁶ “The containment of the W̱SÁNEĆ to their ‘village sites’ and ‘enclosed fields’ is currently understood as the reservations located on the Saanich peninsula. These main villages are the sites of what were winter residences. The reservations *do not* define the extent of W̱SÁNEĆ territory as the entire territory was traversed throughout the year. [...] Numerous sites on Vancouver Island and the Gulf [and San Juan] Islands were inhabited through the spring, summer and autumn months with one particular site on Pender (Pender Canal) known to be in use for over 5,000 years (Carlson and Hobler, 1993). [...] Arthur Manuel describes the reality of the reservations in the following way: “Indian reserves are only 0.2% of Canada’s land mass [making it difficult] for Indigenous Peoples [...] to survive on that land-base. This has led to the systematic impoverishment of Indigenous Peoples and this impoverishment is a big part of the crippling oppression Indigenous Peoples suffer under the existing Canadian colonial system. [...]”

hands *after* the (alleged) ‘signing’¹⁷⁷ of the (peace) Treaty¹⁷⁸ (Supreme Court of British Columbia, 2018, p.3). In Tsawout Nations’ *Civil Claim*, it states, “Among the purposes of the Imperial Crown and the Colony of Vancouver Island in entering into Treaty, and in *promising* to confirm the Indians in the occupation of, and to set aside, village sites and enclosed fields was to provide for *peace and order* on Vancouver Island, to enable settlers to occupy lands *purportedly* acquired pursuant to the Treaty without fear of reprisals from Aboriginals in the area.” (my italics, Supreme Court of British Columbia, 2018, p.9). Equally, the *Civil Claim* states that, “A further purpose was to provide for *peace and friendship* of the ancestors of the Plaintiff [Tsawout First Nation] and to provide sufficient

Settler Canadians, on the other hand, enjoy the benefit from 99.8% of the indigenous land base under the federal and provincial governments” (Manuel, 2016, p.4). As a result of inconsistent surveys of lands that were executed in the interests of the Crown and its settlers, there is continuing disagreement over what constitutes the domain of the reserve lands under the *Douglas Treaty: North Saanich*. [...] The vague language of the Douglas Treaty and the presumption of Crown title, continues to cast a long shadow over contemporary practices of partitioning terrain. For example, until only recently has “Goldstream No. 13 reserve (located 18 kilometres from Victoria) [been returned to the WSÁNEĆ. ... It] was improperly reduced in 1962 by approximately 10 acres from its original size. [...] As Chief Bruce Underwood, on behalf of the WSÁNEĆ Nations, said: ‘The Province of British Columbia, the Government of Canada and the WSÁNEĆ leaders are pleased to gather to commemorate the final settlement of a specific claim dating back to 1962. This historic settlement and return of the land has been a critical part of our discussions for the betterment for future generations. [...] Our leaders are pleased the wrongdoings of this mis-survey to our nations’ land is now being corrected. It is important we honour our relatives that have walked the land before us and those that walk the land after we are gone’” (BC Gov News, 2013, n.p.).

¹⁷⁷ Another complexity discussed in the art intervention is the process through which Douglas and his secretaries secured the signatures of representatives from the WSÁNEĆ Nation to the alleged ‘sale of land’. “The WSÁNEĆ were asked to sign a blank piece of paper and the text was added *after* members of the WSÁNEĆ had been required to mark an X (Claxton, 2017; Sources of the Douglas Treaties, n.d. see #9). The signing of the treaty was further complicated by the fact that “in 1850 few Hudson’s Bay Company employees understood the Salish language and few local Indigenous people understood or read English” (Governor’s Letters, n.d., p.1; Elliott, 1990; Sources of the Douglas Treaties, n.d. see #10 - #14). It is also controversial as to whether or not the names and X’s were written by members of the WSÁNEĆ. Earl Claxton describes the handwriting of both the text of the treaty and the X marks as belonging to McKay (Claxton, 2017). The late Dave Elliott Sr. (an Elder of Tsartlip Nation) is documented as saying “Look at the X’s yourself and you’ll see they’re all alike, probably written by the same hand. They actually didn’t know those were their names and many of those names are not even accurate. They are not known to Saanich People. Our people were hardly able to talk English at that time and who could understand our language?” (Sources of the Douglas Treaties, n.d. see #16). Raymond Frogner notes that “some WSÁNEĆ spoke Chinook, the local native trading language on the west coast, as did J.W. MacKay, HBC secretary to Douglas and signing witness on the document. Douglas also knew some Chinook. However, none of the HBC representatives knew SENĆOŦEN [the language of the WSÁNEĆ]. And Chinook, a jargon developed for itinerant trade, *does not possess the vocabulary for land sale*” (my italics, Frogner, 2010, p65). The subsequent addition of the main body of text and proper names evidences the wide gap in (mis)communication between the parties” (Plessner, 2018).

¹⁷⁸ As Hamar Foster states, “The oral tradition of the Saanich people who signed two of Douglas’s [blank] sheets of paper is that, whatever may be said or written at the time they believed that the document was a *peace* treaty. There had been trouble over logging and over the shooting of a young Indian lad, and when Douglas produced piles of blankets and asked them to put ‘X’s’ on a piece of paper, they thought they were being asked, under sign of the Christian cross, to accept compensation for not making war” (Sources of the Douglas Treaties, n.d. see #10 and #14).” (Plessner, 2018).

land, village sites and access to resources so that the Plaintiff would remain self-sufficient” (my italics, 2018, p.5). Hence, the purpose of the peace treaty and the Crown’s responsibility – its *promises* to the W̱SÁNEĆ – was to ensure the continuance of W̱SÁNEĆ wellbeing, social and political culture and economy, ensuring that Douglas and the early settlers would restrain themselves from perpetrating further violence, “without fear of reprisals from the Aboriginals in the area” (Supreme Court of British Columbia, 2018, p.5). Importantly, the emphasis on ‘peace and friendship’ – the affective and aesthetic dimension of this political relationship – is acknowledged here as not only the conditions for co-habitation, but also central to the well-being of the W̱SÁNEĆ people, facilitating them in remaining “self-sufficient”. ‘Peace and friendship’ was (at least fleetingly) conceptualized as a potential foundation for a *new, emergent*, membership based on fraternity between newcomers and the W̱SÁNEĆ. This reading illustrates an aspect of the *nascent* character of citizenship. That is, *relations* and peaceable friendships that can be formed or destroyed, but nevertheless negotiated between peoples in a terrain, speak to the perpetually emergent character of citizenship as a performed act. Political membership necessitates ongoing dialogue between residents within a terrain. It also shows that the behaviors and relations between people in a region not only shape the character of ‘citizenship’ but these relationships can be and have been antagonized by abstract (universal) principles and laws of the State that operate on behalf of select groups (e.g., especially the privileging of the interests of the Crown and its representatives within the Legislature, as I will show below).¹⁷⁹

¹⁷⁹ Note: The Crown’s dereliction of duty to sustain “sufficient lands, village sites and access to resources” for the W̱SÁNEĆ has resulted in a long struggle to protect their ‘right to hunt and fish as formerly’. For example, the nascent colonial government banned the W̱SÁNEĆ from using their traditional fishing technology in 1916 as a pretext for undermining W̱SÁNEĆ access to their fisheries and control over their economy (Elliott, 1990). As an example of the Provincial government’s duplicitousness, it instead licensed a British company (J.H. Todd and Sons) to commercially fish in W̱SÁNEĆ (and other First Nation) territories (Elliott, 1990). Todd and Sons subsequently became B.C. Packers, one of Canada’s largest marine extraction industries and processors (and closed down in 1997 due to their over fishing). Persistent ‘sharp dealings’ continue and in recent decades, Tsawout Nation has had to take the B.C. Government to court on a number of occasions to assert their fishing rights on reserve lands (Claxton vs. Saanichton Marina and the

The newspaper therefore is aimed at making visible the ‘facts on the ground’ via the assemblage of W̱SÁNEĆ writings and perspectives. This assemblage of W̱SÁNEĆ perspectives trouble assumptions about who ‘we’ are and what ‘we’ claim to be and alerts readers to the problems and contradictions of settler claims to ‘ownership’ of land that are sanctioned by the Crown and constitute the foundation of the State. The newspaper therefore challenges settler-colonial narratives of entitlement that underpin statist articulations of belonging and membership. The intervention performs an ‘act of citizenship’ by publicly questioning normative beliefs about entitlement and framing the issue of land appropriation within the specifics of a particular locale (i.e., Pender Island). I will say more about the performative dimension of the newspaper intervention as an ‘act of citizenship’ following a more fulsome discussion of the newspaper’s content and context. Before returning to a more detailed discussion of ownership and its implications for constituting claims to membership, the following will briefly outline the different forms of ‘*relation*’ that are noted within this discussion. Again, this matters to the overall discussion of the perpetually nascent character of citizenship that is revealed by the art intervention.

First, as discussed above, the *social and political relations* between non-indigenous inhabitants and the W̱SÁNEĆ Nation are marred by colonial and governmental opinions of

Queen, 1989; Regina vs. Bartleman, 1984; Regina vs. Morris, 2006 etc.) (Plessner, 2018). One notable case is the selling of a license to a private business – Saanichton Marina – to establish a Marine resort on Tsawout Nation’s reserve lands (i.e., their village site). Tsawout Nation won the case however, there are other forms of more subtle undermining of the terms of the Treaty. For example, anecdotal evidence from members of Tsawout Nation is that fishing licenses continue to be given to non-Indigenous commercial fishermen to access designated reserve waters and who then over-fish and further deplete the now dwindling fish stocks. More widely, numerous court cases continue in Canada where Indigenous peoples struggle to protect lands (kin) from destructive resource extraction industries that pollute and destroy non-human life (Raven, 2009). Equally indicative of the willful self-interest of the Crown, is its support for private multi-National corporations. The current Government dealings with the Kinder Morgan Corporation (led by Prime Minister Justin Trudeau) is a case in point. The Trudeau government has demonstrated its support for ‘Big Oil’ in the purchase of the Trans Mountain Pipeline (2018) from the Kinder Morgan corporation. “The decision has sparked widespread condemnation from First Nations and environmental activists, who say that expanding the pipeline will increase pollution in Alberta’s tar sands region, endanger Indigenous communities and increase greenhouse gas emissions” (Democracy Now, 2018). This shows the ongoing conflation of the interests of the extraction industries with the Crown, also described as a ‘State of Extraction’ (Collis and Gandesha, 2015).

the treaty as a 'contract' of the sale of land, rather than a peace treaty wherein settlement and co-occupation of a region requires *ongoing dialogue* between members of communities. Second, and this will be discussed in more detail below, there is the conception of the colonial settler *relation to land*, where land (rocks, soil, trees etc.) is conceived of as inanimate 'stuff' or a substance. Land is understood as material to be 'used' and the 'use' of land is foundational to the justification for appropriation, 'ownership' and dominion over the land. Dominion over the land also translates into the concept and practices of *jurisdiction* over discrete patches of terrain. I will discuss the details of this logic below. However, at this point, I want to flag up that this sharply contrasts with W̱SÁNEĆ relations to land as non-human ancestral beings that entail reciprocal obligations of provision between human and non-humans. To illustrate this point, the following will recount the W̱SÁNEĆ origin story of XÁLS to draw out the quality and complexity of W̱SÁNEĆ relations to land as a non-human being.

“A long time ago when the Creator, XÁLS, walked the Earth, there were no islands in the W̱SÁNEĆ territory. The islands that are there today were human beings (our ancestors). At this time XÁLS walked among the W̱SÁNEĆ People, showing them the proper way to live. In doing this he took a bunch of the W̱SÁNEĆ People and threw them back into the ocean. Each of the persons thrown into the ocean became the islands there today. Each of those islands were given a particular name that reflects the manner in which they landed, their characteristics or appearance, or the significance they have to the W̱SÁNEĆ People. “James Island” was named LEL,ƆOS, meaning “Splashed in the Face.” LEL,ƆOS reflects the way the island landed in the ocean. The southeast face of LEL,ƆOS is worn by the wind and the tide.

After throwing the W̱SÁNEĆ People into the ocean, XÁLS turned to speak to the islands and said: “Look after your relatives, the W̱SÁNEĆ People”. XÁLS then turned to the W̱SÁNEĆ People and said: “You will also look after your ‘Relatives of the Deep’”. This is what XÁLS asked us in return for the care of our ‘Relatives of the Deep’ provide for us” (Clifford, 2016, p.773).

It is clear that the W̱SÁNEĆ do not describe their territory in terms of ownership but as a (reciprocal) relationship between members of different bodily form. Implicit in the story is not the designation of authority over or between members, but a binding compact of caring and stewarding, sharing and distribution. This complex relation has been expressed as “*being ‘owned’ by the land*” (my italics, Tsawout Nation, 2015, p.23) which suggests that the land has a principal agential role. For example, in a publication titled *Tsawout Marine Use Study*, the following description of the notion of ‘ownership’ and its implications for membership is outlined as follows:

“Prior to the signing of the North Saanich Treaty in 1852, the subsequent creation of discrete reserves, and the creation of ‘bands’ under the Indian Act, the W̱SÁNEĆ comprised a single group, or knot, of extended families who share the SENĆOŦEN language and cultural order that revolved around their relations with marine creatures, some terrestrial animals, spirit beings, and with one another. The W̱SÁNEĆ families exploited different ecological niches within the W̱SÁNEĆ world, tailoring their seasonal movements according to the timing of local events. Such a pattern meant that one family knot could acquire through trade with another family knot what could not be procured locally. Tsawout members rarely say that they

‘own’ the locations of the reef net fisheries or other fisheries associated with specific families, but instead are descended from those fisheries, or *are owned by them*. It is a complex system of belonging that links kinship and community to territory and animal relatives” (my italics, Tsawout Nation, 2015, p.23).

This speaks to a profoundly different orientation to place. One’s relation to land is not to ‘dead’, innate, matter (rocks and soil etc.), but to other vivid life forces, such as the islands, that are intrinsically connected to one’s own existence, kin group and ancestral history. In the story of XÁLS in particular, not only are the W̱SÁNEĆ required to care for the land – one’s ancestors – but by acknowledging the codependence of human and non-human entities, the W̱SÁNEĆ cosmological story widens the category of political membership. The W̱SÁNEĆ people and the islands are imbricated within this relationship. Land itself has an agential role and is equally involved in the task of sustaining the life of humans and other animals.

The W̱SÁNEĆ world view is echoed in other parts of the world too where indigenous peoples have made headway in the courts. That is, there are current shifts in common law in countries such as Aotearoa/New Zealand where land – a river and a park – has been granted legal personhood with the right to not only be protected from harm, but to positive rights to life and the continuation of life (Boyd, 2017). Land here is understood as a vital agent in the continuation of all life. Court cases have been pursued and won on the basis of recognizing that a park and a river, for example, can be granted legal personhood in the same way that non-human entities such as ships and multi-national corporations are granted legal personhood (Boyd, 2017).¹⁸⁰ There is far more that could be said about the

¹⁸⁰ “In 2014, a law was enacted to transform Te Urewera National Park from a region of government-owned property into a legal entity that has the rights of a person, owns itself, and must be managed in a way that respects its rights”

expansion of the category of legal personhood alone¹⁸¹ and a fulsome discussion is beyond the possibilities of this thesis. However, to draw attention to one problematic detail, at face value, the argument over legal personhood and the attribution of rights (or lack of rights) to a non-human being and/or animal, could be understood as bolstering and endorsing the value and importance of status citizenship over and above indigenous understandings of membership. On the contrary, these court cases are examples of the *limitations of legal rights* in virtue of the fact that rights are also a *form of property*. As discussed in Chapter 1 and 2, rights are contingent on the classification of a ‘person’ being granted membership to a community (of humans), a jurisdiction, a nation state etc. Rights (as predicates) can either attach to or can be stripped from a body. By contrast, what we learn is that indigenous notions and practices of ‘relationality’ between humans, and between humans and non-humans, presents us with a deeper and more nuanced understanding of membership and one that takes as its starting point *reciprocal responsibilities*. These ‘mini-social contracts’ (Smith) are the very essence of membership and *precede it* – i.e., are perpetually emergent – as opposed to formal principles of rights and responsibilities that flow *from* and follow on *after* the attribution of membership. This point is at the heart of the art intervention too and the intention of the newspaper is to challenge the implications of colonial assumptions of one’s legal *status* and *rights* to (and dominion over) land and to show that W̱SÁNEĆ perspectives present us with other models

(Boyd, 2017, p.134) With regard to the rights of the Whanganui River, in a treaty agreement of 2011 where the rights of the river were recognised as having legal personhood, “legislation to introduce the agreement was introduced in 2016 and formalized in early 2017” (Boyd, 2017, p.138).

¹⁸¹ David Boyd’s book called the *Rights of Nature* outlines numerous court cases in the USA, New Zealand, Guatemala et al., that advocate for the rights of animals and non-animal beings. One difficulty proponents face is the insistence on the primacy of the human subject as having ‘agency’. This impacts on interpretations of positive and negative rights being extended to animals and non-animal forms of life. The common assumption is that one has to first be a human being before entering into the reciprocal relationship with the state in terms of rights and responsibilities. Animals then, in virtue of the fact that they are not human, cannot be ‘responsible’ and therefore have not always been conceptualised as having a ‘right to life’ or a right to ‘freedom from harm’ (Boyd, 2017). These problems stand in sharp contrast to indigenous conceptions of animals and non-human beings and in turn, troubles the framework of rights discourse as a foundation for the protection of non-human entities. Further discussion of this point however, is beyond the scope of this thesis.

of belonging and membership that are real and possible and emerge from one's aesthetic (sensory and affective) experience of and *relation* to 'land', including is/lands conceived of as animate beings.

The following discussion focuses on indigenous relations to land as a *precondition* of membership in the example of the Māori. The aim is to further outline the differences between Western and Indigenous – and local colonial and W̱SÁNEĆ – conceptions of membership. It also aims to trouble Western understandings and articulations of rights and responsibilities as unique and normative. David Boyd outlines the Māori world view which has parallels with W̱SÁNEĆ philosophy:

“nature is not simply property or a source of natural resources. There are two important and interrelated concepts at the heart of the Māori relationship with nature that are profoundly different from Western philosophy – *whanaungatanga* and *kaitiakitanga*, loosely translated as kinship and stewardship. *Whanaungatanga* is actually broader than kinship in the sense that it relates not only to relations between living humans, but also to the expansive web of relations between people (living and dead), land, animate and inanimate, are related, going back to Papatūānuku (the Earth), and Ranginui (the sky). Thus all the elements of nature are kin. All are infused with mauri (living essence or spirit), and merit the same respect afforded to fellow humans. The people of a particular place are intimately connected to its geographic features – rivers, forests, lakes, and other species – and have responsibilities toward them all. *Kaitiakitanga* is an intergenerational obligation of respect that flows directly from *whanaungatanga* because of the web of kin relations” (Boyd, 2017, p.133).

What is important for the purposes of my argument about the nascent nature of ‘citizenship’ is Boyd’s explicit description of the very conditions upon which membership is framed – what I am calling (by reading through the lens of Isin) ‘incipient citizenship’. That is, the duties and responsibilities that *emerge* from the land are the *preconditions* for membership. As Boyd suggests, “In the Western legal system, fulfilling rights and responsibilities is essential to healthy relationships between people. [By contrast, f]or Māori, fulfilling rights and responsibilities is viewed as a *prerequisite* to healthy relations among humans, and also between humans and nature” (my italics, Boyd, 2017, p.133). We see this being staged in the story of XÁLS too and in the duty of care asserted through acts of reciprocity between humans and non-human beings – i.e., through generative ‘acts of citizenship’ (Isin). I would suggest too that this evidences how ‘incipient citizenship’ is perpetually emergent *and binding* in virtue of the fact that the inter-generational responsibilities (to non-human beings especially) are contingent on land/nature *through time and change*. Incipient citizenship here is dynamic, active and dialogical in character and is also conceptually expansive in its inclusion of non-human (and spirit) beings. This is strikingly different from conceptions of status citizenship that are conditional upon ‘ownership’, appropriation, possession and dominion over land (and indeed, over bodies) that in turn, ties members to fixed and bounded jurisdictions.

To better understand the full force of how normative, status citizenship is disrupted by WŚÁNEĆ perspectives on relationality as outlined in the art intervention, the following will offer a fuller discussion of the rationale for the ‘ownership’ of land by the colonial state. I will describe aspects of the intellectual foundation of Crown title in detail below – and its

implications for status citizenship – that continues to undergird the state’s justification for the appropriation of lands. I will quote sections of the newspaper at length.

The Douglas Treaty begins with the phrase “Know all men” and is “an invocation to an international audience that frames the Crown’s purported ‘legal’ claim to appropriated lands in the context of the Imperial laws of the Doctrine of Discovery” (Plessner, 2018, p.3). Raymon Frogner (2010) explains this claim as follows:

“this clause begins the treaty with an assertion of sovereignty directed at both domestic and international audiences. These abstract audiences are meant to bear witness to Crown sovereignty and must therefore acknowledge the European concept of an imperial legal forum. [As applied here, u]sed to enter this forum, and incorporate native signatories, is an invocation of natural law. [...] ‘All men’ brings Aboriginal peoples into the jurisdiction of international law where unique cultural orders [i.e., the laws of the W̱SÁNEĆ, are made to be] susceptible to common [law] rules of land title and governance. But incorporating Aboriginal peoples into the legal domain of international law is not the same thing as recognizing their rights. Within the interpretative framework of English common law, land title and possession demanded evidence of settlement and improvement. By this standard, the Colonial Office recognized that the Aboriginal peoples of Vancouver Island [...] held an [...] inchoate form of “qualified Dominion” (p.62). However, *the claim to ownership of underlying title, within the exploits of the Crown, is declared without “direct reference to the original possessors of the land.* The notification at once declares the document’s addressee [the W̱SÁNEĆ] and asserts English sovereignty [over the ‘ownership’ of lands. And at the same time it codifies] settlement for

colonial land acquisition” (p.63) and erases recognition of W̱SÁNEĆ law within the international forum” (my italics, Plessner, 2018, p.4).

The elisions in the pronouncement of the Crown’s alleged claim to title of appropriated lands –the presumption of ‘owning’ what one takes from other people – requires some disentangling and will be discussed in detail below. But before turning to a more fulsome discussion of the problems of the State’s justification for the appropriation of lands, and how this issue is framed in the art intervention, it is important to first clarify that the British, now Canadian colonial state, in virtue of its alleged ‘legal’ claim to the ownership of land within an international forum of imperial powers, here also effected the conditions for status citizenship of the territory in terms of *jure soli*. I will discuss this point at length as it bears heavily on understanding the deep tension that exists between the colonial state and indigenous conceptions and practices of political membership. It is also important for understanding the context of the art intervention and how it is aimed at disturbing normative claims of ‘Canadian’ citizenship. For example, formal membership for non-Indigenous people in ‘Canada’ is (primarily) acquired and legitimized via being born *on the land* through “right of the soil”.¹⁸² ‘Indians’ by contrast, are allotted status as ‘Indians’ in

¹⁸² Johann Kaspar Bluntschli, a 19th century political theorist defined the State also through the metaphor of soil. As he says, “a permanent relation of the people to the soil is necessary for the continuance of the State. The State requires its territory: nation and country go together. Nomadic peoples, although they have chiefs to command them and law to govern them, have not yet reached the full condition of States until they have a fixed abode. The Hebrew people received a political training from Moses, but were not a State until Joshua settled them in Palestine. In the great migrations at the fall of the Roman empire, when peoples left their old habitations and undertook to conquer new ones, they were in an uncertain state of transition. The earlier States which they had formed no longer existed: the new did not yet exist. The personal bond continued for a while—the territorial connection was broken. Only if they succeeded in regaining a sure footing were they enabled to establish a new State. The peoples who failed perished. [...] Another characteristic of the State is the unity of the whole, the cohesion of the nation. Internally there may indeed be different divisions with considerable independence of their own. [...] But unless the community forms a coherent whole in its internal organization, or can appear and act as a unit in external relations, there is no State” (Bluntschli, 2000, p.25). Reference to governance, ‘soil’ and rightful occupation is seen in the findings of Louise Mandell, an indigenous lawyer who, in 1981, was an active member of the Union of BC Indian Chiefs. In the 13th Annual General Assembly (October 20-30, 1981), she relates the outcomes of an historical court case in the USA, in the aftermath of Britain “winning the fight between other European Nations over the Dominion of Canada [W]hat Britain won, as a matter of law, was the right to acquire Indian people’s land *when Indian people consented to give it to them. They didn’t win the land* [...] and this was] affirmed as early as 1830 [by the Court]. The Court said [...]

respect of *jure sanguinis*. This exposes an implicit paradox existent in Canada today.

‘Canadians’ (anyone who has, or their ancestors had, immigrated to this region) are granted status as ‘citizens’ in virtue of the occupation and usurpation of land (soil) by the colonial state. Until 1960,¹⁸³ the ‘Indians’ had been and continue to be regarded as ‘wards

talking about the Indians, they were admitted to be *the rightful occupants of the soil* with legal as well as the just right to retain possession of it and to use it according to their own discretion” (my italics, UBCIC, 1981, p.10).

¹⁸³ It wasn’t until 1960 when status ‘Indians’ were given the right to vote (Cairns, 2000; Indigenous Foundations, n.d.). Prior to this and in continuance, all decisions on behalf of First Nations are managed through the Federal government beginning at Confederation (1867) via the British North America Act (1867) and then articulated in more oppressive detail in the Indian Act (enacted in 1876). The government has assumed control over all aspects of the lives of Status Indians and First Nation Bands such as their status (as discussed in detail above) lands (the subject of this chapter), health care, education, wills, resources, band administration etc. (Cairns, 2000; First Nations Study Programme, 2009; et al.). “Since the publication of the legal opinion on federal and provincial jurisdiction over Indians in the Hawthorn Report in 1966 the trend [...] has been to view "Indians" as a "double aspect" constitutional subject matter and to extend various provincial services to them on the basis that they are provincial citizens as well as a federal subject matter and the possessors of special constitutional status” (Giokas, John, 1995, p.7). Participation in voting, however, has not facilitated equality between Status Indians and citizens. Instead, it has further highlighted the inequality between the rights of Status Indians as ‘citizens’ and other status citizens, most notably in the case of being able to ‘own’ one’s own land. That is, status Indians residing on reserves have to seek permission from “the Minister of Aboriginal Affairs and the Band government to guarantee mortgages” (Lebourdais, 2013). As Mavis Underwood (WSÁNEĆ Nation) has said “An example of how public policy *can limit the ability to acquire a home and further limit the lives of First Nations people* I ask you to consider how some banks apply financial policy. It is nearly impossible for a First Nations woman to qualify for an independent mortgage to obtain housing on reserve. Mortgage loans may require a co-signer from Indian Affairs who provides a ministerial guarantee of a mortgage loan to ensure that the bank may foreclose if there is default on the mortgage. Alternatively, the bank may accept a legal agreement in the form of a Band Council Resolution signed off by Chief and Council of the First Nation describing accommodation of foreclosure/seizure process if there is a mortgage default. These conditions may apply even if there is substantive income that would financially qualify the woman off-reserve” (my italics, Underwood, 2018, p.16). A few First Nations leaders are seeking changes in legislation to allow for reserve lands to be translated into private property (private ownership). As Chief Michael Lebourdais of Whispering Pines/Clinton Indian Band has said: “Not owning our land has been an economic catastrophe. We have little of the equity in our homes that is needed to build wealth, gain access to credit and start businesses. We don't have wealth to bequeath to the next generation so it can do better than us. We need the Minister of Aboriginal Affairs and our band government to guarantee our mortgages. We don't want to be wards of the state. Dependency is not our way” (Lebourdais, 2013). Chief Lebourdais’s viewpoint is not widely shared and the idea of private property ownership has been robustly criticized. For example, “Among Canada’s more than 600 other First Nations, Chief Lebourdais’ view is in the minority. At its 2010 General Assembly, the Assembly of First Nations passed a resolution stating bluntly that ‘fee simple title,’ the landholding inaugurated by the Nisga’a [people under their recent Treaty agreements with the Federal govt.], “will lead ultimately to the individual privatization of indigenous collective lands and resources and impose the colonizer’s model on our Peoples” (Hopper, 2013). This is a real concern given that the issue of inequality and poverty is not solved in the pursuit and acquisition of private land or the conversion of a communal lands (land tenure system) within indigenous communities into capital assets. As has been noted, “Fears of private ownership of Indigenous land are certainly not without precedent. Most famously, in 1887 the United States imposed the Dawes Act; a homestead-style system that essentially liquidated all collective Indigenous land and forced Indians to settle on privately owned, European-style farm plots. The act was premised on the so-called “civilizing power” of private property, but within 30 years, all it had done was shatter traditional governance structures and help to hand more than two-thirds of all American native land — an area the size of Germany — to white settlers. Today, the Dawes Act is seen as a social catastrophe in league with Canada’s Indian Residential Schools” (Hopper, 2013, n.p.). According to Arthur Manuel, the issue of poverty could be better addressed through transfer of monies payed in respect of non-indigenous ‘use’ of Indigenous traditional territory (e.g., through land taxes) as a way of alleviating the economic plight of many Nations (Manuel, 2014).

of state'¹⁸⁴ and their status as 'Indians' is determined "by right of blood". That is, under the terms of the Indian Act, the federal government determines who can be considered a *legal* 'Indian' in virtue of a blood quantum.¹⁸⁵ The problem (a deeply injurious one too) is that the 'Indians' who, as discussed above, are deeply entangled with the land through kin relations and cosmological histories, are only recognized by the state via their 'blood stock' and in turn, are legally severed from the land – the very source of their identity.¹⁸⁶ It is worth noting here too that there is no conceptual space within the categories of *jure soli* or *jure sanguinis* to capture W̱SÁNEĆ experiences of membership that emerge from a deep integration of land, culture, identity, ancestry, human and non-human kinship (including but not restricted to 'blood stock'), law and governance.

¹⁸⁴ "Aboriginal peoples in Canada who are classified as "Status Indians" are registered under the Indian Act on the Indian Register – a central registry maintained by Indian and Northern Affairs Canada (INAC). Status Indians are issued a status card that contains information about their identity, their band, and their registration number. 'Status Indians' are wards of the Canadian federal government, [the continuance of] a paternalistic legal relationship that illustrates the historical imperial notion that Aboriginal peoples are 'children' requiring control and direction to bring them into more 'civilized' colonial ways of life. As an 1876 Department of Indian Affairs report explains: 'Our Indian legislation generally rests on the principle, that the aborigines are to be kept in a condition of tutelage and treated as wards or children of the State. ... the true interests of the aborigines and of the State alike require that every effort should be made to aid the Red man in lifting himself out of his condition of tutelage and dependence, and that is clearly our wisdom and our duty, through education and every other means, to prepare him for a higher civilization by encouraging him to assume the privileges and responsibilities of full citizenship.' [...] In keeping with paternalistic policies towards Aboriginal peoples, the Canadian federal government assumed fiscal responsibility for Indians in order to support the colonial structures it imposed on Aboriginal peoples through the Indian Act, such as band administration, education, and health care. The Indian Act has historically stated that those with Indian status have rights to live on reserves, share in band monies, vote for band council and chief, and inherit band property. In 1985, an amendment to the Indian Act separated Indian status from band membership. Bands were granted the right to develop their own membership codes, and thereby determine who can participate in band politics and society, as well as who can access band resources such as band property. Bands, however, did not have control over who gained or lost status. This power was retained by the federal government. While band membership frequently accompanies Indian status, it is possible to have Indian status without having band membership, or vice versa" (First Nations Study Program, 2009).

¹⁸⁵ "The ascendant Imperial and colonial authorities [within Canada] applied a policy of recognition based on [allegedly 'objective'] factors such as blood quantum or kinship as determined through the male line, thereby denying to Aboriginal nations their former capacity to self-define" (Giokas, 1995, p.157). Recognition "focuses on individuals and not members of a group" and in turn, band membership is also understood as a group of 'individuals'. By contrast, in the USA, 'Indian' includes "all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood. For purposes of this Act, Eskimos and other Aboriginal peoples of Alaska shall be considered 'Indians'" (Giokas, 1995, p.156). It should be noted however, that the USA legal definition of 'Indian' also limits classification to that which is recognizable to a European imaginary and does not permit Nations to self-define within their own system of laws and governance.

¹⁸⁶ This has led some authors to point out that "the Indian Act is a form of apartheid law" (First Nations Study Program, 2009).

In the newspaper intervention I outline, in part, how the Federal government's current 'management' of the legal identity of 'Indians' has more pernicious consequences for the rights of 'Indians' to the occupation and benefits of their lands. I do this to further trouble (local) colonial fictions of entitlement and belonging, rooted as they are in the British intellectual tradition of the Enlightenment (e.g., in the work of John Locke, which I will discuss in further detail below following this overview of Canada's membership regime).¹⁸⁷ For example, the classification of individual 'Indians', that is, the identification of who can be an 'Indian' continues to be controlled by the Federal Government. The registration of status Indians directly corresponds to an individual's entitlement to reserve lands – i.e., who can claim rights to reserve lands under the terms of the Indian Act and Section 91.24 of the Constitution of Canada. For example,

“The Indian Act has regulatory power over all facets of Indian life and provides the federal government with a major concentration of authority and social control over Indians – i.e., those that are identified [by the federal Government] as Indians. To decide Indian status there is a Registrar in Ottawa who determines who is and who is not an Indian, based on INAC policies and legislation [the department of Indigenous and Northern Affairs Canada aka Aboriginal Affairs and Northern Development Canada, AANDC]. The Registrar, accordingly, adds or takes people off the list called the Indian Register. The issue is not who is *actually* an Indian, but

¹⁸⁷ To draw out the comparison, one articulation of Canadian membership is seen in the annual Canada Day celebrations, a national/istic event widely celebrated by island residents and 'Canadians' on July 1st. Canada Day is the valorization of 'Canadian' identity as *belonging to this land*. At a local level, this nationalistic celebration is entwined with the common belief that the history of the settlement of Pender Island, the location of the art intervention, is verified through an (alleged) 'purchase' of the island from the 'Natives' by Daniel Pender, a Royal Navy Staff Commander and later, Captain and surveyor, active under Douglas. The Island is, in fact, within W̱SÁNEĆ territory and is unceded, as discussed in detail above. However, it was subject to British "sharp dealing" via pre-emptive sales sanctioned by the Legislature under Douglas's governorship (Plessner, 2018, p.5). We see in this example how the fictional, colonial, narrative of the 'purchase' of lands, not only commemorates 'Canadians' but also how it obfuscates the way in which the State's citizenship regime exacerbates the separation of indigenous identities from their lands, sustaining a system of discrimination on the grounds of race, and staging an apartheid between 'Canadians' and Indigenous people.

who is entitled to be *registered* as an Indian *according to the Indian Act*. The Registrar also decides who is not entitled to be registered in the Indian Register” (my italics, National Centre for First Nations Governance, n.d., p.3).¹⁸⁸

The history of the State’s system of registration of ‘status Indians’ under the Indian Act has proven to be implicitly prejudiced and injurious, with previous legislation stripping the status of ‘Indian’ from women who married those who were either classified as non-Indians or ‘married out’ (another ethnicity), including the elimination of the status passing to her children (Underwood, 2018). The Canadian state also stripped status from any ‘Indians’ who left the reserve without permission from the local agent of the Indian Office (Claxton, 2017) or who lived abroad from more than 5 years (Indigenous and Northern Affairs, 2010, n.p.) and anyone who “became a lawyer, doctor or clergyman [or] received a degree from a university, or joined the military. If you lost your status you lost the right to live on the reserve [i.e., one is legally barred from one’s own home, family and culture] and any benefits that might be associated with it. The Federal Government viewed [what it called] enfranchisement as a way of ‘civilizing’ and *assimilating* the Indian” (my italics, National Centre for First Nations Governance, n.d., p.4). And deep injustices continue to this day. With the implementation of Bill C3 (in 1985), the Mulroney government instituted a new classificatory system that divides ‘Indians’ into 2 categories: status ‘Indians’ (6(1)) and ‘half-Indians’ (6(2)) with the result that “there is a population growing on reserves that have no status as a result of Section 6(2). (National Centre for First Nations Governance, n.d., p.10). ‘Half-Indians’ are in some cases those who are mixed race, but not exclusively. They might be the children of those who were stripped of their legal status due to all of what has been listed above and more, such as forced adoption (the ‘Sixties Scoop’ of

¹⁸⁸ Based on conversations with personal friends who are WSÁNEĆ, it has been expressed on a number of occasions that it is insulting to be subjected to the Federal government’s identity regime. “We are the only people that have to carry a card to prove who we are. It can’t even be used as ID, like a driver’s license” (Claxton, 2017).

forced assimilation¹⁸⁹). It also affects those who were born, for example, on a reserve in the USA and whose territory is severed by the USA-Canada border (as for example, W̱SÁNEĆ Nation traditional territory) and are not recognized as First Nations in Canada.

“What complicates this new division of 6(1) and 6(2) is the ability to pass along status. Should a status Indian under subsection 6(2) have children with a non-status person, their children are ineligible for Indian status. This is sometimes called the “second generation cutoff.” A person accorded status under subsection 6(1) does not face this penalty. Interestingly, should two 6(2) status Indians marry and have children, their child will become 6(1). This perpetuates the discriminatory measures of the Indian Act before Bill C-31, as certain Indians face penalties for “marrying out,” or marrying (and subsequently having children with) a non-status person. While Bill C-31 made it impossible for the government to remove one’s status, the government has simply created a new mechanism to serve this same purpose. The government’s original objective of eventually removing Indian status entirely is still served; Bill C-31 simply deferred it a generation” (First Nations Study Program, 2009).

The important point to note is that those dispossessed of their status but who maintain “ties to their ancestral homelands, cultures and histories, may find themselves excluded from land claims, treaties, and other similar agreements.” (First Nations Study Program,

¹⁸⁹ As Mavis Underwood explains: “The [...] “sixties scoop” refers to prevalent social work practice in the 1960s that resulted in the apprehension of First Nations’ children for “cultural deprivation”, poverty, or neglect. Cultural deprivation referred to the inability of First Nations parents to provide an enriched life that mimicked the amenities and values of dominant white society. The standards of culture were established often through the entry of First Nations children into public schools and by the observation of children by federal public health nurses who served reserve-based communities. They often had strong influence in assessing families and often described the differences as value judgements. The realm of their experiences often failed to recognize First Nations history and culture and failed to recognize the breadth of First Nations family support. Child apprehension in the 1960’s often resulted in a permanent disconnection from family and community of origin as the children were rapidly absorbed by the system and placed for adoption.” (Underwood, 2018, p.15).

2009). It has been pointed out that “these individuals will have no political rights as either band members or status Indians. They will live on the reserve but will become ‘ghost people’ people with no rights.” (National Centre for First Nations Governance, n.d., p.10). Mavis Underwood describes the impact of the State’s protracted interference with indigenous systems of membership on the lives of WSÁNEĆ women. I quote her at length to draw attention to the lived complexity and the affective (aesthetic) dimension of a colonial state’s citizenship regime:

“Imagine the experience of being devalued by your own kin because Indian Act policy is applied to an assessment of your bloodline and through the interpretation of policy you did not qualify for Indian status? Many Saltwater People [i.e., WSÁNEĆ people] who lived actively on the land and waters of the Gulf and San Juan Islands were too busy making a daily living to “come in off the water” at the demand of an Indian Agent for enumeration. Those who did not obey the call for enumeration suddenly became non-entities in their homelands as Indian agents no longer defined them as Indian but instead branded them as “disenfranchised” or “non-status”.

No more evident is the attitude toward women expressed than in the manifestation of the Indian Act in the occasions of a status male marrying a non-Native woman. Prior to 1985 the act of marriage resulted in full status entitlement to the non-Native wife and their children. This same grace did not apply when a Native woman married a non-Native man, the Native woman would lose all status entitlements for herself and her children. Even though Bill C-31 was introduced in an effort to correct inequity in true Indian Act fashion circumstances became even more convoluted. To

counter this affront many Indian women recalled how frequently they would make decisions to live common-law.

As land became premium and identity became highly politicized, status entitlement became a heavy consideration when pondering matrimony. Some families without status were not only disenfranchised but they also lost rights to hereditary titles, lands, and were evicted from homelands by Indian agents. Many First Nations women enacted their own remedy and chose common-law relationships or relationships of convenience, they selectively mated choosing to preserve the status they had rather than risk losing not only status but their residence if a relationship broke down. [...]

The decision known as *Mclvor v. Canada (2009)* was intended to eliminate discrimination against the children and wives of non-status Indians through amendment to Section 6 of the Indian Act. As many First Nations now enact their own Membership Laws there may be contentious circumstances that still may prevent or delay status entitlement or membership. Membership in First Nations remains a point of controversy. The decisions, or the lack of decisions, practice a selective racism that creates outsiders within the community. Those on the outside feel the difference and repercussions of being denied membership for themselves and for their families not only as denied services but also as ill-treatment, indifference, or physical threat” (Underwood, 2018, p.14).

To have no status is the same as losing one’s land and the material and cultural benefits to the land. The State’s management and framework of the Register has, perhaps deliberately, accelerated the disenfranchisement of First Nations and their rights to reserve

lands.¹⁹⁰ “Even if a band controls its membership list [...] *Indian Affairs maintains control over who is registered as an Indian*” (my italics, National Centre for First Nations Governance, n.d., p.11). Not only does this racialized system of classification disenfranchise those who are ethnically and culturally *actual* ‘Indians’ but also, it further shows how *actual* membership – of families and kin groups, including intermarriages or indeed, the possibility of incorporating non-human beings into the category of legal persons – is undermined by the state system of ‘management’ of Indigenous people’s legal body. The problem is rooted in the *limitations* of the European Enlightenment notion of citizenship that presupposes that the State is 1) able to recognize and grasp indigenous affiliations and membership networks, when in fact it is beyond the ken of such a regime and 2) the presumption that the colonial State is *entitled* to define and ‘manage’ the legal identity and status of ‘Indians’, when in fact its practices are imposed on the political organization of First Nation communities.

For those who have been born or are resident on reserve lands especially, the consequences of dispossession are all the more perverse. Attempts had been made to abolish the classification of status Indians by the Federal government in 1969 in a *Statement of the Government on Indian Policy* (also called the White Paper). It was proposed to relinquish all previous legal documents pertaining to Indigenous people, including the Indian Act and Treaties. The aim was to fully “assimilate all ‘Indians’ fully into the Canadian state” (Canadian Encyclopedia, n.d.). Understandably, this was resisted by

¹⁹⁰ “Many people view Indian status as an assimilative tool, a mechanism for the Canadian government to eventually “legislate out” Indian identity. The Canadian government has historically acknowledged its unique relationship with, and hence obligation to, First Nations, and therefore the government created a definition of “Indian” in order to administer services and resources to the appropriate people (namely, Aboriginal peoples). However, in using legislation to determine who qualifies for “Indian status” and the rights conferred with that status, some have argued that it creates a conflict of interest. For example, some may argue that it is in the government’s interest to reduce the numbers of eligible Indians and therefore ease the associated governmental responsibilities and expenditures. To “legislate out” Indian status would ultimately absolve themselves from these obligations” (First Nations Study Program, 2009).

First Nations in view of the fact that Indian status, not least of which, “forced the government to legally acknowledge their obligations to Aboriginal peoples. Aboriginal leaders were concerned that to abolish status would absolve the government of its commitments [under the 1763 Royal Proclamation to recognize the sovereignty of Indian Nations and the rights to their own lands unless ceded under the consent of that Nation]. Further, to propose abolishing status infers that the eventual assimilation of Aboriginal peoples into the mainstream Canadian society is inevitable” (First Nations Study Program, 2009) – a sentiment that is most certainly not shared by First Nations. As Louise Mandell had said in 1980, “the Trudeau proposal [i.e., the White Paper] is attempting to sever the relationships that the Indian people have with the Crown; to say it more clearly, to make it impossible for those obligations which the Crown has undertaken to the Indian Nations ever to be fulfilled. [...]hat it proposes to do is place the Indian people in a state where they legally do not have any rights within the Constitution of Canada” (UBCIC, 1981, p7).

Within the newspaper intervention, the discussion of the failure of the State’s classificatory regime – categorizing individuals as either status ‘Indians’ or status citizens – captures and reflects the complexity of lived membership. ‘Indians’ and ‘Canadians’ are thus ‘bordered’ by and through the practices of the State’s management of bodies, with the former being highly visible and embedded within the State’s apparatus, but also regulated to become *invisible* through the continuing colonial project of assimilation. Hence, the purpose of the ‘citizen art’ intervention to make visible the techniques of the state’s status citizenship regime and its discrimination against Indigenous peoples that also ensures the privileging of Canadian assumptions of belonging and entitlement to land.

However, despite ongoing harassment and interference in the political identity of

Indigenous people through the colonial state's administration of membership, by contrast, within the W̱SÁNEĆ Nation's own community, practices of political membership – involving the conceptual, spiritual and aesthetic expansion of membership to include non-human beings – persists. Among the W̱SÁNEĆ Nation in particular, there is a rising population, cultural resurgence (e.g., Long House ceremony; implementation of stewardship initiatives for land revitalization; the publication of SENĆOTEN Dictionary and language immersion classes in the local tribal school) and mobilization of members on reserves who are not only 'rising' but are also responsive to building new relationships with members of neighbouring communities (Underwood, 2018).¹⁹¹ In parallel, scoping out the possibilities for new relationships, new understandings and new modes of membership, is the key motive of the art intervention.¹⁹² Its aim is to be responsive to the differential effects of the colonial state's system of classification and to draw attention to the problems of the claims of the state – the 'fantasy' of ownership of lands (Mackey, 2016) and the capture of legal identities. That is, the newspaper is intended to disrupt normative assumptions about claims to place, and in turn, the aesthetic dimension of belonging and membership, within the small, non-Indigenous, settler community of Pender Island and to point out to residents that they are present on W̱SÁNEĆ territory. The newspaper therefore draws out W̱SÁNEĆ perspectives that are otherwise obfuscated or presented as peripheral to the concerns of (specifically) residents of Pender Island and in so doing, sets out to position W̱SÁNEĆ

¹⁹¹ On September 2, 2018, Tsawout First Nation solicited the support of neighbouring communities for solidarity in their current legal claim for the return of LEL, FOS Island to their reserve lands. The rally, called *Paddle for LEL, FOS* (2018) (aka James Island), attracted the support of over 300 participants who paddled canoes, kayaks and other human powered floatation devices around the perimeter of LEL, FOS Island. A video was produced for the occasion and features Mavis Underwood, Member of Council, inviting neighbours to the rally. It also presents a series of interviews with members of Tsawout Nation who speak to the Island's history and its current importance to the community.

¹⁹² Obviously, this larger political objective cannot be fully realised within one publication. Therefore, it is important to remind readers that this intervention is the first of three newspapers that will continue to trouble colonial assumptions of belonging, membership and entitlement and to explore and think through and indeed, practice, new modes of citizenship. The Citizen Artist project as a whole is long-term and will continue to produce media and host events in collaboration with members of the W̱SÁNEĆ Nation, to seek out ways forward by exposing the impact of colonial perspectives and practices of local residents of Pender Island on the W̱SÁNEĆ and within their territory.

voices as central to the realities of place. The newspaper therefore is an ‘act of citizenship’. I will discuss the role of the art intervention as an ‘act of citizenship’ in more detail below. For now, it is necessary to say more about the context of the intervention in connection to the content of the newspaper, so as to understand how it functions as a ‘tool’ for reframing understandings of membership and belonging.

As indicated above, the Canadian State’s ‘management’ of indigenous bodies and legal identities is coterminous with the appropriation of indigenous lands. Another key objective of the art intervention is to reveal the Crown’s/State’s elisions in its own rationale for the appropriation of indigenous lands as emanating from a British intellectual tradition, such as in the work of John Locke. This matters to the newspaper’s overall intention to disrupt hegemonic narratives of entitlement that are specific to the British colonial project in Canada and in turn, statist imaginaries of membership, and as it pertains to the local context of Pender Island where readers were invited to “reconsider place” (Plessner, 2018, p.1). That is, addressed to a resident population largely of British ancestry on the island, and in the context of a British colonial culture that is especially widely esteemed within southern British Columbia, the invitation to enter into the thought experiment is to reflect on (and ideally, take account for) the specific privileging of British identities and material advantages and to recognize this in the unfolding of ideas within the art intervention.¹⁹³ In the newspaper, I show that the specific ethnic origins of British Columbia’s Legislature,

¹⁹³ The use of the term ‘white’ to denote the British colonists within the Douglas Treaty and “as understood by James Douglas [the author of the Douglas Treaty] and no doubt the clerks and witnesses of the Treaty (whose names indicate Scots, English and in one case, Welsh ethnicity), is in itself a loaded term. Being ‘white’ was not necessarily understood by the British colonists as the colour of one’s skin. Instead, it was a coded term for ‘civilized’ and in turn, “British ways [of life] were [assumed to be] superior to American, and infinitely superior to those of Native peoples. [Douglas] took for granted the distinction between civilized and savage life, associating the former most completely with the British Isles and the latter particularly with non-literate, non-agricultural peoples” (Cole, 2012, p.2). Entangled in the term ‘white’ is a privileging of British peoples who assumed a superior knowledge of and entitlement to devising, managing and policing the emergent Canadian State and its institutions. [...]. The wide range of ethnicities in Canada (including mixed and diffused British ethnicities through ‘assimilation’) are glossed by invoking the term ‘white’, creating problematic elisions in understanding the dominant culture of the colony and the assumed normativity of British-colonial perspectives, ideologies, habits and practices (Plessner, 2018, p.6).

both historically and currently, is predominantly populated by members of British ancestry.¹⁹⁴ I also draw attention to this ethnic privileging within Canada's racist immigration regime.¹⁹⁵ The aim is to draw attention to the connections between one's current presence on W̱SÁNEĆ territory and the state's apparatus that continues to segregate and racialize material advantages and entitlements between the descendants of British (and other non-British) settlers and Indigenous people.

In the newspaper and in reference to the Douglas Treaty, I outline the Crown's justification for 'ownership' of Indigenous people's land as articulated in Locke's writings *On Property*. I

¹⁹⁴ "A cursory analysis of the surnames of B.C.'s government cabinets evidence a majority of names of British descent (NDP 82% in 2017 and Liberal 58% in 2013). Amongst the number of women who have been admitted to the BC Legislature in the past 100 years, the majority of the names originate in the British Isles. On display in the halls of the Legislature are photos of women who were 'first' to gain access and notably, the first First Nation female member was elected only in 2016 (and into Cabinet in 2017). There are a tiny number of women of non-British Canadian ethnicity, most of whom have been elected only relatively recently. Equally, when women were given the vote in Canada, it was only those of British ethnicity that were granted this right. It was not until 1948 that those of Chinese, Japanese and South Asian ethnicity could vote and 1960 for status Indians (Canadian Encyclopedia, n.d.)" (Plessner, 2018, p.6).

¹⁹⁵ "The institutionalization of racism within colonial legislation had not only sanctioned the containment and abuse of Indigenous peoples within residential schools (Truth and Reconciliation Commission of Canada, 2015; Cornet, 2007) and the policing of Indigenous peoples on reserves through the imposition of the pass system (where individuals needed permissions from a local Indian Agent to move on and off reserves) etc., but was endemic to immigration policies and the policing and management of non-British migrant-settlers throughout the 19th and 20th century. Jews, Italians, Eastern Europeans, Germans, Austrians, Bulgarians, and Turkish peoples were prohibited from entering Canada for periods of time under the Canadian Immigration Act (enacted in 1910) (Matas, 1985). To further draw out the comparison, David Matas suggests that "to talk of racism *in* Canadian immigration policy is over generous. Rather we should talk of racism *as* Canadian Immigration policy" (Matas, n.d.). The Canadian Council for Refugees states that "until the 1960s, [1978 according to Matas], Canada chose its immigrants on the basis of their racial categorization rather than the individual merits of the applicant, with preference being given to immigrants of Northern European (especially British) origin over the so-called 'black and Asiatic races', and at times over central and southern European 'races' [note: Ukrainians fleeing from war during the Bolshevik revolution were interned in concentration camps as were Canadian born Japanese during WWII]. [...] During the years when the Nazis were in power in Germany (and immediately afterwards), Canadian immigration policy was actively anti-Semitic, with the result that Canada's record for accepting Jews fleeing the Holocaust is among the worst in the Western world. Canadian policy towards Jewish refugees was summed up in the words of one official: "None is too many". [...] In June 1919 the entry of Doukhobors, Mennonites and Hutterites was prohibited on the ground of their 'peculiar habits', modes of life and methods of holding property. [...] The prohibition lasted until 1922 in the case of Mennonites and Hutterites, longer for Doukhobors" (Canadian Council for Refugees, 2000, p.3). Immigration policies to the present day treat immigrants from the British Isles and Northern Europe differently than from other parts of Europe and the world. Compare for example, the limited number and protracted scrutiny and processing of Syrian refugees (sponsored applicants are capped at 1000 per annum in 2017 (Brach, 2016) against the generous and easy issuance of temporary work visas – one of the routes to acquiring permanent residence – to Irish citizens (6,350 visas in 2013 increased to 10,750 visas per annum in 2014. Carman, 2014; Irish Canadian Immigration Centre, 2017). Similarly, we see a throwback to entry based on prejudices about 'peculiar habits and modes of practice' in the positing of the 'Barbaric Cultural Practices Bill' (2015) targeted at Muslim migrants (CBC News, 2015; Smith, 2016)" (Plessner, 2018, p.6).

point out that one of Locke's central tenets – “that rights in property are the basis of human freedom and that government exists to protect these rights and preserve public order – is germane to the values of Liberal Democracy that embrace the Canadian [colonial] state” (Plessner, 2018, p.7). I will discuss Locke's argument for appropriation of land as ‘property’ (below) and then discuss how his argument is premised on a lacuna. I will show that Locke begins his argument by describing a *bodily relation* to land – in other words, an *aesthetic* (aisthesis) experience of land – that is then elided in his rationale for appropriation. This aesthetic dimension is revealed within the pages of the art intervention as the tension between the materialist claims of the colonial state – as seen in the interpretation of the Treaty as a ‘contract’ – and W̱SÁNEĆ sensibilities to land, as presented in the story of XÁLS, that stage reciprocal relations and duties between humans and non-humans (as discussed above and again below in more detail). This matters for understanding the import of the intervention's challenge levelled at Pender Island residents. The challenge is to think through the implications of the meaning of the Treaty through W̱SÁNEĆ perspectives. On the one hand, the newspaper aims to make apparent that the very land that residents purport to ‘own’ and ‘possess’, and upon which their identity as Canadians is sanctioned, is based on a dubious ‘contract’ of the ‘sale’ of lands to the Crown, rooted in the specific intellectual history of Britain. In teasing out the implications of Locke's discussion on property and his rationale for the appropriation of land, the aim is to demonstrate the gap between the intellectual origins of British-Canadian colonial rationales and contrast this with one of the foundational stories of W̱SÁNEĆ culture that guides Indigenous attitudes to ‘land’ as a non-human being. Aesthetic i.e., perceptive experiences of land is not only central component of W̱SÁNEĆ culture and claims, but also illustrative of the nascent and perpetually emergent nature of citizenship. That is, land is deeply inscribed with cultural histories and stories of the Creator and important (non-

human) actors within W̱SÁNEĆ cosmology (Clifford, 2011, 2016) understood through an aesthetic experience of land, and this is the foundation upon which membership is generated within W̱SÁNEĆ culture. I will discuss this point more fully below. For now, noting the differing philosophical understandings of land is important if we are to recognise how, in the example of the W̱SÁNEĆ, the aesthetic (sensory) experience of land is foundational to non-statist modes of membership and to examine how this contrasts with the British intellectual roots of colonial appropriation that undergirds sentiments of belonging and membership. This also matters to understanding the full scope of the newspaper intervention as a ‘tool’ for disrupting the pervasive assumptions of colonial entitlement based on land appropriation. Hence, the value of the intervention in showing that W̱SÁNEĆ logics and histories *exist* and indeed, *persist* in the very locale in which one resides. The following outlines part of Locke’s discussion as presented in the newspaper that predicates the colonial project:

“In his chapter on property (*Second Treatise*, Chapter 5, ss 25-51, 123 – 26), Locke offers a narrative on how one can ‘rightfully’ claim a ‘thing’ to be the property of an individual. He argues that “there must of necessity be a means *to appropriate*” what one removes from the commons (the commons, as he describes it, is the Earth and all that it offers that was given to all human beings by God). To *justify* what one has taken that is not, in and of itself, one’s own, Locke constructs an argument that builds on the premise that one ‘owns’ one’s own body. From this he infers that “the *Labour* of his Body and the *Work* of his Hands, we may say, are properly his.” That is, because one owns one’s own body it follows logically that one owns whatever results from the ‘work of one’s hands’, i.e., one’s labour. He then claims that whatever one removes from the State of Nature and has “mixed his *Labour* with”

has, by extension, made (i.e., produced) the thing that was taken into his own and consequently, 'owns' (has a 'right' to) that 'property'" (Plessner, 2018, p.7).

These bodily activities of 'working' and 'mixing' land with one's hands ('removed from the commons') and laboring with the materials of the earth, tilling soil etc., point to an aesthetic, sensory experience of land (the aisthesis of physical labour) that includes the creation of things then deemed to be an individual person's 'property'. The tacit assumption within Locke's argument is that the 'right of 'mixing' soil (earth)', prevails and is metaphorically instantiated here through an individual's agrarian labour – through the manipulation and "improvement" of 'Earth'/nature (understood as a *moral* improvement, according to Mackey, 2016). However, what stands out in Locke's argument, but is not discussed (either in Locke or in authors such as Mackey, 2016), is the *aesthetic* i.e., visual, sensory and affective, dimension of this act of 'mixing' the Earth that also signals possession. The presupposition in Locke's argument is that one has to manipulate Earth's materials with one's body and indeed, *embody* the land, for the claim of possession to be valid and to *legitimize* one's presence and membership within the suprastructure of the state. I will return to this point below when I discuss in more detail current problems of the Lockean imaginary of 'use' in Canadian court cases involving current land disputes. At this point, I want to draw attention to the slippages in the Lockean imaginary: the implications of aesthetic (visual, sensory and affective) experience as the starting point for Locke's rationale for appropriation is not further developed in his discussion. His argument, as suggested above, instead frames a series of *conceptual* inferences that seemingly validate claim-making founded on appropriation, rather than on one's *aesthetic* experiences within a terrain. In the newspaper, I draw attention to his emphasis on 'ownership', based on a proprietorial attitude to one's own body and capacities, (rather than on the aesthetic,

sensory, experiences of a body) and the transformation of soil/land through individual labour, and in turn, “improving” land (Locke, 1823, §32), and how this allegedly establishes rights to the possession and dominion over land as one’s private ‘property’. Mapping the slippery inferences in Locke’s argument for appropriation within *Citizen Artist News: Clouded Title* was done to further trouble and disturb readers affective attachment to their own ‘private property’, expressed through the manipulation and curation of land (treated as a malleable substance). These aesthetic practices are also constitutive of claim-making and determine how a terrain ‘looks’, further inscribing beliefs about entitlement to land (i.e., especially island settlers of British ancestry who dominate the social, political and cultural life of the island and in turn, the visual display of colonial habitation).

The author Eva Mackey valuably adds to an understanding of Canadian colonial attitudes of entitlement by drawing attention to the cultural specificity of British moralistic attitudes to agrarian practices and in turn, racist perceptions of Indigenous people, that are at the foundation of the Canadian State and that justify the appropriation of land. She points out how “God, in Locke’s voice, mandates that improving, productive labour is the key to entitlement to property. So mandated, colonizers felt the entitlement, even the duty, to appropriate, enclose, develop, and ‘subdue’ the vacant lands of America that were regarded as lying to waste by the inhabitants, who were seen as ‘actively neglecting’ the land.” (Mackey, 2016, p.50). She notes that “British colonizers conceptualized and legitimized their colonial process through images of “planting” [...and agrarian techniques of] “husbandry” [in comparison to] Spanish colonizers’ images of “conquest” (p.50). The English in particular, “engaged in ‘turf and twig’ ceremonies that stemmed from sixteenth century gardening rhetoric, land ownership practices and fertility rituals” (p.51). This manifested in marking individual territory through “building a dwelling, planting a hedge

around fields, [i.e., fencing] or an activity demonstrating use of (or intent to use., i.e., clearing) the land. [...These] markers [...] signified private ownership of land [...] and private property” (p.51). According to Mackey, these practices of enclosure and planting, based on “subduing” and “replenishing” the soil, are specific to English agricultural techniques and are strikingly at odds with not only other modes of colonial subjugation by other Imperial powers (e.g., Spain and France), but also indigenous orientations to land. However, as I suggest above, claim-making, as enacted through planting and bordering a terrain (hedges, lawns etc.), is also a formal, *visual*, aesthetic display of British colonization, widely practiced in the treatment of ‘property’ on Pender Island. This aesthetic orientation is another example of the ‘distribution of the sensible’ (Rancière, 2004, 2011a) in that British colonial ways of *seeing* land is explicitly privileged. One can come to understand how, as discussed above, land as a vibrant, non-human being with agency, as seen in the W̱SÁNEĆ creation story, is so profoundly antithetical to the materialism of philosophers such as Locke and the agrarian practices of British settlers. As Mackey says,

“colonizers saw such outsiders to the improvement process as less than human beings. Native Americans, having “failed to subdue the earth” and having “given themselves up to nature, and to passivity” [...] became, conceptually and legally, “wandering nomads” [on seemingly vacant lands]. [...] In this way, culturally specific ideas about property, labour, personhood and morality [... created] differential categories of social being, cultural belonging and political authority. Ideas about property and rights, tied as they were to notions of “improving labour”, were used by these colonizers to entitle themselves to appropriate the land and continue to define Indigenous peoples as savages. In other words, Indigenous peoples were defined

as savages because they did not know how to own land in a possessively individualistic way that European colonizers defined as proper. As such, their inability (or unwillingness) to control land was interpreted to mean that they needed to be under the control of colonizing, sovereign, settler subjects. Ultimately then, ideas about property and personhood were (and continue to be) intimately connected, as legitimating strategies for ongoing colonization” (Mackey, 2016, p.53).

These specifically British attitudes to the cultivation of land as a morally virtuous endeavor¹⁹⁶ manifested in the legislative practices of the emergent colony of British Columbia. Not only were there specific enticements for especially Scots and English farmers to ‘settle’ the land¹⁹⁷ but also, private ‘ownership’ of land was one of the conditions

¹⁹⁶ In the newspaper, I show that woven through Locke’s justification for the appropriation of land is an assumption about the *moral* right to private possession through subduing, tilling or sowing land, characterized as ‘improvement’. If the land is not ‘used’, then it is ‘waste’. To ‘waste’ land (i.e., not to subdue, till or sew it) implies a moral failing – a squandering of God’s gift. As he says, “God, when he gave the World in common to all Mankind, [... commanded Man] to subdue the Earth, *i.e.* improve it for the benefit of Life [... B]ut since he gave it them for their benefit, and the greatest Conveniencies of Life they were capable to draw from it, it cannot be supposed he meant it should always remain common and uncultivated. He gave it to the use of the Industrious and Rational, (and *Labour* was to be *his Title* to it;) not to the Fancy or Covetousness of the Quarrelsome and Contentious” (Locke, 1690). In other words, the ‘use’ of land entails a *morally deserving* ‘owner’ – someone who is ‘industrious and rational’ and who’s actions and *rights* to the material benefits of the land, and indeed, their identity as (status) citizens of the state, in virtue of their ‘good’ labour, are sanctioned by God. The possession and ‘use’ of ‘private property’ then has a moral imperative. This clearly differs from W̱SÁNEĆ relations to land, both aesthetic and spiritual. The British-Canadian colonial understanding of relations to land is as *dominion over* it as sanctioned by God. The W̱SÁNEĆ describe relations to land in terms of a direct aesthetic experience of it and its spiritual inscriptions, that in turn sustains *reciprocal duties* to land as a non-human being. This will be discussed in detail below.

¹⁹⁷ In the early stages of the British colony, Douglas, backed by the Colonial Office in London, was proactive in soliciting British nationals (primarily farmers) to ‘settle’ the land. The newspaper draws attention to the political and ethical consequences of the privileging of British persons and emphasizes this by pointing out the egregious behavior of early British settlers. Specifically, that it was incumbent on the Crown not to sell or further populate lands deemed to be “unoccupied”. The newspaper details that between “1860-61 various Pre-Emption Acts and proclamations were introduced which allowed settlers to pre-empt unsurveyed land, provided it was not an Indian Reserve or settlement.” (Supreme Court of Canada, January 24, 2018). “As Nick Claxton (Tsawout Nation) points out, ‘Douglas was under “explicit instructions [...] from Archibald Barclay in London, who was at the time the [Hudson’s Bay] company’s secretary. It read: *‘With respect to the rights of the natives, you will have to confer with the chiefs of the tribes on that subject, and in your negotiations with them you are to consider the natives as the rightful possessors of such lands only as they are occupied by cultivation, or had houses built on, at the time the island came under the undivided sovereignty of Great Britain in 1846. All other land is to be regarded as waste, applicable for the purposes of colonization. The right of fishing and hunting will be continued to the natives, and when their lands are registered, and they conform to the same conditions with which other settlers are required to comply, they will enjoy the same rights and privileges.’* (Claxton, 2007, n.d.). [...] However, if the land was

of formal membership and determined the political jurisdiction of the province. Ownership of land was also a prerequisite for voting rights (only those of British ethnicity were eligible to vote and there were restrictions on who could purchase lands, initially by only those of Scots, English or Welsh ethnicity¹⁹⁸) and access to the decisional roles of policing and administration of lands and its inhabitants within the nascent Legislature.¹⁹⁹ Hence, the art intervention makes visible the determinate privileging of British lives within the emergent colony. I draw this point out in the newspaper intervention to further emphasize the specificity of the British colonial project and the continuation of its values and practices to

unoccupied by settlers, it was incumbent on the Crown to ensure that it *did not populate, sell or license lands* and control resources on the ‘unoccupied lands’ so as not to undermine the agreements of the Treaty and encroach on hunting and fishing rights. It was binding on the Crown to abide by the terms of the Treaty and to not then subvert its terms by populating the lands with settlers or exploit resources. As Morellato points out, ‘Consultation processes dealing with Treaty rights must take into account oral history and the promises made at the time of the treaty regarding the nature and scope of treaty rights in question. [...] If the oral history of a treaty people provides that at the time of treaty, the Crown promised that the treaty people in question could fish for livelihood purposes over surrendered territory, then land and resources within surrendered territory *cannot be “taken up” in a manner that fails to accommodate the treaty promise*’ (my italics, Morellato, 2008, n.p.)” (Plessner, 2018, p.7). The implications for the residents of Pender Island today – and one of the points emphasized in the newspaper intervention – is that not only are these lands unceded, but being resident within WSÁNEĆ territory is akin to embodying and tacitly endorsing the colonial project of occupation, appropriation, destruction and oppression and furthering the abuse of the implicit terms of the *Peace Treaty*. Since Douglas’s time, WSÁNEĆ traditional territory has become densely populated, especially in recent decades, by non-Indigenous people, accelerating the fulfilment of colonial settlement policies. The private market in land speculation and exploitation by ‘developers’ has been a key factor in the occupation of unceded lands and has created a disproportionate presence of non-Indigenous peoples in the territory. The ‘use’ and ‘development’ of ‘land’ throughout WSÁNEĆ traditional territory is pursued *without* their consent or reparation. This positions non-Indigenous presence as relentlessly arrogant and thieving and has in some cases, led to popular descriptions of non-Indigenous presence as living on ‘stolen land’ (Lewis, Adam, 2015, Morin Brandi, 2018; Shantz, Jeff, 2018; Shahzad, 2017).

¹⁹⁸ The combination of corporate control through the Hudson’s Bay Company and the exploitation of resources, private gain and political privilege, was a model for the political, social and cultural mindset of the emergent Canadian state. “Access to the wealth of these lands was also policed, staging contemporary inequalities that persist to this day. As the gold rush began to escalate, mining regulations were drawn up by [James] Douglas, in his role as Chief Factor of the HBC, that included a ban on settlement by white men *not* of British ethnicity. And as Governor, there was a deliberate policy of privileging settlers from the British Isles and a concerted effort to encourage those of primarily Scots, English and Welsh ethnicity to immigrate and ‘purchase’ land for farming. All of this was done in contravention of the Treaty and its stated claim to honour ‘unoccupied lands’. None of the wealth generated from these exploits was shared with the WSÁNEĆ either. “After [Douglas’s] authority had been confirmed in August he vested title to land in the Crown. [Land] was opened to [non-British] settlement slowly, and, in the hope of attracting more British immigrants, it was priced low. Only British subjects could purchase land, but all those who applied for naturalization could obtain it” (Ormsby, 1972, n.p.). It is important to note that eligibility for naturalization, and in turn, access to owning land, was restricted to only some ethnicities. For example, it wasn’t until 1947 when Chinese, Japanese and those from the Indian continent, who were *born in Canada*, could apply to become naturalized (The Chinese Experience in British Columbia, n.d.; see also note 11 below for further information).” (Plessner, 2018, p.5).

¹⁹⁹ Within the emergent Province of British Columbia, the criteria for admission to the Legislature was that potential members not only had to be elected into a position of office by British settlers’ resident in the region (i.e., no other ethnicity could vote), but were also required to be property owners. This is evidenced in the actions of one of the British signatories of the Douglas Treaty – James MacKay – who succeeded in gaining office over a competitor (Langford) in that MacKay was able to demonstrate his ‘ownership’ of lands (Plessner, 2018).

the present day. Equally, by drawing attention to the intersection of Locke's dubious rationale for land appropriation and the emergent governmental infrastructure (and its corrupt practices of preemptive sales etc.), the aim was to further destabilize any conviction in the claim that the Douglas Treaty was a 'sale' of land and in turn, to support the logic of the WSÁNEĆ description of the Treaty as a *peace* treaty. The purpose being to illuminate the prevalence of the [false] narrative of 'ownership' and entitlement to land that is founded on British cultural and philosophical attitudes and beliefs.

I would add too, that although Locke had not emphasized the aesthetic dimension of the "improvement" of land, nor the affective and sensory experiences of even tilling soil, aesthetic experiences of place are nevertheless tacitly embedded in his argument for claiming land as 'one's own property' and in turn, legitimizing the State. Indeed, there is lacuna at the heart of Locke's argument that has implications for the (assumed) validity of status citizenship and its conceptual foundation. This point requires further explanation. I would argue that the aesthetic (sensory and affective) experience of manipulating earth/soil, and bodily labour as entwined with 'property' (including what Mackey describes as the valorization of agrarian labour as the basis for colonial imaginaries of socially located, individual personhood²⁰⁰), suggests that membership – its perpetually incipient character – is formed through and founded on affective and *aesthetic* experiences (i.e., the aesthetic discernment) of people living within a terrain. In light of this, I propose that if Locke's argument can validate the jurisdiction of the State in virtue of its (unstated) aesthetic origins, then bodily and ancestral kinship relations to is/lands, as seen in the WSÁNEĆ creation story, is equally cogent as a foundation for the delineation of territory, membership and sovereignty. Indeed, specific mention of the importance of the aesthetic

²⁰⁰ Mackey describes 'personhood' as "the process of how – and through what specific ideas and frameworks—socially located peoples and societies are accorded (or not) categories of social recognition, inclusion, citizenship and rights" (Mackey, 2016, p.49).

experience of is/lands and waterways is discussed in Tsawout Nation's critique of the Kinder Morgan Pipeline Trans Mountain Expansion (Tsawout Nation, 2015). Their analysis of the potential harm of the industrialization and use of their waterways includes not only significant damage to their fishing and harvesting grounds and the forms of life that exist within it, (further undermining the terms of the Douglas Treaty and W̱SÁNEĆ rights to "hunt and fish as formerly", (Plessner, 2018, p.2) but also, would impact negatively on the "aesthetic, visual, and sensory experiences of harvesting" – the very basis of *relations* to land in all its vibrant, animate, forms (Tsawout Nation, 2015, pp. 10, 125). Equally important are references to the spiritual dimension of connectedness to the water, is/lands and other non-human beings and animals that also yields an aesthetic experience of place that is relational. For example, as stated "The same land has spiritual power distributed throughout in a variety of ways. This power could be quested for and obtained. The acquisition of this power often resulted in the accumulation of more food, which was therefore sacred. The acquisition of food had a spiritual side to it, which could not be easily separated from its practical side..." (Tsawout First Nation, 2015, p.34). Also, "questing for power from spirits began in childhood and intensified as people reached puberty. Young people left their villages in search of a vision or some form of possession by a spirit that would bestow a special power or ability on them. These ranged from longevity and good health, to particular prowess in hunting, fishing, craftwork, or preparation and use of ceremonial paraphernalia (Suttles 1972, p.383). Although specific spirits were not exclusively correlated with specific abilities, there were connections, "for example, a certain man with a blackfish spirit was a seal mammal hunter and a certain man with a wolf spirit hunted deer" (Suttles, 1974, p. 386) (Tsawout Nation, 2015).

Also, as reported within the newspaper, the formal, visual, aesthetic details and

characteristics of the landscape, understood as inscriptions of spirit life, also predicate membership relations. That is, “First Ancestors’ and other powerful beings are inscribed in the landscape through legends that describe the creation of the landscape’s features by the mythic acts of a powerful Transformer (sometimes glossed in English [...] as the Creator) and through the powers of these ancestors and other beings of the spirit world that continue to be recalled and experienced in these places.” (Plessner, 2018, p.4). I draw attention to these aesthetic dimensions of relations to land to show that there is slippage in the conceptual foundation of status citizenship. It is not necessarily abstract legal rights and principles that determine belonging and membership, but, in this example, the *aesthetic* experiences of people laboring over and curating the landscape, “improving” the earth beneath their feet, or by comparison, one’s co-dependency and embodied kinship with is/lands, non-human and animal beings, *as an extension of one’s own body*, indeed, glossed as being “owned by the land”, that speaks to the nature of citizenship as perpetually formed and reformed through aesthetic engagements with place. We can see this too through the lens of Rancière’s discussion of the ‘distribution of the sensible’. In addition to the partitioning of the public realm in virtue of the practices of colonial governance (as discussed above), the *aesthetic* dimension of labour frames who and what is seen within the public space. That is, what is politically visible within W̱SÁNEĆ territory and in turn, taken to be normative, is also determined and indeed, evidenced by the different aesthetic orientations to land. The difference being that the colonial imaginary dominates within the rubric of the nation state – among ‘Canadian’ citizens – while W̱SÁNEĆ imaginaries persist through (kin) relations to land.²⁰¹

²⁰¹ I make these observations based on my personal involvement with members of the Tsawout First Nation from 2016 to the present, including with Chief and Members of Council who are responsible for the internal management of the Reserve, all of whom are resident on the Reserve and whose (human) ancestors have resided in the territory since time immemorial. As I move through and within W̱SÁNEĆ traditional territory, including travelling on and off the Reserve, I am acutely aware of traversing the social, political, cultural and indeed, *aesthetic* boundaries between settler and W̱SÁNEĆ people.

Problematic aspects of Locke's argument, rooted in his rationale for the 'use' of land as the criteria for claims to 'ownership', bear heavily on how the current colonial state interprets the rights of Indigenous people to the 'use' and occupation of their land. This problem is emphasized in the newspaper intervention to further highlight the manner in which Indigenous and non-Indigenous people are differently treated within the jurisdiction of the Canadian state today and to draw out another strand of the complex weaving of land appropriation, privilege, political authority and membership. For instance, in the newspaper I expand on how Indigenous peoples' presence and occupation of lands has to be 'proved' within the Courts through tangible examples of 'use' for the rights to reserve lands to be recognized as valid by the state. As noted in the newspaper intervention:

“[T]he doctrine of discovery within international law only gave rise to an inchoate claim of sovereignty over territory, giving rise to the more important doctrine of *effective occupation*. A similar doctrine of occupation can also be found within Canadian law with respect to Aboriginal title claims, with the Supreme Court of Canada confirming that one must examine the continuity, exclusivity and sufficiency of the occupation of the land claimed to establish title at the time of the assertion of European sovereignty' (Harrington, 2014, n.p.). In other words, [...] contained within 'the doctrine of occupation' is a rationale that loops back to the moment of 'discovery' with the Crown never having to prove what constitutes its alleged legitimacy to trump the 'underlying title' to land. This illustrates the persistent asymmetrical relation between Indigenous peoples and the state and the limit on Indigenous peoples' rights to their own lands.” (my italics, Plessner, 2018, p.7)

The point being made in the intervention is that, not only is the Crown's claim to the ownership of underlying title declared without "direct reference to the original possessors of the land", but Locke's justification for the appropriation of land directly informs "the idea that Crown Sovereignty is presumed to exist, but Indigenous presence [and rights to the benefits of the land] must be proved" (Luk, 2015, n.p.) within the courts through evidence of land 'use', for example, as discussed above, through cultivation of land (farming) but also, archaeological evidence of burial sites and settlements etc.. The aim was to show that, as mentioned above, "Within the interpretative framework of English common law, land title and possession demanded *evidence of settlement and improvement*" (Frogner, 2010, p.62) and is directed at Indigenous subjects, not the Crown (my italics, Plessner, 2018, p.4). In the newspaper, Locke's argument is continued:

"As much Land as a Man Tills, Plants, Improves, Cultivates, and can use the Product of, so much is his Property. He by his Labour does, as it were, inclose it from the Common'. (Locke, 1823, p.116). [...]n many passages he draws on examples of 'Indians' but characterizes 'the Nations of the Americans' as being 'rich in land' but 'poor in all the 'Comforts of Life' because they had not 'improved' the land through their labour (1823, p.118). [...] 'The same measures governed the Possession of Land too' as he says. '*If the Indians had not yet mixed their labour with the earth in any permanent way*', or if a region were literally uninhabited, then it was considered to be terra nullius [no one's land]. Locke's discussion is layered with assumptions about the alleged validity of individuals 'taking from Nature' by outlining the '*use of land*' as the grounds upon which possession is valid. As he says, 'Land that is left wholly to Nature, that hath no improvement of Pasturage, Tillage, or Planting is called, as indeed it is, *waste*: and we shall find the benefit of it

amount to little more than nothing.’ [...] Locke uses this argument to endorse the colonization of the Americas on the basis that ‘This shews, how much numbers of men are to be preferd to largesse of dominions, and that *the increase of lands and the right employing of them is the great art of government*’ (1823, p.122)” (my italics, Plessner, 2018, p.7).

Hence, this passage was meant to show readers that within Locke’s imaginary of the legitimate occupation/appropriation of lands is his pronouncement about ‘use’ as foundational to the State’s authorization and (narrow) recognition of Indigenous people’s presence. The aim was also to make apparent these presumptions about ‘use’ entailing lawful occupation embedded in the practices of the Canadian Courts today. One example is Tsawout Nation’s current (2018) claim to LEL, FOS (James Island). In Tsawout Nation’s ‘*Notice of Civil Claim*’ (2018), it states that

“The reserve policy was described by Governor Douglas as follows: ...in laying out Indian reserves no specific number of acres was insisted on. The principle followed in all cases, was to leave the extent & [sic] selection of the land, entirely optional with the Indians who were immediately interested in the Reserve; the surveying officers having instruments to meet their wish in every particular & to include in each reserve the permanent Village sites, the fishing stations, & Burial grounds, cultivated land & all favorite resorts of the Tribes, and in short to include every piece of ground to which they had acquired an equitable title through *continuous occupation, tillage, or other investment of their labour.*” (my italics, Plessner, 2018, p.5).

And,

“Governor Douglas provided direction to all magistrates and gold commissioners that they reserve ‘the sites of all Indian *Villages*, and the *Land which they have been accustomed to cultivate*, to the extent of several hundred acres around each village for their especial use and benefit” (my italics, Plessner, 2018, p.5).

These descriptions of occupation in terms of tangible ‘use’ produce responses that follow Locke’s problematic logic. That is, the colonial ‘interpretive framework’ expressed within the *Notice of Civil Claim* is actualized by describing W̱SÁNEĆ territory in terms of ‘use’ and has the effect of furthering the colonial project and its materialist assumptions.²⁰² It also distorts the representation of W̱SÁNEĆ world views and descriptions of their own practices and relations to land because the Courts only acknowledge what is evidentially *apparent* within the colonial project and its imaginary, as opposed to indigenous perspectives that involve more nuanced, complex sets of reciprocal duties and responsibilities.

Understandings of ‘use’ and ‘occupation’ is limited to visible, tangible evidence manifested as the built environment or cultivated terrain. For example, in Tsawout Nation’s *Notice of Civil Claim*, it states:

“Prior to and at the time of the Treaty, one of these *village sites and areas exclusively occupied* by Tsawout was LEL, FOS, which came to be known as ‘James Island’” (my italics, Supreme Court of British Columbia, 2018, p.5).

“James Island was regularly *used for hunting, fishing and foraging* by Tsawout members. Prior to and at the time of the Treaty, members of Tsawout hunted

²⁰² I suggest too that because the Crown does not have to prove its own claim to rights and title by evidencing settler ‘use’ of land *prior* to Indigenous people’s habitation, this exposes a logical absurdity in the State’s adjudications that undermines not only proper recognition of Indigenous peoples’ sovereignty but also has the corollary effect of destabilizing the very notion of ‘owning’ and in turn, *belonging* to this land as ‘Canadians’.

wildlife and waterfowl resources and carried on fisheries throughout Tsawout territory, including on and adjacent to James Island. There also was a *village site and burial grounds* on James Island.” (my italics, Supreme Court of British Columbia, 2018, p.5).

“Tsawout acquired an equitable title to James Island *due to their use and occupation* of the land *construction of houses and other structures and buildings*. Tsawout engaged in agricultural and other labours and activities by which they *cultivated, husbanded, harvested, improved or maintained fields or sites* including their means of sustenance through camas fields, potato patches and berry patches.” (my italics, Supreme Court of British Columbia, 2018, p.5).

These descriptions of Tsawout Nation’s use/occupation of lands, tailored to the demands of the court, are riddled with a colonial imaginary of ‘use’ as the legitimizing factor for ‘ownership’ and in turn, jurisdiction. The resulting problem then, as Robert Clifford observes, is that ‘jurisdiction’ flattens into a discourse about ‘authority’ which in turn creates further elisions with regard to cognizing W̱SÁNEĆ perspectives and sustains colonialist systems and structures of power (Clifford, 2016). I would argue too that this creates elisions in alternative ways of cognizing *citizenship* through a W̱SÁNEĆ lens. The art intervention highlights the problem of demonstrable ‘use’ to further trouble the presumption of colonial logics (and indeed, its hypocrisies) that inform the constructed identity of ‘Canadians’ as members within a jurisdiction. This is at the centre of the art intervention as an ‘act of citizenship’ and its disruption to normative beliefs about entitlement and membership in the small community of Pender Island. I will discuss this point in more detail following a few concluding points about the entanglement of belonging,

membership and land as described by W̱SÁNEĆ authors. This matters for understanding the scope of the ‘dissensus’ of the art intervention and the newspaper’s role in first making apparent and then challenging, local, colonial, assumptions of entitlement.

In contrast to the State and its insistence on ‘use’ as a criterion for legitimizing ‘ownership’, indigenous presence on the land and within a territory is not reducible to materialist assumptions about ‘use’ and ‘dominion’ over land (Clifford, 2016). Nor is W̱SÁNEĆ territory limited to a conception of a terrain as a discrete patch of land and/or a region of fishing sites (reef net sites) that are individually ‘owned’. This has implications for understanding the connection between land and political membership within W̱SÁNEĆ culture. This point is highlighted in the newspaper intervention to further disturb settler assumptions about the normativity of colonial logics about land, ‘ownership’ and (status) citizenship. I draw attention to how Tsawout First Nation describe territory, not in terms of a bordered terrain²⁰³ that is labored over, but as a space constituted of collective kinship ‘knots’ or groupings where a seasonal, temporal and mobile system of stewardship predominates in relation to specific sites of familial, economic (livelihood) and spiritual activity. Indeed, specific roles and responsibilities of harvesting and fishing etc., of individual families are foundational to not only the servicing of the community as whole but constitute the basis of W̱SÁNEĆ governance (Tsawout Nation, 2015; Elliott, 1990; Paul, 1995; Claxton, 2003). To take these points in turn, the following quotes a section from the newspaper intervention at length:

²⁰³ In the newspaper I draw attention to the fact that “The [Douglas] Treaty relies on a cartography of ‘straight lines’ drawn between sites and points and assumes that the resulting domain (a flat topographical measurement of space) is a coherent and valid way to define territory. It also renders invisible W̱SÁNEĆ conceptions of and approaches to the organisation of place and in turn, to ‘ownership’ of lands. The Western system of measurement of a territory in terms of points, lines and planes that define the boundaries of a terrain as evidenced in the Douglas Treaty has its history in the cartographic practices of Europe and the Middle East and is at odds with the complex territorial activities and the sophisticated organizational practices of the W̱SÁNEĆ” (Plessner, 2018, p.5).

“W̱SÁNEĆ authors (Elliott, 1990; Paul, 1995) point out that traditional territorial areas of a nation included the range of people’s *movement* through their lands in the change of seasons and the use and sharing of harvesting, fishing and hunting sites that are contingent on kinship *relations* within and across communities with access being brokered through a system of cultural and political protocols (e.g., asking permissions to enter a territory and/or use of a harvesting site, ritual protocols etc.). Importantly, it is not that boundaries do not exist within W̱SÁNEĆ territory per se. On the contrary, they just are not conceptualized as fixed, polygonal and discrete, patches of land. Instead, “people and places are constituted within a complex field of social relations [... including] permeable boundaries or paths and itineraries, structured not to physically impede movement or exclude others, but to provide for the social interaction of different social groups within common places. [... Boundaries then,] are physically located discourses of kin, sharing and travel. [... They] are more like ‘signposts than fences, comprising part of a system of practical communication rather than social control’ (Thom, 2009, p. 181)” (my italics, Plessner, 2018, p.5).

Also, as described by Nick Claxton, a member of the Tsawout Nation, Reef-net fishing sites in particular “were managed by individuals, but owned by families. Moreover, [...] the relationship between families and their reef-net sites is better understood as families *belonging* to their sites” (Tsawout Nation, 2015, p.37). However, this description of belonging is not simply a material reality, in the way that settler inhabitants of say, Pender Island might claim to belong to such and such a place in virtue of one’s family’s ownership or occupation, or by having ‘improved’ the land through say, farming etc. A reef net site for example, is a gift of the ancestors and spirits. That is, “Spirits and their corresponding powers and abilities could also be inherited. This suggests that a fisherman with a spirit

that bestowed an ability to fish, might not only pass down his spirit and a corresponding prowess related to fishing within his family, but, thereby his role and function within the community too” (Tsawout Nation, 2015, p.35). Thus, there is “a pattern of roles performed exclusively by members of specific families [...and] that for generations one family [in particular] has held an exclusive responsibility for providing marine foods for Tsawout community functions, another for providing ducks for longhouse ceremonies, and another for tending the fires in the longhouse” etc. (Tsawout Nation, 2015, p.35). To be more specific:

“People may encounter these ancestral figures through the spiritual and ritual practices that take them into the land for spirit encounters. *Relations with these ancestral figures requires reciprocity, sharing and respect for other persons, both human and non-human, who are associated with place. They reinforce kin-based property relations, when the land at once belongs to the ancestors who dwell there, and to those living today who encounter the ancestors.* The kin-based properties in this land-tenure system map out on the land in complex, multi-faceted ways. Not every named place is owned by kin groups. Ancestors may be associated with lands in numerous locations and individuals associating with these ancestors may enjoy property rights in a number of places. These associations with ancestors reveal a network of places in the region that an individual may access by virtue of their genealogy” (my italics, Thom, 2009, p.185-186). W̱SÁNEĆ approaches to territory then, is layered and braided together through family kinships, cultural and religious histories and connections to specific locations (not necessarily contiguous) that in turn, constitute the social, spiritual, economic, geographic and political network that these relations entail. [...] Colonial mappings as outlined in the

Douglas Treaty ignored the important role that mobility and human (and non-human) relations play in shaping claims to place” (Plessner, 2018, p.5).

The newspaper made clear that W̱SÁNEĆ relations to land, the reciprocal responsibilities that are entailed by the layered and complex understandings of place, and the system of protocols and governance that emerges from the interweaving of spirit and ancestral relations to human, non-human and animal beings, is so profoundly at odds with colonial imaginaries, and the regimes of the Crown, the Canadian Courts and Common Law. In this way, the newspaper draws attention to the Crown’s (current and historical) insistence that the W̱SÁNEĆ people only have an “inchoate form of qualified Dominion” as perversely mistaken. There is nothing remotely rudimentary or undeveloped about W̱SÁNEĆ conceptions of dominium as “being owned by the land” or by extension, its social systems of reciprocal duties and conceptions of membership as expanded to other forms of life. The newspaper makes clear that ‘dominion’ is not one of ‘control’ over other entities but is *integral*: “Our people lived as part of everything. We are so much part of nature, we were just like the birds, the animals, the fish. We were like the mountains. Our people lived that way. We knew there was an intelligence, a strength, a power, far beyond ourselves. We knew that everything here did not just happen by accident. We believed there was a reason for it being here. There was a force, a strength, a power somewhere that was responsible for it. That is the way our people lived.” (Tsawout Nation, 2015, p.33). The idea of *jurisdiction* then, is not being “separate from the territory, but part of it” (2015, p.33).

In summary, status citizenship and traditional W̱SÁNEĆ imaginaries of membership widely differ in their assumptions and organisation. On the one hand, settler culture is primarily invested in a proprietorial attitude of individual possession and dominion over land that has

been regulated in line with British cultural rationales of appropriation justified and codified into law as land 'use' and 'cultivation'. The aesthetic dimension of relations to land and what it can mean for better understanding the affective, perceptive and substantive foundations of belonging and membership, are closed down in Locke's argument by an insistence on proprietorship and exploitation. On the other hand, W̱SÁNEĆ attitudes, even though much disrupted by the effects of colonialism, involve an interweaving of aesthetic experiences (including spiritual) of place and cosmological narratives imbued with visual mappings of terrain that determines protocols and organizational roles that inform and structure membership and governance. Members are *in dialogue* with land as 'kin'. This mode of citizenship is generative, dynamic, mobile and dialogical. It is determined by the land and through compacts of reciprocal duties. It is open to new relations rather than statuses determined by bounded 'jurisdictions' or bordered terrain. It is also conceptually open to non-human actors. In short, W̱SÁNEĆ cultural approaches to land are demonstrative of non-statist and non-cosmopolitan modes of citizenship.

Having discussed, in detail, the key themes of the newspaper's content and the social and political context of the intervention as it relates to the problematics of (status) citizenship, the following will assess how the intervention is an 'act of citizenship', not only in the orientation of its content but also in its performance, and what it presents as a *new* mode of citizenship. As indicated throughout this research, within the field of social and activist art, much has been said and done by artists and theorists that see 'participation' as the space in which citizenship is performed. By contrast, one may wonder how the dissemination of an artefact, a newspaper, effects such a performance given that it does not obviously involve a group of 'participants' nor is it enacted in a manner that stages face-to-face 'community' encounters that are easily recognized as social practice or

activist art. The key questions are how do we come to recognize that new modes of citizenship are enacted in 'citizen art', not necessarily through the 'participation' of its interlocutors, but through 'acts of citizenship'? How does this intervention, as an example of 'citizen art', perform not only an 'act of citizenship' but also, attest to being a new mode of citizenship that does not reify or valorize status or cosmopolitan citizenship? How does one identify new approaches to citizenship within the performance of the intervention?

It is necessary to first state that *Citizen Artist News: Clouded Title* does not stage a transactional relationship between me as editor/artist and residents as readers. Nor do I assess the intervention's value in terms of calculating how many newspapers were produced and weigh this against numbers of readers. The purpose of this research is not to measure the residents' (or other readers') impressions of the intervention or collect survey evidence and analyse the various registers of understanding etc. as one might if this were a form of social research. Even though this could be an interesting exercise, the aim of this practice-based research is to assess what kind of political '*doing*' is enacted within the examples of 'citizen art' on the understanding that there are nuanced and multifaceted outcomes. This intervention in particular is a tool for troubling colonial practices and assumptions within a small island community, knowing that the issue of the 'ownership' of appropriated land is one that is kept suppressed and is complicated by the manifestation and internalization of colonial narratives of entitlement. However, the intervention as a practice also opens up a space for '*doing*' politics differently that in turn affords opportunities for new enactments of belonging and membership. Although I have no objective criteria in the form of surveys etc. with which to gauge the effects of the intervention on readers, I do however have personal and anecdotal evidence of its results. The following will therefore describe how and why the newspaper was disseminated in the

way that it was and then relate the effects that it has had in establishing new relationships between me and members of Tsawout First Nation (W̱SÁNEĆ First Nation) and the local community of Pender Island and beyond. Woven into this description is a discussion of the implications of the intervention and the relationships it forges as an ‘act of citizenship’.

As indicated above, this intervention is not based on direct participation (of Pender Island residents) but it certainly *transforms readers into participants*. On the one hand, the newspaper draws attention to how island residents already ‘participate’ in the production of hegemonic fictions of entitlement, rooted in notions of ‘ownership’, that are performed and expressed in the community. On the other hand, the uniqueness of this art intervention is in how it performs as an ‘act of citizenship’: it disrupts normative assumptions that sustain the epistemic violence of State and settler narratives of belonging and membership and it ‘does’ politics and performs a new mode of citizenship in a number of ways. First, the newspaper, as an ‘act of citizenship’, troubles assumed positions of ‘authority’ in that it is produced by myself (one individual artist) but does not present my own opinions or views (even though the editing of the paper is clearly an act of selection with a bias toward the writings of W̱SÁNEĆ and Indigenous authors). However, this partiality (of mine as the editor/artist) is tempered by the newspaper as conveying ‘news’. ‘News’, here, is instead a recirculation of the ‘facts’ of research in the assemblage of published quotations from academic and local Indigenous accounts so as to *verify* and *evidence* the telling of an alternative local (treated) history. I stress here that the newspaper does not *represent* W̱SÁNEĆ perspectives but *recirculates* what has already been said by numerous authors but has never been heard, let alone heeded, within the local community of Pender Island. The research – the myriad of citations – breaks “the self-evidence of [local settler] doxa” (Bourdieu, 2008, p.278). It also does what Nicolas Bourdieu had himself experimented

with in his own interventions: he presented ‘research’ or ‘expertise’ within a popular medium rather than be restricted to academic spaces of discourse (Bourdieu, 2008).²⁰⁴ That is, the intervention ‘hijacks’ the newsprint medium and the conventional aesthetic display of ‘objective’ stories for the purposes of presenting a detailed, extensive and complex exposé on the internal workings of the nascent colonial State in the making of a local Treaty. The academic sources specify 1) the sharp dealings of the British Crown and the breaking of ‘promises’; 2) the presumption of British superiority and the Canadian State’s (willful) ignorance of the culture, beliefs and systems of governance of its Indigenous interlocutors. The newspaper also shows that these dubious state practices not only constituted the making of the Douglas Treaty, but continue to frame and inform contemporary treatments and assumptions.²⁰⁵ In exposing statist fictions through the comparison with W̱SÁNEĆ cosmological histories, the newspaper opens up the potential for genuinely alternative understandings of people, place and membership. As a political act then, the newspaper “makes visible what was hidden in the customary perceptions of the social world” (Bourdieu, 2008, p.273), and at a local and personal level.

²⁰⁴ Writing in 1997, Bourdieu’s argues that it is important for intellectuals such as himself, to counter journalists, who, as minor intellectuals, and in their ignorance of economics, give their support to the doxa of neo-Liberal ideology within the state of France. As he says, that “this all makes particularly necessary the intervention of researchers who are well enough informed and equipped to combat on an equal basis those fine speakers who are often poorly trained, and appeal to the authority of a science that they have not mastered to impose a completely political vision of the world of economics” (Bourdieu, 2008, p.277). I would argue that Bourdieu’s notion of the intervention and his involvement in producing his own media, constitutes an ‘act of citizenship’ not only in his contestation of the habits, norms and practices of the journalistic profession but also, in his understanding of what it means to extend research into the public realm.

²⁰⁵ In addition to the State’s system of registration of ‘status Indians’ as discussed above, other harmful impacts on the W̱SÁNEĆ peoples and culture, treaty rights and lives generally continues apace. This is seen in the infringements on their fishing and hunting rights (see footnote 179 above) and also government endorsement and licensing of land developers, who proceed to exploit and populate indigenous territories without permission or recompense. This is also evidenced in the lack of formal recognition of W̱SÁNEĆ sovereignty and title over their whole territory (including Pender Island) which has been undermined by the activities of the BC Treaty Commission. The BC Treaty Commission has, in essence, ‘sold’ the rights and title of the W̱SÁNEĆ to neighbouring Tsawwassen First Nation, having first excluded the W̱SÁNEĆ from discussions over their unceded lands. This has resulted in the loss of W̱SÁNEĆ rights to harvest foods and steward their traditional territory and impedes access to traditional sites of ceremony (Plessner, 2018; Kimmitt, 2007; Manuel, 2014).

Second, the intervention is an ‘act of citizenship’ in the manner of its address: A) its orientation starts by publicly acknowledging that first and foremost, I (as artist/editor) reside on W̱SÁNEĆ Nation territory, rather than within the jurisdiction of ‘Canada’. This positionality is intrinsic to the newspaper intervention and thereby resists the purported legitimacy of Crown appropriation by announcing the reality of living on *indigenous* lands. B) As a ‘thought experiment’ (rather than an analysis or critique) the intervention solicits residents of the island to ‘act’, i.e., to participate in the experiment and thereby fulfill the invitation that was directed at them. I see this as establishing an unarticulated, but nevertheless important, performative, binding ‘contract’ between me, the W̱SÁNEĆ and island residents. The intervention had subtly transformed readers into active interlocutors. It enclosed me, residents and some members of the W̱SÁNEĆ Nation in a dialogue. For example, individuals from the Tsawout First Nation Reserve and Island residents, and in fact others beyond the local community, have raised discussions with me, or reached out for more information, discussed and read sections of the newspaper out loud to others at local events, or have passed on or spoken about the newspaper to others, extending and expanding the conversation. The newspaper activated members of the community and beyond to ‘participate’ in the ‘experiment’ and hence, substantiated the ‘citizen art’ project as ‘doing’ local politics. Third, the intervention is an ‘act of citizenship’ in the mode of its dissemination that forged new alliances between me, island residents and members of Tsawout First Nation, that are not founded on the *misrecognition* of the W̱SÁNEĆ (I will discuss this more fully below). Fourth, the intervention is an ‘act of citizenship’ in how it carves out a new public space for island residents to not only see the W̱SÁNEĆ as jointly present within the terrain but to ‘think through’ a cogent alternative to possessing land that is founded on (reciprocal) responsibilities to ‘land’ (conceptualized as a non-human being). Fifth, as mentioned above, the intervention not only makes visible the epistemic violence

that is perpetuated through notions of 'ownership' but also, it makes clear how the State's status citizenship regime, that is founded on and supported by a system of Crown and private possession of land, is *inadequate* to the task of reconciling because it subverts W̱SÁNEĆ relations and reciprocal duties of care to the land. The intervention therefore pushes back at a core colonial practice and in turn, puts into public view non-statist approaches to belonging and membership. It forges a new political space – a new orientation to inhabiting land – that alters the terms of belonging and membership.

The following will describe the details of the intervention and how it entered into the 'blood stream' of the community so as to further illuminate how the intervention is performed as an 'act of citizenship' and in turn, its staging of a new mode of membership and belonging. The following will first describe how I solicited people's attention for engaging with the thought experiment. I will also briefly describe aspects of the newspaper's formal aesthetic features and other rationales that informed the manner in which it was disseminated. I will then offer an overview of its effects as a way of drawing out its relevance as an 'act of citizenship.

What I had learned from my experience of producing and disseminating the first *Citizen Artist News: The University as a Border Regime* (Chapter 2) was that the (printed) newspaper proved to be an ideal communication medium for making complex material easily accessible. It is also an effective 'tool' for 'doing' politics. I will explain why. As mentioned at the start of this Chapter, on April 14, 2018, 1100 copies of *Citizen Artist News: Clouded Title* were printed and 820 copies were delivered by post to the private homes of permanent residents (i.e., people who live year-round) on the small island of Pender (820 homes in total). It was important to the design of this intervention that copies

were sent to private homes for several reasons. First, I wanted residents to be able to handle the newspaper as a tangible object in the spaces of their homes. Although the newspaper references the design of a broadsheet newspaper, it nevertheless does not look like an ordinary newspaper. In my estimation, the aesthetic experience of the object (handling it, seeing its specialist design, seeing it in relation to other objects etc., in short, its formal and sensed aesthetic features) also informs how the artefact is cognized as an intervention within the private spaces and lives of people. Second, I wanted to take advantage of the postal services as a novel infrastructure for communicating with residents. I speculated that by receiving a copy at one's own home, the oddness of this solicitation would also create an element of surprise and focus the attention of residents. I gambled that this might entice readers to then engage with the newspaper's informationally rich and complex contents. Third, I needed to establish communication (a dialogue) between me and island residents to expand upon some local groups' who had staged events on the subject of reconciliation but that had not identified or grasped the importance of specific local histories and the real epistemic violence of colonialism that continues to today and within the local island community. The intervention therefore pushed back at expressions of local settler virtue by providing a detailed history of land appropriation. Fourth, it was important to side-step the local networks of political actors and gatekeepers within the community and especially those who organize, endorse, facilitate and indeed, celebrate colonial notions of the 'ownership' of land. Community members often channel and entrench settler entitlement through local government agencies (in the 'management' of real estate as capital and commodity), grassroots (historical and other) societies etc. It was therefore necessary to sidestep local affiliations to ensure that the intervention would stand apart from these social networks and do the work of disturbing not only what is seen as of political importance but also, *who* is visible

as a political actor. This is also key to the art intervention as an 'act of citizenship' (which I will discuss further below). Fifth, I wanted to tap into the local gossip and chat that always percolates within small communities. I anticipated that perhaps 100 residents out of the 820 homes may initially read the paper, or parts of it, and talk about it to their friends and neighbours. In small communities, word travels fast and can have deep effects on how people orient themselves within a place. I was relying on these local social networks and the informal system of communication to do the work of expanding and sustaining attention to the contents of the newspaper. Sixth, I was interested in exploring how the intervention could not only stage new ways of 'doing' politics through practice, but to test the possibilities of carving out new ground, so to speak, a new *mode* of citizenship and one that did not start from the assumption of 'ownership' and the conferral of a state-sanctioned status, but from an 'act'. As we saw in the work of Bruguera and Staal in Chapter 2, both of these artists reframed the performance of non-statist citizenship in new and novel ways. By comparison, I was interested to experience what new relationships might manifest in the performance of this 'act of citizenship'. What might these relationships suggest as a new way to live with the W̱SÁNEĆ people and within their territory? Can new, non-statist, practices of membership be enacted in the reworking of perceptions of place and new relations between actors?

In addition to the direct posting of newspapers to people's homes, I then sent some copies to a few individuals in government, including the local Green Party representatives for the Gulf Islands/Pender Island (the Federal Minister of Parliament and the local Minister of the Legislative Assembly, Province of British Columbia), and to some individuals at the BC Court House, to extend the 'experiment' to those who constitute the apparatus of the State. Copies were also delivered to individuals at arts institutions such as Emily Carr

University of Art & Design (to faculty and the Library collection), Interference Archive in Brooklyn, New York. and Street Road artists' project space in Pennsylvania, USA to ensure that some copies could be accessed within a few public archives. As described at the start of this Chapter, one week after the initial posting, I and Emily Artinian of Street Road Artists' Space hosted a pop-up art exhibition and workshop (also called *Clouded Title*) on Pender Island that marked the formal launch of the newspaper. Approximately 100 copies of the newspaper were distributed during the event with some visitors taking additional copies to pass on to others. Two friends from Tsawout First Nation were given copies for distribution to the Band Office, including Chief and Council and others on the Reserve (approx. 50 copies). This pop-up event and launch concluded the first wave of the dissemination of the newspaper.

From these initial acts, the ground shifted, so to speak, and the intervention then took on a life of its own. My involvement with members of Tsawout First Nation and Pender Island also transformed. The following will turn to a summary of the effects. Within a few days of its posting, out of the 820 newspapers that were delivered to private residences, 23 were immediately returned by hand to the post office. From members of Tsawout who distributed numerous copies to individuals on the Reserve, I was told that some Elders were very emotionally moved by the portrayal of their own history and perspectives of the 'land'. I assume that this response was based on the fact that the direct quotes of W̱SÁNEĆ and other Indigenous authors were seen as having been respected and not distorted. There was much appreciation too of the Douglas Treaty referenced as a peace treaty, not a sale of land – a fact that has long skewed and frustrated W̱SÁNEĆ relations with the State and settlers. The intervention had also taken on another dimension of performativity: passages from the newspaper were read out to others by members of

Tsawout Nation at local schools and during a Kairos Blanket Exercise Workshop (a public workshop that introduces non-Indigenous participants to the affective experience of having your land appropriated, Kairos, 2018) and copies were installed at Tsawout Band Office in the foyer/waiting room. Immediately after posting the paper, I received emails and telephone calls from a local journalist and an elected member of the local branch of government (responsible for the infrastructure of the built environment such as roads etc.). These people sought me out and quizzed me about my personal life and social connections (questions that I refused to answer). I assumed (perhaps wrongly) that they were perturbed by the sudden presence of a new political voice in the community and that they were scouting out ways to close down discussion of the topic, presumably because its message takes to task underlying rationales for their public authority. Alternatively, I have received emails and letters of thanks from Church leaders on the island and also Elizabeth May, the Green Party Member of Parliament in Canada. She also referenced a passage of the newspaper in one of her own newsletters. I was told by some island residents that they took their copy to their workplace and then shared and discussed it with colleagues. Some have reported to me that they have had detailed discussions with friends and neighbours who were shocked and ashamed by the claims of the Treaty. Others have turned up with copies of the newspaper to community meetings, such as at a Reading Circle, with the desire to have an evening set aside for the discussion of its content (which subsequently happened in June, 2019). City Hall, in Victoria, B.C., had requested copies for the Mayor and all the elected Members of Council, having heard of the newspaper's existence through leading members of Tsawout First Nation. The Mayor's office also asked to be sent any future editions of *Citizen Artist News*. Numerous people have thanked me in person for drawing their attention to the existence (and problems) of the Treaty. They also appreciated that it was explained through detailed and thorough research. Many

commented that they found the newspaper to be an important exposé on the appropriation of specifically, Pender Island. I have also met with some hostility and alarm by others, or have been patronised by some individuals who have positioned themselves as ‘managing’ ‘reconciliation’ activities on the Island.

Some island residents and also some readers wider afield (such as members of faculty at Emily Carr University of Art) reported that they had to spend time reading it, to think through the complexity of the internal arguments presented in each footnote and having done so, found it to be emotionally demanding and a challenge to their own understandings and assumptions. One island resident reported that they carefully read it twice so as to fully digest its various points. Others have said that they struggled with it, finding its contents too demanding. I was told by one island resident that her father was very annoyed and that she spent time talking him through it. Some reported that they hadn’t read it all. This again was evidence of the contractual dimension of the intervention as an ‘act of citizenship’. That is, these readers had obviously read enough of the newspaper to feel the burden of the obligation of its request to participate in the experiment. I see the confession of non-participation as a kind of direct withdrawal from this public project. After the initial posting and the ‘chat’ that was circulating on the island, the local supermarket (there is only one) had also facilitated its ongoing distribution by offering a shelf on the store’s newsstand where the publication sat alongside various other newspapers from Media organisations. Two hundred copies quickly disappeared from its shelf.

Since then, I have been introduced to people as the artist who created the newspaper and on one occasion, a woman told me that she was struck by the ‘oddness’ of it when she received it in the post. She hadn’t read it, but had put it away to read on another occasion.

This tallied with my impression that perhaps more people than I expected had, at least, kept hold of their copy. I kept loose tabs on the number of papers being discarded at the recycling centre on the island (the main hub for processing waste packaging and printed matter etc.), asking staff to put aside any copies that they see. Approximately 15 copies were collected and returned to me over a period of 2 months.

Wider afield, a friend who is a law student at the University of Victoria (and who is also First Nations) presented it to colleagues and faculty for discussion in class. She then asked for a digital copy so that she could distribute it to others. Street Road artists space has included it in numerous public events and exhibition openings throughout 2018 and 2019 (see Street Road, 2018) including scheduling a day of discussion in August, 2019. It has also been the subject of skype discussions between me, Emily Artinian and Street Road's visitors. And requests for copies continue through email or face to face. In short, it is no exaggeration to claim that the newspaper and its invitation to participate in a thought experiment had entered into the blood stream of the local community, with tendrils reaching out to others beyond the island. It has facilitated important personal bonds of trust with members of Tsawout First Nation: relationships that I highly value because of what they entail for new approaches to belonging and membership within their territory. One example is that as a result of the intervention, I was asked to join an organising committee hosted on Reserve for a rally in support of Tsawout Nation's land claim (Paddle for LEL, FOS, 2018). Again, I was introduced to people as the artist responsible for the newspaper and on request, I gave copies to those involved in the meetings. This also underpinned feelings of trust and smoothed the way for me and two colleagues to produce a short film in support of the rally (Paddle for LEL, FOS, 2018). On Pender Island, the newspaper has also indirectly influenced how a local grass-root historical society now

presents their narrative of the evolution of the occupation of the island, having subsequently eliminated from their website references to the purported 'sale' of land to early settlers (Pender Islands Museum, 2005). I noticed too that following the newspaper intervention, descriptions of the history of Pender Island on Wikipedia had been modified (Wikipedia, n.d.).

In Summary, the newspaper delivered into the proverbial 'belly of the (colonial) beast' a thought experiment that enclosed individuals in a relationship through the direct invitation to *act* and *participate* in a public exercise of "reconsidering place" (Plessner, 2018, p.1). I solicited residents to take heed of the fact that they/'we' share the same social space as the W̱SÁNEĆ, highlighting the current, lived, effects of the Douglas Treaty – a treaty that is elided within local narratives of belonging and in turn, sustains ignorance of the dubious rationale for purportedly 'owning' land. The intervention also drew attention to the reality of the subtle but pernicious apartheid that exists within Canada (and especially within the State's membership regime, as discussed at length above) by anchoring W̱SÁNEĆ voices within '*this*' place and '*now*', thus dispelling any pretense of W̱SÁNEĆ invisibility or erasing the W̱SÁNEĆ in (historical) time (e.g., pushing back at widespread local sentiments such as 'they were here then, we are here now'). The thought experiment focuses settler attention on the implications of one's presence on the land via *current local* Indigenous perspectives of the history and politics of place, instantiated through citations to pre-published accounts. That is, it presents an *authoritative* and verifiable history and politics that counters the pervasive colonial narrative and celebration of settled 'Canadian' lands. The thought experiment disrupts the smooth, omnipresent assumption of entitlement to garner and 'use' (i.e., manipulate, exploit, extract and commodify etc.) the very land that one purports to 'own'. In this sense, the newspaper acts as a kind of eye witness to and a

platform for the perspectives of W̱SÁNEĆ authors and creates a *new* local political narrative of 'who' is present 'here' and what is said 'here' about 'here' and 'now'. It not only introduces reader-participants to a critique of their own assumptions about claims to land/'here' but it also makes it clear that those whose land one occupies, see the land/'here' profoundly differently from the local settlers that reside 'here'.

The newspaper also highlights the point that inscribed in the *peace* treaty and the aesthetic features of the land, are vivid markers and histories of the W̱SÁNEĆ people, their cosmological history and the legacy of their *relations* to the is/lands as non-human 'beings' – relations that settler minds are unfamiliar with but nevertheless are introduced to in the newspaper to show that to be 'here' also encompasses a wider category of 'community' membership. Through W̱SÁNEĆ authors we learn that non-human beings (islands and other animals) are entangled in reciprocal relationships as equally present, living beings. We also learn that these reciprocal relations are foundational to the duties and responsibilities that flow from these relations as legal principles (Clifford, 2016, 2011, 2019). The newspaper therefore highlights how W̱SÁNEĆ approaches to is/lands radically alters the very conception of political membership and in turn, citizenship. The newspaper subtly prizes open new ground for reconceiving place and membership. How might one think of one's piece of 'property' through the lens of it being part of a non-human 'being' with needs and capacities? What are the implications of seeing land not as a 'substance' but as a 'being' that sustains life as lived 'here'? In this way, the intervention, targeted at unwitting residents and reaching into the spaces of individual households, created a public disturbance to the social and political construction of lives lived as 'settled' (i.e., entitled and satisfied) occupants. It emphasized an expanded notion of the lived, 'shared', but

politically and conceptually partitioned public space and land. As an act, and in its content, the newspaper carves-out a new approach to enacting citizenship.

In its performance, the intervention shifts the terms of what is seen as a political topic and who is seen as a political actor. It facilitated new relationships and formed new alliances. It brought into public view the fact that decolonization and reconciliation require a form of membership to emerge that does not misrecognize the W̱SÁNEĆ and their experiences and perspectives. The relationships that have since unfolded are based on this new orientation to seeing this terrain as centred on the W̱SÁNEĆ people's account of place. These relationships, instigated by the intervention, provide a foundation for further solidarity. The intervention also makes apparent the urgency and importance of basing membership and belonging on stewardship and (reciprocal) relationships to land and that this will not be achieved through statist notions of membership sanctioned by the 'ownership' of land.

The intervention performs an 'act of citizenship' by pushing back at the dominant assumption that statist regimes of membership are 'resolved' and resolvable by showing that the identification and administration of different people's bodies and identities within the domain of the state is racialized, narrow and repressive. It shows how the State and its legal system does not, and I would argue, *cannot*, meet the demands of one's reality in 'this' land, because its assumptions are located in a history of ideas and practices that emerged within a British colonial economic, legal and cultural arena. The wider implications, as I have argued above (in the Introduction and Chapter 1), is that because status citizenship is a broken concept (it has been hollowed out), it simply cannot meet the problems of, or protect people from, the ongoing and indeed, escalating state sanctioned,

corporate, capitalist, colonial violence to land and people (e.g., industrial expansion, commodification within a global market and “expulsions” from lands, etc., Sassen, 2014).

The intervention instead creates pathways for new and nascent modes of non-statist citizenship first, in providing a local platform for W̱SÁNEĆ perspectives and histories; second, in making visible other ways to understand land as a life force and ‘being’ that upends the assumed normativity of colonial imaginaries; third, the performative dimension of the intervention affords new relationships that do not misidentify the W̱SÁNEĆ and thereby reproduce colonial subjecthood. The intervention, as an act, facilitates and indeed, embodies, new *aesthetic* pathways and imaginaries. W̱SÁNEĆ perspectives are effected as a criticism of the contemporary moment of settler occupation but are also a real alternative to the materialist, statist imaginary of what is currently counted in to the category of political membership. *Citizen Artist News: Clouded Title* decenters the colonial State and enfolds the reader-participant in W̱SÁNEĆ perspectives of place. It ruptures what is ‘sensible’ within the colonial imaginary and disrupts what is ‘partitioned’ by State and settler narratives and behaviours. It expands the concept of membership to include W̱SÁNEĆ ideas of non-human beings and in turn, creates a counterfoil to the pose of colonial ‘authority’ within a ‘jurisdiction’ (Clifford, 2016, 2011). It (re)frames the scope of the human ‘community’ of members of this terrain, not by critiquing or analyzing what has been said by W̱SÁNEĆ and other Indigenous authors but by inviting readers to perform an act of *seeing* anew. The small community of island residents were enclosed within a public event and confronted with alternate and previously suppressed histories of the very ground that they occupy, evidenced by W̱SÁNEĆ positionality and descriptions of place. In reframing who and indeed, what constitutes the ‘community’, the newspaper draws out non-normative perspectives of place, belonging and membership. It is not an appeal to

legal rights but an enacted experiment that taps into the affective experiences of readers, involving them in a W̱SÁNEĆ telling of how this land (their ancestors) have been treated and treated. It hones in on the implications of one's presence on appropriated lands and puts in motion a dialogue about how to think through the entanglement of colonial imaginaries, broken promises and settler responsibilities to the W̱SÁNEĆ people and to the land. In this sense, the intervention proposes new possibilities for performing membership but also, it inadvertently reveals that the nature of citizenship is contingent on relations that change through time. It shows that the current (colonial) systems of status citizenship, status Indians or indeed, the ideal of cosmopolitan citizenship are also imaginaries and temporal in their organisation. These normative versions of membership are not unique or absolute. Instead, citizenship in its performance, is a mode of becoming that produces new possibilities and organisational realities of belonging and membership.

In closing, I spoke at length throughout this chapter about the content of the newspaper and how its invitation to enter into a thought experiment challenges and 'unsettles' (Mackey, 2016; Manuel, 2015) residents of a small island community about entitlement to owning land. I argued that the *Citizen Artist News: Clouded Title* intervention 'does politics' and is an 'act of citizenship' by disarming and disturbing the purported normativity of settler colonial logics, but also, importantly, by making visible codified rationales, both historical and current, tacit and Treated, that continue to both entitle settlers and disenfranchise the W̱SÁNEĆ people and their relationship to land as a non-human being. This 'citizen art' intervention exposes the details and (dubious) logics of settler colonial appropriation and instead, takes seriously indigenous insights about non-human membership and reciprocal responsibilities as a foundation for new modes of citizenship. I also argue that the performative dimension of the intervention stages a 'miniature civil society' (Smith, 1990,

p.30) by establishing new relationships between me, local residents and members of the W̱SÁNEĆ Nation – relationships not based on the misrecognition of the W̱SÁNEĆ People or the history of the island. My discussion has also elaborated on the socio-political context of the intervention by highlighting some key discriminatory practices embedded in the Canadian government's citizenship regime to show how colonial practices continue to undermine Indigenous peoples' traditional systems of membership and governance, and to make this evident to the residents of Pender Island. I have also suggested that the aesthetic (affective and sensory) dimension of relations to land described in W̱SÁNEĆ culture (or, indeed, as discussed above, settler narratives of owning whatever one takes from nature and 'mixes' with the work of one's hands, as presented by Locke), indicates that the incipient nature of 'citizenship' is rooted in, in this example, aesthetic relations to place rather than deriving from formal abstract principles or as an utopic aspiration for universal membership or bondedness.

The discussion of the form and nature of 'citizen art' in Chapter 2 is underpinned by a mapping of the ideas of primarily Engin Isin and Jacques Rancière (Chapter 1). These authors provided key concepts, such as 'acts of citizenship' (Isin) and the notion of 'dissensus' (Rancière) that have helped to articulate the nature and performative scope of 'citizen art'. These concepts have also helped to identify how 'citizen art' *does* politics and *performs* citizenship in new and novel ways. In Chapter 1, I disambiguate status and cosmopolitan imaginaries of citizenship to show that the forms of citizenship as enacted in 'citizen art' are not reducible to or contingent upon the state. I also show that 'citizen art' is not expressive of cosmopolitan imaginaries either. Instead, I draw attention to the nascent and generative nature of citizenship, which I refer to as 'incipient citizenship' (following Isin), arguing that 'citizen art' captures and instantiates 'new' modes of non-statist

citizenship. In Chapter 2 and 3, I show that there are other ways to conceive of and perform political membership and that 'new' modes of citizenship manifest through the complexities of solidaristic affiliations, assemblies and art interventions as 'acts'. I show how effective 'citizen art' interventions are for mobilizing alternative concepts and practices of (non-statist) citizenship.

This research therefore contributes to the existing literature in the field of art and politics by presenting a new and robust description and analysis of 'citizen art'. Recognizing genuine alternatives to Western Enlightenment (statist and cosmopolitan) imaginaries of membership is especially pressing in the context of polarized and racialised state rhetorics within Britain, Europe and the USA that have intensified the securitization and individuation of bodies in recent years. Equally urgent is the need to renounce (British-Canadian) colonial narratives of 'ownership' and in turn, normative assumptions about membership that sustains Canada's deep-rooted racist citizenship regime and the ongoing suppression of First Nation culture and sovereignty. My wider claim is that it is through 'citizen art' projects that artists actively engage in performing politics in such a way as to instigate non-statist approaches to membership and belonging. To date, analysis of 'citizen art' as an effective 'tool' for 'doing' politics has been lacking in the field and in particular, amongst authors who have either tacitly or overtly assumed that 'citizen art' is a valorization of citizenship as a statist or cosmopolitan enterprise. As discussed in the Introduction, the literature in the field has primarily focused on the *ethical* import of 'citizen art' activities. This approach misses the real significance of 'citizen art' as performing politics and shaping alternative modes of membership that circumvents the inherent pitfalls of statist citizenship regimes and cosmopolitan imaginaries. Only a few academics and artists have recently started to examine how new modes of citizenship within 'citizen art' are coming

into view (Hildebrandt, Evert, Peters, Schaub, Wildner, Ziemer, 2019). Of course, further exploration of the differing manifestations of non-statist citizenship in 'citizen art' (its' making visible the problematics of status and cosmopolitan citizenship, further interrogation of how 'citizen art' structures and supports solidarities and assemblies, or effects comprehensive conceptual challenges to entrenched political beliefs and behaviours etc.) would build on this research in practicable ways. This would involve further examination of art interventions, their nature, role and effects and as they pertain to 'citizen art'. While the term 'art intervention' is widespread it has received little critical attention or analysis (as mentioned at the start of Chapter 2). This research has gone some way to parsing the concept and outlining the nature and techniques of a 'citizen art' project. However, more critical work on the various forms of 'citizen art' interventions would be a worthwhile endeavor and would further evolve an understanding of the manifestation of these new modes of citizenship.

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Appendix A

Citizen Artist News: The University as a Border Regime

1500 print copies were distributed to colleges in central London, such as Goldsmiths College, University College London, the School of Oriental and African Studies, London School of Economics, London College of Communication, Central St. Martins College etc. Copies of were also sent to individuals at St. Andrews and the Open University, to the Minister of Education and to Arts organisations such as the Whitechapel Gallery and the ICA.



Shirley Douglas
'I never think about my part in the system'
The University of Janus?





the CITIZEN ARTIST NEWS

Special Edition: Commemorating the University's transformation into a Border Regime: 2012-13 citizenartist.org.uk

Studying, working and teaching in a University Border Regime?

A University is assumed to be a place of stability and security. However, within the system, there are many hidden and bordering spaces. In this edition, we explore the ways in which the University is transformed into a border regime. As a border regime, the University is a place of negotiation and conflict. It is a place where the different ways of the world meet and clash. It is a place where the different ways of the world meet and clash. It is a place where the different ways of the world meet and clash.

news briefing

Prof. Engin Isin
"The struggle for critical openness continues as does the vigilance that it requires."

Dr. Nicholas De Genova
"The Border crossed us"

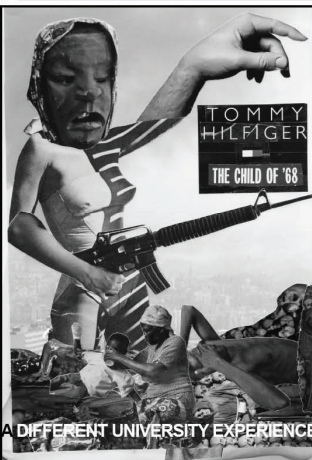
Working in Immigration
CA News talks to our man inside the Home Office

National Student Survey
Choosing who belongs...and who doesn't

My future City
Ken Holmes on the implications of security barriers and guards.

The malignant teaching factory

A special double to be considered. This publication would not have been possible. A very special thanks to the staff of the University of Janus. The special double to be considered. This publication would not have been possible. A very special thanks to the staff of the University of Janus.




An image and extract from the historical of the media from Mirza & Butler's film *Direct Speech Acts* (2011) is exhibited here as an intervention in the exhibition through the University Border Regime in the framework of the long term art project *Small Acts of Disobedience* (2013 ongoing) Portland Green, www.portlandgreen.com/SA2

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HEFCE, TUCC, OFFA, NWUPC, QAA
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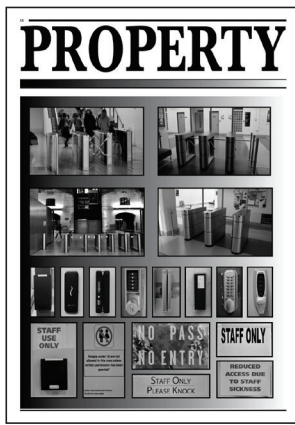
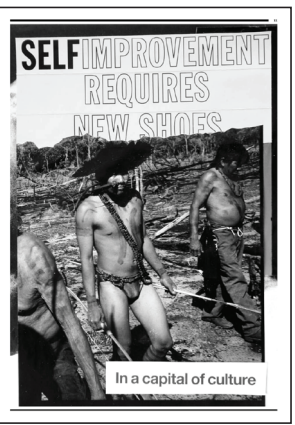
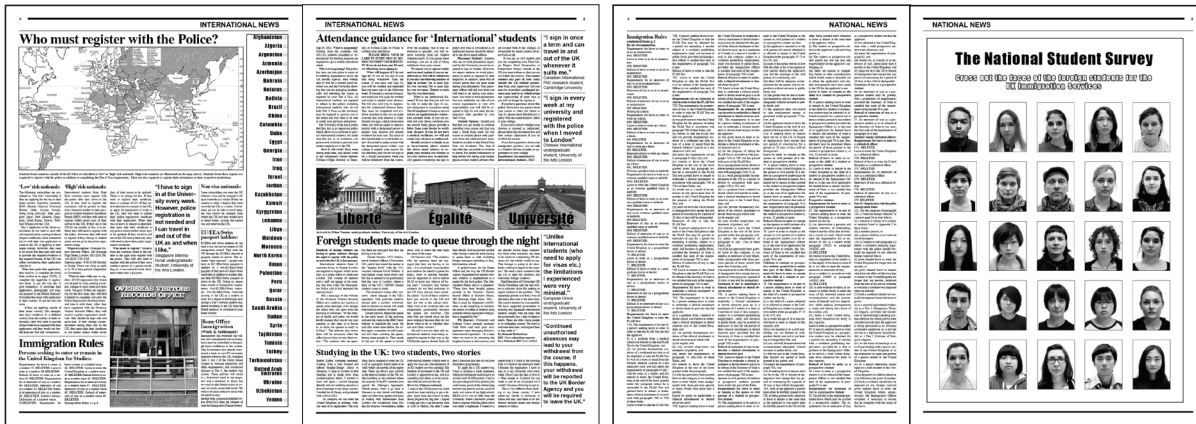


Direct Speech Acts (2011) Mirza & Butler. Film can be viewed at: <http://www.mirza-butler.com/dsa>

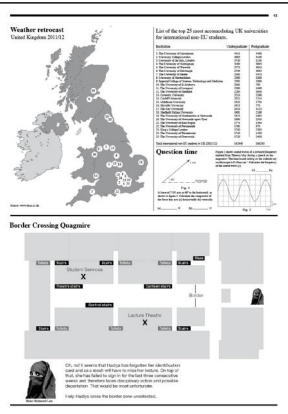
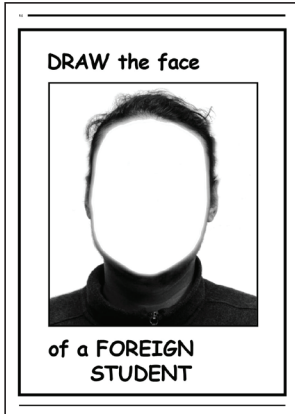
"I am speaking on behalf of Mirza & Butler's new art project. I was made in collaboration with Heidi Ahmed who is featured in the film. This work is part of the Museum of Home Participation, a museum proposed as a conceptual geopolitical context of gender, race and transnational migration."

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Left: the front page of the newspaper. Right: Back page of newspaper showing adverts using language appropriated from advertisements (for educational products) received through university email accounts and below, an art intervention, designed for the newspaper by Portland Green in collaboration with the artists, Mirza and Butler. It chronicles the complex experiences of a Bangladeshi student securing payed work in London, UK.



Left to right: row 1: p. 2 of the newspaper showing appropriated material from internet sources and mainstream news media highlighting tacit racial assumptions; 3: an assortment of anecdotes and quotes of International students describing their experiences of registration within different universities; 4: list of immigration rules and regulations; 5: reproduction of a prior art intervention called the *National Student Survey*; row 2, 6 & 7: articles written by academics, students and graduates. Some are specialists in the field of Citizenship and Migration Studies, others describe their personal experiences of working in universities as 'foreigners' or reflect on their experiences of security barriers and guards; 8 & 9: lecturers and students describe the experiences of being 'bordered' and an extensive interview with a case worker in the UK Immigration Services; row 3, 10 & 11 'lifestyle' pages offer readers pull out posters; 12 & 13: property pages document security devices, signage, turnstiles etc., used for surveilling the movement of people at entryways etc. within university properties in central London; row 4, 14 & 15 a reprint of another earlier art intervention and satirical commentaries in the form of weather forecasts, games and puzzles.



CITIZEN ARTIST

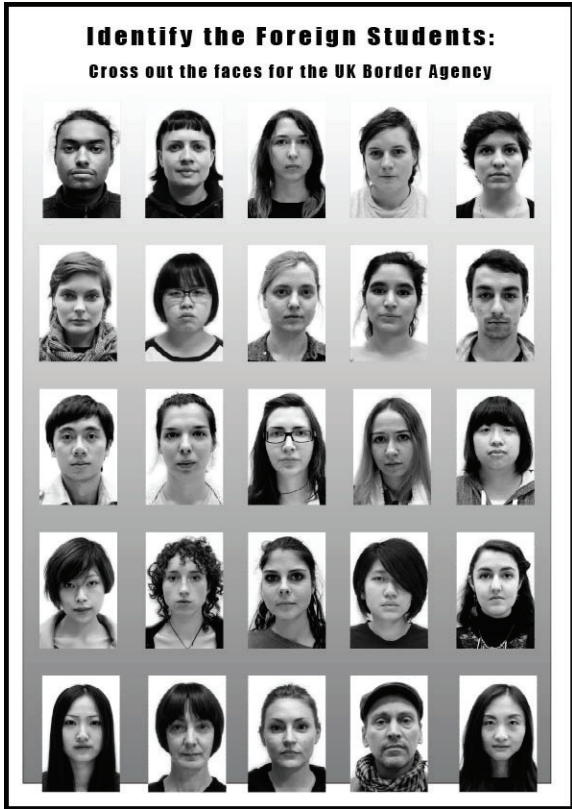
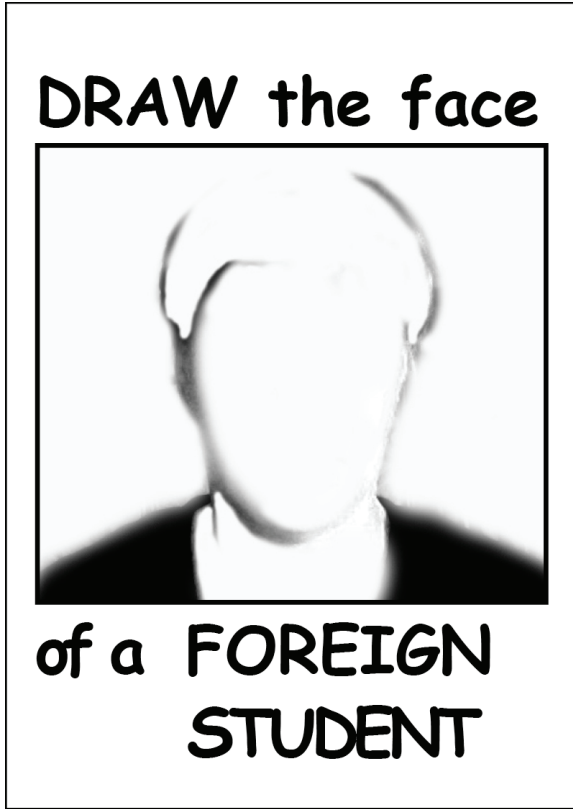
Appendix B

National Student Surveys

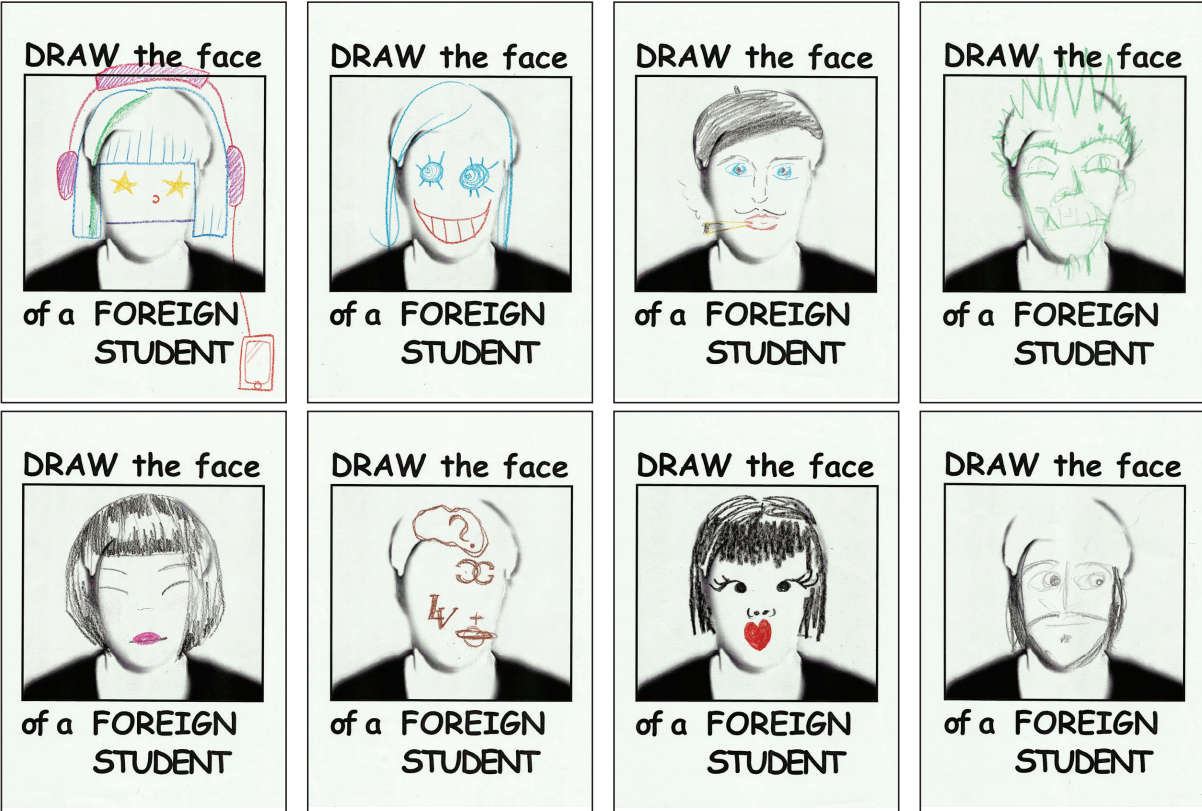
In the academic year of 2012-13, two visual questionnaires were developed in response to the UK government's requirement for universities to monitor and report on the attendance of International students to the Immigration Services. The Citizen Artist Team approached forty-five 'Home' (UK) students at Central St. Martins College of Art & Design on 23 March, 2013 and solicited them for their responses to two of our own (visual) surveys. The first asked UK nationals to 'Draw the face of a 'foreign' student' and the second asked students to 'Cross out the faces of the 'foreign' students for the UK Border Agency'. Note: the description of International students as 'foreign' was common throughout universities at the time.

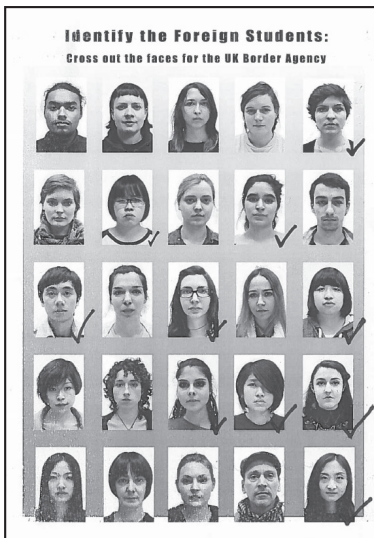
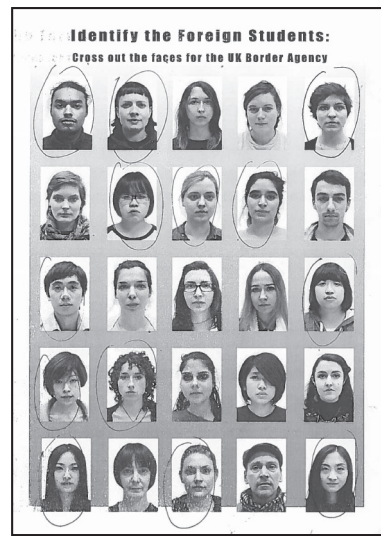
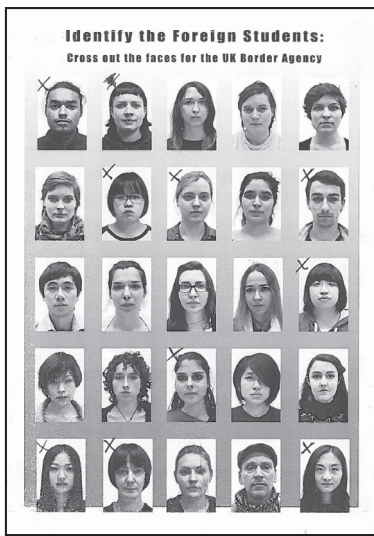
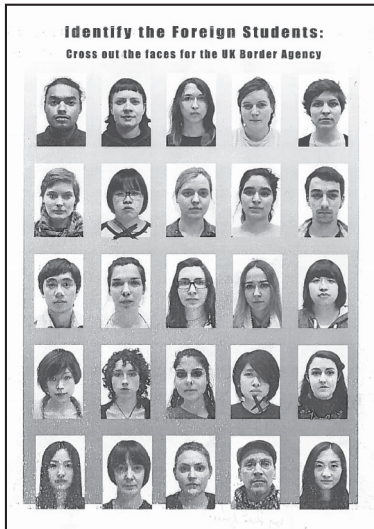
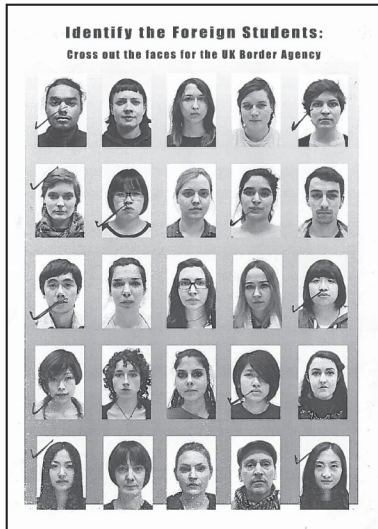


The Citizen Artist Team at Central St. Martins College of Art & Design on 23 March, 2013
From left to right, Ilia Rogatchevski, Mandy Colette and Daphne Plessner.



Examples of the 'National Student' surveys. The team supplied students with crayons and markers to complete the surveys and prompt discussion. These surveys were reproduced in *Citizen Artist News: The University as a Border Regime*. **Above left:** 'Draw the face of a foreign student'. **Above right:** 'Identify the Foreign Students: Cross out the faces of the foreign students for the UK Border Agency'. **Below:** a selection of results of survey no. 1.





A selection of results of survey no. 2.

CITIZEN ARTIST

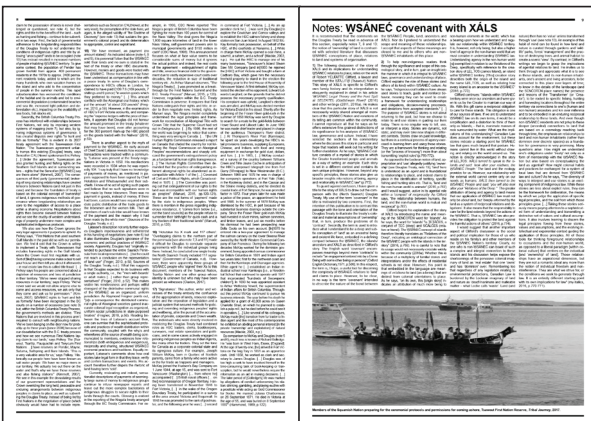
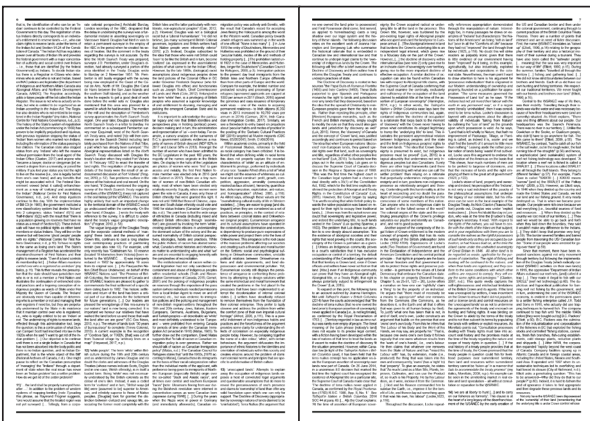
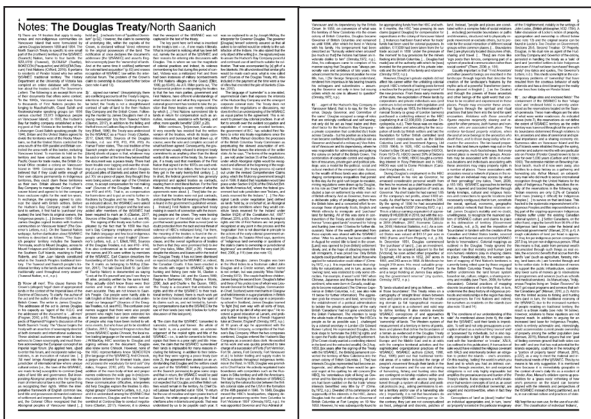
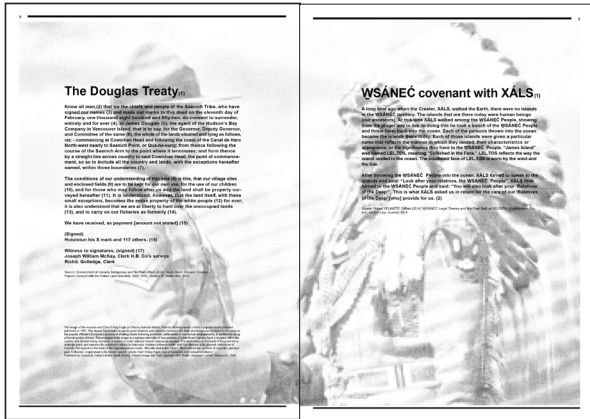
Appendix C

Citizen Artist News: Clouded Title

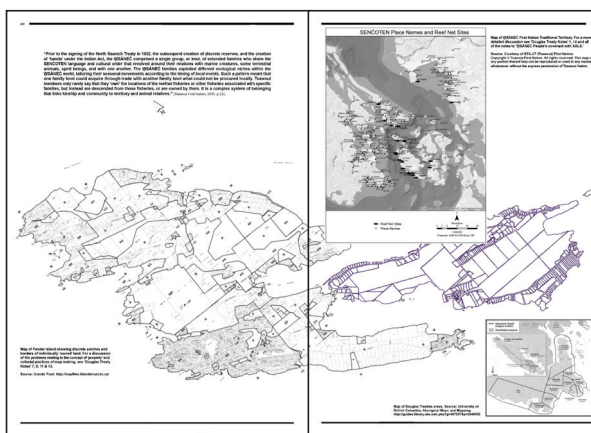
In April, 2018, 1100 print copies of the newspaper were distributed to permanent residents on Pender Island, B.C., Canada, members of Tsawout First Nation, Members of Parliament (Green Party), the Mayor's Office, City Hall, Victoria, B.C., et al. 830 copies were delivered via Canada Postal Services to all permanent residents homes and 200 copies were distributed through the local supermarket's news stand.



Left: the front page of the newspaper with introductory articles soliciting readers to engage with as a 'thought experiment' on the problem of Crown claims to the title to lands. Right: Back page of newspaper showing list of citations and a photo of the border between Poet's Cove Marina (buildings and fencing) and Tsawout First Nation Reserve lands on Pender Island, B.C., Canada.



Left to right: row 1, p. 2 & 3: an image from a popular tourist postcard from the 1950s, Canada, showing a member of the Royal Mounted Police shaking hands with Chief Sitting Eagle. The text of the *Douglas Treaty: North Saanich* is superimposed on the policeman and a text describing a WSANEC First Nation cosmological story is superimposed on the image of Chief Sitting Eagle; p.4 & 5: footnotes to clauses in the Douglas Treaty. Each phrase of the Treaty is discussed through an assemblage of WSANEC First Nation and other Indigenous author; row 2, p. 6 & 7, footnotes accompanying the text of the Douglas Treaty p. 8 & 9: final set of footnotes to the text of the Douglas Treaty adjacent to footnotes to the WSANEC First Nation cosmological story that details a compact between the WSANEC and XALS, the Transformer (or Creator). The photograph shows the Squamish First Nation requesting permission to land (i.e., following First Nations' historical protocols) at Tsawout First Nation reserve during the annual canoeing event called 'Tribal Journeys', 2017; row 3, p.10 & 11: Tsawout First Nation and Pender Island maps showing the differences between WSANEC approaches to charting territory as a system of sign posting 'kinship knots' that pertain to inherited 'rights' to a place of hunting and fishing (hence, the claim that one is 'owned by the land'), as opposed to colonial systems of mapping that mark out discreet patches of (individually 'owned') land as exemplified in the map of Pender Island and the Douglas Treaty.





Shirley Douglas
'I never think about my part in the system'
The University of Janus?



the CITIZEN ARTIST NEWS

Special Edition: commemorating the University's transformation into a Border Regime: 2012-13 citizenartist.org.uk

Studying, working and teaching in a University Border Regime?

A University is assumed to be a place of equality and mobility. However, inside the system, identities vary and barriers and boundaries exist. In this academic year especially, foreign students are heavily monitored by the University on behalf of the Home Office, the costs of fees point up the differences in students' economic status and the spaces and places of an institution are discrete and securitised. The year also marks the final phase of the slow and steady economic decoupling of the University from the State and in its wake, the role and purpose of the University has shifted from its Enlightenment objectives (the formation of critical citizens) to a complex commercial enterprise

producing 'knowledge capital', the full consequences of which are too immediate to gauge. More seemingly prosaic changes to the University are the use of its managerial systems as an arm of the Immigration Services. As a border regime, the University on the one hand operates as a 'method' where its members (students, staff, administrators etc.) are agents in the production of divisions in status that enact the policing policies of the State and on the other hand, members are subject to the border regime's security rationale and procedures. All of these conditions impact on a member's sense of identity, mobility and belonging. The concern of this special edition newspaper is to make visible

not only how members of the University reproduce the directives of the State's immigration policies, but to indicate how these behaviours supervene on prejudicial and state-bounded conceptions of membership (citizenship) beyond the boundaries of the institution. What is at issue here is revealing the logics, habits and behaviours that are taking shape in the University and to see in this a wider problem: how does the University construct differences and exclusions and how do these discriminations contribute to the repurposing of the citizen-student as servicing the demands of global capital flows? Capital flows that do not in turn contribute to the communities whose energies and

intelligences combine to create its product. The objective of the newspaper therefore is to first draw out the janus-faced character of the University as, on the one hand, valorizing the utopic vision of education as democratic, aspirational and liberatory and on the other, as a space that reiterates discrimination. It is also the aim of this project to problematise the conditions of the University: to make visible the experience of its silent workings as an apparatus of the State, as a space in which political subjectivities are formed and its use of the logic and language of corporate capitalism. **Daphne Plessner, affiliated with Goldsmiths College and University of the Arts London**



A porter surveils students passing through barriers at one of the main entrances of a university in central London.

Acknowledgements:
A special thanks to our contributors. Without their participation, this publication would not have been possible. A very special thanks too to Iliia Rogatchevski and Dovile Alseikaite for giving their time so generously to this project. The views expressed in these pages are those of the individual writers and artists.
Daphne Plessner: editor
Iliia Rogatchevski: co-editor
Dovile Alseikaite: co-editor

The malignant teaching factory

In a period of little over thirty years, higher education has ventured quite some distance from the old collegiate hierarchical system of privilege, scholarship and esoteric research. It has transformed, by way of Government policy, market demand, commercial opportunity and participant compliance into something quite unrecognizable: a global education industry, intertwined with business and investment, productivity targets, enterprise and creative accounting,

Transactional rather than vocational, career rather than idea, commission rather than mission, we have seen the exchange of the old gown for the negotiated compact and a bottom-dollar traffic in interested investigation (e.g., product trials). Speculative education has replaced the old and frankly moribund idea of speculation as such. There is nothing redemptive in harking back to the old ways. But it is unseemly that the privatized educational system of today has turned teachers

into vendors, students into shoppers, researchers into hired mercenaries and senior colleagues into grotesque parodies of corporate greed. Too often otherwise admirable scholars become shiny-suited administrators, hawking student numbers and research contracts around as if they were baubles of divine election and not merely the last dusty job-lots of a faded glory now peddled out at cut price – everything must go! – discount rates for a shop-soiled emporium of decay. >> p. 8

news briefing

Prof. Engin Isin
"The struggle for critical openness continues so does the vigilance that it requires."
p.6 ANALYSIS



Dr. Nicholas De Genova
"The Border crossed us"
p.7 ANALYSIS



Working in Immigration
CA News talks to our man inside the Home Office
p.9 INTERVIEW

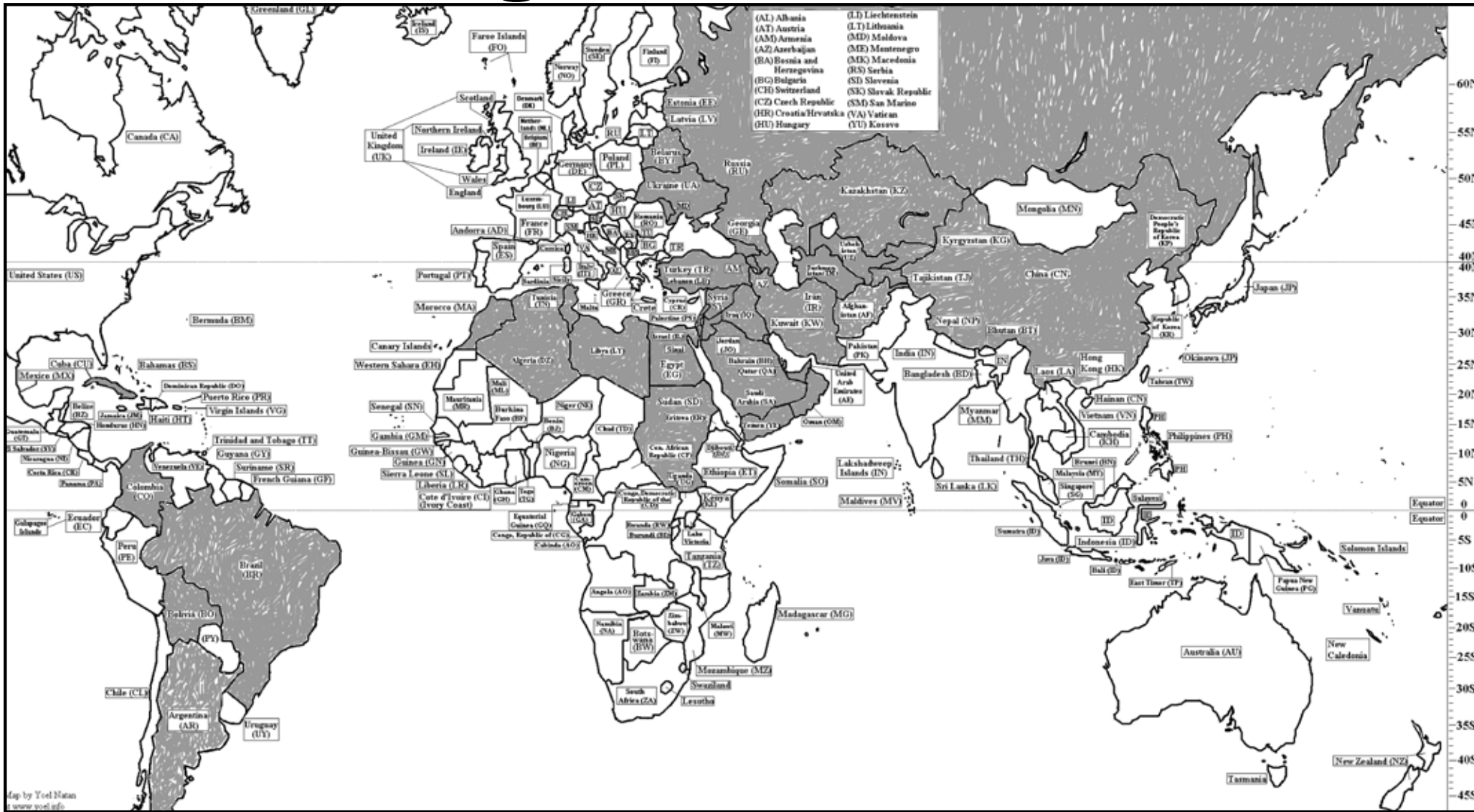


National Student Survey
Choosing who belongs...and who doesn't
p.5 SURVEY



My future City
Luther Blissett on the implications of security barriers and guards.
p.7 ANALYSIS

Who must register with the Police?



Students from countries outside of the EU/EEA are classified as 'low' or 'high' risk nationals. High risk countries are illustrated on the map (above). Students from these regions are required to register with the police in addition to completing the Tier 4 Visa requirements. They are also required to register their attendance at their respective institutions.

'Low' risk nationals: 'High' risk nationals:

The following nationalities are considered as "low risk" nationalities if they are applying for the visa in their home country: Argentina, Australia, BNO (British National Overseas), Brunei, Chile, Croatia, Canada, Hong Kong (HKSAR 'blue' passport), Japan, New Zealand, Singapore, South Korea, Taiwan, Trinidad, Tobago and the USA.

Tier 4 applicants of the above nationalities do not need to send official original points-scoring evidence (degree certificates, bank statements etc) in with their visa application to come to the UK, if applying in their home country. However, they need to be aware that they may still need to provide the required evidence in the required format, if the UK visa office considering their application asks for it.

When they make their application, they need to: 1) complete the initial form (online or on paper VAF9); 2) complete the Appendix 8 application form; 3) pay the visa fee; 4) give biometrics; 5) send/take their application, photographs and original passport to the British Embassy/Consulate that deals with application in their country; 6) use the low risk route.

If they are applying outside of their home country (for example, they have residency in a different country from the country of their nationality), they will need to provide all the evidence as required with their application and they would not benefit from the 'low risk' concessions.

International students from High Risk countries must register with the police after they arrive in the UK. If they need to register, the instruction will be printed on their entry clearance sticker in their passport or on their Biometric Residence Permit (BRP) and they will need to register within seven days of their arrival in the UK. If they are in the UK for six months or less, it is unlikely they will need to register with the police. However, they will need to register if they change to student status and are given the police registration stamp.

Where to register: Overseas Visitors Records Office, 180 Borough High Street, London, SE1 1LH, Tel: +44 (0)20 7230 1208.

Opening times: 9.00-16.00 Monday to Friday. Doors can close as early as 14.30 in busy periods (September to November).

What to take with you to register: £34.00 registration fee, which can be paid by cash, sterling travellers' cheque or most credit and debit cards. Passport. If they are registering for the first time, they will find it helpful to complete and print the Police Registration Proforma form and take it with them. After they have registered with the Overseas Visitors Records Office, they will receive a police registration certificate. This should be kept safe and up-to-date. If they change accommodation during their stay in the UK, they must take their certificate to any police station within seven

days of their move to be updated. There is no charge for this. If they need to replace their certificate, there is a charge of £34. If they extend their leave to remain in the UK, or apply for permission to work in the UK, they will need to submit their police registration certificate with their application. When their visa or leave to remain is extended, they must take their certificate to any police station within seven days to be updated. If they travel in and out of the UK during their stay, they will need to show their police registration certificate.

Who needs to register? Students from the countries listed in the column to the right must register with the police. They will also need to register with the police if they are a stateless person or a person travelling on a non-national travel document rather than a passport.

"I have to sign in at the University every week. However, police registration is not needed and I can travel in and out of the UK as and when I like."

Singapore International undergraduate student, University of the Arts London.

Non-visa nationals:

Some nationalities can enter the UK without a visa and be stamped in for up to 6 months as a visitor. If they are coming to study a degree, they must not enter the UK as a visitor. Universities are not able to enrol them, the visa cannot be changed from within the UK and they would have to return home, arrange the correct visa and return to the UK.

EU/EEA/Swiss passport holders:

EU/EEA and Swiss students do not need a visa and are not subject to UK immigration control. They enter the UK through the EU/EEA channel at passport control on arrival. This includes "dual nationals" - people who have an EU/EEA/Swiss passport in addition to a non-EU/EEA/Swiss passport. If they have EU/EEA/Swiss nationality in addition to another, they use their EU/EEA/Swiss passport to arrive in the UK. Doing so, places them outside of immigration requirements. Non-EU/EEA/Swiss nationals: Non-EU/EEA/Swiss Nationals arriving in the UK as a student to study for a degree at Edinburgh must arrange a Tier 4 General student visa, before travelling to the UK from the British embassy or consulate in your home country.

Home Office Immigration (Work & Settlement)

Immigration has enriched our culture and strengthened our economy, but it must be controlled so that people have confidence in the system. This Government has already introduced a limit on non-EU economic migrants entering the UK; reshaped Tiers 1 and 2 of the Points Based System to increase selectivity and skills requirements; and announced changes to Tier 4, the student visa system. These policies will result in a downward trend in net migration and a reduction in abuse, but we need to take further action to ensure we reach sustainable levels. We need to be more selective about who we allow to stay.

Excerpt from a proposal published online (9.06.2011) from the Minister of State for Immigration (Damian Green).

- Afghanistan
- Algeria
- Argentina
- Armenia
- Azerbaijan
- Bahrain
- Belarus
- Bolivia
- Brazil
- China
- Colombia
- Cuba
- Egypt
- Georgia
- Iran
- Iraq
- Israel
- Jordan
- Kazakhstan
- Kuwait
- Kyrgyzstan
- Lebanon
- Libya
- Moldova
- Morocco
- North Korea
- Oman
- Palestine
- Peru
- Qatar
- Russia
- Saudi Arabia
- Sudan
- Syria
- Tajikistan
- Tunisia
- Turkey
- Turkmenistan
- United Arab Emirates
- Ukraine
- Uzbekistan
- Yemen

Immigration Rules

Persons seeking to enter or remain in the United Kingdom for Studies:

Requirements for leave to enter as a student: 57. DELETED. Leave to enter as a student: 58. DELETED. Refusal of leave to enter as a student: 59. DELETED. Requirements for an extension of stay as a student: 60. DELETED. Extension of stay as a student: 61. DELETED. Refusal of extension of stay as a student: 62. DELETED. Student nurses: Definition of a student nurse. 63. DELETED. Requirements for

leave to enter as a student nurse 64. DELETED. Leave to enter the United Kingdom as a student nurse 65. DELETED. Refusal of leave to enter as a student nurse. 66. DELETED. Requirements for an extension of stay as a student nurse 67. DELETED. Extension of stay as a student nurse 68. DELETED. Refusal of extension of stay as a student nurse 69. DELETED.

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Attendance guidance for 'International' students

Sep 25, 2012. What is happening? Starting from the academic year 2012/13, students classified as 'international' for funding purposes are required to sign a weekly attendance check.

Why is it happening? The policy has been put into place to assist us in fulfilling requirements set by the UK Border Agency; each weekly sign in will be a contact point between you and the University showing that you are engaging academically and attending the course as required by your Tier 4 Visa. All international students are required to adhere to this policy, including international students who do not hold Tier 4 Visas as the university may be required to sponsor you in the future and will need to be able to verify your previous attendance.

The University of the Arts London feel that this is an important policy which allows us to continue to sponsor international students and make sure that we, as an institution, can protect and continue to provide your student experience in the UK.

How it will work? Each week during term time, you should come to the Information Centre between 9:30am-4:30pm Monday to Thurs-

day, or 9:30am-12pm on Friday to confirm your attendance.

PLEASE BRING YOUR ID CARD TO EVERY SIGN IN SESSION TO VERIFY YOUR IDENTITY. If you do not have your ID card, we will not log you as signing in.

What will happen if I do not sign in? If you do not sign in you risk being withdrawn from the course. If you miss one Sign In, you will be notified and reminded that you must sign in the following week. If you miss a second consecutive week you will again be notified and asked to explain your absence. We will also send you an Application for Authorised Absence form. This must be completed and evidence attached so that we can make a record that your absence is valid. Should you miss a third consecutive week you will be asked to attend a tutorial with a designated person to explain your absence and present evidence for your case. You must do this immediately to avoid further action. If you fail to make contact with the designated person within your college to explain your reasons for not attending and you do not sign in for a fourth consecutive week you will be withdrawn from the course.

Over the academic year if your attendance is sporadic, you will receive warnings from our Student Administration. If you ignore these warnings, you are at risk of being withdrawn from your course.

We expect you to sign in weekly and you must explain if you are unable to do so. You will be withdrawn if you miss the following number of Sign In sessions: Six or more Sign Ins over one term; Ten or more Sign Ins over two terms; Thirteen or more Sign Ins over three terms.

What is an Authorised Absence? If you feel that you will not be able to make the Sign In session designated to you please email Tier4Compliance@xxxx.ac.uk and ask for an Application for Authorised Absence form. If you are unwell and your illness continues into the second week, please provide a letter from your doctor to verify your absence; if you do not have a medical certificate, we will not count your absence as authorised.

Should you have a family issue or bereavement, please contact the above email address to explain your absence and whether or not your absence may be extended. Any queries concerning the sign in

policy and what is considered as an authorised absence should be directed to the above email address.

Placement Students: Students who are on work placements organised by the University are not be required to sign in weekly. However, we expect students on work placements to attend as required by their employer. In addition, there will be contact points that you must make during your placement. Your placement officer will tell you what you will need to do during your placement. Any work or work placements that you undertake out side of your course requirements is your own responsibility, you will still be required to Sign In and meet the immigration rules specified by your Tier 4 Visa.

Student Options: Should you feel that you are unable to continue attending your course and that you need a break from study for one reason or another please seek guidance from the administration team. Students are able to take Partial Year Outs and Academic Year Outs if they feel they are unable to continue to attend. For further information or help before and during your studies please contact student advisers who

are located with in the colleges or contactable by email student.advisers@arts.ac.uk.

If you are an MA student and you are completing your Final Major Project, Final Dissertation or Independent Project outside of the UK you must inform us that you are not within the country. **You cannot conduct any part of your study outside the UK without permission** from your supervisor and you must be aware that a **prolonged absence may lead to us withdrawing our sponsorship of your visa** as you will no longer be signing in.

If you have questions about this policy: If you have any queries about your course or when and where to Sign In, please check BlackBoard or query with the Administration office in your college.

If you want to know whether your absence is counted as authorised, please check this document first and then contact admissions if you do not find the answer.

If you have questions about your immigration position, you can talk to a Student Adviser or make an appointment in your college.

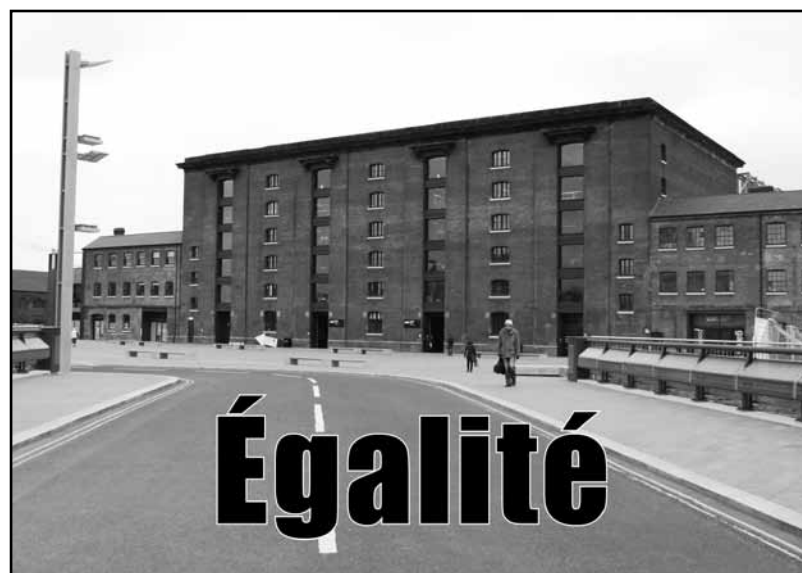
Regulations disseminated to International students, 2012

"I sign in once a term and can travel in and out of the UK whenever it suits me."

Canadian International PhD research student, Cambridge University

"I sign in every week at my university and registered with the police when I moved to London"

Chinese International undergraduate student, University of the Arts London



Artwork by Feline Vomitus, undergraduate student, University of the Arts London

Foreign students made to queue through the night

Hundreds of foreign students are having to queue outdoors through the night to register with the police on arrival to the UK, it has emerged.

International students from 42 countries living in Greater London are required to register within seven days at a single office in south-east London. The volume of students and a staff cut appear to be creating very long waits. The Metropolitan Police said it had extended the opening hours.

But a message on the website of the Overseas Visitors Records Office says students are starting to queue from midnight, even though the office does not open until the morning. It continues: "In the interest of health and safety we would kindly request that you do not start queuing at this time as it forces us to close our queues as early as 6.30am." The website also warns there will be occasions when the office has to close at very short notice. "The students who are queuing

there are outraged that they are having to do this"

Daniel Stevens, NUS International Students Officer, Universities UK, said it had raised the matter at the "highest level" with the Universities Minister David Willetts. It said similar issues arose every year but that it seemed to be particularly bad this year in London, where a third of the UK's 100,000 foreign students come to study.

The revelation comes after concerns about damage to the UK's reputation with potential students abroad after a London university had its licence to recruit and teach international students revoked.

Daniel Stevens, filmed the queue in the early hours of the morning and sent the video to the BBC News website to highlight the issue. He said that some time before the office opens a member of staff comes out and starts counting the queue, letting some people in. Then much of the rest of the queue is turned

away, only to return the next night for more of the same.

Mr Stevens said: "The students who are queuing there are outraged that they are having to do this....It is absolutely unacceptable that students be asked to queue for hours, often in terrible weather, and be expected to arrive before 06.30 to have any chance of being seen." Concerns that foreign students do not feel welcome in the UK have already been raised. He added: "A lot of these students have just arrived in the UK and they are new to the culture here. They want to be vocal but they are intimidated, particularly because the police are involved....The ones who are turned away are the most unhappy because they do not know what to do or whether they can start their courses."

He said it was not clear why international students were being required to register in this way as the UK Border Agency already holds all

their details. And he pointed out that other foreign nationals were having to queue there as well, including foreign teenagers attending an English boarding school.

A spokeswoman for the Home Office said the way the UK Border Agency requirement to register overseas students is implemented is a matter for the local police. The Metropolitan Police said in a statement: "There have been lengthy queues recently at the Overseas Visitors Record Office at Brandon House, 180 Borough High Street, SE1.... This is usual for September and October, as the reopening of universities means an influx of students from countries whose registration with police is required by law."

PR disasters: University and College Union general secretary Sally Hunt said such poor arrangements were damaging Britain's international reputation. "At a time when we need to be attracting the brightest brains to this country, and

are already facing huge competition from other countries, we seem to be intent on committing PR disasters for the whole world to see. This footage is going to do absolutely nothing to improve the situation. We need a clear statement that the UK is open for business and welcomes foreign students."

Chief Executive of Universities UK Nicola Dandridge said she had written to ministers about this seeking an urgent solution to the problem. "The immediate priority is to find a way of alleviating this issue in the short term. The current situation is unacceptable. We have supported government in ensuring that legitimate international students comply with the rules. But the government has a duty to them in return. These are often young people in an unfamiliar country. We want to welcome them here, and support them as they settle in."

**By Hannah Richardson
BBC News education reporter
First Published, BBC News 3/10/12**

"Unlike International students (who need to apply for visas etc.) the limitations I experienced were very minimal."

European Union undergraduate student, University of the Arts London

"Continued unauthorised absences may lead to your withdrawal from the course. If this happens, your withdrawal will be reported to the UK Border Agency and you will be required to leave the UK."

Studying in the UK: two students, two stories

Rahel Zoller, German national: Coming from a very focused and refined Graphic-Design school in Germany, I came to London to find freedom and to break away from institutionalized habits. I wanted to learn and speak a second language fluently and saw studying abroad as a kind of prestige in my home country. I studied Art & Design and graduated with a BA in 2012.

As Germans we can enter the United Kingdom at anytime, without need of an explanation. The only

thing that is required to enter the UK is ID or a passport, which needs to be valid within six months of the expiry date. There are always pass controls at the external borders of the UK, unlike travelling on the continent where the majority of the EU countries have signed the Schengen Agreement. Which means, when I go back to Germany to visit friends and family, there are often long queues and hours of waiting with businessmen from London and vacationists from Turkey, for instance. Nevertheless, unlike

International students (which need to apply for visas, etc.) the limitations of an EU student are very minimal. The freedom of movement in the UK and London is important to me, and it is something that allows us to be associated with the land and the city.

Hova Su, Chinese national: I came to the UK because you could spend less time studying to get a degree. Apart from that I have no idea about England but Big Ben. I hoped I could get into a top university such as LSE or Oxford, but after I came

here I found out that they do not have foundation programmes.

To apply for a UK student visa I had to produce a bank statement, which proved that my parents have an account with 50,000 pounds. I had to also provide proof of my parents jobs and income, proof of the relationship between my parents and me, proof of study and scores of my high school, IELTS of 6.5 and an offer from the University. When I arrived in London I had to register with the police and it was really a nightmare. I waited in a

queue from 8 o'clock in the morning until 4 o'clock in the afternoon when I finished the registration. I have to sign in at my university once every week. Once I had the idea to live in a Tibet temple in Scotland for one week as part of my art project but I couldn't because of having to sign in.

This is very different from studying in my home country. I have asked my friends in university in China and they said there is no difference between home and foreign students in China.

Immigration Rules

continued from p.2

Re-sits of examinations

Requirements for leave to enter to re-sit an examination

69A. **DELETED.**

Leave to enter to re-sit an examination

69B. **DELETED.**

Refusal of leave to enter to re-sit an examination

69C. **DELETED.**

Requirements for an extension of stay to re-sit an examination

69D. **DELETED.**

Extension of stay to re-sit an examination

69E. **DELETED.**

Refusal of extension of stay to re-sit an examination

69F. **DELETED.**

Writing up a thesis

Requirements for leave to enter to write up a thesis

69G. **DELETED.**

Leave to enter to write up a thesis

69H. **DELETED.**

Refusal of leave to enter to write up a thesis

69I. **DELETED.**

Requirements for an extension of stay to write up a thesis

69J. **DELETED.**

Extension of stay to write up a thesis

69K. **DELETED.**

Refusal of extension of stay to write up a thesis

69L. **DELETED.**

Overseas qualified nurse or midwife

Requirements for leave to enter as an overseas qualified nurse or midwife

69M. **DELETED.**

Leave to enter the United Kingdom as an overseas qualified nurse or midwife

69N. **DELETED.**

Refusal of leave to enter as an overseas qualified nurse or midwife

69O. **DELETED.**

Requirements for an extension of stay as an overseas qualified nurse or midwife

69P. **DELETED.**

Extension of stay as an overseas qualified nurse or midwife

69Q. **DELETED.**

Refusal of extension of stay as an overseas qualified nurse or midwife

69R. **DELETED.**

Requirements for leave to enter the United Kingdom as a postgraduate doctor or dentist

70. **DELETED.**

Leave to enter as a postgraduate doctor or dentist

71. **DELETED.**

Refusal of leave to enter as a postgraduate doctor or dentist

72. **DELETED.**

Requirements for an extension of stay as a postgraduate doctor or dentist

73. **DELETED.**

Extension of stay as a postgraduate doctor or dentist

74. **DELETED.**

Refusal of an extension of stay as a postgraduate doctor or dentist

75. **DELETED.**

Requirements for leave to enter the United Kingdom to take the PLAB Test

75A. The requirements to be met by a person seeking leave to enter in order to take the PLAB Test are that the applicant:

(i) is a graduate from a medical school and intends to take the PLAB Test in the United Kingdom; and

(ii) can provide documentary evidence of a confirmed test date or of his eligibility to take the PLAB Test by way of a letter or email from the General Medical Council or a test admission card; and (iii) meets the requirements of paragraph 41 (iii) - (vii) for entry as a visitor; and (iv) intends to leave the United Kingdom at the end of the leave granted under this paragraph unless he is successful in the PLAB Test and granted leave to remain to undertake a clinical attachment in accordance with paragraphs 75G to 75M of these Rules.

Leave to enter to take the PLAB Test

75B. A person seeking leave to enter the United Kingdom to take the PLAB Test may be admitted for a period not exceeding 6 months subject to a condition prohibiting employment, study and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph 75A is met.

Refusal of leave to enter to take the PLAB Test

75C. Leave to enter the United Kingdom to take the PLAB Test is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 75A is met.

Requirements for an extension of stay in order to take the PLAB Test

75D. The requirements for an extension of stay in the United Kingdom in order to take the PLAB Test are that the applicant:

(i) was given leave to enter the United Kingdom for the purposes of taking the PLAB Test in accordance with paragraph 75B of these Rules; and

(ii) intends to take the PLAB Test and can provide documentary evidence of a confirmed test date, by way of a letter or email from the General Medical Council or a test admission card; and

(iii) meets the requirements set out in paragraph 41 (iii)-(vii); and

(iv) intends to leave the United Kingdom at the end of the leave granted under this paragraph unless he is successful in the PLAB Test and granted leave to remain to undertake a clinical attachment in accordance with paragraphs 75G to 75M of these Rules.

Leave to enter to take the PLAB Test

75E. A person seeking leave to remain in the United Kingdom to take the PLAB Test is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 75D is met.

75F. Leave to remain in the United Kingdom to take the PLAB Test is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 75D is met.

75G. Leave to remain in the United Kingdom to take the PLAB Test is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 75D is met.

75H. A person seeking leave to enter

the United Kingdom to undertake a clinical attachment or dental observer post may be admitted for the period of the clinical attachment or dental observer post, up to a maximum of 6 weeks at a time or 6 months in total in this category, subject to a condition prohibiting employment, study and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph 75G is met.

Refusal of leave to enter to undertake a clinical attachment or dental observer post

75J. Leave to enter the United Kingdom to undertake a clinical attachment or dental observer post is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 75G is met.

Requirements for an extension of stay in order to undertake a clinical attachment or dental observer post

75K. The requirements to be met by a person seeking an extension of stay to undertake a clinical attachment or dental observer post are that the applicant:

(i) was given leave to enter or remain in the United Kingdom to undertake a clinical attachment or dental observer post or:

(a) for the purposes of taking the PLAB Test in accordance with paragraphs 75A to 75F and has passed both parts of the PLAB Test;

(b) as a postgraduate doctor, dentist or trainee general practitioner in accordance with paragraphs 70 to 75; or

(c) as a work permit holder for employment in the UK as a doctor or dentist in accordance with paragraphs 128 to 135; and

(ii) is a graduate from a medical or dental school and intends to undertake a clinical attachment or dental observer post in the United Kingdom; and

(iii) can provide documentary evidence of the clinical attachment or dental observer post which will:

(a) be unpaid; and

(b) only involve observation, not treatment, of patients; and

(iv) intends to leave the United Kingdom at the end of the leave granted under this paragraph; and

(v) meets the requirements of paragraph 41 (iii) - (vii) of these Rules; and

(vi) if he has previously been granted leave in this category, is not seeking an extension of stay which, when amalgamated with those previous periods of leave, would total more than 6 months; and

(vii) must not be in the UK in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.

Extension of stay to undertake a clinical attachment or dental observer post

75L. A person seeking leave to remain in the United Kingdom to undertake a clinical attachment or dental observer post up to a maximum of 6 weeks at a time or 6 months in total in this category, subject to a condition prohibiting employment, study and recourse to public funds, may be granted an extension of stay for the period of their clinical attachment or dental observer post, provided that the Secretary of State is satisfied that each of the requirements of paragraph 75K is met.

Refusal of extension of stay to undertake a clinical attachment or dental observer post

75M. Leave to remain in the United Kingdom to undertake a clinical attachment or dental observer post is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 75K is met.

Spouses or civil partners of students or prospective students granted leave under this part of the Rules

Requirements for leave to enter or remain as the spouse or civil partner of a student or prospective student

76. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the spouse or civil partner of a student or a prospective student are that:

(i) the applicant is married to or the civil partner of a person admitted to or allowed to remain in the United Kingdom under paragraphs 57-75 or 82-87F; and

(ii) each of the parties intends to live with the other as his or her spouse or civil partner during the applicant's stay and the marriage or the civil partner of is subsisting; and

(iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds; and

(iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(v) the applicant does not intend to take employment except as permitted under paragraph 77 below; and

(vi) the applicant intends to leave the United Kingdom at the end of any period of leave granted to him; and

(vii) if seeking leave to remain must not be in the UK in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.

Leave to enter or remain as the spouse or civil partner of a student or prospective student

77. A person seeking leave to enter or remain in the United Kingdom as the spouse or civil partner of a student or a prospective student may be admitted or allowed to remain for a period not in excess of that granted to the student or prospective student provided the Immigration Officer or, in the case of an application for limited leave to remain, the Secretary of State is satisfied that each of the requirements of paragraph 76 is met.

Children of students or prospective students granted leave under this part of the Rules: Requirements for leave to enter or remain as the child of a student or prospective student

78. Leave to enter or remain as the spouse or civil partner of a student or prospective student is to be refused if the Immigration Officer or, in the case of an application for limited leave to remain, the Secretary of State is not satisfied that each of the requirements of paragraph 76 is met.

Children of students or prospective students granted leave under this part of the Rules: Requirements for leave to enter or remain as the child of a student or prospective student

79. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the child of a student or prospective student are that he:

(i) is the child of a parent admitted to or allowed to remain in the United Kingdom as a student or prospective student under paragraphs 57-75 or 82-87F; and

(ii) is under the age of 18 or has current leave to enter or remain in this capacity; and

(iii) is not married or in a civil partnership, has not formed an independent family unit and is not leading an independent life; and

(iv) can, and will, be maintained and accommodated adequately without recourse to public funds; and

(v) will not stay in the United Kingdom beyond any period of leave granted to his parent; and

(vi) meets the requirements of paragraph 79A; and

(vii) if seeking leave to remain must not be in the UK in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.

79A. Both of the applicant's parents must either be lawfully present in the UK, or being granted entry clearance or leave to remain at the same time as the applicant or one parent must be lawfully present in the UK and the

other being granted entry clearance or leave to remain at the same time as the applicant, unless:

(i) The student or prospective student is the applicant's sole surviving parent, or

(ii) The student or prospective student parent has and has had sole responsibility for the applicant's upbringing, or

(iii) there are serious or compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made in the UK for the applicant's care.

Leave to enter or remain as the child of a student or prospective student

80. A person seeking leave to enter or remain in the United Kingdom as the child of a student or prospective student may be admitted or allowed to remain for a period not in excess of that granted to the student or prospective student provided the Immigration Officer or, in the case of an application for limited leave to remain, the Secretary of State is satisfied that each of the requirements of paragraph 79 is met.

Employment may be permitted where the period of leave granted to the student or prospective student is, or was, 12 months or more.

Refusal of leave to enter or remain as the child of a student or prospective student

81. Leave to enter or remain in the United Kingdom as the child of a student or prospective student is to be refused if the Immigration Officer or, in the case of an application for limited leave to remain, the Secretary of State is not satisfied that each of the requirements of paragraph 79 is met.

Prospective students

Requirements for leave to enter as a prospective student

82. The requirements to be met by a person seeking leave to enter the United Kingdom as a prospective student are that he:

(i) can demonstrate a genuine and realistic intention of undertaking, within 6 months of his date of entry: (a) a course of study which would meet the requirements for an extension of stay as a student under paragraph 245ZX or paragraph 245ZZC; and

(b) **DELETED**

(ii) intends to leave the United Kingdom on completion of his studies or on the expiry of his leave to enter if he is not able to meet the requirements for an extension of stay:

(a) as a student in accordance with paragraph 245ZX or paragraph 245ZZC; and

(b) **DELETED**

(iii) is able without working or recourse to public funds to meet the costs of his intended course and accommodation and the maintenance of himself and any dependants while making arrangements to study and during the course of his studies; and

(iv) holds a valid United Kingdom entry clearance for entry in this capacity.

Leave to enter as a prospective student

83. A person seeking leave to enter the United Kingdom as a prospective student may be admitted for a period not exceeding 6 months with a condition prohibiting employment, provided he is able to produce to the Immigration Officer on arrival a valid United Kingdom entry clearance for entry in this capacity.

Refusal of leave to enter as a prospective student

84. Leave to enter as a prospective student is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 82 is met.

Requirements for extension of stay as a prospective student

85. Six months is the maximum permitted leave which may be granted to a prospective student. The requirements for an extension of stay

as a prospective student are that the applicant:

(i) was admitted to the United Kingdom with a valid prospective student entry clearance; and

(ii) meets the requirements of paragraph 82; and

(iii) would not, as a result of an extension of stay, spend more than 6 months in the United Kingdom; and

(iv) must not be in the UK in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.

Extension of stay as a prospective student

86. An extension of stay as a prospective student may be granted, with a prohibition on employment, provided the Secretary of State is satisfied that each of the requirements of paragraph 85 is met.

Refusal of extension of stay as a prospective student

87. An extension of stay as a prospective student is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 85 is met.

Students' unions sabbatical officers

Requirements for leave to enter as a sabbatical officer

87A. **DELETED.**

Leave to enter the United Kingdom as a sabbatical officer

87B. **DELETED.**

Refusal of leave to enter the United Kingdom as a sabbatical officer

87C. **DELETED.**

Requirements for an extension of stay as a sabbatical officer

87D. **DELETED.**

Extension of stay as a sabbatical officer

87E. **DELETED.**

Refusal of extension of stay as a sabbatical officer

87F. **DELETED.**

Part 10 - Registration with the police

Immigration Rules

325. For the purposes of paragraph 326, a "relevant foreign national" is a person aged 16 or over who is:

(i) a national or citizen of a country or territory listed in Appendix 2 to these Rules;

(ii) a stateless person; or

(iii) a person holding a non-national travel document.

326 (1) Subject to sub-paragraph (2) below, a condition requiring registration with the police should normally be imposed on any relevant foreign national who is:

(i) given limited leave to enter the United Kingdom for longer than six months; or

(ii) given limited leave to remain which has the effect of allowing him to remain in the United Kingdom for longer than six months, reckoned from the date of his arrival (whether or not such a condition was imposed when he arrived).

(2) Such a condition should not normally be imposed where the leave is given:

(i) as a seasonal agricultural worker;

(ii) as a Tier 5 (Temporary Worker) Migrant, provided the Certificate of Sponsorship Checking System reference for which points were awarded records that the applicant is being sponsored as an overseas government employee or a private servant is a diplomatic household;

(iii) as a Tier 2 (Minister of Religion) Migrant;

(iv) on the basis of marriage to or civil partnership with a person settled in the United Kingdom or as the unmarried or same-sex partner of a person settled in the United Kingdom

(v) as a person exercising access rights to a child resident in the United Kingdom;

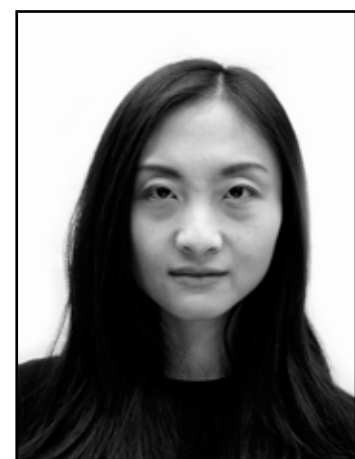
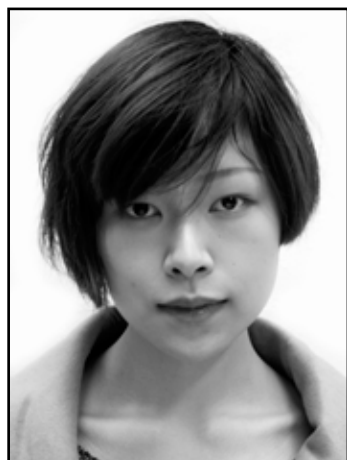
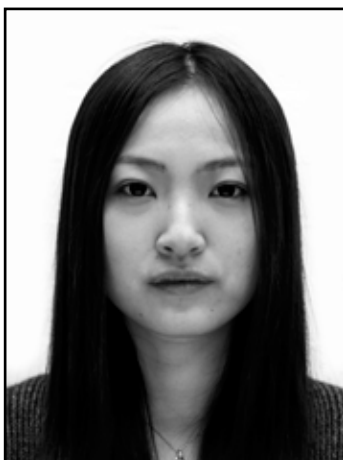
(vi) as the parent of a child at school; or

(vii) following the grant of asylum.

(3) Such a condition should also be imposed on any foreign national given limited leave to enter the United Kingdom where, exceptionally, the Immigration Officer considers it necessary to ensure that he complies with the terms of the leave.

The National Student Survey

Cross out the faces of the foreign students for the UK Immigration Services



The idea of the citizen in the University

Engin Isin on the tensions between the citizen, the scholar, the student and the state

CA News: You are well known for your innovative research on citizenship and as I understand it, and to put it very crudely, you have developed the concept of 'acts of citizenship' as a tool for rethinking how we might better understand political membership and indeed, to contest the normative belief in citizenship as simply a Statist enterprise. Not only do you examine the nature of political subjectivity but also, you re-map and problematise the conditions of exclusion. I say 're-map' because your work puts aside normative assumptions about the nature of political agency based on concepts such as participation. Instead, 'acts of citizenship' opens up a perspective from which we can better understand how subjectivity is enacted in for example, illegal migrants or 'others', who are not necessarily recognised as political agents.

Isin: What we are trying to do with the concept 'acts of citizenship' is to open repertoires of action that can be considered as performing citizenship. Over the years our understanding (and popular interpreta-

tions) of such repertoires have become increasingly narrow: voting, volunteering, public and military service, and paying taxes. All that talk about 'active citizenship' turns out to be quite passively held rights by those who already hold the legal status of citizenship. Yet, across the world many people are experimenting with and creating repertoires with inventive labels such as 'artist citizens', 'journalist citizens', 'scientist citizens', 'worker citizens' and 'migrant citizens'. These adjectives unsettle the already received passive descriptions such as 'ordinary citizens' or 'good citizens'. What they signify is a move from passively held rights to actively sought claims regardless of the legal status of the claimant. For these reasons we have found it useful to contrast the traditional 'active citizenship' with 'activist citizenship'. Of course, to make such a designation is not without its problems. How do we differentiate extremist and populist movements that also mobilise activism or militancy from activist citizenship? The coupling of 'activism' and 'citizenship' already does this work by indicating that we are

seeking to highlight non-violent and democratic repertoires of action. This is where the concept of 'acts' becomes most evocative. Since our understanding of citizenship moves away from whether a person is qualified to do something to considering whether the thing done (the act or deed) is of citizenship or not, we focus on the act itself and its effects. People rarely if ever act randomly. There are repertoires that people learn over time by becoming engaged with whatever issues exercise them. Some repertoires such as 'civil disobedience' or 'conscientious objection' become indispensable for the enactment of democratic citizenship. Others such as 'electronic petitions' are more recent and we don't yet know how effective they will prove. But we can learn a lot from how people experiment with these repertoires and invent new ones and by so doing expand the meanings of citizenship.

CA News: Given the wide scope and richness of your work, I am curious to know your thoughts on how one might understand the University as a space that forms 'citizens'. That is, what do you

make of the Janus-faced character of the institution as, on the one hand, presenting itself as a space of equality, mobility and cosmopolitan membership (the hangover of the values of the Enlightenment) and on the other hand, the conversion of its managerial systems into an administrative apparatus of the Home Office for the purposes of monitoring and policing 'International' students, i.e., immigrants? How might we understand this complex mix through the lens of your own research?

Isin: Arguably, the university from its medieval or even earlier origins, has always been a rather strange mix. And the values of 'equality, mobility and cosmopolitanism' are more recent inventions than the Enlightenment era when a certain elitism pervaded despite the rhetoric. My experience of the university over the last 25 years or so in Turkey, Canada and the UK is that it is a space of possibility. A space where critical openness to challenging ideas is maintained and thinking about things differently is cultivated. These values

are not unique to the university but it is where they are most explicitly articulated and are crucial to the production of knowledge. But it is also a space of contestation if not confrontation. Because such critical openness often threatens dominant interests that seek closeness, the university becomes a space where a tension is played out. The tension manifests itself on the contested values that comprise that figure we call the scholar. The image of the citizen articulated by scholars in the university often does not quite match the needs of governments (liberal, neoliberal, or illiberal) who'd rather cultivate carefully scripted repertoires through which people are expected to behave like scholars and citizens. The Janus-faced character of the institution is a symptom of this tension. In Britain, for example, on the one hand, the audit apparatus increasingly impedes the ability of universities to render autonomous judgement on what they need to teach and research. On the other hand, the highly problematic intrusion of the UKBA into universities to monitor their international (non-EU) students damages the trust re-

lationship that is so fundamental to education. It seems in Britain the electoral chances of a party depends on how it plays the 'immigration' card. The impossible division between 'good' and 'bad' immigrants spurs a security apparatus and there are more borders everywhere. The issue of 'bogus' versus 'genuine' students turns into introducing a monitoring apparatus in every university. Recently, the House of Commons Home Affairs Committee denounced the UKBA as not fit for purpose with catastrophic failure of leadership. It remains to be seen what replaces it and what practices it will engender. Meanwhile, we have a right to ask if the UKBA had been 'fit for purpose' would the universities have been dragged into the monitoring business in the first place. The struggle for critical openness continues so does the vigilance that it requires.

Engin Isin is Professor of Citizenship, Department of Politics and International Studies and Director of the Centre for Citizenship, Identities and Governance, The Open University

'Foreignness' through the eyes of a citizen

I left London to move to Mexico City not long after finishing university in late 2010 in order to be with my girlfriend with whom I'd been in a long-distance relationship for almost two years. At the time I was feeling rather sardonic and quite fed-up with London if truth be told, in no small part due the coalition's campaign against higher education as well as my mounting suspicion that my generation were all zombies. Throughout my teens I had surrounded myself with people who liked to think of themselves as "young radicals", yet when the opportunity for revolution finally arose, their actions amounted to little more than protest-themed warehouse raves and after-parties. And so, with little or no faith left in my countrymen, and the belief that all Londoners were either puritanical xenophobes or asinine hipsters, I took a one-way ticket to Mexico City and, as of yet, have not returned.

However, Mexico did more for me than just allow my girlfriend and I, (she is now my wife), to live legally in the same country with relative ease. It showed me for the first time what it was like to be a foreigner, a status that is often treated with social stigma in the United Kingdom and interestingly enough, provided me with opportunities I had never had in my native land.

In Mexico City, which is now my indefinite home, I am currently working as an English Language teacher at the Universidad Nacional Autónoma de México (UNAM), one of Latin America's most prestigious higher education institutions. For me, being a foreigner did not put me at any kind of disadvantage. I have never experienced the kind of social stigma that foreigners are regularly subjected to in the UK. I have been treated with nothing but courtesy and tolerance, as there is a much more relaxed attitude towards different social groups in Mexico.

I find Mexico's markedly relaxed attitude towards foreignness,

in comparison to the cultural racism I witnessed growing up (and occasionally experienced, due in some part to my partially Sudanese heritage and somewhat Arab features) incredibly interesting.

The topic of immigration and the presence of foreigners in the UK, both legal and otherwise, is a complex issue, one that an overwhelming majority of Britons are greatly concerned about, but which only a handful seem able to talk about with much authority; I being no exception.

Back in London I met many numbers of people, the vast majority of which were invariably white, who were eager to share their so-called "views" on the controversial subject, particularly after a few too many pints. These types of conversations led me to believe that Britain's concerns about immigrants sneaking into the country illegally and stealing the jobs that should be going to hard-working natives, merely boiled down to an inherent mistrust of foreigners, something which seems to be a part of the UK's cultural heritage. This, and a somewhat paranoid idea that something was being lost, or rather diluted, by multiculturalism. This seems to stem from the belief that is held by far too many Brits that white, Christian Britons are somehow more British than those born and raised in the same country, but with a more mixed racial heritage. In this case, 'foreignness' does not simply refer to visitors from other countries, but also British citizens who fall into the same category due to the ethnicity of their parents, or even grandparents, (if the BNP are to be taken seriously, which obviously they should not).

I spent the greater part of my youth growing up in East London in the borough of Tower Hamlets, a notoriously 'multicultural area'. While there is no denying that areas such as Whitechapel are rich with racial diversity, there is not so much

a sense of multiculturalism as there is grudging coexistence and animosity, particularly between Bangladeshis and Caucasians, the latter colloquially referring to the area as 'the Isle of Wogs'.

I am aware of the extent to which many residents in the UK have exploited our admittedly vulnerable welfare system, though I do not believe this is a phenomenon unique to immigrants. I also cannot help but feel that the notion of being a foreigner is all about handouts from the government, priority housing benefits and underserved, special treatment is largely exaggerated by fear-mongering xenophobes. From what I've experienced, racism is still a huge part of British culture and difference of any kind is greatly stigmatized; both foreigners and British-born minorities have an equally tough time and are forced to deal with a level of discrimination and social inequality that is certainly not present in Mexico. 'Foreignness' in any form, is not welcomed in Britain, but rather feared and despised by the large majority, an attitude that has only been exacerbated by blind political-correctness (essentially, a cuddlier version of racism) and the current economic climate.

Amid increasing fears of a national invasion by hordes of asylum seekers and benefits grabbing Asians maliciously trying to destroy Britain, new laws concerning spouse immigration, put forward by Theresa May, have now made it almost impossible for me to ever return to London with my wife and enjoy a life there together. While I can only imagine that many Brits will consider this a wise move, I cannot help but feel that the message being sent out to interracial couples by the government is - "we don't want any more foreigners on our soil, and if you're deprived enough to want to marry one, we don't want you either."

R.W. Sparrow
Alumni Camberwell College of Art



Above, graffiti on the walls of Central St. Martins College of Art and Design, artfully framed by the authorities and below, the main plaza of the shopping mall art college.

“We didn’t cross the border, the border crossed us”

Nicholas De Genova discusses our bordered identity

Citizen Artist News: Nicholas, you are host to a very stimulating research workshop at Goldsmiths College called ‘Migrant Struggles, Practices of Citizenship, and Techniques of Bordering’. In many of the sessions, guest speakers have opened up a range of themes and issues such as securitisation; mapping how the growth in the business of border management and control is in part due to the involvement of the social sciences and all that this entails. The concept of the ‘Border as Method’ has been discussed. The observation here being that borders are becoming ‘deterritorialisated’ as Sandro Mezzadra would say, ‘without ceasing to invest particular places’. Mezzadra, as I understand him, sees this as a consequence of a State’s commitment to servicing global capital flows. Discussions have also involved analysing political subjectivity, of which your own articles on the ‘incorrigibility’ of migrants in the USA has opened up other ways of thinking about the notion of political subjectivity and ‘belonging’. And finally, the notion of the ‘Autonomy of Migration’ has been raised: a concept used to better understand how migrants constitute political change.

Given this rich discourse, I am curious to know your thoughts on how one might understand the University as a border regime. First, I am sure you will agree that there is something paradoxical, if not amusing, in a research group gathering to discuss bor-

ders, migration and citizenship inside an institution that itself is a border regime. But more importantly, what are your thoughts on the changes to the University brought about by the directives of the UKBA for the management of ‘international’ students? That is, what do you make of the janus-faced character of the institution as, on the one hand, presenting itself as a space of equality, mobility and cosmopolitan membership and on the other hand, the conversion of its managerial systems to police ‘immigrants’ on behalf of the State? How might we understand this complex mix through the lens of your own research and/or the discussions had in the research workshop?

Nicholas De Genova: It is a perennial fantasy and illusion of academia that the university ought to be ‘a space of equality, mobility and cosmopolitan membership.’ Of course, upon closer inspection, it becomes readily apparent that ‘the’ university is really a system of hierarchically stratified educational institutions, utterly necessary for the reproduction of various distinctions, ranks and credentials to certify and qualify various types of skilled or professional labour for capital, and thus deeply embedded in the wider reproduction of social inequalities. Cambridge and London Metropolitan are obviously very different kinds of academic institutions. The ideologies of equality, cosmopolitanism, opportunity and (upward)

mobility are therefore always haunted by the evidence of their service to the educational validation and fixing in place of rigid separations and hierarchies of status and prestige, which are likewise directly or indirectly implicated in the monetarisation of ‘achievement’ in terms of salaries, benefits, and conditions of work. Capitalism requires more or less unrelenting innovation and thus is continuously de-composing and re-composing labour, including labour of the most highly ‘skilled’ of prized sort. So, once we begin to think about it, there’s not really any paradox. If academia is ensnared in the reproduction of the larger capitalist system, we should expect that it would similarly be implicated in the reproduction of the regime of citizenship and immigration of the capitalist state.

But this is where things get interesting, because if we contemplate the border regime in which those of us employed or studying in higher education take part, we can begin to appreciate better what the work of borders is in our contemporary socio-political moment and our present historical conjuncture.

It is of course pernicious that ‘foreign’ students are subjected to extraordinary surveillance under the securitarian conditions of our ‘anti-terrorist’ present. The operationalising of a very diffuse and pervasive suspicion against all non-citizens, regardless of immigration status, coupled with the invidious racialised distinctions that sort and rank

different kinds of ‘foreigners’, are blatantly manifested in the universities, and we have to recognise in this process a re-disciplining of our academic institutional lives. In these flagrantly offensive practices, however, what we ought to always bear in mind is that part of the source of irritation and indignation is the increasingly indiscriminate ‘contamination’ of the formerly more ‘protected’, relatively privileged, comparatively elite segments of the larger spectrum of non-citizens. In other words, intrusive surveillance and the apparatus of institutionalised suspicion which we have been seeing with greater frequency and intensity in the universities have long been commonplace among the ‘lower’ ranks of migrants, the ‘illegal’ or ‘irregular’ migrants above all. The regime of immigration has always been fundamentally about policing a thoroughly hierarchical series of categorical differences.

The politics of immigration and borders are unsettling and troubling, likewise, because these blunt inequalities expose the exclusionary parameters of citizenship itself, which is conventionally understood in modern (liberal) political conditions to be about equality for all before The Law. In the universities, the raw inequalities between citizens and the various categories of non-citizens confront people who otherwise perceive one another as peers or colleagues -- in short, as equals -- with the cold hard facts. When it comes to immigration and

borders, The Law is all about inequality -- indeed, radical and often irreversible inequality.

While capitalism must be understood to fundamentally operate on a global scale, the entire planet is criss-crossed with ever more securitised (and often militarised) borders. This is a very important example of how capitalism systematically generates a separation between what is called the ‘economic’ and the ‘political’. State power particularises the ‘political’ in various territorially-defined spaces and jurisdictions, corresponding to the tenuous and historically specific and contingent tempos of struggle that have been more or less fixed in place, fetishised, and institutionalised variously in different places. So, while capitalist industries or employers may desire and even actively recruit migrant labour, border regimes ensure the subordination of that labour according to various formulae and recipes through which to differentially incorporate individual ‘foreigners’ within the immigration and citizenship regime of one state or another. This is a process that Sandro Mezzadra and Brett Neilson have called ‘differential inclusion’, and which I, emphasising the active illegalisation of undocumented or ‘irregular’ migrant labour in particular, have similarly called ‘inclusion through exclusion’.

I myself make no pretense of being an ‘expert’ on British immigration law or policy, and as you

know, the UK Border Agency itself has been very recently dissolved, so I cannot comment very directly or specifically on the precise practices of the border regime here in the UK, which in any case are in flux, even as I respond to this question. What we can say with assurance, nonetheless, is that the extension of border policing and immigration monitoring into a diverse spectrum of ostensibly non-governmental settings -- increasingly carried out by non-state functionaries employed to conduct the routine bureaucratic operations of various sorts of institutions -- signals that The Border is no longer exclusively located at the territorial borders of the state (the geographical perimeters), nor even at the countless checkpoints in airports and other ‘ports of entry’ where large block lettering trumpets to the masses of bedraggled travelers their presence at the ‘UK Border’. No. The Border is increasingly everywhere, and may be activated in a proliferating cascade of seemingly mundane circumstances.

This helps us to understand that we all have what I have taken to calling bordered identities -- citizens, tourists, travelers, migrants, and refugees alike. As the Chicano (Mexican American) liberation struggles in the United States have long proclaimed: We didn’t cross the border; the border crossed us.

Nicholas De Genova is Reader in the Department of Anthropology at Goldsmiths, University of London.

Future city: what do security barriers and guards imply?

“One of the readings of [the Central St. Martins College of Art and Design, Kings Cross] building is to see it as a future city. To see it as the way cities may be constructed to encourage creative thinking and experimental making.” Jeremy Till, Head of Central St Martins.

To imagine an art college as a ‘future city’ is an exciting proposition. From Augustine’s City of God to Corbusier’s Radiant City the idea persists, expectant with new possibilities for living, working and interacting. As its etymology in ‘polis’ -- the Greek word for ‘city’ -- would suggest, such utopian imaginings are fundamentally of a political character. David Harvey writes, “the question of what kind of city we want cannot be divorced from the question of what kind of people we want to be, what kind of social relations we seek, what relations to nature we cherish, what style of life we desire, what aesthetic values we hold.” It is unsurprising that the Head of CSM, himself an architect, should latch on to CSM’s new home, the magnificent Granary building, strikingly restored as a so-called ‘creative warehouse’. This constantly photographed, prize-winning space is one of the primary promotion tools for ‘brand CSM’ in the globally competitive Art & Design education market. The vision presented in the college’s promotional video is one where the designation of distinct spaces in the building -- workshops, project spaces, the canteen, and so on -- enables corresponding forms of creative activity: ‘production’, ‘exchange’, ‘reflection’, ‘discourse’ and ‘display’. Seductive as this rationally functioning creative factory might appear in some respects, there is an unsettling sense from the video that creative activ-

ity and human interaction in the college can, and should, be predetermined and engineered through forms of spatial control. Furthermore, there is a danger that a focus on the building rather than the more messy prospect of the myriad people and activities occurring within it, causes a fetishistic inversion: instead of merely housing the staff and students who in fact constitute the art college, the building becomes the art college and those who work and study there are simply passing through, like objects on a conveyor belt who enter into its efficient system of flows before, eventually, exiting out the other side.

In fact, as anyone who works or studies at CSM can attest, the experience of the building is far from the slick image of smooth flows and seamless transitions between areas of activity presented in the video although, the reasons for this might have a lot to do with the desire to institute just such a vision. What sort of future city do the security barriers and guards imply? A gated community perhaps, keeping the barbarians at bay; or else a business district where private corporations or retailers can keep electronic tabs on their staff and customers through their entry/exit systems? Gaining entry without your card is a struggle, the system’s refusal overriding human confirmation of a student’s status. Even with a card I have had my ID double-checked ‘for my own safety’. A dystopian police state then? (This is no joke now that non-EU students have been instructed to present themselves weekly to the student office to prove they are ‘genuine’).

Last year’s degree show was reminiscent of a large gig or music festival as far as the enforcement of seemingly arbitrary rules went as to where people could and couldn’t

go, how they could get there, if they were allowed to bring a drink, etc. A weird feeling of being under occupation on your own territory. Systems of control are also witnessed in the way the ID card enables or disables access to rooms or areas such as workshops through electronically locked doors. Another cause of much frustration amongst students are the regulations about what is and isn’t allowed. For example, students are not allowed to paint on the ply studio walls (in an art college!). I heard from a student who was sent the bill for a replacement 4’x8’ sheet of ply after she painted a white square on the wall to project her film for the degree show. Someone has determined that the ‘ply aesthetic’ overrides all other concerns, and deviation shall be punished. A city at the mercy of a dictatorial interior designer?

What gets shown where is also carefully monitored and controlled. Areas must be booked-ahead. Spontaneous activities in ‘the Street’ -- the main central space designated for ‘display’ -- will be pounced on and stopped by security guards if they haven’t received permission or are not occurring in the correct ‘zones’. Something as innocuous as hanging drawings on the outside-facing walls of the studios, for example, can summon forth bureaucratic arbiters citing fire regulations. An over-cautious and conservative city then, where prohibition soon becomes internalized as a reluctance to step outside of familiar parameters?

Whilst none of these things will prevent all the incredible thoughts, experiments and experiences that issue forth from student energies, they are an impediment to those energies, a discouragement. What is more they promote a culture of passivity which can only be detri-

mental to the future of CSM, and its reputation. The overriding sense of control that permeates the building is not conducive to creative production, interaction and thinking -- a suppression of critical autonomy and a limit to creative possibilities. And amidst the many blockages constructed to control what does and doesn’t happen, the flows which are engineered to occur, such as ‘hot-desking’ and bookable spaces, are exactly the things which further disempower by taking any sense of territorial ownership from users of the college. A sense of a place which is yours, and which you can’t, at a second’s notice, be displaced from (due, for example, to an erroneous double-booking!).

The question we should ask then, if we stick with the metaphor, is: who owns the city? This is interesting in terms of CSM as it turns out, because the college forms the first stage of a huge Kings Cross development project which will include office buildings, apartment blocks, shops and restaurants. The investors are Argentinian property developers, London & Continental Railways, and DHL. Although there is no time to go into it here, a familiar story is the way the ‘cultural capital’ -- in the estate agent jargon, ‘vibrancy’ or ‘creative buzz’ -- of an art museum or, in this case, art college, adds value to an area seeking capital investment from companies, residents and speculators. Related to this is the whole subject of cultural institutions’ role in ‘gentrification’ of an area at a period of intensive social cleansing through measures such as the ‘bedroom tax’, benefit caps, and the recent 80% market rent rule for social landlords. (Areas of Kings Cross and Euston still have large working class popula-

tions living in housing association and council flats -- perhaps not for much longer!).

The first thing that confronts you when you enter the Granary building is not in fact the manned security gates, these are some distance away, beyond a large area of the main space, but a sublimely glowing, interactive Perspex model of the Kings Cross development; the future city! We are not in the college at all, but a public access Kings Cross Visitor Centre. If we step outside of the building we are in what appears to be a well maintained public square, incorporating an impressive illuminated fountain system, which leads further down the newly laid pedestrian street towards the station. A small plaque just beyond the square reveals the reality that this is in fact a ‘private estate’ -- another of those city developments that appears to be public, but which is owned and run by private investors who have been sold the land from the local authority (in this case Camden Council). This would account both for the security guards in their fluorescent jackets and red hats, who keep the area anaesthetically spotless, and for the yellow public safety signs that pop up everywhere at the first sign of ice or snow.

What these new privately owned ‘malls without walls’ have in common, according to Anna Minton, is an “emphasis on security and safety ... [A]s malls, multiplexes, campuses, shopping centres and the business districts spread, the growth of private security is a given.” Could this be a clue to what is going on at CSM? Is the ‘future city’ envisaged by the new building a homogeneous, sterile, securitized, risk-averse, paranoid model manifested in private estate management? (It is true the build-

ing, and in particular ‘the street’, is sometimes compared to a shopping mall). The exact ownership arrangements regarding the Granary and its immediate vicinity are hazy, at least to me at this time. But at the very least this seems an important element in any consideration of what sort of ‘future city’ CSM should or could be.

To return finally to David Harvey’s question as to what kind of city we want, I would suggest the following for a start:

1. We want a city which is owned collectively by its inhabitants, where its citizens feel at home, and not at the mercy of unknown, outside powers, and where they don’t exist for the benefit of private interests.
2. We want a democratic city, where decisions are taken at all levels, where proposals can be considered, and where consultation is the norm.
3. We want an open city, not a police state. Trust not suspicion.
4. We want a diverse city, with a good social mix of people, including those born and living in the local area, and no enforcement of discriminatory government agendas against those from overseas.
5. We want a political city, where contesting and critical voices can be heard (as someone proud to work at CSM amongst brilliant staff and students, this is my contribution!).
6. We want an avant-garde city! Where non-conformity, the production of difference, and the flowerings of the disruptive imagination can be a part of everyday life.

We know that the blueprints for utopia are liable to turn into the worst dystopias. But that shouldn’t stop us dreaming.

Luther Blissett, Fine Art Tutor, CSM

Not that simple: the case of Scotland

Ignoring the advice of five select committees and the top management in the British academia (see www.bbc.co.uk/news/education-21592765), the UK coalition government has recently reconfirmed its intention to keep including certain student categories among the net migration figures, which the UK Border Agency has been asked to reduce (with students providing a relatively easy target). The wide-spread indignation, caused by the related government measures that are aimed at the student community, has initiated – in some quarters at least – the rhetoric which is not helping the cause. We are told, incorrectly, that ‘foreign’ (or ‘international’) students are affected, whereas the EU passport holders (or citizens of the EEA and Switzerland, to be precise) are free to come and go as they please – it’s the non-EU students in need of entry visas who come under special scrutiny. We are also told that these (non-EU) students are forced by the educational institutions in the UK to sign in every week in order to

prove their bona fide-ness, whereas in some university departments students are only asked to do so twice per semester (and the attendance register should be routinely filled in every class anyway). We are told that the universities are colluding with the government and becoming instruments of student oppression, whereas the universities realise full well how counterproductive the policy in question is, serving as a disincentive to valued customers, whose tuition fees are much higher than those of the rest of student population in the country (the estimated 300,000 non-EU students in Britain are reportedly worth £5bn a year to the economy). Yet the universities have little choice in the matter, fearing that if they do not co-operate their visa license will be revoked, as it happened to the London Metropolitan University in July last year (see www.guardian.co.uk/education/2012/aug/30/London-metropolitan-university-visa-revoked).

Is the situation in any way different in Scotland, where Scottish

undergraduates are exempt from tuition fees and the issue of looming Scottish independence, tightly linked to Scottish nationalist sentiments, may give an impression that foreigners are not particularly welcome? Not really. First of all, the notion of Scottishness in its application to domestic undergraduate students goes far beyond narrow ethnic principles. Whatever your origin may be, Russian, Chinese or Pakistani, you are considered Scottish for fee-paying purposes if you obtained a Scottish secondary school certificate enabling you to pursue a higher education degree. As far as nationalism and independence are concerned, things are not that simple either. Historically, owing to an uneasy relationship with its southern neighbour, Scotland felt more internationally-oriented than that neighbour (to what degree this self-perception was justified is another matter). And Scottish universities – in days of old, Scotland had four while England only had two – have traditionally been

championing internationalisation. Furthermore, in a mock referendum held among students at the University of Glasgow in February 2013, 62% answered no to the question “should Scotland be an independent country?” and only 38% answered yes (see www.bbc.co.uk/news/uk-scotland-glasgow-west-21539995). Undoubtedly, there were ‘foreign’ students among some two and a half thousand of those who took part in the poll – but non-Scottish residents of Scotland will also be allowed to vote in response to the same question in the real referendum of 2014! While the outcome of the forthcoming referendum is hard to predict at this stage, doesn’t a close analysis of the situation – in the case of the alleged Scottish parochialism and that of universities blamed for policing their ‘foreign’ students – teach us that facts should take precedence over rhetoric, and slogans, assumptions and generalisations are best to be avoided?

Grumpy Scholar: Senior Lecturer affiliated with a Scottish University



‘Friends and fellow students of today will be your contemporaries in the cultural workplaces of tomorrow.’ Artwork by Feline Vomitus, University of the Arts London

From foreign students to immigrant university workers to border agents: an ordinary story

We each arrived in the UK in the late 1990s as foreign students, A as EU (from the troubled South, but still), B as ‘good’ Commonwealth – Canadian – and thus exempt from the degrading requirement that we register with the police. We also arrived in a Britain which, under New Labour (at least compared to their Tory predecessors and successors), was trying to embrace the diversity and multiculturalism of the post-colonial era, globalization and the EU. We met through the foreign student network, more vibrant and less alcohol-fuelled than its native equivalent, and bonded over countless common interests as well as our immigrant experience.

It was not all plain-sailing. We both witnessed and experienced incidents of racism and xenophobia, sometimes indirectly as we were told that we were ‘good’ immigrants, a compliment that highlighted our difference, the conditions placed on our acceptance and made us complicit in our interlocutors’ xenophobia. We also witnessed the shift from a progressive, inclusive ‘Cool Britannia’ to growing Islamophobia and suspicion of foreigners following 9/11 and 7/7, not to mention Iraq. This was something that affected us not only as immigrants here (and at airport security as we travelled to visit family and friends), but as students in a context where anti-war sentiment was high and the authorities were increasingly concerned about ‘radicalisation’ on

campus: this usually meant anti-war and Muslim, so we were safe being only anti-war.

Many years later, we entered the academic job market as (still) accented foreigners. Getting married meant that, after a complicated and expensive administrative process, B received permission to indefinitely remain in the UK, thanks to A’s EU sponsorship, and was no longer obligated to reapply annually, as he had done for years. Canadians, although from a former colony and part of the Commonwealth, are not entitled to live and work in Britain without a visa. It was the age of casualization, so our employment was fragmented, precarious, often exploitative and as a rule badly paid. Maximum flexibility was expected from us if we were to remain in the good books of department heads and programme leaders. We were often hired to teach unfamiliar subjects, which required endless hours of preparation, were called to participate in a variety of assessments sometimes with days’ notice and considered ourselves lucky to be assigned the same introductory courses year after year, despite finding them mind-numbingly unstimulating. Many desperate job applications later and years of living as students post-PhD graduation, in terms of budget if not social lifestyle, we finally landed our first full-time permanent posts within a year from each other and, miraculously, within an hour’s commuting distance. So we relocated

across the country, happy as clams. We gradually discovered that starting over in your thirties may have been necessary but far from easy. At this point, our friends had dispersed across the world in pursuit of academic career opportunities and were facing similar problems, including sometimes loneliness.

Living together and in full-time academic employment, it all seemed to be going well. Yet, we were unprepared for a number of significant developments: the Greek economic crisis and, from 2010, the Tory-led coalition government, the introduction of anti-immigrant xenophobic policies and increased scapegoating. The curry houses that New Labour had championed as the producers of Britain’s favourite dishes were now viewed as part of a network of undocumented immigrant labour. Bad news was coupled with good news as we welcomed our son into the world. We were already acutely aware of xenophobic conspiracy theories about foreigners coming here to not only steal jobs, benefits, housing and school places, but also to have children and through them acquire the right to remain and be entitled to all that Britain has to offer (at least until the coalition cuts hit). We now discovered first-hand just how untrue these theories were: despite our full legal status, our son was not automatically entitled to British citizenship or a passport. In a reversal of fortune, it was B’s resident status that eventually allowed

our child to claim British citizenship, not A’s EU status thanks to which she was able to sponsor B’s application for residency in the first place. In the meantime and as the Greek economic crisis and Tory Euroscepticism escalated, David Cameron warned about possible restrictions on Greeks. A applied for British citizenship at considerable cost and was successful. Her application was not based solely on fears about her status but a desire to vote at national elections.

While our status is now secure, we find ourselves compromised and potentially complicit in ways that we cannot rationalise or compartmentalise. We were foreign students who became immigrant workers and eventually a citizen and resident, and are now lecturers who are being asked to partake in a humiliating and xenophobic practice: monitoring Tier 4 international students as secondary ‘border guards’, based on government fears that university places are used as a back door to ‘illegal’ immigration to this enviable land of plenty. We are facing renewed calls for academics to look out for and report on possibly ‘radical’ or ‘radicalised’ students. The irony does not end there, as B’s research is on extremism and terrorism, but with a focus on right-wing extremism – the xenophobic and Islamophobic type, with which such government policies increasingly overlap.

By A & B, Lecturers affiliated with universities in Scotland

Administrative mistakes

Shihui Yan dutifully signed in at her college however, she received an email warning her of the consequences of missing a session (see below). The tone of the letter is bullish and threatening. But her own views are as follows: “I think it is ridiculous that ‘continued unauthorised absences may lead to your withdrawal from the course, your withdrawal will be reported

to the UK Border Agency and you will be required to leave the UK.’ There are many reasons for a student to not attend tutorials, and it does not mean that I am not working on my projects if I am not in the university. I do not understand why my stay or withdrawal of the course is determined by my attendance and not by the quality of work that I can produce.”

UKBA attendance email 1 – first missed Sign In Ref: YAN12360201

Dear Shihui
Missed Sign In – initial warning

Since the introduction of the UK Border Agency’s Points Based System in March 2009, it is a requirement of the University, as a Tier 4 Sponsor, to monitor and report on the non-attendance of Tier 4 Students. When enrolling at the University you agreed to attend in accordance with the University’s attendance policy.

You have missed a Sign In at your college. This has been noted on your attendance record and you should avoid missing any future weeks. You do not need to take any action if you are going to attend the Sign In sessions in future unless you wish to submit an Application for Authorised Absence form. If you have a valid reason for missing the Sign In or you have a problem that means you will be unable to sign in during future weeks, you must email Tier4@xxxx.ac.uk and request an Application for Authorised Absence form.

Continued unauthorised absences may lead to your withdrawal from the course. If this happens, your withdrawal will be reported to the UK Border Agency and you will be required to leave the UK.

The malignant teaching factory

Continued from p.1:

How did it happen that an aspiration for education for all turned so quickly into a market fluctuation? The privatizing and commercial imperative shaping curriculum and content was not born fully formed in the current period, but has been a long time coming. Indeed, the history of the classroom could be construed as a struggle over just this. From the early efforts of the Factory Inspectors – Leonard Horner – and the imperative to school the great unwashed, all the better to fit them to machines – through to the idea of education as a vast instrument for class mobility, widening participation and access to employment – itself a mixed fortune.

In capital, volume one, chapter ten, Marx narrates a class struggle that continually impinges upon the

question of education, though fittingly, the site of the action is the factory. The Factory Acts, of 1933, 1844, 1847, 1850 etc., were in effect an effort of the factory owners lobby to mitigate, undermine and evade the constraints imposed by a concerned, if ill-informed, philanthropic tendency in parliament. The Factory Inspectors, such as Leonard Horner, reported upon the conditions in the factories where children worked, sometimes twelve and more hours per day, and it is instructive to consider the elaborate machinations employed by the factory owners to circumvent requirements that these children receive a modicum of schooling. Two hours per week in the first instance (1833 Factory Act). Among the quaint lobbying practices the owners extended to the

inspectors as they made their way to inspect the factories were invitations to dinners, visits to country clubs and horse gymkhanas, the comfort of suitable lodgings, and suitable carriage to the said inspections, including eminently helpful factory guides and fulsome explanations of any anomalies and answers to questions (Horner, Diary).

It then should be noted with no little irony that in the University today, and indeed throughout the education system, the descendants of the Factory Inspectors are guided just as much by the care with which managers attend to questions of presentation, access and quality assurance in a new era of evaluation. Aside from the media event that is an OffStead visit, in effect a form-filling exercise, and the Quality unit of the

Department of Business Innovation and Sport, with Universities governed under the same budget lines as commerce and the Olympics, we are not dealing with inspections as such, so much as reports and tabulations – drawn up according to the new guidance whereby Government turns education into a vast factory-like programme, with productivity gains and training regimes of course factored in, and with global reach.

In the universities, the pressure for academics, and by extension students, at least student activists, the SU and postgrads, to themselves become the malignant and parasitic managerial class is operative here. Becoming self-regulating means complicity in several modes. The university now demands managers to present as petty bourgeois shop

keepers, marketing specious wares; or as entrepreneurial visionary explorers tasked with terra-firming new vistas of corporate training, consultancy and product placement; as public brand-uni sprukers of tele-genic ‘ideas’ and Verso-controversy coffee chat radical publishing... etc. Privatisation as a system wide strategy is not examined by the episodic and sectoral focus of both mainstream investigators – Offcom, Offstead etc are not the investigators we need, trades union sectoralism is insufficient. The malignancy here is an emergent but hollow expertise of those who are not just measurers – if all they did was bean-counting we might more readily discount their dodgy deals.

John Hutnyk, Centre for Cultural Studies, Goldsmiths College



INTERVIEW

Inside the the Immigration Services...?

Citizen Artist News talks to our man in the Home Office

CA News: You have worked for the immigration services in the Home Office for 10 years and as an experienced civil servant, can you give us an insider's view and describe what it is like to work in a border regime? What do you do on a daily basis and how do your duties relate to other parts of the immigration services? Can you give a detailed description?

John Doe: Well, firstly it has become interesting as we have found out, just this very morning that we are back under the Home Office banner rather than the more independent UKBA. In recent times, working here has been stressful and chaotic, but overall often pleasant. The work itself veers between boring, leaving a bad taste in my mouth and occasionally interesting but rarely stimulating. The way staff are looked after in many ways has been second to none: we have the benefits in many departments (dependant on nature of duties/responsibilities of course) of flexible working hours and tolerance to doctor's appointments/sudden emergencies or even "duvet-days." It is often easy for a worker to take time off in a hurry should they need to without feelings of stress or bullying imposed from above. This has been recently on the verge of changing as we seem to be going backwards, with attempts to change our working comforts and impose more statistics.

On a daily basis, I prepare proforma packs for removal. What this amounts to is minimalising a file into the basic info required to detain someone: risks and other security checks and personal details taken into account. It cuts out excessive office based work for Immigration Officers and allows them to concentrate upon work needed to do their jobs without carrying files around or referring to them unnecessarily. We are also the link between the team that organises removals so we act as a feed to this team and operational staff. We also tackle solicitors letters: negotiating the outcomes of cases, whether to proceed with removal or to allow someone to remain in the UK.

CA News: I get the impression that you are at the heart of a number of arms of the immigration service. But, I am not quite clear about who does what. So, I have a few questions: who decides who is to be detained or removed? Do you do this? Or does an Immigration Officer? Or someone else? And can you tell me a bit more about the distinctions between Immigration Officers, your own role and those who decide and organise the removals? It seems as if the Immigration Officers are managed and directed by those doing the paperwork--as if they are the muscle on the ground, rather than the 'brain in a vat'? Would this be right? If so, who actually has the power to arrest, detain and/or remove people? Is this power embodied in any one role within this field of activity?

John Doe: I guess that is kind of right, being at the "heart" of the aspect of "removals" as it is known. Now, there are other parts to Immigration (a different section deal with "legitimate", for want of a better word), areas such as visas and student/work permits etc. and another deals with asylum claims (a section that obviously has links to what we do, although the departments issuing visas don't...so if someone overstays then we hear of them through other means: for example encountered by the police. They are not "reported" by the "legitimate" team...this is badly phrased though

I'm sure the meaning is clear). Who decides who is to be detained or removed? Put simply, the law! If someone has been through the whole asylum process and has exhausted this or they are found to have stayed beyond their initial reasons for being in the UK and they don't have any Human Rights reasons to apply to stay (family life...compassionate reasons) then the law says their cases must be considered and they must be removed. Actual "decisions" themselves, if that is what you are getting at are made by caseworkers (such as myself) who make this decision based on the facts that a person has no more right to remain, with the final say going to a Chief Immigration Officer for detention. Such issues such as bed space and the risks involved are considered. If someone is suicidal or violent then this impacts.

Caseworkers such as myself along with our managers make the initial decisions to detain and remove and then the team that book bed space and flights will coordinate with the Immigration Officer staff and seniors for final say once the groundwork is in place.

Naturally this is different when Immigration Officers and/or the police encounter immigration offenders directly. They make the decision to detain but then paperwork to organise removals still comes back to us and the flight booking team. It is quite finally tuned and obvious...in its way...but hard to explain in depth in terms of trying to present a full and accurate picture.

CA News: So, Case Workers interpret the law and advise on cases and the Immigration Officers, or rather, the Chief Immigration Officers, are the final arbiters. I assume then that Immigration Officers are the only people who have the power to arrest and detain a person (barring the police obviously)? Is this right?

John Doe: That's pretty close to a perfect summation. Senior Caseworkers have a say in how the decisions are made at our level, simplifying the management structure for ease of discussion, but yes, often the Chief Immigration Officer is the person that assesses the risk and complexities involved based on evidence brought before him/her. Occasionally with very serious cases (maybe media driven) it can head up above them to Director/Assistant Director level but, rarely.

So, yes: Immigration Officers are the only ones with the power of arrest. But even then it is complex as they can make that decision on Home Office premises but when entering other places it is necessary that they are accompanied by members of the police who are required to be present.

CA News: I came across a document online called 'The Immigration (Places of Detention) Direction 2011' signed by Damian Green (I think? - it is difficult to read the signature), who was the then Minister of State for the Home Office. It specifies places of detention. However, could you help me understand what the implications are for Universities? The relevant clauses are as follows: "3.1: ... [T]he places where a person may be detained ... shall be as follows:

(a) any place used by an immigration officer for the purposes of his functions at the port at which that person is seeking leave to enter or to enter or has been refused leave to enter, as the case may be, or in a control zone or supplementary control zone, or a control area designated under paragraph 26

of schedule 2 to the Immigration Act 1971.

(b) Any place specifically provided for the purpose of detention... ii) any place used by an immigration officer for the purposes of his functions..."

What I am curious to know is, given the vagueness of the description as to where an arrest and/or detention can take place -- e.g., 'any place' either 'specifically provided' or 'used by an immigration officer for the purposes of his functions'-- does this include the premises of universities? That is, given that universities collect data and closely monitor immigrants (International students) and to all intents and purposes act as a bureaucratic arm of the Home Office, does this also mean that the University could be classed as a 'control zone' or 'supplementary control zone'-- that is, as a place for the arrest or detention of an International student? Or does 'any place used by an Immigration Officer for the purposes of his functions' mean that an Officer can arrest or detain an immigrant anywhere at anytime?

John Doe: Now, this question you have presented has really thrown me because I am not aware of universities being used as places of detention in all my time working within Immigration. I know of bogus colleges being closed down by the government but even then they are not places of detention for the students manipulating the "college" system in use/being manipulated by it. Clause (a) is straightforward and refers to ports (airports, Eurostar, Dover...speaks for itself) and (b) will mean places similar to where I have worked where legitimate detention space is available. To me, (c) is the only section that remains ambiguous but it doesn't match up to anything I know of. Persons tend to be detained - when they try to gain false entry at ports or claim asylum; when they are encountered by police where a suspected crime or violation may have taken place; on Home Office premises or at a police station where they may have reported; at a place of work where there is a raid - but they are "taken away" to be detained, not detained on the premises, similar to a regular arrest; a home visit (again, they are taken away).

So, in my experience and understanding (to date, we all know things are liable to change within the law), no, it is not known that any place of work or study that is legitimate has been used as any form of detention placement.

CA News: Just to clarify, I haven't heard of an International student being arrested or detained on the premises of a University either. However, let's explore the idea of this a bit more closely. You have made it very clear that detention spaces are places such as police stations and ports. But you pointed out that they are also 'Home Office premises' and 'at a place of work where there is a raid'. This is significant in understanding what the boundary is between these latter qualifiers and the idea of University premises being used for arrest and/or detention. That is, given that the University requires International students to 'sign in' --i.e., each University functions as an extension to the immigration services, monitoring students' presence in the UK -- it is, as I have suggested above, a branch of the Home Office. And if not a branch of the Home Office, then certainly a place where students' work. It seems to me

then that in law, universities are already (at last tacitly) sanctioned spaces of arrest and detention.

The worry here is that these changes to the University have deeply distorted the idea of it as a space of learning. But also, the fact that student immigrants are traceable and indeed, locatable through the registration and record keeping within an institution's managerial system, makes them an easy target in the government's push to reduce immigration. And the prospect of any one student who is accused of 'overstaying' or, more emotively described as 'manipulating the college system', or 'sponging off the State' (as in the rhetoric of the popular press), being physically traced through the University's apparatus, if not arrested or detained on University premises, is feasible in enforcing the directives of the State.

But let's look at the bigger picture: the Home Office website publishes figures of the annual flow of people in and out of the UK. Currently, approximately 110, 000,000 people cross into the UK every year. A surprisingly small number of people from outside of the EU/EEA 'overstay'-- approx 150,000 to 200,000 (presumably these people also come and go, but not within the space of the annual calculation?) -- and of those, approx. 18,000 are asylum seekers. I can't recall off the top of my head exactly how many are students, but certainly several thousand come to study in the UK. So interestingly though, only 500 or so overstay their visa every year.

It's apparent then, even using the logic of the State (as skewed as it is) and its practice of ramping up or stopping down the flow of foreign nationals in an attempt to control the UK labour market, that highly securitizing and indeed demonising International students as potential 'overstayers', is rather extreme. The actual numbers of those who do remain are insignificant and the vast expansion of the policing apparatus into the University is extraordinarily heavy-handed.

I'd be interested to hear your reflections on some of the paradoxes in play here. What do you make of this new role of the University as a border crossing -- as a Checkpoint Charlie, so to speak?

John Doe: Well, I guess when I say a place of work when there's a raid I mean only that a person can be 'arrested' on the premises of the raid but not detained at that actual place. This is the point I was trying to make where I was perhaps less clear. Even if a University becomes 'affiliated' in some way with the Home Office, it would be unprecedented, in my experience, for it to become a detention centre. If someone is arrested there, once detected, for being an overstayer or an illegal entrant, they would have to be removed from the premises, not detained on them.

Not to say that the law isn't changing but if so, then it isn't something I am aware of. Now, there are university overstayers that we deal with but they are certainly a minority and they tend to come to light after their studies more often than not (there are always exceptions, of course). Many illegal students tend to be at smaller places of learning, rather than at higher...so, you are right in considering the statistics and that there is only, in reality, a minority of students, comparatively, who may be illegal. Using a university as a "checkpoint" or as a "port" smacks of

desperation in terms of trying to find potential removal targets. Generally too, we tend to be reactive rather than proactive with overstayers, and I take it we mean people who come to the UK legitimately and then choose not to go home. It is the nature of these types of case that it simply must be assumed that the student will return and there are preventive measure in place to ensure this: as in evidence provided when the application to study abroad is made, evidence that one would expect in a reasonable democratic society. Most of these students are indeed honest...to then waste limited resources monitoring them seems counter productive when it is factories and shops/restaurants etc that tend to be more likely to have illegals. Intelligence work is better suited here when information appears that says there are very likely illegals present and from trusted sources.

This is pure speculation and so much more could be said...but, simply relying on patterns observed over the years this is the likely rational response.

CA News: Perhaps discussing the prospect of using university premises as a space of arrest and/or detention may be something of a red herring. However, I could imagine this happening at some institutions without so much as a blink of an eye. I know of one (non Russell Group) college that evicted students who occupied a lecture hall in protest against the closure of their courses. The protest was perfectly responsible action on the part of the students and an expression of their democratic right and yet they were removed from the premises by police following the directives of the college's management. So the idea of the University as some sort of sacrosanct space is not necessarily recognised or upheld by all institutions. However, the point here is that the more subtle record keeping and monitoring, indeed the tracking of students' activity, is very real and problematic. It directly implicates those of us who work and study in universities and requires that we actively endorse a government's policy to discriminate between the statuses of 'foreigner' and 'citizen', or between 'good' or 'bad' foreigners. And this has wider implications for understanding what the role of the University is in relation to the State and indeed, how it is to be distinguished from that of the immigration services proper.

John Doe: Well, I am in agreement with you on these observations, and, as a civil servant with some years of service, it does reveal a worrying trend and one that has Orwellian undertones. It does suggest that the government is either struggling to locate immigration offenders through more orthodox methods (points of entry...the work place and only then when suspicions are authentically raised) or that the problem is so out of control that, in order for them (government) to be seen to be doing something, more draconian methods need introducing. If what you are saying is true, then it is no longer a case of the authorities being notified when an offence is committed but that they are actively seeking offenders in such a way as to potentially inhibit freedoms, both within education and individual's rights.

John Doe requested that his identity remain anonymous. However, he is a genuine employee of the Home Office.



Precarious Workers Brigade

Precarious Workers Brigade are a UK-based group of precarious workers in culture and education. We call out in solidarity with all those struggling to make a living in this climate of instability and enforced austerity. We come together not to defend what was, but to demand, create and reclaim:

EQUAL PAY
no more free labour;
guaranteed income
for all

**FREE
EDUCATION**
all debts and future
debts cancelled now

**DEMOCRATIC
INSTITUTIONS**
cut unelected,
unaccountable and
unmandated
leaders

**THE
COMMONS**
shared ownership of
space, ideas, and
resources

Join us to learn,
create and struggle
together!

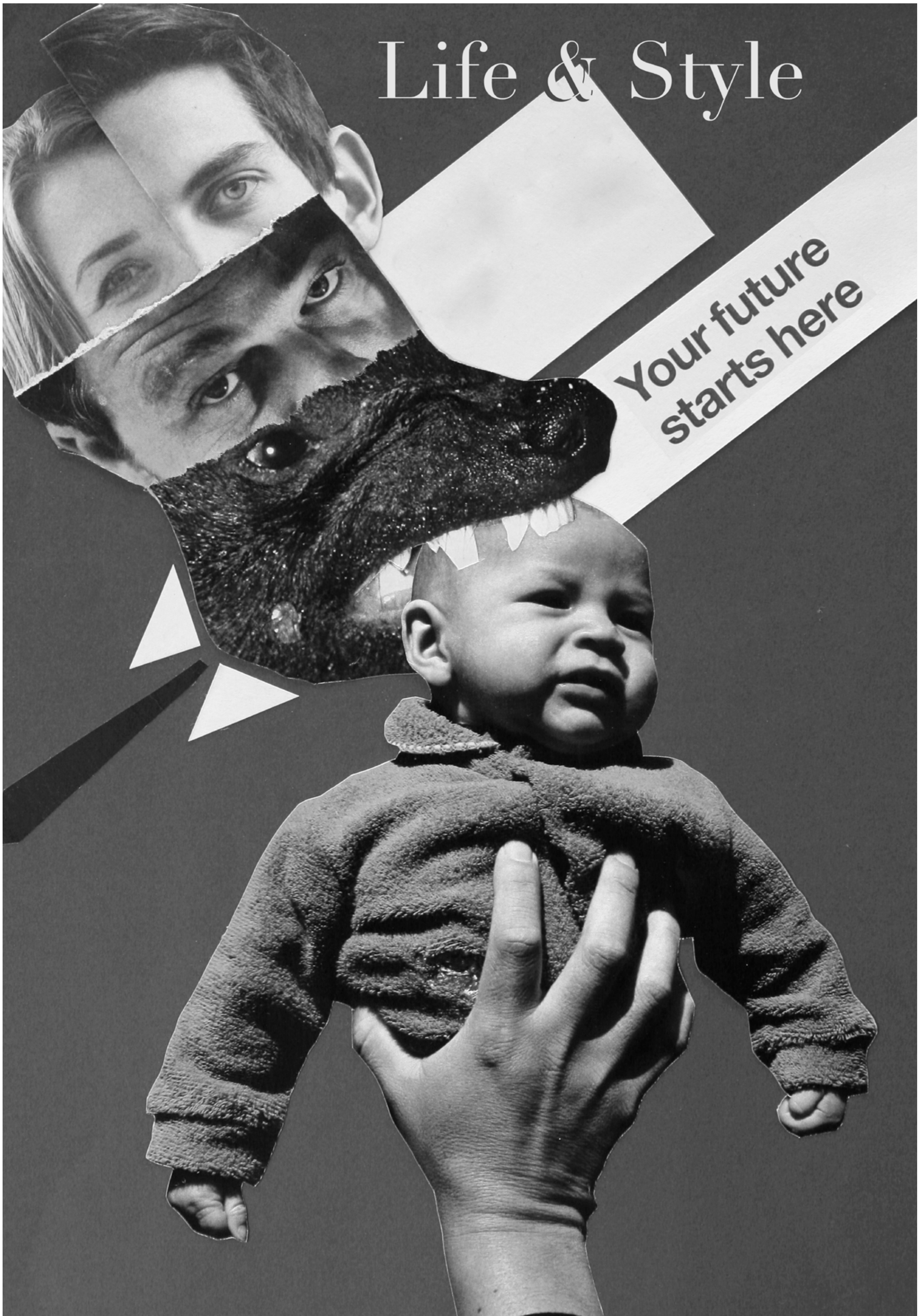
[precariousworkers-
brigade@aktivix.org](mailto:precariousworkersbrigade@aktivix.org)

We hold regular open
meetings. Contact us
to get on the mailing
list and hear about
what we do.

[http://precariouswork-
ersbrigade.tumblr.com/](http://precariousworkersbrigade.tumblr.com/)

Life & Style

Your future starts here

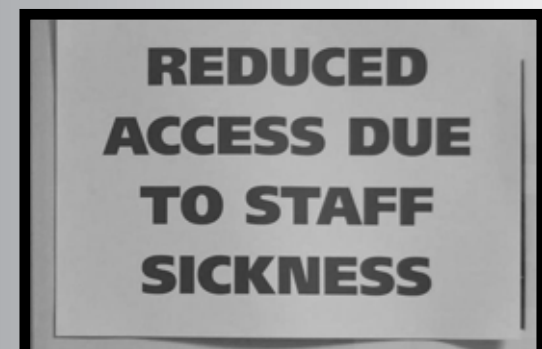
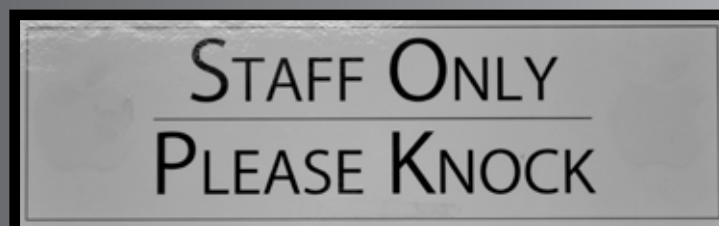
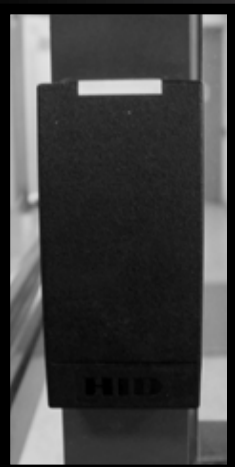


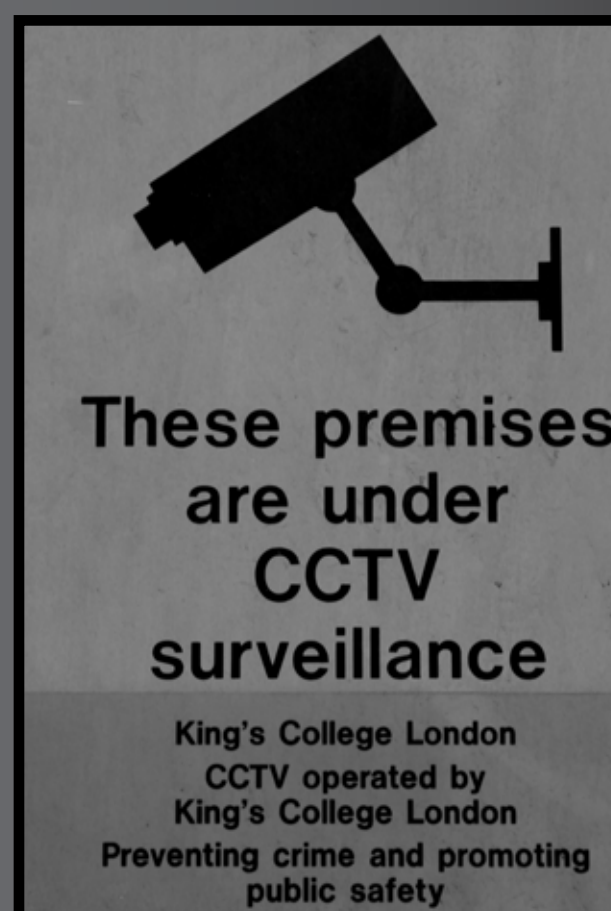
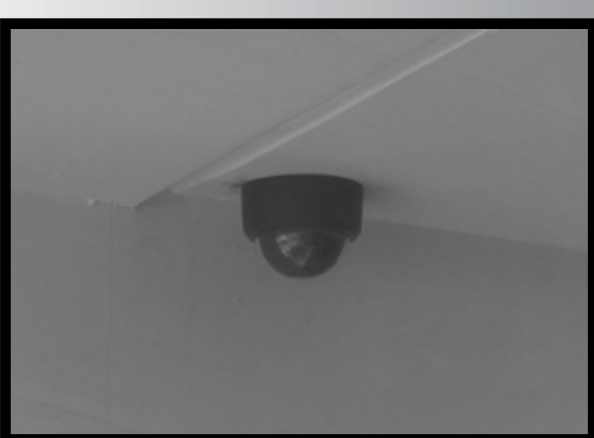
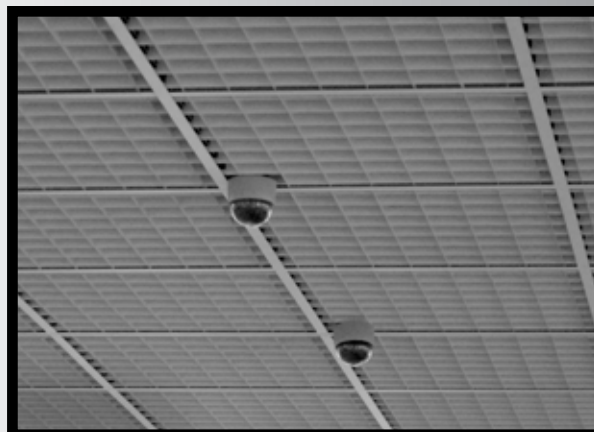
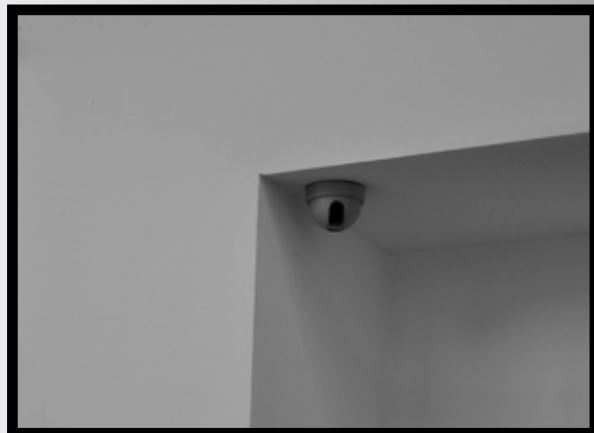
SELFIMPROVEMENT REQUIRES NEW SHOES



In a capital of culture

PROPERTY





King's College London
CCTV operated by
King's College London
Preventing crime and promoting
public safety

DRAW the face



**of a FOREIGN
STUDENT**

Weather retrocast

United Kingdom 2011/12



Source: www.hesa.ac.uk

List of the top 25 most accommodating UK universities for international non-EU students.

| Institution | Undergraduate | Postgraduate |
|---|---------------|--------------|
| 1. The University of Manchester | 4415 | 4400 |
| 2. University College London | 3805 | 3100 |
| 3. University of the Arts, London | 3730 | 1150 |
| 4. The University of Nottingham | 3180 | 3905 |
| 5. The University of Warwick | 2775 | 3815 |
| 6. The University of Edinburgh | 2740 | 3045 |
| 7. The University of Exeter | 2585 | 1475 |
| 8. University of Hertfordshire | 2500 | 1830 |
| 9. Imperial College of Science, Technology and Medicine | 2385 | 1880 |
| 10. The University of St Andrews | 2365 | 790 |
| 11. The University of Liverpool | 2300 | 1690 |
| 12. The University of Sheffield | 2280 | 3030 |
| 13. Coventry University | 2215 | 2290 |
| 14. Cardiff University | 2021 | 2215 |
| 15. Middlesex University | 1925 | 1705 |
| 16. Glyndwr University | 1915 | 770 |
| 17. The City University | 1910 | 3125 |
| 18. Sheffield Hallam University | 1901 | 2160 |
| 19. The University of Northumbria at Newcastle | 1815 | 1485 |
| 20. The University of Newcastle-upon-Tyne | 1800 | 2535 |
| 21. The University of East Anglia | 1775 | 1365 |
| 22. The University of Portsmouth | 1765 | 970 |
| 23. King's College London | 1750 | 2395 |
| 24. The University of Westminster | 1740 | 1430 |
| 25. The University of Greenwich | 1720 | 2450 |
| Total international non-EU students in UK (2011/12) | 142440 | 160245 |

Question time

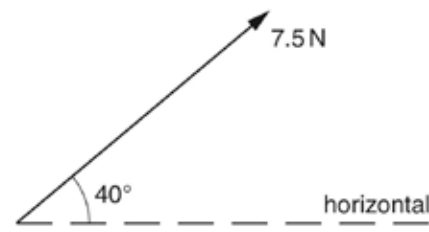


Fig. 1

A force of 7.5 N acts at 40° to the horizontal, as shown in figure 1. Calculate the component of the force that acts (a) horizontally (b) vertically.

(a) _____ N (b) _____ N

Figure 2 shows sound waves of a constant frequency emitted from Theresa May during a speech on immigration. The time based setting on the cathode ray oscilloscope is 0.10 ms cm⁻¹. Calculate the frequency of the sound wave (c).

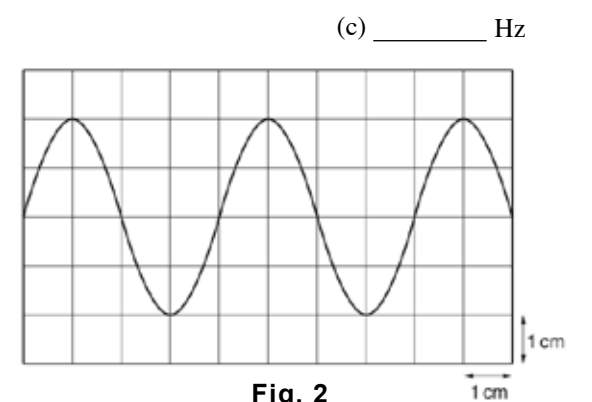


Fig. 2

Border Crossing Quagmire

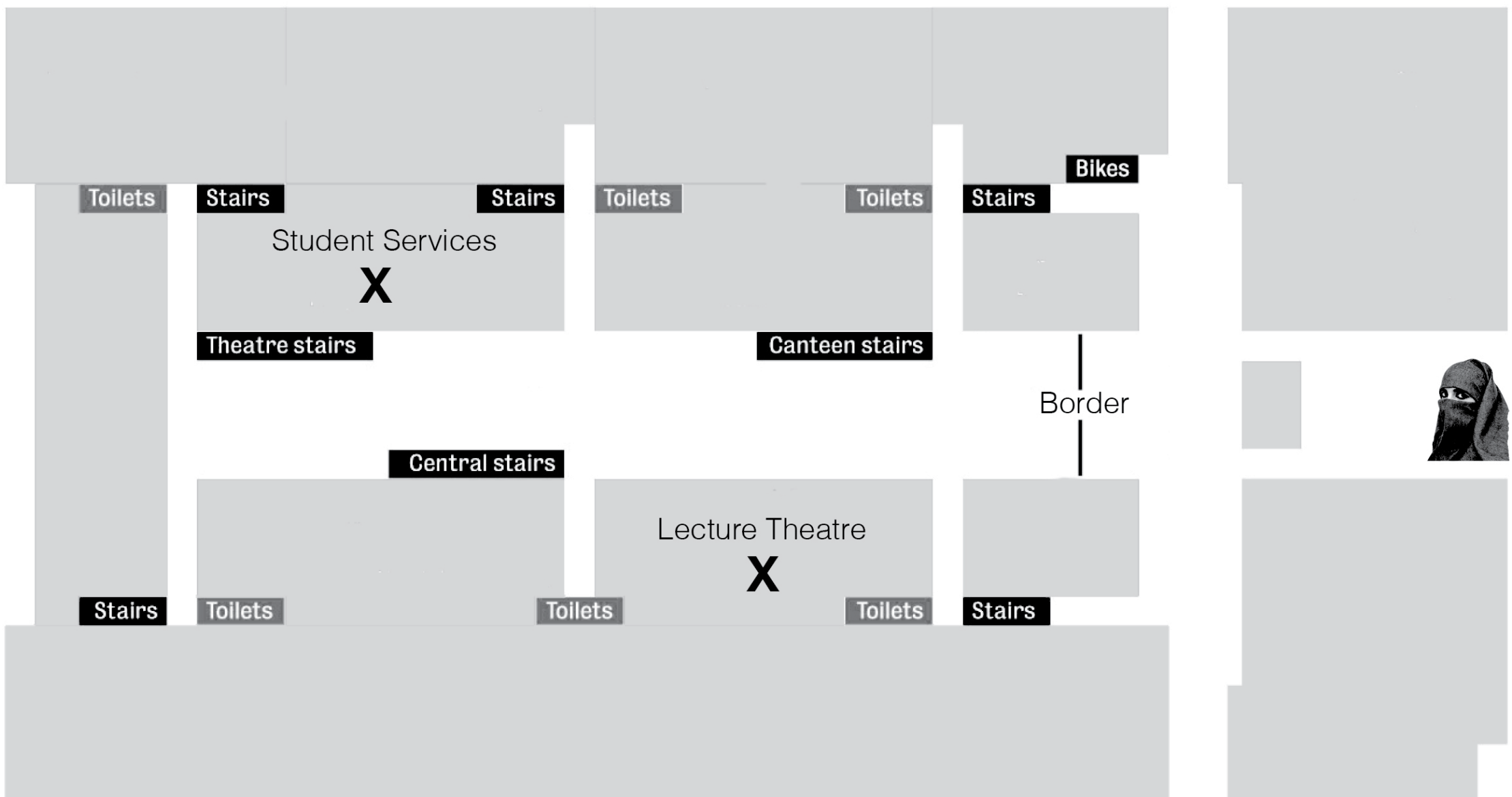
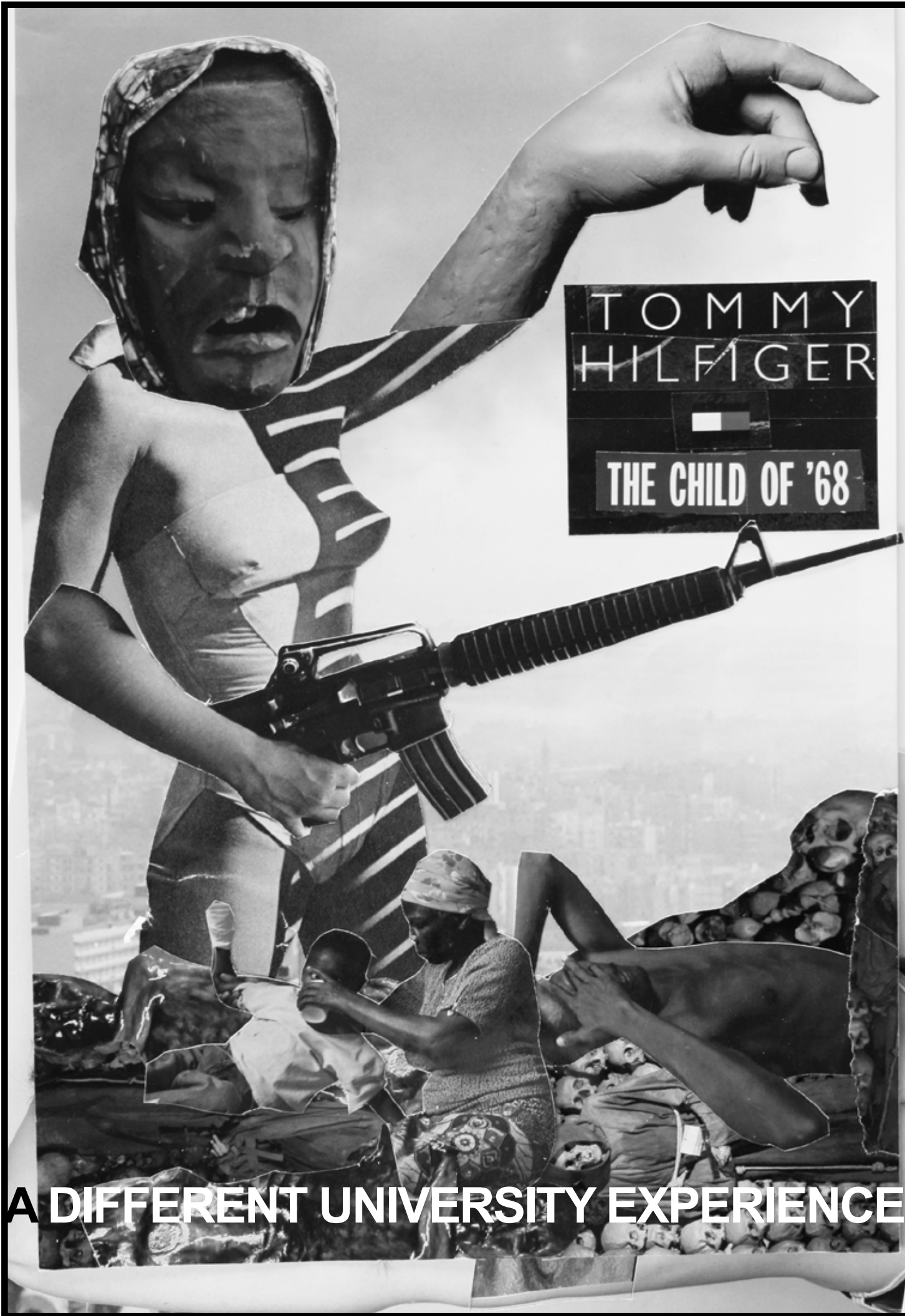


Photo: Richmond Lam

Oh, no! It seems that Hadiya has forgotten her identification card and as a result will have to miss her lecture. On top of that, she has failed to sign in for the last three consecutive weeks and therefore faces disciplinary action and possible deportation. That would be most unfortunate.

Help Hadiya cross the border zone undetected.



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An image and extract from the transcript of the audio from Mirza & Butler's film *Direct Speech Acts, 2011* is exhibited here as an intervention in the publication *Inside the University Border Regime* in the framework of the long term art project *Small Acts of Disobedience, 2012-* ongoing. Portland Green. www.portlandgreen.com/SAD

Direct Speech Acts, 2011, by Mirza & Butler, is a film that questions the interlocution between 'acts' and 'political speech'. It was made in collaboration with Nabil Ahmed who is featured in the film. The work is part of the Museum of Non Participation, a museum proposed as a conceptual (geo)political construct of gesture, image and thresholds of language.



Direct Speech Acts, 2011, Mirza & Butler
Film can be viewed at: <http://www.mirza-butler.net/index.php?project/direct-speech-acts/>

"I am speaking on behalf of Nojrul--a Bangladeshi here on a student visa. Like many students, he needs to work but he could not find a job. After a year he was offered a job, at Prêt a Manger across the city at Victoria Station, from 3am to 7am, a night shift of 5 hours, four days a week. Five times four is twenty, twenty is the amount of hours he is legally allowed to work, and in the day he still tries to study. The most vulnerable and precarious in our society get the worst deal. Remember, We're not afraid of work. Our first language movement memorial was build by students overnight"...

Citizen Artist News: Clouded Title

examining Indigenous and non-Indigenous perspectives

spring edition: 2018

citizenartist.org.uk

Reconsidering place: thinking through notions of 'ownership' in the Douglas Treaty

This newspaper is an invitation to enter into an experiment – a thought experiment – to explore the different orientations of settler and indigenous conceptions of inhabiting 'land'. It is focused on a local example and takes as its starting point an examination of the notion of 'ownership' in the context of the Douglas Treaty and contrasts this with a WSÁNEĆ (Saanich) Nation creation story, as a way of illuminating some of the complexities of differing conceptions of place that in turn, frame relations between communities.

Since 2013 (when I returned to Canada), I have witnessed non-Indigenous Canadians endeavouring to understand the complexities of their own reality as inhabitants of indigenous lands. In light of the publication of the *Final Report: Truth and Reconciliation Commission of Canada*, it has also become increasingly evi-

dent that colonialism persists and sustains fictions of entitlement and possession. Who we are as 'Canadians' and how we behave as a 'community' is deeply entangled with western (British colonial) ideas of ourselves as 'owners'. Happily though, there is growing awareness on the island that Pender is within the traditional territory of WSÁNEĆ people and this has led to grass roots activities such as a Reading Circle, the erection of a monument on South Pender and some celebratory social events, the latter two in collaboration with primarily members of the STÁ,UT (Tsawout) Nation. These are heartening examples and it is hoped that this publication will help to further enrich discussions of the implications of one's occupancy of the island, in the context of the treaty, by providing a point of entry to the complications of this intellectual and material terrain.

As a proviso, this publication does not represent the WSÁNEĆ Nation nor residents of Pender Island. It speaks for neither community. Instead, it is an assemblage of published material from WSÁNEĆ and other indigenous and non-indigenous writers, accompanied by sections of commentary intended to draw out some of the intricacies of the language of the treaty, to illustrate (and examine) differing notions and practices of 'ownership'. Readers will find that there is no singular explanation and barring some suggestions, no solutions to its problems are posed. To expect answers or directives is to miss the point of the publication. The aim is to evaluate the implications of living on lands that are clouded in title.

I am immensely grateful to Earl Claxton Jr (STÁ,UTW Nation) for his gracious conversation, patience and guidance in discussing

this material. I would also like to thank Emily Artinian of Street/Road Artists Space for her enthusiasm, stimulating conversations and commitment and with whom this project forms part of a larger collaborative art and research project called 'Clouded Title'. I also thank Robb Zuk for his kind and generous help in the preparation of this document. I follow the example of authors such as the late Dave Elliot Sr. (WJOLELP Nation), Robert YELKÁTFE Clifford (STÁ,UTW Nation) and Raymond Frogner in the use of SENĆOŦEN spellings (pronounced Sun-cho-thun) i.e., the WSÁNEĆ language. The material presented relies on quotes from assembled literature and responsibility for any errors is entirely my own.

Fawn Daphne Plessner
S, DÁYES/Pender Island

Introduction to what's at issue:

It is widely assumed that Pender Island was 'purchased' from First Nations under the Douglas Treaty. It is also currently understood that "the Tsawout, Tsartlip, Pauquachin and Tseycum First Nations [...] have land and harvesting rights to Pender under the 1852 Douglas Treaty" (Pender Islands Museum, n.d.). Equally, it is known that "there is an Indian reserve at Hay Point on South Pender Island, which is home to members of the Tsawout and Tseycum First Nations. Carbon dating of artifacts in shell middens near Belden Cove identify an Indian village site that has been more or less continuously inhabited for five millennia. The Poets Cove Resort was built on an ancient First Nations village site" (Wikipedia, n.d.). However, cutting across these claims is "the provincial government's 2007 settlement with the Tsawwassen First Nation [that] includes hunting and fishing rights on and around Pender Island—an arrangement to which the Sencot'en Alliance objected, saying those rights are theirs under the 1852 Douglas Treaty" (Wikipedia, n.d.). Also, it has been said that "The Saanich people have never surrendered title to the Gulf Islands and we also feel that our territory expands across the U.S.A. border" (Claxton, 2007). That is, most of the WSÁNEĆ traditional territory has never been ceded. But what exactly does all of this mean? What is the Douglas Treaty and how is it to be interpreted given that it is a document that embodies scarred histories, disputed claims and differing world views?

To date, there is little public awareness of what the Douglas Treaty is and there is no comprehensive or thoughtful public discussion in the Media, let alone evidence of a lived appreciation of one's individual role in

its enactment. By its very nature, a treaty imparts responsibilities and duties to the other party -- and *not* just at a governmental level -- but there is no transparent understanding of one's obligations in this relationship with the WSÁNEĆ people. Nor is there any public knowledge of the experiences and perspectives of the WSÁNEĆ Nation in the history of the treaty's making. The pervasive silence that surrounds this topic sustains public ignorance of the important details that bear on our economic, social, political, environmental and ethical responsibilities in this relationship.

The following discussion therefore is an introduction to how 'land' and 'ownership' are differently regarded as evidenced in published commentaries on the Douglas Treaty and a WSÁNEĆ creation story. What follows is not a complete exposition. Instead, this newspaper aims to simply draw out some dimensions of the treaty that frame and indeed, underpin understandings of belonging and claims to 'ownership' by contrasting it with a discussion of relationality in WSÁNEĆ cosmology and culture. As islanders, we are bound together in a relationship with the STÁ,UTW (Tsawout), WJOLELP (Tsartlip), BOKEĆEN (Pauquachin) and WSIĆEM (Tseycum) First Nations bands in virtue of our presence on their territory and under treaty. That is to say, as residents we live here *with* members of the WSÁNEĆ Nation even though our colonial history has created the conditions of an apartheid. It is my hope therefore that the following exposition provides a starting point for the recognition of the deeper, more nuanced, WSÁNEĆ perspectives on claims to place as illustrated in the literature and the importance of interrogating the persistent British colonial assumptions about inhabiting these lands.

The Douglas Treaty⁽¹⁾

Know all men,⁽²⁾ that we the chiefs and people of the Saanich Tribe, who have signed our names ⁽³⁾ and made our marks to this deed on the eleventh day of February, one thousand eight hundred and fifty-two, do consent to surrender, entirely and for ever ⁽⁴⁾, to James Douglas ⁽⁵⁾, the agent of the Hudson's Bay Company in Vancouver Island, that is to say, for the Governor, Deputy Governor, and Committee of the same ⁽⁶⁾, the whole of the lands situated and lying as follows, viz: - commencing at Cowichan Head and following the coast of the Canal de Haro North-west nearly to Saanich Point, or Qua-na-sung; from thence following the course of the Saanich Arm to the point where it terminates; and from thence by a straight line across country to said Cowichan Head, the point of commencement, so as to include all the country and lands, with the exceptions hereafter named, within those boundaries ⁽⁷⁾.

The conditions of our understanding of this sale ⁽⁸⁾ is this, that our village sites and enclosed fields ⁽⁹⁾ are to be kept for our own use, for the use of our children ⁽¹⁰⁾, and for those who may follow after us and the land shall be properly surveyed hereafter ⁽¹¹⁾. It is understood, however, that the land itself, with these small exceptions, becomes the entire property of the white people ⁽¹²⁾ for ever; it is also understood that we are at liberty to hunt over the unoccupied lands ⁽¹³⁾, and to carry on our fisheries as formerly ⁽¹⁴⁾.

We have received, as payment [amount not stated] ⁽¹⁵⁾

(Signed)

Hotutstun his X mark and 117 others. ⁽¹⁶⁾

Witness to signatures, (signed) ⁽¹⁷⁾

Joseph William McKay, Clerk H.B. Co's service

Richd. Golledge, Clerk

Source: Government of Canada, Indigenous and Northern Affairs (n.d.) *Treaty Texts: Douglas Treaties*. Papers Connect with the Indian Land Question, 1850-1875, Victoria, R. Wolfenden, 1875.

The image of the mountie and Chief Sitting Eagle (of Stoney Nakoda Nation, Alberta) shaking hands is from a popular tourist postcard published in 1955. The staged handshake suggests good relations and clemency between the state and indigenous peoples by focusing on the popular (Modern European) practice of shaking hands following promises, settlements or contractual arrangements, in addition to being a formal symbol of trust. This propagandistic image is a salutary reminder of how pictures of a benificent Canada have circulated within the country and abroad during moments of extensive state violence toward indigneous peoples. The description on the back of the postcard is strikingly ironic and exposes the publisher's efforts to historicize relations between settler and First Nations in its glossed celebration of Canada. The legend on the back of the original postcard reads: "Mountie and Indian Chief -- Here indeed are symbols of Canada's glorious past. A Mountie, resplendant in his famed 'scarlet', greets Chief Sitting Eagle, one of Canada's most colourful Indians." Published by Canada In Colour Limited, Banff, Alberta. Format Design and Text, copyright 1953. Smith Lithograph Limited, Vancouver - 1955.

WSÁNEĆ covenant with XÁLS⁽¹⁾

A long time ago when the Creator, XÁLS, walked the Earth, there were no islands in the WSÁNEĆ territory. The islands that are there today were human beings (our ancestors). At this time XÁLS walked among the WSÁNEĆ People, showing them the proper way to live. In doing this he took a bunch of the WSÁNEĆ People and threw them back into the ocean. Each of the persons thrown into the ocean became the islands there today. Each of those islands were given a particular name that reflects the manner in which they landed, their characteristics or appearance, or the significance they have to the WSÁNEĆ People. "James Island" was named LEL,TOS, meaning "Splashed in the Face." LEL,TOS reflects the way the island landed in the ocean. The southeast face of LEL,TOS is worn by the wind and the tide.

After throwing the WSÁNEĆ People into the ocean, XÁLS turned to speak to the islands and said: "Look after your relatives, the WSÁNEĆ People". XÁLS then turned to the WSÁNEĆ People and said: "You will also look after your 'Relatives of the Deep'". This is what XÁLS asked us in return for the care of our 'Relatives of the Deep' [who] provide for us. (2)

Source: Robert YELKÁTTE Clifford (2016) 'WSÁNEĆ Legal Theory and the Fuel Spill at SELEKTEL (Goldstream River)', *McGill Law Journal*, 61:4.

Notes: The Douglas Treaty/North Saanich

1) There are 14 treaties that apply to indigenous and non-indigenous communities on Vancouver Island that were formulated by James Douglas between 1850 and 1854. The North Saanich Treaty is specific to one small part of the (northern) territory of the WSÁNEĆ (Saanich) Nation, home to four bands: the STÁ,UTW (Tsawout), WJOLELP (Tsartlip), BOKEĆEN (Pauquachin) and WSIKEM (Tseycum) First Nations (Clifford, 2016). It pertains to residents of Pender Island who live within WSÁNEĆ traditional territory. The History Department at the University of Victoria has compiled an online database with information about the treaties called *The Governor's Letters*. The following is an excerpt from one of their documents that offers some context: "In the 1840s, Vancouver Island was home to thousands of First Nations peoples belonging to Nuuchah'nulth, Coast Salish and Kwakwaka'wakw speaking groups (an 1856 census counted 33,873 Indigenous people on Vancouver Island). In 1843, the Hudson's Bay fur trading company established a trading post at Fort Victoria in the territory of the Lekwungen Coast Salish-speaking people. By 1846, Britain and the United States agreed to divide the territories west of the Rocky Mountains, so that the United States controlled the area south of the 49th parallel and Britain controlled the area north of this border, including Vancouver Island. To maintain its hold on the territory and have continued access to the Pacific Ocean for trade routes, the British Colonial Office created a colony on Vancouver Island in 1849. Colonial powers like Britain believed that if they could settle enough of their own citizens permanently in Indigenous territories, they could claim these territories as their own. Britain allowed the Hudson's Bay Company to manage the Colony of Vancouver Island and agreed to let the company have exclusive rights for the next ten years. In exchange, the company agreed to colonize the island with British settlers. Before the Hudson's Bay Company could sell the land to settlers, it first had to 'purchase' (my quotes) the land from its original owners, the Indigenous people. [...] Between 1850-1854, James Douglas signed treaties with fourteen communities on Vancouver Island" (The Governor's Letters, n.d.). On the Tsawout Nation webpage, further clarification about WSÁNEĆ territory is described as follows: "The Saanich peoples' territory includes the Saanich Peninsula, south to Mount Douglas, across to Mount Finlayson and Goldstream. In addition, the Southern Gulf Islands, reaching to Point Roberts, and San Juan Islands constituted what is the Saanich Peoples traditional territory. The Tsawout and Saanich people's traditional territory is the lands and seas that we traditionally used throughout every season" (Tsawout Nation, n.d., n.p.).

2) 'Know all men': This clause frames the Crown's (alleged) 'legal' claim of appropriated lands in the context of the Imperial laws of the Doctrine of Discovery. To clarify: the author of the *act* and the author of the *document* is the British Crown. The writer is James Douglas. The addressee of the *act* is James Douglas in his capacity as "agent of the H.B.C. and the addressee of the *document* is '...all men' (Frogner, 2010, p.61). The following cites aspects of Raymond Frogner's discussion of the North Saanich Treaty: The "clause begins the treaty with an assertion of sovereignty directed at both domestic and international audiences. These abstract audiences are meant to bear witness to Crown sovereignty and must therefore acknowledge the European concept of an imperial legal forum. [As applied here, u]sed to enter this forum, and incorporate native signatories, is an invocation of natural law. [...] 'All men' brings Aboriginal peoples into the jurisdiction of international law where unique cultural orders [i.e., the laws of the WSÁNEĆ, are made to be] susceptible to common [law] rules of land title and governance. But incorporating Aboriginal peoples into the legal domain of international law is not the same thing as recognizing their rights. Within the interpretative framework of English common law, land title and possession demanded evidence of settlement and improvement. By this standard, the Colonial Office recognized that the Aboriginal peoples of Vancouver Island [...]

held an [...] inchoate form of "qualified Dominion" (p.62). However, the claim to ownership of underlying title, within the exploits of the Crown, is declared without "direct reference to the original possessors of the land. The notification at once declares the document's addressee [the WSÁNEĆ] and asserts English sovereignty [over the 'ownership' of lands. And at the same time it codifies] settlement for colonial land acquisition" (p.63) and erases recognition of WSÁNEĆ law within the international forum. The problem of the Crown's claim to ownership is discussed further below (see note 4 and 13).

3) '...signed our names': Unsurprisingly, there are conflicting accounts of the Treaty's origins, intentions and formulation. Contrary to popular belief, the Treaty is not a straightforward contract of sale of land to the then Hudson Bay Company and the British Crown. Following the murder by James Douglas's men of a young messenger boy from Tsawout Nation (Claxton, 2017), in addition to the felling and theft of trees in Cadboro Bay in Songhees territory (Elliott, 1990), the Treaty was understood by the WSÁNEĆ as a *Peace Treaty* (Claxton, 2017; Elliott, 1990; Sources of the Douglas Treaties, n.d. see #10, #13, #14, #16). As Hamar Foster states, "The oral tradition of the Saanich people who signed two of Douglas's [blank] sheets of paper is that, whatever may be said or written at the time they believed that the document was a peace treaty. There had been trouble over logging and over the shooting of a young Indian lad, and when Douglas produced piles of blankets and asked them to put 'X's' on a piece of paper, they thought they were being asked, under sign of the Christian cross, to accept compensation for not making war" (Sources of the Douglas Treaties, n.d. see #10 and #14). That is, as compensation for harm done and to put an end to further infractions by Douglas and his men. To clarify, as indicated above, the WSÁNEĆ were asked to sign a blank piece of paper and the text was added after members of the WSÁNEĆ had been required to mark an X (Claxton, 2017; Sources of the Douglas Treaties, n.d. see #9).

The signing of the treaty was further complicated by the fact that "in 1850 few Hudson's Bay Company employees understood the Salish language and few local indigenous people understood or read English" (Governor's Letters, n.d., p.1; Elliott, 1990; Sources of the Douglas Treaties, n.d. see #10 - #14). It is also controversial as to whether or not the names and X's were written by members of the WSÁNEĆ. Earl Claxton describes the handwriting of both the text of the treaty and the X marks as belonging to McKay (Claxton, 2017). The late Dave Elliott Sr. (an Elder of Tsartlip Nation) is documented as saying "Look at the X's yourself and you'll see they're all alike, probably written by the same hand. They actually didn't know those were their names and many of those names are not even accurate. They are not known to Saanich People. Our people were hardly able to talk English at that time and who could understand our language?" (Sources of the Douglas Treaties, n.d. see #16). The confusion over names suggest that there were also people present who might have been extended kin of those assembled or some other network of people who may have been invited to witness events, but who have yet to be identified (Claxton, 2017). Raymond Frogner notes that "some WSÁNEĆ spoke Chinook, the local native trading language on the west coast, as did J.W.MacKay, HBC secretary to Douglas and signing witness on the document. Douglas also knew some Chinook. However, none of the HBC representatives knew SENĆOŦEN [the language of the WSÁNEĆ]. And Chinook, a jargon developed for itinerant trade, *does not possess the vocabulary for land sale*" (my italics, Frogner, 2010, p.65). The subsequent addition of the main body of text and proper names evidences the wide gap in (mis)communication between the parties but "despite these communication difficulties, interpreters did help Douglas explain the treaties to Aboriginal groups" (Governor's Letters, n.d., n.p.) and it is understood among the WSÁNEĆ that their ancestors, Douglas and his men had assembled at Cordova Bay to conduct negotiations (Claxton, 2017). However, it is obvious

that the viewpoint of the WSÁNEĆ was not captured in the text of the treaty.

The key point here isn't what is inscribed in the treaty's text – i.e., if one reads it literally. What is important is noticing what has been left out, namely the account of the WSÁNEĆ and their reasons for entering into discussions with Douglas. This is where we see the magnitude of colonial practices and indeed, its violence (remembering too that during this period of contact, Victoria was a militarized Fort and there had been instances of military bombardments of First Nations villages on the Coast) (Elliott, 1990, pp.63-65). As J.R. Miller points out, "The fundamental problem in interpreting the treaties is that the two main parties, government and First Nations, have different understandings of what treaties did and what they represent. The national government has tended to take the position that these treaties are merely contracts by which [...] First Nations surrendered title to lands in return for compensation such as annuities, reserves, assistance with farming, and other, more specific benefits" (2007, p.28).

Miller continues, "[m]oreover, Canada until very recently has insisted that the written version of the treaties, which its treaty commissioners and bureaucrats had drawn up, of course, were the sole and complete account of what had been agreed. Consequently, the government has usually refused to interpret treaty commitments as anything other than the literal words of its version of the treaty. So, for example, if a treaty said that members of the First Nation that signed it in the 1870s are each entitled every year to five dollars, then that is what they get in the early twenty-first century. [...] In short, the federal government has generally interpreted and applied treaties as contracts, reading them in strict literal fashion. For the First Nations, this reading is a perversion of what the agreements were about. [...] They take the position that the treaties were not just contracts, and disagree that the full meaning of the treaties is found in the government's published version. [...] Instead,] First Nations approached treaty making in search of connection with the incoming people and the crown. They were looking for *assurances of friendship and future support* that would guarantee their survival [and no doubt protection from the tacit and real threat of violence of HBC's militarized forts]. For them, the meaning of the treaties is found in the *relationship* established rather than any specific clause, and the overall significance of treaties to them is that *they were promised help to live well*" (my italics, Miller, 2007, p.28). However, despite the elisions and biases within the text of the Douglas Treaty, it has not been dismissed or rejected outright by the WSÁNEĆ or, indeed, the Canadian Courts. It has been enacted in the courts with regard to WSÁNEĆ rights to hunting and fishing (see note 14, Claxton v. Saanichton Marina Ltd. and the Queen, 1989; Regina v. Bartleman, 1984; Regina v. Morris, 2006; Jack and Charlie v. the Queen, 1985). The Treaty is a document that embodies the rights and title of the WSÁNEĆ to their traditional territory. Indeed, there is much work yet to be done to honour and abide by the spirit of its claims such as, and not limited to, furnishing compensations due to the WSÁNEĆ for the use of their lands (see note 9 below for further discussion of this last point).

4) The claim that the WSÁNEĆ 'consented to surrender, entirely and forever...the whole of the lands' is, on a positive note, an acknowledgement of the implicit rights and title of the WSÁNEĆ – i.e., to ask for consent is to first recognize that there is a prior right and title. However, the claim that the WSÁNEĆ 'surrendered' their lands is implausible for many reasons including the following: in addition to their believing that they were signing a peace treaty (see note 2), the agreement then pivoted on an understanding that Douglas and the settlers could use part of the WSÁNEĆ territory (grasslands on the Saanich peninsula) to grow some crops and that in return, the WSÁNEĆ would be paid an annual rent for the use of this land. It was not expected that Douglas and other British settlers would remain in the territory. As Chief David Latasse had pointed out in 1934, "In return for the use of meadow and open prairie tracts of Saanich, the white people would pay the Tribal chieftains a fee in blankets and goods. That was understood by us to be payable each year. It

was so explained to us by Joseph McKay, the interpreter for Governor Douglas. The governor [Douglas] himself solemnly assured us that all asked to be ratified would be entirely to the satisfaction of the Indians. He also stated that the only object of the writing [i.e., the signatures] was to assure the Hudson's Bay Company peaceful and continued use of land tracts suitable for cultivation. That was accompanied by [a] gift of a few blankets. We all understood that similar gifts would be made each year, what is now called rent" (Sources of the Douglas Treaty, #6). Also included in the payment at the time were a row of rifles that encircled the pile of blankets (Claxton, 2017).

The language of 'surrender' is a one-sided, asymmetrical claim that exposes the interests of the Hudson Bay Company and the emergent corporate colonial state. The Treaty does not evidence the negotiations or discussions, nor does it reflect an understanding of the WSÁNEĆ as *equal* parties to the agreement. This is relevant to present day colonial practices. In an effort to smooth over the evident occupation and exploitation of remaining unceded territories, the government of B.C. has solicited First Nations to enter into treaty negotiations since the 1990s. Arthur Manuel describes the processes of the British Columbia Treaty Commission as perpetuating the skewed assumption of entitlement that favours the interests of the settler state. As he says, "The terms of the negotiations [...] are not] under Section 35 of the Constitution, under which Aboriginal rights would be recognized and affirmed at the beginning of the negotiations. Instead, [the treaty process is] carried out under the revised Comprehensive Claims policy, which the Mulroney government brought out in 1986. It stated that negotiation would take place under Section 91(24) of the BNA Act [British North America Act], where the federal government had sole jurisdiction over "Indians, and Lands reserved for the Indians." [...] The Aboriginal Lands under negotiation [are] defined as lands "held by, or on behalf of, an Aboriginal group under conditions where they would constitute 'lands reserved for the Indians' under Section 91(24) of the *Constitution Act, 1867*." (Manuel, 2015, p.90). In other words, the implicit rights and title of First Nations are not properly recognized at any point in the process and the 'negotiation' then is not dissimilar in principle to the actions of the early colonial government under Douglas. As Taiaiake Alfred says, questions of "indigenous land ownership or questions of the state's claims to ownership or jurisdictional legitimacy" are omitted from the very start (Alfred, 2005, p.111) (see also note 13).

5) James Douglas: James Douglas was born in the West Indies to a Scotsman called John Douglas and a Creole woman, whose name is not certain, but was possibly "Miss Ritchie" (Ormsby, 1972). The couple had three children, James being the second born. Douglas's father and three of his uncles (one of whom was Lieutenant-General Sir Neill Douglas, Commander-in-Chief, Scotland) were merchants in Glasgow and held interests in sugar plantations in British Guiana. "Placed at an early age in a preparatory school in Scotland, James Douglas learned "to fight [his] own way with all sorts of boys, and to get on by dint of whip and spur." He received a good education at Lanark, and probably further training from a French Huguenot tutor at Chester, England" (Ormsby, 1972, n.p.). At 16 years of age he apprenticed with the North West Company, a competitor of the Hudson's Bay Company. When the two companies combined, Douglas entered the Hudson's Bay Company as a second-class clerk. He excelled at his work and was quickly promoted to take charge of a succession of Forts (Fort Vermilion, Fort St. James, Fort Connolly, Fort Vancouver et al.) to bolster trading and supply routes to HBC's outposts throughout indigenous territories in the West. In 1839, Douglas was promoted to Chief Factor. He actively negotiated trade boundaries with competitors such as the Russians in Sitka territory and with the Americans. The latter resulting in the division of WSÁNEĆ territory by the national border between the British colonial state and the USA in the formation of the 49th parallel in 1846. "In 1849, Douglas moved the HBC's headquarters, shipping depot and provisioning centre from Columbia to Fort Victoria in 1851" (Ormsby, 1972, n.p.). He was appointed Governor and Vice Admiral of

Vancouver and its dependency by the British Crown. In 1858, on conversion of what was the territory of New Caledonia into the crown colony of British Columbia, Douglas became Governor of British Columbia and remained so until 1864, after which he lived in Victoria with his family. His temperament had been described as “furiously violent when aroused” [so much so that] the Indians had taken an inveterate dislike to him” (Ormsby, 1972, n.p.). Also, his colleagues came to complain of his manner saying that Douglas was “always personally vain and ambitious of late years. His advancement to the prominent position he now fills, has, I [Sir George Simpson] understand, rendered him imperious in his bearing towards his colleagues and subordinates – assuming the Governor not only in tone but issuing orders which no one is allowed to question” (Ormsby, 1972, n.p.).

6) ‘... agent of the Hudson’s Bay Company in Vancouver Island, that is to say, for the Governor, Deputy Governor, and Committee of the same’: Douglas occupied a range of roles that are strikingly conflictual and self-serving; not only did he act as head trader and then chief factor for the Hudson’s Bay Company – a private corporation that controlled (fur) trade across Canada – but his position as a business man became conflated with his political role as Governor and (head of a military as) Vice Admiral of Vancouver and its dependency, where he was responsible for administering and policing the colony on behalf of the British Crown. The combination of corporate control and exploitation of resources, private gain and political privilege, was a model for the political, social and cultural mindset of the emergent state. Access to the wealth of these lands was also policed, staging contemporary inequalities that persist to this day. As the gold rush began to escalate, mining regulations were drawn up by Douglas, in his role as Chief Factor of the HBC, that included a ban on settlement by white men *not* of British ethnicity. And as Governor, there was a deliberate policy of privileging settlers from the British Isles and a concerted effort to encourage those of primarily Scots, English and Welsh ethnicity to immigrate and ‘purchase’ land for farming. All of this was done in contravention of the Treaty and its stated claim to honour “unoccupied lands” reserved for fishing and hunting (see note 13 below for further discussion). None of the wealth generated from these exploits was shared with the WSÁNEĆ either. “After his authority had been confirmed in August he vested title to land in the crown. [Land] was opened to [non-British] settlement slowly, and, in the hope of attracting more British immigrants, it was priced low. Only British subjects could purchase land, but all those who applied for naturalization could obtain it” (Ormsby, 1972, n.p.). It is important to note that eligibility for naturalization, and in turn, access to ‘owning’ land, was restricted to only some ethnicities. For example, it wasn’t until 1947 when Chinese, Japanese and those from the Indian continent, who were *born in Canada*, could apply to become naturalized (The Chinese Experience in British Columbia, n.d.; see also note 11 below for further information). The aggressive grab for resources and land, serviced by the establishment of a political administration to bolster the private advantages of the early British ‘Canadians’ had not gone unnoticed by the British Parliament. The intention to keep the whole trade of the country for “the HBCo’s people as far as possible was [...challenged by a colonial secretary in London (Sir Edward Bulwer-Lytton)]. He reprimanded Douglas, then took steps to terminate the [HBC’s] rights and to open the Pacific slope to [further] settlement. [The Crown clearly wanted a controlling interest in the land and the extracted wealth]. On 2 Aug. 1858, [six years after the signing of the Treaty with the WSÁNEĆ, the British] parliament converted the territory of New Caledonia into the crown colony of British Columbia. [...The] two interests Douglas represented had become antagonistic, and although there would be general regret at his quitting his old concern [the HBC], his ‘ostentatious style of living’ as Governor and his liberality in entertaining all comers had been saddled on the fur trade ‘whose interests benefitted very little by it” (Ormsby, 1972, n.p.). Divested of his commission and supposedly of his interests in the HBC, James Douglas took the oath of office as Governor of British Columbia at Fort Langley on 19 Nov. 1858. However, he was subsequently found to

be appropriating funds from the HBC and within 6 months, the HBC “was pressing its own claims [against Douglas] for compensation for expenditures in the colony of Vancouver Island [...]. Instances had been found when ‘fur trade’ funds had been used for colonial purposes. In addition, £17,000 had been taken from the fur trade account in 1858 ‘under the pressure of the moment’ to buy provisions for the miners flocking into British Columbia. [... Douglas had made] use of the authority with which he [was] invested for the promotion of his private interests and the benefit of his family and retainers” (Ormsby, 1972, n.p.).

However, Douglas’s private exploits did not affect his career within the unfolding colonial project. HBC’s network of trading posts formed a nucleus for the policing and ‘management’ of the new province. From these early moments of the state, the exploitation of these lands by corporations and private individuals was (and continues to be) entwined with legislation and policing. As early as 1863, the International Financial Society (a group of London bankers) purchased a controlling interest in the HBC (capitalizing it at £2,000,000) (Canadian Encyclopedia, n.d.). Their focus was on real-estate speculation and advocating for the occupation of lands by British settlers and laid the foundation for further British controlled land investment corporations such as the British Columbia Land and Investment Agency, Ltd (1868 -1964). In 1926, HBC co-founded the Hudson’s Bay Oil and Gas company (HBOG). From 1973-79, HBOG owned 35% of Siebens Oil and Gas. In 1980, HBOG bought a controlling interest in Roxy Petroleum and in 1982, HBOG was sold to Dome Petroleum (Canadian Encyclopedia, n.d.).

During Douglas’s employment in the HBC and afterward in his role as Governor, he amassed considerable personal wealth from the fees he received as a chief trader and factor and later in the appropriation of lands as Governor. “As chief trader he had earned 1/85 of the company’s net profits, about £400 annually. As chief factor he was entitled to 2/85. By the spring of 1850 he had accumulated savings of nearly £5000” (Ormsby, 1972, n.p.). This is a labour earnings equivalent of approximately \$149,000.00 in 2018, but with the *economic power* of approximately \$3,856,000.00 in 2018 (Wellman, 2017; Economic Calculator, 2018; Historical Statistics, n.d.). As a comparison, an acre of farmland within the United States was valued at \$13.51 per acre in 1850 (Farms and Farm Property, n.d., p.33). In December 1851, Douglas commenced “the ‘purchase’ of land [...] as an investment. To 12 acres he acquired adjacent to the fort [Victoria], he soon added other properties: at Esquimalt, 418 acres in 1852, 247 acres in 1855, and 240 acres in 1858. At Metchosin he bought 319 acres. His most valuable properties were at Victoria – Fairfield Farm and a large holding at James Bay adjoining the government reserve” (my quotes, Ormsby, 1972, n.p.).

7) ‘lands situated and lying as follows ... with in those boundaries’: The Treaty relies on a cartography of ‘straight lines’ drawn between sites and points and assumes that the resulting domain (a flat topographical measurement of space) is a coherent and valid way to define territory. It also renders invisible WSÁNEĆ conceptions of and approaches to the organisation of place and in turn, to ‘ownership’ of lands. The Western system of measurement of a territory in terms of points, lines and planes that define the boundaries of a terrain as evidenced in the Douglas Treaty has its history in the cartographic practices of Europe and the Middle East and is at odds with the complex territorial activities and the sophisticated organizational practices of the WSÁNEĆ. WSÁNEĆ authors (Elliott, 1990; Paul, 1995) point out that traditional territorial areas of a nation included the range of people’s *movement* through their lands in the change of seasons and the use and sharing of harvesting, fishing and hunting sites that are contingent on kinship *relations* within and across communities with access being brokered through a system of cultural and political protocols (e.g., asking permissions to enter a territory and/or use of a harvesting site etc.). Importantly, it is not that boundaries do not exist within WSÁNEĆ territory per se. On the contrary, they just are not conceptualized as fixed, polygonal and discrete, patches of

land. Instead, “people and places are constituted within a complex field of social relations [...] including] permeable boundaries or paths and itineraries, structured not to physically impede movement or exclude others, but to provide for the social interaction of different social groups within common places. [...] Boundaries then,] are physically located discourses of kin, sharing and travel. [...] They] are more like ‘sign posts than fences, comprising part of a system of practical communication rather than social control” (Thom, 2009, p. 181).

Equally important is that “First Ancestors’ and other powerful beings are inscribed in the landscape through legends that describe the creation of the landscape’s features by the mythic acts of a powerful Transformer (sometimes glossed in English [...] as the Creator) and through the powers of these ancestors and other beings of the spirit world that continue to be recalled and experienced in these places. People may encounter these ancestral figures through the spiritual and ritual practices that take them into the land for spirit encounters. *Relations with these ancestral figures requires reciprocity, sharing and respect for other persons, both human and non-human, who are associated with place. They reinforce kin-based property relations, when the land at once belongs to the ancestors who dwell there, and to those living today who encounter the ancestors.* The kin-based properties in this land-tenure system map out on the land in complex, multi-faceted ways. Not every named place is owned by kin groups. Ancestors may be associated with lands in numerous locations and individuals associating with these ancestors may enjoy property rights in a number of places. These associations with ancestors reveal a network of places in the region that an individual may access by virtue of their genealogy” (my italics, Thom, 2009, p.185-186). WSÁNEĆ approaches to territory then, is layered and braided together through family kinships, cultural and religious histories and connections to specific locations (not necessarily contiguous) that in turn, constitute the social, spiritual, economic, geographic and political network that these relations entail. James Douglas’s inability and no doubt, unwillingness, to recognize the nuanced system of WSÁNEĆ culture and claims to place in his delineation of territory (Government of Canada, n.d., p.3), and the imposition of ‘boundaries’ in tandem with the creation of the Canadian and United States border, severed families and flattened and restricted WSÁNEĆ lands to ‘reservations’. Colonial mappings as outlined in the Douglas Treaty ignored the important role that mobility and human (and non-human) relations play in shaping claims to place. Paradoxically too, the western system of mapping of First Nation’s territories is currently being relied upon by those engaged in the British Columbia Treaty Process that further undermines the land tenure system based on kin, culture, religion, a sharing economy and mobility (see Thom, 2009, for further discussion). Colonial practices of mapping discrete boundaries of a territory that, in turn, undermine the deep history of indigenous protocols and relationships in the region has deep consequences for First Nations and indeed, for ourselves as residents on the islands (see also note 13 and 14).

8) ‘The conditions of our understanding of this sale’: As mentioned above (note 4), the claim that the WSÁNEĆ sold their lands is improbable. To sell land not only presupposes a conception of land as a *material thing ‘owned’ and/or ‘possessed’* by individuals, but is also logically impossible in light of the religious covenant with the ‘transformer’ or ‘creator’, XÁLS, (as outlined in this publication). A transaction of sale would have violated the religious covenant with XÁLS and intentionally broken an obligation to protect the islands – one’s ancestors. On this reading, ‘selling’ the world in which you lived and to which you had an intrinsic connection through ancestors, kin and reciprocal obligations is not only highly implausible but amplifies the precariousness and burden of the Treaty’s claims. It also exposes a willful insistence that western concepts of land as an asset or a commodity, and individual ‘ownership’, are cogent and incontrovertible, when in fact they are fictions.

Conceptions of ‘land’ as (dead) ‘matter’ that an individual appropriates and, in turn, ‘owns’ as ‘property’ is rooted in the particular imaginary

of the Enlightenment, notably in the writings of John Locke, (British philosopher, 1632-1704). A fuller discussion of Locke’s notion of property, appropriation and ownership is offered below (see note 13) and the original source can be found in Locke’s *Two Treatise on Government*, Sections 25-5, Second Treatise: Of Property. Douglas, in his dual role as agent of the Hudson Bay Company and Governor of the colony, persisted in handling the treaty as a ‘sale’ of land and “*permitted settlers to take Indigenous land even if it had not been ‘purchased’ through treaty*” (my italics and quotes, The Governor’s Letters, n.d.). This sheds some light on the contemporary problems of ‘ownership’ that have resulted from the covetous behavior of early colonists and has a direct bearing on the reality of our lives here today on Pender Island.

9) ‘...our village sites and enclosed fields’: The containment of the WSÁNEĆ to their ‘village sites’ and ‘enclosed fields’ is currently understood as the reservations located on the Saanich peninsula. These main villages are the sites of what were winter residences. As indicated above (note 7), the reservations *do not* define the extent of WSÁNEĆ territory as the entire territory was traversed throughout the year with its boundaries determined through relations to kin, ancestors and sites of ceremonial and spiritual importance and a sharing economy etc. Numerous sites on Vancouver Island and the Gulf Islands were inhabited through the spring, summer and autumn months with one particular site on Pender (Pender Canal) known to be in use for over 5,000 years (Carlson and Hobler, 1993). The extensive midden on Browning Harbour beach, much of it now worn away, also testifies to a deep history as a gathering and harvesting site. Arthur Manuel, an extraordinary man who did much to secure international recognition through the United Nations for the rights of Indigenous Peoples, describes the reality of the reservations in the following way: “Indian reserves are only 0.2% of Canada’s land mass [making it difficult] for Indigenous Peoples [...] to survive on that land-base. This has led to the systematic impoverishment of Indigenous Peoples and this impoverishment is a big part of the crippling oppression Indigenous Peoples suffer under the existing Canadian colonial system. [...] Settler Canadians, on the other hand, enjoy the benefit from 99.8% of the Indigenous land base under the federal and provincial governments” (Manuel, 2016, p.4). A rough calculation of land per head is approx. 11.9 sq. km per indigenous person compared to 287.8 sq. km per non-indigenous person. What this means is that, aside from personal wealth accumulated through such things as real estate, the *economic benefits* that accrue from the land’s ‘use’ (such as agriculture, forestry, mining, land taxes etc.) are funneled through and to the settler state. In the distribution of monies to support the public infrastructure, considerably lower sums of monies go to reservations for programmes and services (such as schools and medical services). As Manuel says, “Indigenous Peoples living on “*Indian Reserves*” do NOT get equal programs and services that settler Canadians get” (Manuel, 2016, p.2). Add to that the limited access to fishing and hunting sites (and in turn, the traditional economy of the WSÁNEĆ) due to the increased numbers of people residing on traditional territory; the result is a bleak reality (see note 14 below). However, solutions to these injustices are not beyond reach. In addition to arguing for an increased land base for Indigenous Peoples, which is entirely achievable and, interestingly, could accommodate current private ownership of property among the settler population (see Borrows, 2015), Manuel argues that one “goal of finding common ground that both sides can live with” and one that has real potential for the islands especially, could be in the rerouting of a “portion of property taxes” (Manuel, 2015, p.222), as a way to meet the material and infrastructural needs of the WSÁNEĆ. This by no means is his only suggestion. It is mentioned here because it is immediately graspable in the context of one’s daily life as a resident of Pender. Also, Manuel’s criticism opens up possibilities for a ‘grass roots’ rethinking of how one’s presence on the island can become aligned with the interests and perspectives of the WSÁNEĆ instead of being partitioned, as it is, in our colonial culture and practices of state.

10) ‘kept for our own use, for the use of our children’: The classification of individual ‘Indians’,

that is, the identification of who can be an 'Indian' continues to be controlled by the Federal Government to this day. The registration of status Indians directly corresponds to an individual's entitlement to reserve lands – i.e., who can claim rights to reserve lands under the terms of the Indian Act and Section 91.24 of the Constitution of Canada. "The Indian Act has regulatory power over all facets of Indian life and provides the federal government with a major concentration of authority and social control over Indians – i.e., those that are identified [by the federal Government] as Indians. To decide Indian status there is a Registrar in Ottawa who determines who is and who is not an Indian, based on INAC policies and legislation [the department of Indigenous and Northern Affairs Canada aka Aboriginal Affairs and Northern Development Canada, AANDC]. The Registrar, accordingly, adds or takes people off the list called the Indian Register. The issue is not who is *actually* an Indian, but who is *entitled to be registered* as an Indian *according to the Indian Act*. The Registrar also decides who is not entitled to be registered in the Indian Register" (my italics, National Centre for First Nations Governance, n.d., p.3). The history of the State's system of registration under the Indian Act (commencing in 1869) has proven to be implicitly prejudiced and injurious, with previous legislation stripping the status of 'Indian' from women who married non-Indians, including the elimination of the status passing to her children. The Canadian state also stripped status from any 'Indians' who left the reserve without permission from the local agent of the Indian Office (Claxton, 2017) and anyone who "became a lawyer, doctor or clergyman [or] received a degree from a university, or joined the military. If you lost your status you lost the right to live on the reserve [i.e., one is legally barred from one's own home] and any benefits that might be associated with it. The Federal Government viewed [what it called] enfranchisement as a way of 'civilizing' and assimilating the Indian" (National Centre for First Nations Governance, n.d., p.4). And deep injustices continue to this day. With the implementation of Bill C3 (in 1985), the government instituted a new classificatory system that divides 'Indians' into 2 categories: status 'Indians' (6(1)) and 'half-Indians' (6(2)) with the result that "there is a population growing on reserves that have no status as a result of Section 6(2). These individuals will have no political rights as either band members or status Indians. They will live on the reserve but will become 'ghost people' people with no rights." (National Centre for First Nations Governance, n.d., p.10). To have no rights is the same as losing one's land. The State's management of a Register has accelerated the disenfranchisement of First Nations and their rights to reserve lands. "Even if a band controls its membership list [...] *Indian Affairs maintains control over who is registered as an Indian*" (my italics, p.11). This further reveals the presumption that the state should have jurisdiction over who is or is not a member a First Nation and illustrates the continuation of entrenched colonial practices and a lingering conception of indigenous peoples as wards of State under Her Majesty the Queen of Canada. The 'Indians' are obviously more than capable of determining who is a member or not and managing their own registers if need be, but they are perpetually undermined by the State in its insistence that it maintain control over who is registered, i.e., who is legally entitled to be an 'Indian' or not. The undermining of rights to reserve lands, effected through this administrative tool, begs the question: is this a continuation of what Duncan Campbell Scott had inscribed into law in the 1920s when he said "I want to get rid of the Indian problem. [...] Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department, that is the whole object of this Bill" (National Archives of Canada, n.d.). One might pause to reflect on the Canadian presumption of 'managing' the "Indians" through a department of state when the real issue has never been an 'Indian problem' but a settler problem. How do we get rid of the *settler* problem?

11) "...the land shall be properly surveyed hereafter ...": In addition to the problem of western systems of mapping territory (note 7), reading this phrase, as Raymond Frogner suggests, "one would assume that the treated region was not yet surveyed. [...] Tellingly, from a corpo-

rate colonial perspective,] Archibald Barclay, London secretary of the HBC, despaired that the delay in undertaking the surveys was a fundamental mistake in asserting sovereignty on Vancouver Island. Douglas had tried in vain to retain a permanent surveyor in the employ of the HBC in the period when he created his series of treaties. But the comment in the treaty regarding the surveys is not accurate. By the time the *North Saanich Treaty* was prepared, surveyor J.D. Pemberton, under Douglas's direction, had already surveyed a portion of the area identified in the Treaty. Douglas wrote to Barclay on 2 November 1851: 'Mr. Pemberton is still busily engaged with the survey being now employed in the Coast of the Canal de Arro, North of Mt. Douglas [the Canal de Harro between the San Juan Islands and the southern Gulf Islands], and as the weather is fine he expects to get a good deal of work done before the winter sets in.' Douglas also mentioned that this area was planned for a sawmill in which he had invested. The mention of the mill and the description of Pemberton's survey approximates the *North Saanich Treaty* region. One year later, Douglas explained the *North Saanich Treaty* in a letter to Barclay. He commented on a subsequent Pemberton survey near Esquimalt, west of the *North Saanich Treaty* area, and noted '[h]e will then commence on the Saanich District including land lately purchased from the Natives of that Tribe, a part which has already been surveyed.' The Aboriginal representatives listed on the *North Saanich Treaty* discussed with Douglas the treaty's location when they visited Fort Victoria on 11 February 1852 to enact the transfer of land rights. The negotiation of the geographic details of the treaty were the result of an undocumented discussion at Fort Victoria" (Frogner, 2010, p. 57). Two problems surface in the silence of the historical and oral record. On the one hand, "if Douglas mentioned the ongoing survey of the *North Saanich Treaty* region [to members of the WSÁNEĆ], it was not captured in the oral history [of the WSÁNEĆ. This seems highly unlikely that such an important change to the territorial domain of the WSÁNEĆ would go undiscussed within the community. On the other hand, if Douglas ...] wrote the treaty with reference to the survey, it is difficult to understand the treaty's vague geographic description." (Frogner, 2010, p. 58).

The vague language of the Douglas Treaty and the corporate colonial methods of 'managing' these lands and the presumption of Crown title, continues to cast a long shadow over contemporary practices of partitioning terrain (see also note 13). For example, until only recently has "Goldstream No. 13 reserve (located 18 kilometres from Victoria) [been returned to the WSÁNEĆ. ... It] was improperly reduced in 1962 by approximately 10 acres from its original size. [...] As Pauquachin Nation Chief Bruce Underwood, on behalf of the WSÁNEĆ Nations said: 'The Province of British Columbia, the Government of Canada and the WSÁNEĆ leaders are pleased to gather to commemorate the final settlement of a specific claim dating back to 1962. This historic settlement and return of the land has been a critical part of our discussions for the betterment for future generations. [...] Our leaders are pleased the wrongdoings of this mis-survey to our nations' land is now being corrected. It is important we honour our relatives that have walked the land before us and those that walk the land after we are gone'" (BC Gov News, 2013, n.p.). The return of lands took "50 years of bureaucracy" to complete (Times Colonist, 2013). A current example is the recognition of "Cordova Spit, or TIXEN, [that] was cut off from Tsawout village by 'arbitrary lines on a map'" (Heywood, 2017, n.p.).

12) 'white people': The term 'white' within British culture during the 19th and 20th century and as understood by James Douglas and no doubt the clerks and witnesses of the Douglas Treaties (whose names indicate Scots, English and in one case, Welsh ethnicity), is in itself a loaded term. Being 'white' was not necessarily understood by the British colonists as the colour of one's skin. Instead, it was a coded term for 'civilized' and in turn, "*British ways* [of life] were [assumed to be] superior to American, and infinitely superior to those of Native peoples. [Douglas] took for granted the distinction between civilized and savage life, associating the former most completely with the

British Isles and the latter particularly with non-literate, non-agricultural peoples" (Cole, 2012, p.2). However, Douglas was not a biological racist but a 'Liberal Humanitarian': "He did not believe, [as many subsequent British Colonial governors, legislators and British settlers had] that Native people were inherently inferior" (2012, p.2). Instead, Douglas subscribed to the idea that those who were not British could 'learn' to be like the British and in turn, become 'civilized' (as expressed in the assimilationist policies of what came to be the Indian Office). However, by the late 1860s, (biological) racist assumptions about indigenous peoples drove the land policies of the Colonial Office in BC under Governor Frederick Seymour (who followed Douglas into office) and functionaries such as Joseph Trutch, Chief Commissioner of Lands and Work (Cole, 2012). Entangled in the term 'white' then, is a privileging of British peoples who assumed a superior knowledge of and entitlement to devising, managing and policing the emergent Canadian State and its institutions.

It is important to acknowledge the particular legacy and role that British identities and perspectives play in holding (political) power, decision making and in turn, the administration and representation of 'us' – even today. For example, a cursory analysis of the surnames of B.C.'s government cabinets evidences a majority of names of British descent (NDP 82% in 2017 and Liberal 58% in 2013). Amongst the number of women who have been admitted to the BC Legislature in the past 100 years, the majority of the names originate in the British Isles. On display in the halls of the Legislature are photos of women who were 'first' to gain access and notably, the first First Nation female member was elected only in 2016 (and into Cabinet in 2017). There are a tiny number of women of non-British Canadian ethnicity, most of whom have been elected only relatively recently. Equally, when women were given the vote in Canada, it was only those of British ethnicity that were granted this right. It was not until 1948 that those of Chinese, Japanese and South Asian ethnicity could vote and 1960 for status Indians (Canadian Encyclopedia, n.d.). The point here is that the wide range of ethnicities in Canada (including mixed and diffused British ethnicities through 'assimilation') are glossed by invoking the term 'white', creating problematic elisions in understanding the dominant culture of the colony and the assumed normativity of British-colonial perspectives, ideologies, habits and practices. While the public rhetoric of racism has abated somewhat, Canada's ethnic histories and inheritances matter to understanding who and what 'we' are and are essential to engaging honestly with the complexities of reconciliation.

The institutionalization of racism within colonial legislation had not only sanctioned the containment and abuse of indigenous peoples within residential schools (Truth and Reconciliation Commission of Canada, 2015; Cornet, 2007) and the policing of indigenous peoples on reserves through the imposition of the pass system (where individuals needed permissions from a local Indian Agent to move on and off reserves) etc., but was endemic to immigration policies and the policing and management of non-British migrant-settlers throughout the 19th and 20th century. Jews, Italians, Eastern Europeans, Germans, Austrians, Bulgarians, and Turkish peoples – all describable as 'white' and most definitely understood to be 'Europeans' – were prohibited from entering Canada for periods of time under the Canadian Immigration Act (enacted in 1910) (Matas, 1985). To further draw out the comparison, David Matas suggests that "to talk of racism in Canadian immigration policy is over generous. Rather we should talk of racism as Canadian Immigration policy" (Matas, n.d.). The Canadian Council for Refugees states that "until the 1960s, [1978 according to Matas], Canada chose its immigrants on the basis of their racial categorization rather than the individual merits of the applicant, with preference being given to immigrants of Northern European (especially British) origin over the so-called "black and Asiatic races", and at times over central and southern European "races" [note: Ukrainians fleeing from war during the Bolshevik revolution were interned in concentration camps as were Canadian born Japanese during WWII]. [...] During the years when the Nazis were in power in Germany (and immediately afterwards), Canadian im-

migration policy was actively anti-Semitic, with the result that Canada's record for accepting Jews fleeing the Holocaust is among the worst in the Western world. Canadian policy towards Jewish refugees was summed up in the words of one official: "None is too many". [...] In June 1919 the entry of Doukhobors, Mennonites and Hutterites was prohibited on the ground of their "peculiar habits, modes of life and methods of holding property. [...] The prohibition lasted until 1922 in the case of Mennonites and Hutterites, longer for Doukhobors" (Canadian Council for Refugees, 2000, p.3). Immigration policies to the present day treat immigrants from the British Isles and Northern Europe differently than from other parts of Europe and the world. Compare for example, the limited number and protracted scrutiny and processing of Syrian refugees (sponsored applicants are capped at 1000 per annum in 2017 (Brach, 2016) against the generous and easy issuance of temporary work visas – one of the routes to acquiring permanent residence-- to Irish citizens (6,350 visas in 2013 increased to 10,750 visas per annum in 2014) (Carman, 2014; Irish Canadian Immigration Centre, 2017). Similarly, we see a throwback to entry based on prejudices about 'peculiar habits and modes of practice' in the positing of the 'Barbaric Cultural Practices Bill' (2015) targeted at Muslim migrants (CBC News, 05/05/2015; Smith, 01/09/2016).

Within academic circles, primarily in the field of Postcolonial Studies, reference to 'white' as racial category has been criticized. It is believed that when defining white in racial terms this does not properly capture the essential characteristics of 'white' as an attitude of entitlement to privilege, performed by individuals of *any race*. Taiaiake Alfred offers a list of "what we might call the essence of whiteness as cultural and social construct: profit, growth, competition, aggression, amorality (consciously masked as faux altruism), hierarchy, quantification, dehumanization, exploitation, anti-nature, and homogenization" (Alfred, 2005, p.110). As Alfred says, although these values are the "overwhelming cultural reality of life in Western societies [...] they are easier to grasp [and distinguish] when they are considered as a set of practices, or principles, in the context of relations between colonial states and Onkwehonne (original people). Euroamerican arrogance and its cultural assumptions have operated in the context of political domination and economic dependency to produce pure expressions of white power and project them onto the lives of Onkwehonne. This arrogance is the root cause of the massive problems affecting our societies and creating such a financial and moral burden on the Settlers: social and psychological suffering in Onkwehonne communities, unstable political relations between Onkwehonne nations and state governments, and land dispossession and environmental pollution. Yet, Euroamerican society still displays the persistence of arrogance in confronting these problems by attempting to design solutions within the same intellectual and moral framework that created the problems in the first place! In the processes that have been implemented to attempt the decolonization of internal colonial states [...] settlers have steadfastly refused to remove themselves from the foundation of their colonial enterprise. They prefer to lazily observe and address the problem from within the comfort zone of their own imperial cultural heritage" (Alfred, 2005, p.111). This is a powerful indictment of non-Indigenous habits and practices and the forcefulness of the argument provides some clarity for understanding the effects of colonialism on especially indigenous people today. However, by collapsing together the name of a skin colour, 'white', with certain behaviours, the argument obfuscates the importance of ethnic histories to the identities and orientation of individuals within this society and creates elisions around the problem of dominant colonial norms and principles that are specific to and derivative of British culture.

13) 'unoccupied lands': Attempts to explain away the occupation of indigenous lands exposes a host of convoluted legal arguments and questionable assumptions that do more to reveal the precariousness of one's presence and claims to 'ownership' of land than offer any solid foundation upon which one can rely for support. The Doctrine of Discovery (appropriation by sovereign nations of lands claimed to be 'uninhabited'), Terra Nullius (the argument that

no one owned the land prior to possession) and First Possession (first come, first served, as applied to homesteading) casts a long shadow over our legal system and the history of these islands. The following discussion relies on the excellent work of Joanna Harrington and Sengwung Luk who summarise the historical rationale that is embedded in Canadian law and international law and that continue to underpin legal claims to the 'ownership' of indigenous lands by the Crown. The following will first offer a brief overview of the Doctrine of Discovery and then outline how it informs the Douglas Treaty and continues to underpin practices of state.

The Doctrine of Discovery is rooted in two sources "the Papal Bulls of *Romanus Pontifex* (1455) and *Inter Caetera* (1493). These Bulls purported to give Spanish and Portuguese monarchs the right to lands and jurisdictions over any lands that they discovered, based on the idea that the spread of Christianity to non-European peoples gave them the right to do so. Rather than rejecting this principle, other [Western] European monarchs, such as the French and British monarchs, simply sought to modify the rule so that they could also gain lands and jurisdiction by discovery as well" (Luk, 2015). Hence, the 'discovery' of Canada and the concept of 'Crown' land, was justified accordingly and continues to persist based on "the idea that when European nations 'discovered' non-European lands, they gained special rights over that land, such as sovereignty and title, regardless of what other peoples live on that land" (Luk, 2015). To illustrate how this plays out in the courts today, Luk goes on to discuss the Supreme Court of Canada decision in the *Regina v. Sparrow* case of 1990. "This was the first time the highest court in the Canadian legal system had a chance to deal directly with s.35(1) of the Constitution Act, 1982, which for the first time explicitly enshrined the protection of Aboriginal and Treaty Rights in the Constitution of Canada" (Luk, 2015). However, the Court began by saying "It is worth recalling that while British policy towards the native population was based on respect for their right to occupy their traditional lands, [...] there was from the outset never any doubt that sovereignty and legislative power, and indeed the underlying title, to such lands vested in the Crown" (Luk quoting Sparrow, p 1103). The problem that Luk draws our attention to is one deeply absurd assumption: "it is the existence of aboriginal societies and their rights that need proving in the courts: the sovereignty of the Crown is just taken as a given. [...] Unless an Indigenous community proves to a court's satisfaction that it has exclusive occupation or control of a territory, the default understanding of the Canadian Legal system is that that territory is Crown land, even if Crown officials and settlers have never set foot on that land. [Also,] even if an Indigenous community can prove that they have an Aboriginal right, Aboriginal title, or a Treaty Right, that right is always potentially subject to infringement by the Crown" (Luk, 2015).

To expand on this point, the following turns to an account outlined by Joanna Harrington. Not until *Tsilhqot'in Nation v British Columbia* (2014) have the courts acknowledged that "the doctrine of terra nullius (that no one owned the land prior to European assertion of sovereignty) never applied in Canada [i.e., is not legitimate], as confirmed by the Royal Proclamation of 1763. [...] Territory regarded in law as *terra nullius* was rarely ever empty of people. The literal meaning of the Latin phrase [nobody's land] does not equate to its precise legal content, with a fiction having been developed within the law of nations of that time to treat the lands as if vacant to make the doctrine of discovery fit the situation presented. However, within Canadian law [in light of the *Tsilhqot'in Nation v British Columbia* case], it has been held that the *terra nullius* concept has no application vis-à-vis the European assertion of sovereignty over lands now part of Canada. On 26 June 2014, in a unanimous 8:0 decision that marked the first time the highest court has recognized the existence of Aboriginal title on a particular site, the Supreme Court of Canada made clear that: 'The doctrine of terra nullius never applied in Canada, as confirmed by the *Royal Proclamation* (1763) R.S.C. 1985, App. II, No. 1.' See *Tsilhqot'in Nation v British Columbia*, 2014 SCC 44 at para. 69. [...] As the Court explains: 'At the time of assertion of European sover-

eignty, the Crown acquired radical or underlying title to all the land in the province. This Crown title, however, was burdened by the pre-existing legal rights of Aboriginal people who occupied and used the land prior to European arrival. [...] The Aboriginal interest in land that burdens the Crown's underlying title is an independent legal interest, which gives rise to a fiduciary duty on the part of the Crown.' However, [...] the doctrine of discovery within international law [see note 2] only gave rise to an inchoate claim of sovereignty over territory, giving rise to the more important doctrine of effective occupation. A similar doctrine of occupation can also be found within Canadian law with respect to Aboriginal title claims, with the Supreme Court of Canada confirming that one must examine the continuity, exclusivity and sufficiency of the occupation of the land claimed to establish title at the time of the assertion of European sovereignty" (Harrington, 2014, n.p.). In other words, the *Tsilhqot'in Nation v British Columbia* case lays bare the rights of Indigenous communities but, again, contained within 'the doctrine of occupation' is a rationale that loops back to the moment of 'discovery' with the Crown never having to prove what constitutes its alleged legitimacy to trump the 'underlying title' to land. This illustrates the persistent asymmetrical relation between Indigenous peoples and the state and the limit on Indigenous peoples' rights to their own lands. "The idea that Crown Sovereignty is presumed to exist, but indigenous presence must be proved" (Luk, 2015) is a logical absurdity that undermines not only Indigenous peoples but also Canadians. Surely there are other legal frameworks (and there are) for contending with what one can call 'the settler problem' than relying on a rationale that perpetually undermines indigenous sovereignty and in turn, positions non-indigenous presence as relentlessly arrogant and thieving. Contending with this harsh reality is at the heart of reconciling and no doubt the paradigm of Crown privilege weighs heavily on the conscience of some members of this nation. Can anyone who is non-indigenous claim to be 'settled' in the fullest sense of the word? The colonial origins of the state and the continuing presumption of the Crown's privilege saturates our psyche and identity as 'Canadians', and not to good purpose.

Another aspect of the complexity of the legal fiction of Crown entitlement is the modern concept of property rights that has its roots in the writing of the British philosopher John Locke (1632-1704). Expressions of Locke's work (*Two Treatises of Government*) are found in the Declaration of Independence and the American Constitution and his central political principle -- that rights in property are the basis of human freedom and that government exists to protect these rights and preserve public order-- is germane to the values of Liberal Democracy that embrace the Canadian state. In his chapter on property (Second Treatise, Chapter 5, ss 25-51, 123 - 26), Locke offers a narrative on how one can 'rightfully' claim a 'thing' to be the property of an individual. He argues that "there must of necessity be a means to *appropriate*" what one removes from the Commons (the Commons, as he describes it, is the Earth and all that it offers that was given to all human beings by God). To *justify* what one has taken that is not, in and of itself, one's own, Locke constructs an argument that builds on the premise that one 'owns' one's own body. From this he infers that "the *Labour* of his Body and the *Work* of his Hands, we may say, are properly his." That is, because one owns one's own body it follows logically that one owns whatever results from the 'work of one's hands', i.e., one's labour. He then claims that whatever one removes from the State of Nature and has "mixed his *Labour* with" has, by extension, made (i.e., produced) the thing that was taken into his own and consequently, 'owns' (has a 'right' to) that 'property'. To give an example, he states that "As much Land as a Man Tills, Plants, Improves, Cultivates, and can use the Product of, so much is his Property. He by his Labour does, as it were, inclose it from the Common. [...] God and his Reason commanded him to subdue the Earth, i.e., improve it for the benefit of Life, and therein lay out something upon it that was his own, his labour" (Locke, 1823, p.116).

Throughout the discussion, Locke repeat-

edly references appropriation demonstrated through the manipulation of nature. Interestingly too, in many passages he draws on examples of "Indians" but characterizes "the Nations of the Americans" as being "rich in land" but "poor in all the "Comforts of Life" because they had not "improved" the land through their labour (1823, p.118). No doubt this will strike readers as palpably ironic given that there is little evidence of our environment having been "improved" by it being, in this example, agriculturally, but also industrially, exploited by individuals and corporations in the colonial state. Nevertheless, the main point I want to draw attention to here is his argument for 'possessive individualism' that is engrained in our Modern understanding of ownership and property, founded on a justification for appropriation. "The same measures governed the Possession of Land too" as he says. "*If the Indians had not yet mixed their labour with the earth in any permanent way*", or if a region were literally 'uninhabited', then it was considered to be terra nullius. Locke's discussion is layered with assumptions about the alleged validity of individuals "taking from Nature" by outlining the "use of land" as the grounds upon which possession is valid. As he says, "Land that is left wholly to Nature, that hath no improvement of Pasturage, Tillage, or Planting is called, as indeed it is, *waste*: and we shall find the benefit of it amount to little more than nothing." Leaving aside the rather peculiar notion of lands being 'waste' if not cultivated, Locke uses this argument to endorse the colonization of the Americas on the basis that "This shews, how much numbers of men are to be preferred to largesse of dominions, and that the increase of lands and the right employing of them is the great art of government" (1823, p.122).

Locke's vision of land, property and ownership and indeed, his perception of the 'Indians', is not only a sad indictment of the paucity of the philosophical assumptions that underpin the legacy of our colonial state, but his influence can be seen in the local example of the Douglas Treaty. As Nick Claxton (Tsaowut Nation) points out, Douglas was under "explicit instructions [...] from Archibald Barclay in London, who was at the time the [Hudson's Bay] company's secretary. It read: '*With respect to the rights of the natives, you will have to confer with the chiefs of the tribes on that subject, and in your negotiations with them you are to consider the natives as the rightful possessors of such lands only as they are occupied by cultivation, or had houses built on, at the time the island came under the undivided sovereignty of Great Britain in 1846. All other land is to be regarded as waste, applicable for the purposes of colonization. The right of fishing and hunting will be continued to the natives, and when their lands are registered, and they conform to the same conditions with which other settlers are required to comply, they will enjoy the same rights and privileges.*'" (Claxton, 2007, n.d.). This quote vividly captures the self-righteousness and intellectual limitations of the British Crown and its agents. If the land was unoccupied by settlers, it was incumbent on the Crown to ensure that it *did not populate, sell or license lands* and control resources on the 'unoccupied lands' so as not to undermine the agreements of the treaty and encroach on hunting and fishing rights. It was binding on the Crown to abide by the terms of the treaty and to not then subvert its terms by populating the lands with settlers or exploit resources. As Morellato points out, "Consultation processes dealing with Treaty rights must take into account oral history and the promises made at the time of the treaty regarding the nature and scope of treaty rights in question. [...] If the oral history of a treaty people provides that at the time of treaty, the Crown promised that the treaty people in question could fish for livelihood purposes over surrendered territory, then land and resources within surrendered territory cannot be *taken up* in a *manner that fails to accommodate the treaty promise*" (my italics, Morellato, 2008, n.p.). An example can be seen in the unrelenting market in real estate and land speculation -- all without consultation or reparation to the WSÁNEĆ.

14) 'we are at liberty to hunt [...] and to carry on our fisheries as formerly': This clause is at the heart of a long legacy of the disenfranchisement of the WSÁNEĆ by the early creation of

the US and Canadian border and then under the colonial government, continuing through to current practices of the British Columbia Treaty Process. There are a number of points that intersect and are in need of fuller discussion. First, the name WSÁNEĆ translates as "raised up" (Elliott, 1990, p.14) relating to the geography of their territory and also a historical moment of their survival during a tsunami. They have also been called the "saltwater people [... meaning] that the sea was very important to our way of life" (Elliott, 1990, p.15). During the summer, families "travelled all through the territory [...] fishing and gathering food. [...] We did not know strict boundaries between our brothers and friends. Each of us did have our own hunting and fishing territories. We respected our traditional territories. We never fought with our friends and brothers over land" (Elliott, 1990, p.16).

Central to the WSÁNEĆ way of life then, was their *mobility*. Travelling through their islands was via the water and was necessary because of how their headquarters were (and are currently) situated. As Elliott explains, "There was one thing different about our people. Our headquarters was the Saanich Peninsula. There was no river in our territory. [...] Unlike the Cowichan or the Sooke, or Qualicum people, who didn't have to go anywhere for fish. The fish came to them" (Elliott, 2009, p.55). The WSÁNEĆ, by contrast, "had to catch all our fish in the salt water, out in the rough water, the fast running tide of the straights" (p.56) and hence, a sophisticated (and sustainable) system of reef net fishing technology was developed. "A location where a reef net is fished is called a SWÁLET. [...] These locations called SWÁLET are all through the Gulf Islands. They belong to different families" (p.57). For example, Poet's Cove is called "SXIXTE [...] XIXEXI means 'narrow' [and is] the SWÁLET of the Pelkey family" (2009, p.33). However, as Elliott says, "In 1846 when they divided up the country and made the United States and Canada, we lost our land and our fishing ground. It very nearly destroyed us. That is when we became poor people. Our people were rich once because we had everything [i.e., bountiful sources of food and resources. ...]. When they divided up the country we lost most of our territory. [...] They said we would be able to go back and forth when they laid down the boundary, they said it wouldn't make any difference to the Indians. [...] They didn't keep that promise very long" (p.59). The border severed families and barred people from traversing the US/ Canadian border. "Some of our people were arrested for going over there" (p.59).

Since that moment, there have been repeated sanctions against not only movement through territory but following the implementation of the Douglas Treaty (which radically curtailed WSÁNEĆ activities on their own lands) in 1916, the oppressive "Department of Indian Affairs outlawed our reef-nets, [and] called it a trap [...]. They made it illegal to fish with our SXOLE" (reef net technology) (p.60). The duplicitous and hypocritical justification for banning reef net fishing by the government, and in turn, undermining the core of the WSÁNEĆ economy, is evident in the permissions given to a settler fishing enterprise called J.H. Todd and Sons in 1916, who actually did use trapping techniques to harvest fish. The company continued to trap fish until "the middle 1940s before [they were bought out by] B.C. Packers" (Elliott, p.60). B.C. Packers was the culmination of the industrialization and corporatization of the fisheries in BC that exploited the fishing stocks and controlled "fishing stations, canneries, fresh fish branches, fish-curing establishments, cold storage plants, reduction plants and shipyards. [...] After WWII, the corporation expanded "rapidly beyond the west coast of Canada. Company facilities sprang up in Atlantic Canada and in foreign coastal areas, including the United States, Mexico and Southeast Asia. It operated until 1997 when its unsustainable techniques led to overfishing and had forced its closure (City of Richmond, n.d.). Elliott asks a penetrating question: "This has to be answered—Why did they do that to our people?" (p.60). Indeed, it is hard to fathom the kind of ignorance it takes to first appropriate and then degrade these precious lands and its resources.

Not only have the WSÁNEĆ been dispossessed of the 'ownership' of their land (remembering that the underlying title is under Crown control whose

claim to the possession of lands is never challenged or questioned, see note 4), but the rights and title to the *benefits* of the land – such as hunting and fishing – continue to be subverted in two ways. First, the lack of governmental adherence to the longstanding responsibilities of the Douglas Treaty to *not* undermine the conditions of indigenous rights and title by allowing “unoccupied” lands to be occupied (note 13) has instead resulted in increased numbers of people inhabiting W̱SÁNEĆ territory. To give some context, the population of Pender has grown fivefold from approx. 400 permanent residents in the 1970s to approx. 2400 permanent residents today, added to which are the many hundreds who own vacation homes on the island and who add to the concentration of people in the summer months. This rapid suburbanization has worsened the conditions of the habitat and its animals and led to environmental degradation (contaminated beaches and sea life, increased light pollution and deforestation etc.), impacting on the availability of sea foods, fish stocks etc..

Secondly, the British Columbia Treaty Process has interfered with relationships between First Nations, not only by imposing western systems of mapping (note 7), but also, by ignoring indigenous systems of governance. It has *created* disputes over rights “to hunt and fish as formerly.” This is evident in its 2007 treaty agreement with the Tsawwassen First Nation. “The Tsawwassen agreement unfairly trumps this existing [Douglas] treaty, says Sencot'en C'A,I,Newel spokesman Eric Pelkey. [...] Under the agreement, Tsawwassen are also granted hunting and fishing rights on the Southern Gulf Islands and in surrounding waters – rights that the Sencot'en [W̱SÁNEĆ] say are theirs alone” (Kimmitt, 2007). The consequences of third party (governmental) brokering of long standing relationships have created tensions between Nations (and not just in this case) and because the foundation of treaty is based on the colonial concept of ‘ownership’ of land, it ignores indigenous methods of governance where longstanding relationships are core to the negotiation of access to a place within a sharing economy. Negotiations about rights then become skewed between Nations and we see the crudity of western understandings of property undermine more complex and sophisticated indigenous protocols.

We also see how the Crown ignores the very legal agreements it purports to uphold. As Pelkey says, “First Nations that used southern Gulf Islands in the past did so with our permission. We find it odd that the Crown is willing to implement a Treaty with Tsawwassen that includes harvesting rights in the Gulf Islands when the Crown must first negotiate with us. Sort of [like] having someone make a deal to sell your house and then tell you about it afterwards – in real estate law this is called title fraud.” [...] Pelkey says his people are concerned about a depletion of resources and loss of jurisdiction in their territory. ‘We’ve never stopped sharing resources in our territory,’ says Pelkey. ‘We’ve never said we would not allow anyone else to come and access resources, we ask only that they come and ask us for permission.’” (Kimmitt, 2007). W̱SÁNEĆ rights to ‘hunt and fish as formerly’ have been recognized in the BC courts on a number of occasions (see note 3) but, within the British Columbia Treaty Process, the government’s methods are divisive. “First Nations that are involved in this process aren’t required to consult with neighbouring nations. ‘We’ve been banging on the door now for probably up to three years [since 2004] because of our dissatisfaction with the B.C. treaty process and how we see numerous First Nations laying claim to our lands,’ says Pelkey. The [Tsawwout, Tsartlip, Pauquachin and Tseycum First Nations ...] have reserves on Pender, Mayne, Saturna, Saltspring and Bare Islands. ‘This is a very valuable area for us,’ says Pelkey. ‘Historically our people here have been known as salt water people. We have no major rivers in our territory. We actually live out there on the water and that’s why we have those reserves and also fishing stations’” (Kimmitt, 2007). We see in this example the devastating results of our government representatives and the Crown overriding the long held, peaceable and enduring arrangements between indigenous peoples in claims to place, as well as subverting the Douglas Treaty. Instead of being *led* by First Nations in the negotiation of place (which obviously would have had to include repre-

sentatives such as Sencot'en C'A,I,Newel, at the very least), the presumption of the state here, yet again, is the alleged validity of “the Doctrine of Discovery” (see note 13) that sustains the government’s colonial project and its determination to appropriate, control and exploit land.

15) ‘We have received, as payment (no amount stated):’ As indicated above (note 4, 8 and 9), it is perennial fiction that the W̱SÁNEĆ sold their lands and no sum is stated in the text of the treaty or other HBC documents. However, monies and goods were traded with the W̱SÁNEĆ. These transactions may have been understood as compensation in line with a peace treaty. In some of Douglas’s correspondence to HBC’s offices in London, he claimed to have paid £109.7.6 (109 pounds, 7 shillings and 9 pence) “in woolen goods which they preferred to money.” [...] This amount conflicts with the Aboriginal oral history, which put the amount “at about 200 pounds” (Frogner, 2010, p.59). However, in the examination of HBC’s Fort Victoria accounts, and comparing the “expense ledgers with the price of blankets, it appears that Douglas did not honour the amount promised in the treaty [whatever that may have been], even after accounting for the 300 percent mark-up the HBC placed on the goods traded with the Natives” (2010, p.59).

There is another aspect to the myth of payment to the W̱SÁNEĆ. An early account of Chief David Latasse reveals how economic transactions were tracked within a community. “Latasse was present at the Treaty negotiations in Victoria in 1850. His recollections were recorded in 1934 when he was reportedly 104. ‘I say truly that I have no knowledge of payments of money, as mentioned in papers supposed to have been signed by Chief Hotutstun and Whutsaymullet and their subchiefs. I know of no act of signing such papers and believe that no such signatures were in fact made by those tribesmen. There was no payment in goods, instead of money. If there had been, custom would have required immediate public distribution of the trade goods to the tribesmen and the women folk. Then all members of each sub-tribe would have known of the payment and the reason why it had been made by the white men’” (Sources of the Douglas Treaty, n.d.).

Latasse’s description not only further exposes Douglas’s imperiousness and self-interest in his handling of negotiations (see note 6) but it also illuminates Douglas’s ignorance of the economic and political practices of W̱SÁNEĆ society. Apparently, Douglas had “originally intended to purchase the entire Saanich Peninsula from local representatives [...] but he could not reach a conclusion on the representation of land use” (Frogner, 2010, p.58; Sources of the Douglas Treaty, n.d.). What this suggests is that Douglas expected to do business with a single authority, i.e., the “men with beards’ or adult males [...] rather than group representatives” (Frogner, 2010, p.52). This makes visible his mindlessness and perhaps willful disregard of the distributive communal rights of the W̱SÁNEĆ as an organized, uniform jurisdiction. As Raymond Frogner points out, “[a]s a consequence the distributed communal rights of Aboriginal societies gained inaccurate colonial legal recognition as organized, uniform social jurisdictions in state-purposed treaties” (Frogner, 2010, p.58). Reading between the lines of Latasse’s account then, one can surmise that the sophisticated protocols and practices of wealth distribution within the community, coupled with the why’s and wherefores of the source of wealth being communicated to members, evidences how *relationships* (both endogenous and exogenous), reciprocity and sharing, structured W̱SÁNEĆ economic practices and traditions. Equally important, Latasse’s comments show how oral stories take legal form in that they trace, verify and confirm transactions and events. His account therefore further dispels the rhetoric of land having been ‘sold’.

Currently, misleading and indeed, sensationalist descriptions of payments of seemingly large sums of money to indigenous groups continue to infuse newspaper reports and leave out the more complex backstories of indigenous struggles to secure rights to their lands through the courts. Glossing is evident in the reporting of the Nisga’a treaty arranged through the BC Treaty Commission. For ex-

ample, in 1998, CBC News reported “The Nisga’a people of British Columbia have been fighting for more than 100 years for control of the Nass Valley. The deal gives the Nisga’a 1,930 square kilometres of land in the lower Nass Valley, self-government powers akin to municipal governments and \$190 million in cash” (CBC News, 1998). This announcement focuses on what at face value seems to be considerable sums of money but it ignores the actual politics and indeed, the real costs of the agreement – extinguishment of rights and title, onerous financial debt to the government due to vastly expensive court costs over decades, the reduction in size of traditional territory etc.. As Arthur Manuel observes, “The Nisga’a Treaty [...] was promoted as a breakthrough by the First Nations Summit and the B.C. Treaty Process” (Manuel, 2015, p.120). However, negotiation within the B.C. Treaty Commission is perverse. It requires that First Nations extinguish their rights and title, in order to then negotiate new, limited, rights. As Manuel says, “the Nisga’a model completely undermined the legal principles and framework for reconciliation of Aboriginal Title with Crown Title that the Supreme Court had set out in *Delgamuukw*. [...] By 1999, the rest of the world was beginning to notice that something was very wrong in Canada. [...] The UN Human Rights Commission released a report on Canada that chided the country for not following the Royal Commission on Aboriginal Peoples’ recommendations and sharply criticized the government’s extinguishment policy as a fundamental human rights transgression. [...] The Human Rights Committee then demanded that the practice of extinguishing inherent aboriginal rights be abandoned as incompatible with Article 1 of the [...] Covenant of Civil and Political Rights, which Canada ratified in 1976. [...] The Committee was pointing out that extinguishment of our rights to the land was incompatible with our human rights as peoples” (Manuel, 2015, pp.120-121). These are the real forms of ‘payment’ made by the state to indigenous peoples. When there is mention in the press regarding indigenous resistance, it “comes from below [i.e., not the band councils] as the people refuse to surrender their birthright for quick cash and a tiny fraction of their traditional lands” (Manuel, 2015, p.120).

16) ‘Hotutstun his X mark and 117 others’: “Overlapping claims to the northern part of the peninsula [see also note 7,3 and 11] made it difficult for Douglas to conclude separate agreements with the individual groups living there. Instead, he concluded one single treaty: the North Saanich Treaty included 117 signatories” (Government of Canada, n.d). However, there were apparently three groups of W̱SÁNEĆ people who ‘signed’ their Xs to this document: members of the Tsawout Nation, Tsartlip Nation and one other group whose identity is unknown but who may have been present as witnesses (Claxton, 2017).

17) ‘Signatories’: The author, writer and witnesses of the treaty embody the confluence of the appropriation of lands, resource exploitation and the imposition of legislation and a judicial system that secured methods for policing and overriding indigenous peoples’ rights and wellbeing, all in the pursuit of the accumulation of private, corporate and Crown wealth. The individuals who were directly involved in mobilizing the Douglas Treaty had combined roles as HBC traders, clerks, bookkeepers, surveyors, real estate speculators and politicians, and in some cases actively engaged in policing indigenous peoples as Indian Agents, like many other fur traders. They set the tone for Canada as a corporate colonial state and its egregious culture. For example, Joseph William McKay, born in Quebec of Scottish parents, came from a family who were active in the fur trade as trappers and managers. McKay joined the Hudson’s Bay Company on 1 June 1844, at age 15, and was sent to Fort Vancouver (Washington) [...] from where he] accompanied [...] British naval officers [...] on the] reconnaissance of Oregon Territory. Having been transferred in November 1846 to Fort Victoria, [...] in the wake of the Oregon Boundary Treaty, he participated in a survey of the area around Victoria and Esquimalt. In 1848 he was promoted to the rank of postmaster, and the following year he was [...] second

in command at Fort Victoria. [...] As an apprentice clerk he [...] was sent [by Douglas] to explore the Cowichan and Comox valleys and to establish the HBC salmon fishery and sheep station on San Juan Island. In August 1852 McKay formally took possession, on behalf of the HBC, of the coalfields at Nanaimo. [...] While in charge there McKay opened a coal mine, a sawmill, a saltern, and a school” (Mackie, 2003, n.p.). He quit the HBC to manage one of his many businesses, “Vancouver’s Island Steam Saw Mill Company [and in] 1855 he rejoined the [HBC] at Fort Victoria and bought a farm at Cadboro Bay, which gave him the necessary freehold property to stand in the election the following year to the first House of Assembly of Vancouver Island. At first defeated, McKay contested the election of his opponent, Edward Edwards Langford, on the grounds that he did not possess the necessary property qualification. His complaint was upheld, Langford’s election was annulled, and McKay was elected member for Victoria District in his stead. Shortly after the beginning of the Fraser River gold-rush in the summer of 1858 McKay was sent by Douglas to search for a route to the gold-fields between Howe Sound and Lillooet Lake. In June 1860 he was made chief trader and placed in charge of the auriferous Thompson’s River district. [...] At Thompson’s River Post (Kamloops), he spent six years developing the HBC’s retail provisions business, supplying Europeans, Chinese, and Indians with food and mining equipment in exchange for gold dust, dollars, and furs. [...] In 1865, [...] McKay conducted a survey of the country between Williams Creek and Tête Jaune Cache in anticipation of the HBC’s proposed telegraph line from Fort Garry (Winnipeg) to New Westminster (B.C.). Between 1866 and 1878 he was in charge of the company’s operations at Fort Yale (Yale), in the Kootenay district, and in the Cassiar and the Stikine mining districts, and he directed its coastal trade at Fort Simpson; he was promoted factor in 1872. Four years later he was made a justice of the peace, an appointment he held until 1885. In the summer of 1878 McKay was dismissed by the HBC, in part because of his substantial business dealings outside the company. Since the Fraser River gold-rush McKay had invested in silver mines, salmon canneries, and timber leases, and just six months before his dismissal he had been prospecting near Bella Coola on his own account. [In] 1878 he entered into a two-year agreement to manage the salmon cannery on the lower Skeena River owned by the North Western Commercial Company of San Francisco. During the following two decades McKay worked for the dominion government, being appointed census commissioner for British Columbia in 1881 and Indian agent two years later, first for the northwest coast and then for the Kamloops and Okanagan agencies. While agent he [...] established an Indian industrial school near Kamloops [i.e., a Residential School that continued to operate until 1977 that incarcerated “hundreds of Secwepemc children”]. In 1893 he was appointed assistant to Arthur Wellesley Vowell, the superintendent of Indian affairs for British Columbia. Throughout this period McKay continued to pursue his business interests. The year before his death he applied for a grant of 40,000 acres on Queen Charlotte Strait, on which he planned to establish a pulp-mill, but he died before he could see it in operation. [...] Like several of his colleagues, McKay made [the] transition from fur trader to Indian agent and like most of his contemporaries he exhibited an abiding personal interest [in the private ‘ownership’ and exploitation] of natural resources (Mackie, 2003, n.p.).

By comparison to McKay and Douglas (note 5 and 6), much less is known of Richard Golledge. He “was born in West Ham, Essex, [England]. At the age of twenty-one, [he] arrived in Fort Victoria on the brig Tory in 1851 as an apprentice clerk. Until 1858, he worked as clerk and secretary to James Douglas. [...] Douglas was of too high a rank to have involved himself in the time-consuming task of book-keeping or transcription, but he would nevertheless require the information as an aid in making decisions. [...] The later period of [Golledge’s] life was marked by allegations of conduct unbecoming his station: drinking, gambling, and playing euchre with a prostitute while acting as Gold Commissioner for Sooke. He married Juliana Charbonneau on 26 September 1871. He died in Victoria at the age of 55, and was buried on 8 September 1887” (Hammond, 1989, p.122).

Notes: W̱SÁNEĆ covenant with XÁLS

It is recommended that the comments on the Douglas Treaty be read in advance of this section, especially notes 7, 8 and 13: the notion of 'ownership' of land is contrasted with selected literature that discusses W̱SÁNEĆ conceptions of place, relations to land and systems of organisation.

1) The following discussion of the story of XÁLS and its implications for understanding W̱SÁNEĆ relations to place, relies on the work of Robert YELKÁTFE Clifford, a lawyer and member of the STÁ,UTW (Tsawout) Nation. This story of XÁLS is specific to Clifford's own family history and its interpretation is eloquently explained in detail in his article 'W̱SÁNEĆ Legal Theory and the Fuel Spill at SELEKTEL- (Goldstream River)' (2016) and other writings (2011, 2016a). He makes clear that this particular story of XÁLS is not necessarily widely shared amongst all members of the W̱SÁNEĆ Nation and variations of its telling are common within the community. I cannot reproduce all that he says as he offers extensive fine-grained distinctions of its significance to his analysis of W̱SÁNEĆ law, governance and culture. Instead, I have selected the sections of his commentary where he discusses this story in particular and hope that readers will seek out his writing for further elucidation. As he says, "W̱SÁNEĆ culture consists of a myriad of stories in which the Creator transformed people and animals as a way of setting an example. Each story is set in a different context and contains its own unique principles. However, beyond any specific principles, these stories also give us broader insights into notions of being, agency and relationality in W̱SÁNEĆ law" (p.772).

To guard against confusion, I have given a title to the story of XÁLS to draw out the comparison with the (North Saanich) Douglas Treaty. My use of the term 'covenant' in the title is motivated by two concerns. First, the intention of this publication is to contrast this passage with the tone and orientation of the Douglas Treaty to illustrate the treaty's colonial and material assumptions of 'ownership' that, in turn, produce the problems of its 'contract'. Secondly, the term is used to introduce what I understand to be a deep and subtle conception of 'land' as an ancestral being and existent life force, embodied in a defining compact between the W̱SÁNEĆ, the islands/ancestors and XÁLS as described in Clifford's story. The English word 'covenant' encompasses meanings beyond mere 'contracts' to include "an engagement entered into by a Divine Being with some other being or persons" (Oxford English Dictionary, 1971, p.586). In this respect, the term is, I hope, a useful tool for discerning the complexity of W̱SÁNEĆ relations to 'land' and claims to place. However, to be clear, in no way is the term 'covenant' intended to describe the nature of the bond between

the W̱SÁNEĆ People, land, ancestors and XÁLS. Nor do I pretend to understand the scope and meaning of these relationships. I accept that aspects of these meanings are closed to me and to others who are non-W̱SÁNEĆ inhabitants of this place.

2) To help non-indigenous readers think through the significance and scope of this cosmological story, and in turn, gain an insight into the manner in which it is integral to W̱SÁNEĆ laws, governance and understandings of place, Clifford explains the role of these stories (and others of its kind) within W̱SÁNEĆ culture. As he says, "Indigenous oral traditions have always used stories to teach, guide and reinforce behavior, meaning they can be used to create a framework for understanding relationships and obligations, decision-making processes, and deviations from accepted standards." [...] The purpose of W̱SÁNEĆ stories is not about returning to the past, but how we choose to relate to and use stories in guiding our lives today. There is no singular way to tell, use, or interpret a story. Stories are dynamic, not static, and may even take new shapes in different contexts. Stories draw on past knowledge, but there is a continual process of agency exercised in learning from and using those stories. They are a framework for thinking and relating (or the "process of knowing") more than about transmitting 'explicit rules' (p.769-772).

As opposed to the Lockean notion of land, appropriation and 'use' allegedly justifying 'ownership' (see Douglas Treaty, note 13), 'land' here is understood as an *agent* and is foundational to relationships to place, and indeed *claims* to place in the identification of territory, specific fishing and hunting sites etc. That is, "land and the non-human world is animate" (2016, p.767) and I would suggest, *active* in its agential role within a *'compact' of reciprocity*. As Clifford says, "the relationship between humans, the land, and the non-human world is mutual and reciprocal" (p.767).

Clifford begins his explanation of the story of XÁLS by introducing the name and meaning of the SENĆOŦEN word for 'islands'. As he says, the word for 'islands' "is TEIÁCES, a conjunct of TEĆ (deep) and SCÁLCES (relative or friend). The W̱SÁNEĆ concept of islands therefore literally translates as "Relatives of the Deep", indicating an ontological connection of the W̱SÁNEĆ people with the islands in the territory" (2016, p.768). He is careful to note that its usage would not necessarily circulate widely within the community (2016a). Whether this is because of a multiplicity of familial stories and interpretations and/or the effects of residential schools is not clear. However, his point is that embedded in the language are meanings of *relations* to land (as a being) that are distinct from colonial orientations to place. As he says, "on its own, this [origin story] indicates an attribution of much more being to

non-human elements in the world, which has a bearing upon how we understand and regulate our relationship within W̱SÁNEĆ territory. It is, however, not only being, but also a higher level of agency in the non-human world that we must consider in understanding W̱SÁNEĆ law. Understanding agency in the non-human world [is] exemplified in relation to our Relatives of the Deep, specifically with reference to the creation story of LEL,TOS (James Island), an island within W̱SÁNEĆ territory. [This] creation story describes both the origin of the island and the name LEL,TOS, as well as relating how every island is an ancestor to the W̱SÁNEĆ" (2016, p.773).

Clifford continues: "Islands within W̱SÁNEĆ territory were once our ancestors and were given to us by the Creator to maintain our way of life. With this gift came a reciprocal obligation to care for these islands. This obligation is one of our sources of laws. If we are to understand W̱SÁNEĆ law on its own terms, it would be a simplification and a distortion to think of them only as 'islands; – that is, inanimate masses of rock surrounded by water. What are the implications of this understanding? Canadian Law does account for the environment, but these stories indicate a starting point for W̱SÁNEĆ law that goes much beyond that posture. Humans cannot live in this world without drawing and relying on the world around us. This notion is directly acknowledged in the story of LEL,TOS: XÁLS turned to speak to the islands and said: 'look after your relatives, the W̱SÁNEĆ People.' The land and the ecology provides for us. However, our relationship with the external world cannot centre only on our needs as humans: XÁLS then turned to the W̱SÁNEĆ People and said: 'you will also look after your "Relatives of the Deep."'" The greater attribution of being and agency to land means that our application of W̱SÁNEĆ law must not only be *about* land, but 'deeply informed by the land as a system of reciprocal relations and obligations'. It also means that the responsibility to care for the land extends beyond the actions of the W̱SÁNEĆ. That is, W̱SÁNEĆ law also provides the obligation to protect the land against the harmful actions of others" (2016, p.774).

I would suggest that another important aspect of Clifford's discussion is the social and political implication for those of us who reside on his family's and other members of the W̱SÁNEĆ Nation's territory. Clearly, no one who is non-W̱SÁNEĆ can boast of such a complex and integral connection to these islands and his discussion helps expose the shortcomings of the pervasive colonial imaginary of land as 'real estate' that one 'owns' and has 'dominion' over. Remembering too that regardless of any legislation relating to environmental protections, Canadian Law is burdened by the Lockean imaginary of land and nature as 'dead'/inanimate and malleable matter – what Locke calls 'waste'. Land (and

nature) then has no 'value' unless transformed through 'use' (see note 13). An example of this habit of mind can be found in how land and nature is curated through gardens and 'wild-life' parks, forest 'management' and the practice of destroying trees and animal habitat to create a scenic 'view'. By contrast, in Clifford's writings we begin to grasp the implications of agential relations to land. He invites us to think through and appreciate what it is to see in these islands, and its non-human inhabitants, one's ancient and living ancestors; to be connected to this place over layers of time; to know in the details of the landscape (and the SENĆOŦEN place names) the presence and lessons of the 'Transformer' (or 'Creator'); to be rooted to specific fishing, hunting and harvesting locations throughout the entire territory via connections to one's (human and non-human) ancestors and kin over millennia and to be embodied in an enduring reciprocal relationship to these lands. And even though non-W̱SÁNEĆ residents are not privy to these deeper (ancestral) connections to land that are based on a cosmology reaching back through time, the emphasis on *relationships* to land and non-human inhabitants (rather than dominion over discrete spaces) as a foundation for governance is very promising. Many questions arise: How might we understand one's obligations under 'treaty' not only as a form of membership with the W̱SÁNEĆ Nation but also based on conceptualizing the land as agential? How might colonial habits and practices be exchanged for a system of local laws that are derived from W̱SÁNEĆ law and culture? As he says, "The diversity of ways to interpret and use stories is an exciting component of indigenous law. While these stories are less about explicit rules, they can be the framework for deliberation, the means by which we judge the application of specific legal principles, and the soil from which those principles grow. [...] Taking these stories seriously means paying attention to a sophisticated form of understanding and transmitting a distinctive set of values and cultural assumptions. It also involves learning to discern the legal principles flowing from these stories, values and assumptions, and the evolving intellectual and experiential context guiding the application of those principles. All of these tools for thinking foreground relationships to ecosystems and the non-human world, as opposed to a liberal paradigm [within colonial culture] that centres on the individual [and 'ownership' of land]. Those relationships have an aspirational dimension, but they are not a romantic ideal any more than the notion of individual freedom and non-interference. They are what we strive for, or the conditions we seek to generate through law. It is an entirely different starting point with its own implications for law" (my italics, 2016, p.770-771).



Members of the Squamish Nation preparing for the ceremonial protocols and permissions for coming ashore, Tsawout First Nation Reserve, *Tribal Journey*, 2017.

“Prior to the signing of the North Saanich Treaty in 1852, the subsequent creation of discrete reserves, and the creation of ‘bands’ under the Indian Act, the WSÁNEĆ comprised a single group, or knot, of extended families who share the SENĆOŦEN language and cultural order that revolved around their relations with marine creatures, some terrestrial animals, spirit beings, and with one another. The WSÁNEĆ families exploited different ecological niches within the WSÁNEĆ world, tailoring their seasonal movements according to the timing of local events. Such a pattern meant that one family knot could acquire through trade with another family knot what could not be procured locally. Tsawout members only rarely say that they ‘own’ the locations of the reefnet fisheries or other fisheries associated with specific families, but instead are descended from those fisheries, or are owned by them. It is a complex system of belonging that links kinship and community to territory and animal relatives.” (Tsawout First Nation, 2015, p.23).



Map of Pender Island showing discrete patches and borders of individually ‘owned’ land. For a discussion of the problems relating to the concept of ‘property’ and colonial practices of map making, see ‘Douglas Treaty Notes’ 7, 9, 11 & 13.

Source: Islands Trust: <http://mapfiles.islandstrust.bc.ca/>

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The border of WSÁNEĆ Nation Reserve and Poet's Cove Marina on South Pender Island.