

BIOGRAPHIES

Bambitchell is the artistic collaboration between Sharlene Bamboat and Alexis Kyle Mitchell. Exhibitions of their work have been mounted with Gallery TPW, Toronto (2018); Article, Montreal (2015); The Art Gallery of Windsor (2015); and Images Festival, Toronto (2014). Bambitchell's work has been included in such festivals as the Berlinale Film Festival, Berlin; BFI London Film Festival, UK. Their works have been the subject of writing in Canadian Art, C Magazine, the Los Angeles Review of Books, and as part of the anthology *Contemporary Citizenship, Art, and Visual Culture* published in 2017 by Routledge. Bambitchell have held fellowships with the Akademie Schloss Solitude in Stuttgart, Germany, 2016-17; and The MacDowell Colony in New Hampshire, 2018.

Bugs and Beasts Before the Law was developed in collaboration with the Henry Art Gallery, Seattle and produced with support from Fonderie Darling, Montréal. The exhibition is curated by Julia Paoli, Director of Exhibitions & Programs at Mercer Union, a centre for contemporary art.

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Mercer Union, a centre for contemporary art

1286 Bloor Street West, Toronto ON M6H 1N9 Canada
(one block east of Lansdowne TTC Station)
office@mercerunion.org | www.mercerunion.org

Gallery Hours: Tuesday – Saturday, 11AM – 6 PM
Tours every Saturday at 2PM – Free, all welcome

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Exhibitions & Programs Assistant: Aamna Muzaffar

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40 Forward: Stellar Living 2019

A benefit auction for Mercer Union, a centre for contemporary art

AUCTION: Thursday 14 November 2019 | Doors at 6PM | Auction at 7PM

LOCATION: Mercer Union, 1286 Bloor Street W, Toronto

TICKETS: \$100 | stellarliving.eventbrite.ca

Join us for **40 Forward: Stellar Living 2019**, Mercer Union's signature fundraising auction and 40th Anniversary celebration. The proceeds contribute essential funds to exhibitions and programs at Mercer Union, and help us maintain our position as Toronto's leading artist-run centre. Please join us in celebrating four decades of groundbreaking contemporary art, and many more to come!

AUCTION COMMITTEE: Tanner Kidd (Co-Chair), Richard Lambert (Co-Chair), Rebecca Carbin, Miles Gertler, Gill Harris, Jeremy Laing, Devan Patel, Robert Wainstein

PARTICIPATING ARTISTS: Stephen Andrews, Karen Azoulay, Dean Baldwin, Daniel Barrow, Steven Beckly, Shary Boyle, Adam David Brown, James Carl, Moyra Davey, Tom Dean, Jason Dodge, Dave Dymant, Marcel Dzama, Robert Fones, Angela Grauerholz, Maggie Groat, Iris Haussler, Spring Hurlbut, Janice Kerbel, Paul Kneale, Kristiina Lahde, Jimmy Limit, Kelly Mark, Hazel Meyer, Jonathan Monk, Jennifer Murphy, Luke Painter, Roula Partheniou, Rajni Perera, Ed Pien, Laure Prouvost, Darren Rigo, Jennifer Rose Sciarrino, Winnie Truong, Haley Uyeda, Joy Walker, Matthew Wong, Robert Youds... and more!

For more information, visit www.mercerunion.org

PUBLIC PROGRAMMING

FORUM: Bambitchell in conversation with Richy Carey

Tuesday 17 September 2019, 7PM

Bambitchell join composer Richy Carey (Glasgow) for a conversation engaging their most recent collaboration in *Bugs and Beasts Before the Law* (2019) to discuss questions of subjectivity and multiplicity, the site of the gallery and that of the cinema, and the complex process of collectively addressing pertinent histories and geographies through sound and moving image practices.

Richy Carey is a composer based in Glasgow, Scotland. He works with sound, moving image and text to explore collaborative processes in materialist language-building. Recent projects include *Accents*, Glasgow Short Film Festival (2019); *The Forest of Everything*, LUX Scotland (2019); *The TWIST (is that you're just like me)*, Children's Exhibition, Tramway, Glasgow (2018); *Special Works School*, with Bambitchell, Gallery TPW, Toronto (2018); Berlinale, Berlin (2018); *On the waves of the air, there is dancing out there*, for Carrie Skinner, Telfer Gallery, Glasgow International Festival (2018); *Wandering Soul*, Radiophrenia Live-to-air with Alexander Storey Gordon, Centre for Contemporary Art, Glasgow (2017); *Memo to Spring*, for Sarah Rose, Scottish National Galleries of Modern Art, Edinburgh (2017). He was Glasgow's first UNESCO City of Music artist-in-residence in 2018 and winner of the Scottish BAFTA New Talent award for composition in 2015.

FORUM is an ongoing series of talks, lectures, interviews, screenings and performances at Mercer Union. Please check the Mercer Union website for details about our upcoming FORUM events.

Admission to our public programming is free and all are welcome.

In Studio: Michèle Pearson Clarke

Wednesday 2 October 2019, 6PM

Join Mercer Union for a studio visit with artist Michèle Pearson Clarke.

Free for Sustaining Members and above; open to all members and non-members for \$15.
RSVP to Sonya Filman at sonya@mercerunion.org, or by calling 416.536.1519.

Michèle Pearson Clarke is a Trinidad-born artist, writer and educator who works in photography, film, video and installation. Using archival, performative and process-oriented strategies, her work explores the personal and political possibilities afforded by considering experiences of emotions related to longing and loss. Her work has been featured in exhibitions and screenings at the Art Gallery of Nova Scotia, Halifax (2019); LagosPhoto Festival, (2018); Gallery 44 Centre for Contemporary Photography, Toronto (2018); Le Musée des beaux-arts de Montréal (2018); Itd los angeles (2018); and the Museum of Contemporary Art Chicago (2016). Based in Toronto, Clarke holds an MSW from the University of Toronto, and in 2015 she received her MFA in Documentary Media Studies from Ryerson University, where she is currently a contract lecturer. Most recently, Clarke has been awarded the Toronto Friends of the Visual Arts 2019 Finalist Artist Prize, and she has been appointed to serve a three-year term as the second Photo Laureate for the City of Toronto.

SPACE: Erdem Taşdelen | *Vicissitudes: Act One*

14 September – 2 November 2019

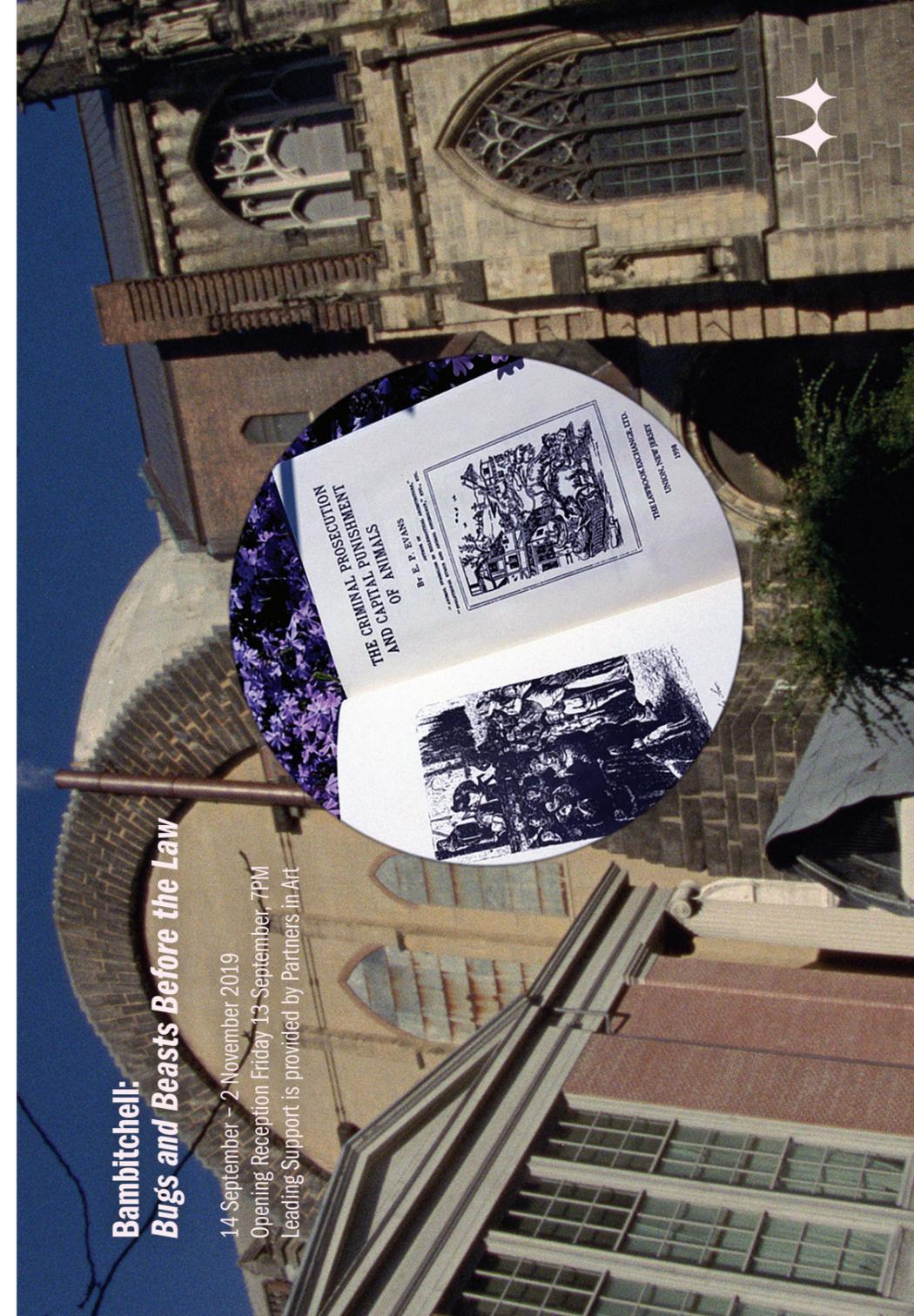
Opening Reception: 13 September 2019, 7PM

Mercer Union presents a series of commissioned billboards by Toronto-based artist Erdem Taşdelen as an extension of the artist's research into ideas of performance without the presence of live bodies. *Vicissitudes* emerges from adaptations of textual material from the 19th Century text *The Thirty-Six Dramatic Situations*, which comprises a seemingly exhaustive list created by French writer Georges Polti to describe and categorize all possible dramatic situations that may structure a story or performance. Out of the 322 sub-categories introduced by Polti in this volume, Taşdelen selects and typesets six situations for each billboard, arranging them in list form as if to suggest the sequence of events in an act. Taşdelen's situational descriptors suggest ways of looking, offering to the reader a pair of lorgnettes through which the surrounding neighbourhood can become animated, and the goings-on of its people playfully subtitled. The project is accompanied by commissioned texts that activate and complement the public-facing work over the course of a year.

Erdem Taşdelen is a Turkish-Canadian artist who lives and works in Toronto. His work has been shown in numerous exhibitions internationally and across Canada, at venues including Contemporary Art Gallery, Vancouver; Museum für Gegenwartskunst Siegen (2019); VOX Centre de l'image contemporaine, Montreal (2018); Pera Museum, Istanbul; Or Gallery, Vancouver (2017); Museum für Neue Kunst, Freiburg (2016); Stacion Center for Contemporary Art, Kosovo (2015); Kunstverein Hannover; ARTER, Istanbul; Haus Konstruktiv, Zurich; MAK, Vienna (2013); and Oakville Galleries (2012). Taşdelen has been awarded the Joseph S. Stauffer Prize in Visual Arts by the Canada Council for the Arts (2016), the Charles Pachter Prize for Emerging Artists by the Hnatyshyn Foundation (2014), and was long-listed for the Sobey Art Award in 2019.

SPACE invites one artist to produce a yearlong series of images for a public-facing billboard located on the east façade of Mercer Union. Erdem Taşdelen's *Vicissitudes: Act One* (2019) is the first edition in a series of four billboard images commissioned by Mercer Union.

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Bambitchell:
Bugs and Beasts Before the Law

14 September – 2 November 2019
Opening Reception Friday 13 September, 7PM
Leading Support is provided by Partners in Art

Objects with personality

From the deck of an Australian military ship paused on waters south of Indonesia, Behrouz Boochani watched as officers used a stationary machine gun to fire two holes into a small white fishing boat, which sank and disappeared into the ocean.¹ It was the winter of 2013. Boochani had boarded the fishing boat at an Indonesian port some days ago. Together with his fellow passengers he was attempting the treacherous maritime journey to reach Australia, where he could apply for asylum. But this was not to be. After sinking their boat, execution-style, the Australian military transported the passengers to remote island prisons where they were to be detained indefinitely. Australian border patrols continue to sink boats found smuggling migrants towards its borders. Extending the same logic, the European Council President has proposed that boats be captured and destroyed in North Africa before they can be used to carry people across the Mediterranean.² This proposal has not gone ahead, largely because migrant boats are little more than repurposed fishing trawlers. It is difficult to discern when an innocent fishing boat becomes a guilty smugglers' vessel.

Do ships have personalities? Seafarers have long believed so. Ships are christened, have working lives, husbands and sisters; they are able to enter contracts and be sued in their own names.³ Over three centuries, ships carrying slaves across the Atlantic were regarded as legal persons while their human cargo were categorized principally as things. Both ship and slave oscillated between person and property, as law's metaphysical power could transform inanimate objects into persons, and human beings into things.⁴ The Australian government's execution of Boochani's ship, followed by its detention of his body in a cage where inmates are regularly sprayed with pesticide,⁵ suggest that the oscillating power of law to transform thing into person and vice versa continues today.

Despite its models of property and personhood, and the empires built upon them, law has never been able to maintain a sharp distinction between things and persons. For example, law's metaphysical power today imbues corporations and select rivers with personhood, polices nations on the basis of algorithmic apparitions, sacrifices migrant boats to the sovereign, and makes newly built homes into haunted houses. But if inanimate objects have personalities, what distinguishes them from us? Why is it that law continues to move the line which divides persons from things?

Anglo-European legal constructs of property and personhood rely on a sharp distinction between person and thing, subject and object, culture and nature. For John Locke, the natural world was an object waiting to be properly used by "the civilised part of Mankind."⁶ Every such man "has a property in his own person" which he could mix with the natural world by productively labouring upon it. For Locke, productive labour was equated with enclosing the land, meaning "civilised men" could come to own any land "in the state of nature" that they enclosed. Though different from Locke's subject-object distinction, Georg Hegel's starting point for his theorisation of property also assumed a clear separation between persons and things external to them.⁷ While the idea of persons as controlling, masterful subjects in stark contrast to everything else that is categorically wild or lifeless around them, took hold in Anglo-European laws of property, this distinction has always been conceptually and practically unsustainable.

From around 1200 until 1846, it was a principle of English law to hold animate and inanimate objects responsible should they be involved in the accidental death of an adult human person. Such objects could be declared deodand, meaning, "that which must be given to God."⁸ Objects found to be deodand were understood as being evil and thus imbued with divine power.⁹ For example, in a case from 1272 in which a man who had climbed into a church belfry and then fallen to his death, the ladder was declared deodand.¹⁰ Having been deemed an accursed object, the ladder would be forfeited to the sovereign as the earthly representative of God.



The law of deodand was ill-defined and flexible, and scholars today continue to debate its definition, purpose and meaning. Though some courts and dictionaries suggested that to be deodand, an object must have moved to cause the death, in practice the judgment was often applied to stationary objects such as the ladder. Key to an object's capacity to be deodand was whether the object was real or personal chattel property.¹¹ Under feudal English land law, the sovereign had jurisdiction and ultimate ownership over real property, thus land and matter affixed to it could not be given up to the sovereign because such property already belonged to him. While it relied on this property distinction, declaration of a deodand sat uncomfortably with ideas in property law wherein objects are assumed to be devoid of agency.

Although the law of deodand was not formally adopted in Britain's colonies, Colin Dayan argues that its logic—that objects could be evil and legally controlled through punitive measures—was an important precursor to the creation of the slave as a hybrid person/property category in the United States and the Caribbean.¹² The force of consciousness could already adhere to things, which could be sacrificed as a subject of law separate from their owners. The slave, like the deodand, was vulnerable to legal prosecution while being deprived of personality; seen as having a will to commit crime, but incapable of other forms of agency.¹³ In English law and its colonial iterations, there have long existed categories in which humans, animals and inanimate things coalesce.

The impetus for deodand's abolition in 1846 was the Industrial Revolution and its proliferation of railways and heavy machinery: highly profitable objects with a tendency for involvement in accidents causing adult human death. Deodand was now an impediment to high risk, high profit industrial capitalist innovation.¹⁴ In London, members of Parliament debating the abolition of deodand celebrated the end of an irrational, absurd and barbaric legal practice. But are the legal practices which have come in its wake any less bizarre, barbaric or ambiguous on what separates persons from things?

Over the centuries, deodand had developed into a flexible legal tool, a way for local communities to process unexpected deaths for which there was no clear human culpability. In many cases deodand was used as a discretionary means by which to compensate the family of the deceased.¹⁵ Rather than forfeit the evil object, its owner could instead be required to pay its monetary value. Coronial juries could order that this money be granted to the family of the deceased, without them having to launch separate legal proceedings. Though it had come to be used as a means of compensating death with money, the deodand sum was based on the value of the culpable object rather than that of the human life lost, which was regarded as too valuable to be calculated. The Fatal Accidents Act 1846 replaced deodand and rejected that view, putting in place a legal scheme which provided compensation for accidental deaths according to the financial value of

the deceased person. Risk was to be rationalized and privatized to individuals and their families, and human life would be valued according to income level, calculated down to the final cent.¹⁶ Accidental death is now a profitable industry for insurance companies.

With the continued rise of the insurance industry, advances in actuarial studies, and the increased use of predictive technologies, persons matter less today than the algorithmically produced risk profiles which precede them. What damage might this risk profile do with an insurance policy, a credit card, a visa, a loan, an education, a hospital admission, a grant of parole? In the post-deodand era, persons emerge first as apparitions: projected profiles of who the law should target in the quest to minimise risk. Animated beings resembling these projected visions of danger and evil can then be stopped with force at the border, on the street, in their own homes. While deodand addressed harm that had already occurred, the insurance industry, the credit economy and risk minimisation policies address the possibility of harm before it has occurred. Many branches of law have now moved from a focus on the past to a focus on the future, with consequences for subjects, objects and all that lies in between.

Is the predicted future capital raised by a corporation through the issue and subscription of shares more valuable than human life? Suicide rates increase after stock market crashes.¹⁷ Anticipation of the risk profiles these shareholders are about to become, presents a future too horrific to endure. To be a shareholder is not to be in control of one's shares, as ownership tends to otherwise presuppose. Legal anthropologist Bill Maurer argues that the definitions of property put forward by Anglo-European philosophers such as Locke and Hegel are of rapidly decreasing relevance in the context of late capitalist forms of property.¹⁸ Studying the practices of commercial lawyers trading financial instruments on American securities markets in the 1990s, Maurer writes that:

twentieth-century lawyers, first, seek the abandonment of the property construct itself because they believe it places needless restrictions on securities transfer and capitalist expansion and, second, redefine the subject of property not as the bearer of rights but as a risk profile subject to the disciplinary practice of insurance. At stake is not merely a new definition of property but a new definition of personhood.¹⁹

In this new scheme, it is objects that wield power over subjects, rather than the other way around.

In the recent sub-prime mortgage crisis, law facilitated the eviction of 10 million human persons from their homes, which had been judged to be more valuable than them. For mortgaged homeowners, the object of property controls them as much as they control it: demanding that they stay employed and budget appropriately in order to meet the monthly repayments. Exploring this anomaly, Annie McClanahan explains that "for Freud, the fear of losing our valuable objects—a fear that defines the very fact of owning in the first place—manifests first as an anxiety that these objects have 'an uncanny and secret intention of doing [us] harm.'"²⁰ The home can thus transform, for the indebted owner, into a constantly menacing enclosure: a carceral structure possessed by an evil spirit, seeking to rid itself of human presence through foreclosure.

What does it mean to be a person in an era when objects have so much personality? Reflecting on modern law's manipulation of the category of personhood, Dayan argues that despite law's professed commitment to rational judgement, it is the supernatural that serves as "the unacknowledged legislator of justice."²¹ Law today imbues houses with malicious powers against their owners, facilitates the complex journeys of abstract financial objects that are directly implicated in death and displacement, and executes boats carrying humans across borders. Legal personhood remains a mystical category, the bounds of which can only be discerned in the incredibly absurd and atrocious annals of the judiciary.

— Sarah Keenan



¹ Behrouz Boochani, *No Friend But The Mountains: Writings from Manus Prison* (Picador, 2018), 77.

² European Council, "Remarks by President Donald Tusk following the special European Council meeting on migratory pressures in the Mediterranean" (23 April 2015) <https://www.consilium.europa.eu/en/press/press-releases/2015/04/23/final-remarks-tusk-european-council-migration/> (accessed 2 August 2019).

³ Renisa Mawani, *Across Oceans of Law: the Komagata Maru and Jurisdiction in the Time of Empire* (Duke University Press, 2019) 79.

⁴ *Ibid.*, 86.

⁵ Arash Kamali Sarvestani and Behrouz Boochani, *Chauka, Please tell us the time* (Savvin, 2017).

⁶ Jon Locke, *Two Treatises of Government* (Cambridge University Press, 1960).

⁷ Hegel, G.W.F., Wood, A.W. and Nisbet, H.B. (eds), *Elements of the Philosophy of Right* (Cambridge University Press, 1991).

⁸ William Pietz, "Death of the Deodand: Accursed Objects and the Money Value of Human Life," *Res: Anthropology and Aesthetics* 31 (Spring 1997): 97-108.

⁹ *Ibid.*

¹⁰ Edward Kirton-Darling, "Searching for Pigeons in the Belfry: The Inquest, the Abolition of the Deodand and the Rise of the Family," *Law, Culture and Humanities* 14, no. 3 (October 2018): 439-461, 442.

¹¹ Pietz, "Death of the Deodand," 101.

¹² Colin Dayan, *The Law is a White Dog: How Legal Rituals Make and Unmake Persons* (Princeton University Press, 2011), 122.

¹³ *Ibid.*, 147.

¹⁴ Pietz, "Death of the Deodand," 106.

¹⁵ Kirton-Darling, "Searching for Pigeons," 444.

¹⁶ *Ibid.*, 445.

¹⁷ Wisniewski, Tomasz Piotr, Brendan John Lambe, and Keshab Shrestha, "Do Stock Market Fluctuations Affect Suicide Rates?" (13 July 2018) <https://ssrn.com/abstract=3213334> (accessed 2 August 2019).

¹⁸ Bill Maurer, "Forget Locke? From proprietor to risk-bearer in new logics of finance," *Public Culture* 11, no. 2 (1999): 365-385.

¹⁹ *Ibid.*, 366.

²⁰ Annie McClanahan, *Dead Pledges: Debt, Crisis, and Twenty-First-Century Culture* (Stanford University Press, 2017), 129.

²¹ Dayan, *The Law is a White Dog*, 40.

Sarah Keenan works at Birkbeck Law School, University of London, where she co-directs the Centre for Research on Race and Law. Her research and teaching are at the intersection of legal and political theory, geography and post-colonial studies. Her monograph *Subversive Property: Law and the Production of Spaces of Belonging* was published in the Routledge Social Justice series in 2015. She has recently completed a Leverhulme Fellowship on her current project *Making Land Liquid: The Temporality of Title Registration*.