

# De-\Re-coding International Law & Governance Through Art

*LeParc: A 'walk in progress' in the  
virtual park*

Oonagh E. Fitzgerald

November 4 2021

**Acknowledgement that we are meeting  
on unceded territory of the  
Anishinaabe Algonquin in Ottawa and  
of the Kanien'kehà:ka in  
Tiohtiá:ke/Montreal**





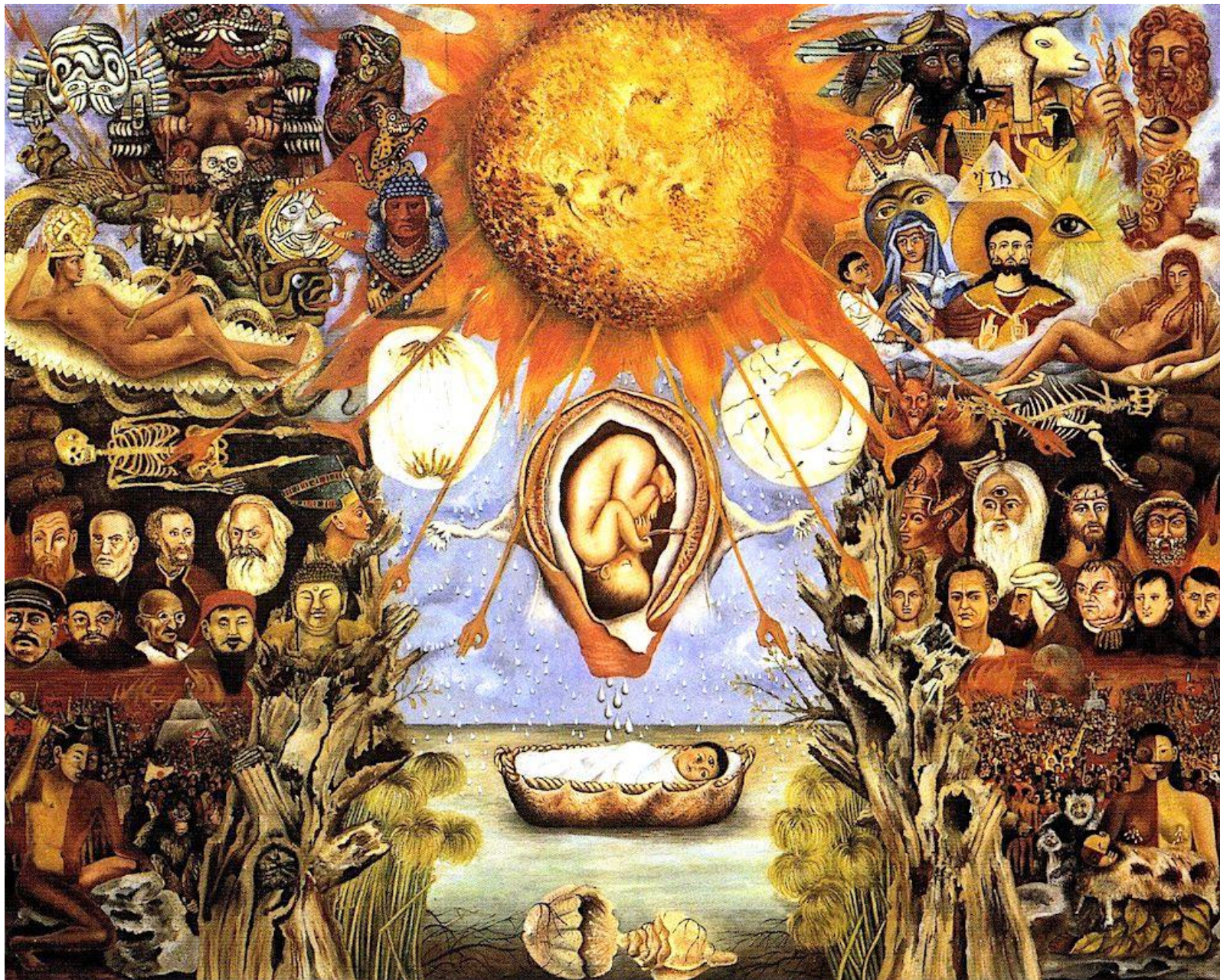






3/21 *THE 3RD OF MAY 1808 IN MADRID, OR "THE EXECUTIONS"*, Francisco De Goya Y Lucientes, Copyright ©Museo Nacional del Prado





MOSES, Frida Kahlo, 1945 <https://www.fridakahlo.org/moses.jsp>



*PICASSO'S GUERNICA, Ansel Adams. 1942. Gelatin silver print. The Museum of Modern Art, New York. Departmental Collection. © 2016 The Ansel Adams Publishing Rights Trust. © 2016 Estate of Pablo Picasso/Artists Rights Society (ARS), New York*











A detail from Eugène Delacroix's "The Natchez," 1823-24 and 1835. The scene was inspired by a romantic novel in which the infant born to a Native couple is doomed to die. The Metropolitan Museum of Art

7/21



A detail from Kent Monkman's "Resurgence of the People" updates Delacroix's pessimistic image by depicting a healthy baby in the arms of a same-sex Indigenous couple. Kent Monkman article in the New York Times <https://www.nytimes.com/2019/12/19/arts/design/kent-monkman-metropolitan-museum.html>



As an international lawyer I am keenly aware of the **material impacts and inadequacies** of the existing system of global law and governance.

Using mixed media, including natural and artificial “waste” materials, I make visual art performance pieces related to my concerns about existing international law and governance.

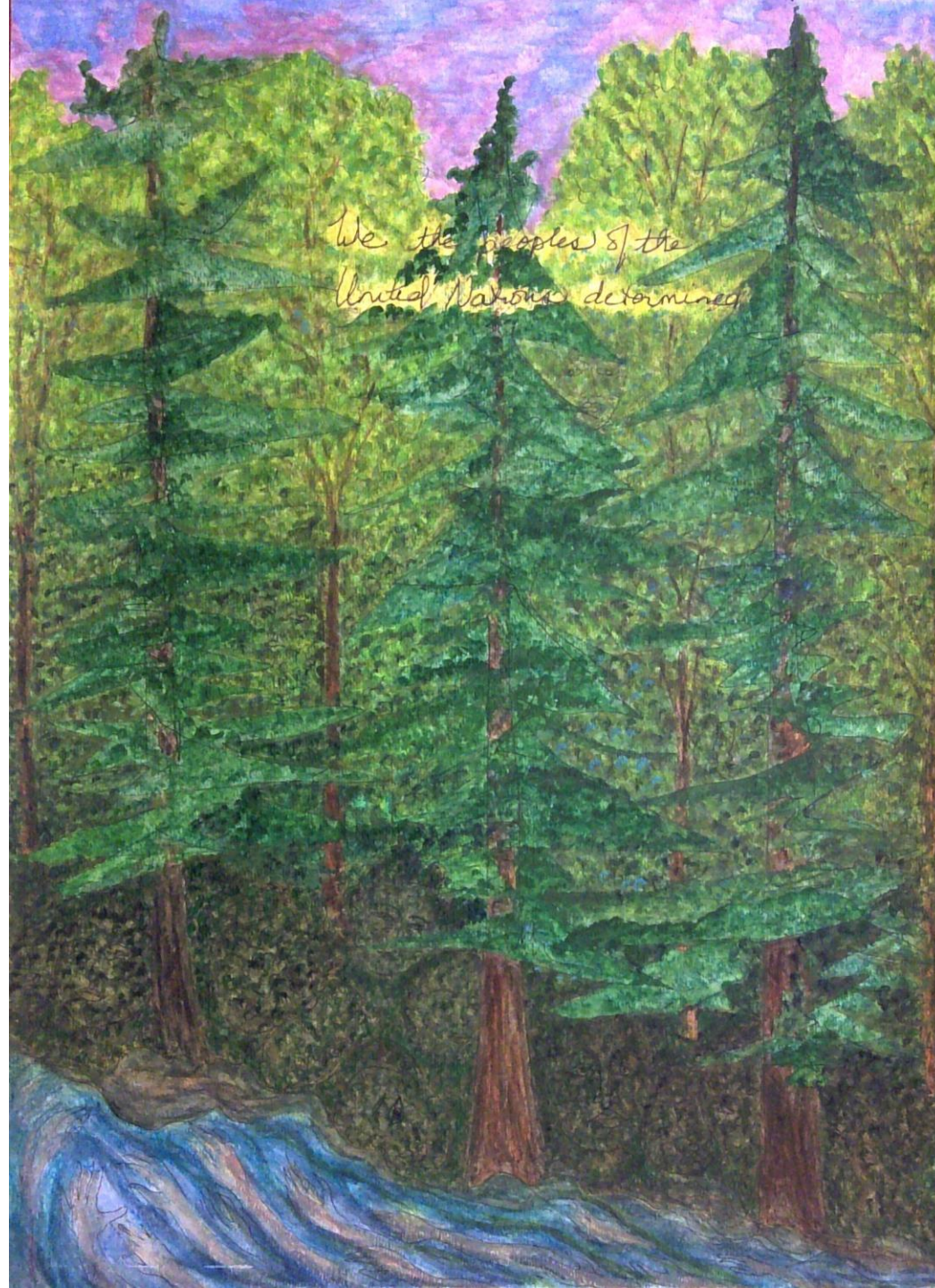
Through art, performance and written reflection I seek to envision a new planetary Charter for our times.

*“WE THE PEOPLES OF THE UNITED NATIONS DETERMINED”*

*Charter of the United Nations, 1945*

*ANCESTORS*

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**Hélène Cixous (1976) at 887:**  
**“Now, I-woman am going to blow up the Law: an explosion henceforth possible and ineluctable; let it be done, right now, in language.”**

**At 887: “If woman has always functioned “within” the discourse of man, a signifier that has always referred back to the opposite signifier which annihilates its specific energy and diminishes or stifles its very different sounds, it is time for her to dislocate this “within,” to explode it, turn it around, and seize it; to make it hers, containing it, taking it in her own mouth, biting that tongue with her very own teeth to invent for herself language to get inside of.”**



The 1945 Charter of the United Nations articulated the high importance of building institutions that foster global peace and security and peaceful dispute settlement.

76 years later, we are facing global pandemic, climate change, biodiversity loss, nuclear threat, inequality and intersectional oppression, and the impacts of colonialism and capitalism.

Can a transdisciplinary research-creation approach serve to decode meaning and recode values and vision for addressing the world's material needs?

*"2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, ..."*

*Charter of the United Nations, 1945  
IN FLAMES*

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Charlesworth & Larking (2002) at 392: “We could begin from the opposite end and examine what international law has to offer to the person who wants to pollute the environment or violate human rights.”

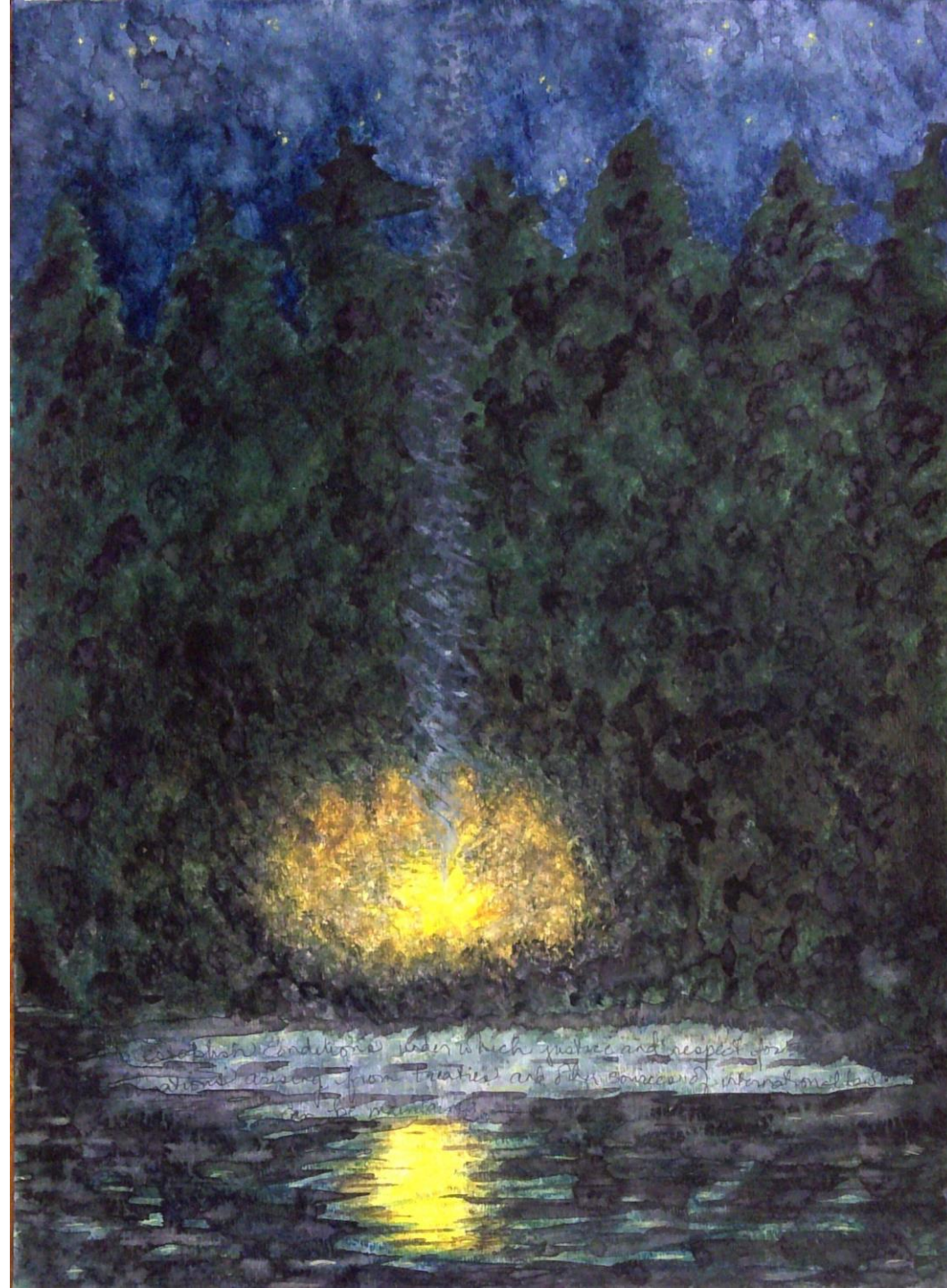
Derrida (2006), explains Hélène Cixous’ writing at 56: “That this Omnipotence-other deprives us, in the name of literature, of the right or the power to choose between literature and non-literature, between fiction and documentary, is a new state of affairs in the world and in the history of humanity. The consequences and implications are mind-boggling. Not just in the realm of law (for even the genesis of the law is at stake here).”



Law involves **interpretation**, extracting relevant meaning. My research-creation art making is intended as an **argument** with, an act of **resistance** against, and a **contribution** to re-envisioning of, existing international law and governance. It is also intended to elicit a **broader and more diverse conversation** about these issues.

That is why this conversation is about de-\re-coding international law through art and performance.

*“to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”*  
*Charter of the United Nations, 1945*  
**CONVERSATION**  
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Sullivan, Graeme, at 115: “Maxine Greene says that **art can’t change things, but it can change people, who can change things.** She talks of the imagination as the place where the possible can happen; a place of ‘**resisting fixities, seeking the openings,**” where “we relish incompleteness, because that signifies that something still lies ahead” (2003, p.22-23). The promise of change that comes from wonder takes shape in the things we create, through what we make and experience, or from what we come to see and know through the experience of someone else. Using the visual arts to turn questions into understanding that give rise to more questions not only describes an aesthetic process of self-realization but also describes a research process.



## Is transdisciplinary research **EXTRINISC** like reaching across from one to the other ...

Erin Manning (2015) invites us to explore through research-creation the transversal spaces, tensions and dynamics between disciplines. She writes at 962, **“In the case of research-creation, which inevitably involves a transversal engagement with different disciplines, this incites a rethinking of how artistic practice reopens the question of what these disciplines—anthropology, philosophy, art history, cinema, communications, biology, physics, engineering—can do.”**

Manning outlines four propositions relevant to this endeavour:

1. If “art” is understood as a “way” it is not yet about an object, a form, or content.
2. Making is a thinking in its own right, and conceptualization a practice in its own right. [page 54]
3. Research-creation is not about objects. It is a mode of activity that is at its most interesting when it is constitutive of new processes...
4. New processes will likely create new forms of knowledge that may have no means of evaluation within current disciplinary models.

**Sara Scott Shields, (2016), citing Laurel Richardson (2005) at 11: “She acknowledges the poststructuralist shift towards self and research as coexisting. “Knowing the self and knowing about the subject are intertwined, partial, historical local knowledges. Poststructuralism, then, permits – even invites or incites – us to reflect on our method and to explore new ways of knowing” (Richardson & St. Pierre, 2005, p. 962). I see the visual journal as a way of creatively inquiring into our own understanding.”**



## Or is transdisciplinary research **INTRINSIC \ Immanent \ Embodied?**

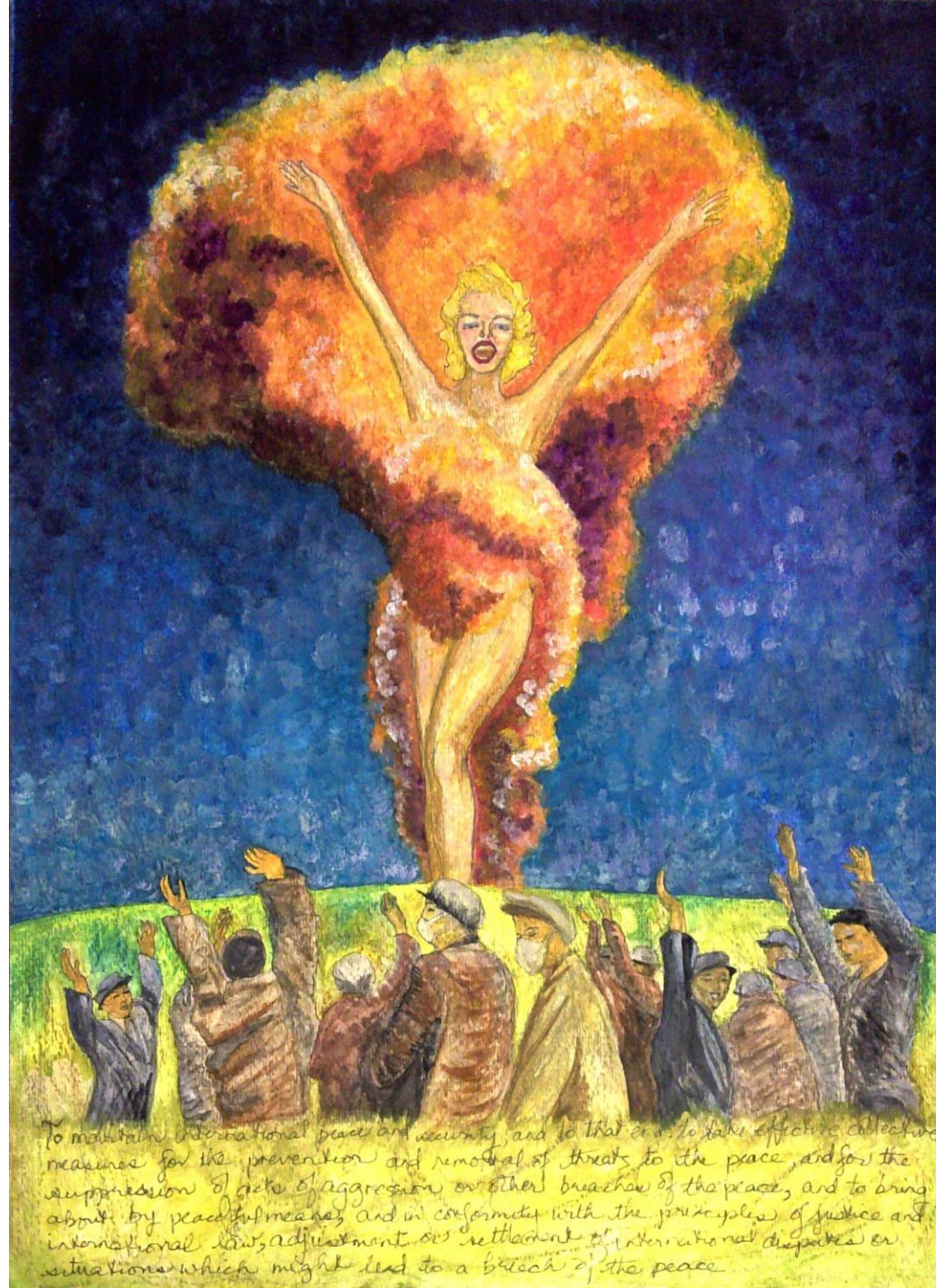
Rosi Braidotti (2018) at 33: “I have adopted a **conceptual frame of nomadic becoming** (Braidotti, 2011a, 2011b), drawn from neoSpinozist vital ontologies (Deleuze, 1988, 1990). **Subjectivity is not restricted to bound individuals, but is rather a co-operative trans-species effort** (Margulis and Sagan, 1995) **that takes place transversally**, in-between nature/technology; male/female; black/white; local/global; present/past – **in assemblages that flow across and displace the binaries. These in-between states defy the logic of the excluded middle** and, although they allow an analytic function to the negative, they reject negativity and aim at the production of joyful or affirmative values and projects (Lloyd, 1996; Braidotti, 2011b). Poststructuralism paved the way for this approach, but the posthuman turn materializes it and composes a new ontological framework of becoming-subjects.”

At 33-34: “Another crucial element of my **cartographic** approach is the **feminist politics of locations** (Rich, 1987), also known as **situated knowledges** (Harding, 1986, 1991; Haraway, 1988), which I take as the original [34] **manifestation of embodied and embedded carnal empiricism**. This method accounts for one’s locations in terms both of space (geo-political or ecological dimension) and time (historical memory or genealogical dimension), thereby grounding political subjectivity. **The emphasis on immanence marks the rejection of transcendental universalism and mind-body dualism**. All matter or substance being one and immanent to itself, it is intelligent and self-organizing in both human and non-human organisms (Lloyd, 1994, 1996; Protevi, 2013). **Vital matter is driven by the ontological desire for the expression of its innermost freedom (conatus)**. This understanding of matter animates the composition of posthuman subjects of knowledge – embedded, embodied and yet flowing in a web of relations with human and non-human others. **Vital neo-materialism will also provide the ontological grounding for the critical posthumanities as a transversal field of knowledge.**”



**Karen Barad (2019, 2016)** writes and talks about how **nuclear bombs were tested and exploded on lands and waters of Indigenous peoples**, adding to their dispossession and dislocation. She sees a tight connection between the policy of Mutually Assured Destruction (MAD!) that hangs over this earth, thanks to a handful of nuclear-armed countries, and **enduring colonialism**.

**Barad (2009):** “Ethics and justice are at the core of my concerns or rather, it runs through “my” very being, all being. ... ethics is not a concern we add to the questions of matter, but rather is the very nature of what it means to matter.”



**van der Tuin & Dolphijn (2010):** “**Diffractionally reading**” ... Michel Foucault's and Judith Butler's ideas about discursive practices, power, and matter, **Barad not only wishes to bring matter and materiality back into the spotlight, but also hopes to deconstruct the nature-culture dichotomy and the anthropocentrism that supports it.** Her posthumanist agential realism is a “relational ontology” which proposes that phenomena and discursive practices are always already in a relationship of “intra-action”, rather than being non-related, ontologically separate entities.

*“1. To maintain international peace and security...”*

**NUCLEAR ENTHUSIASM**

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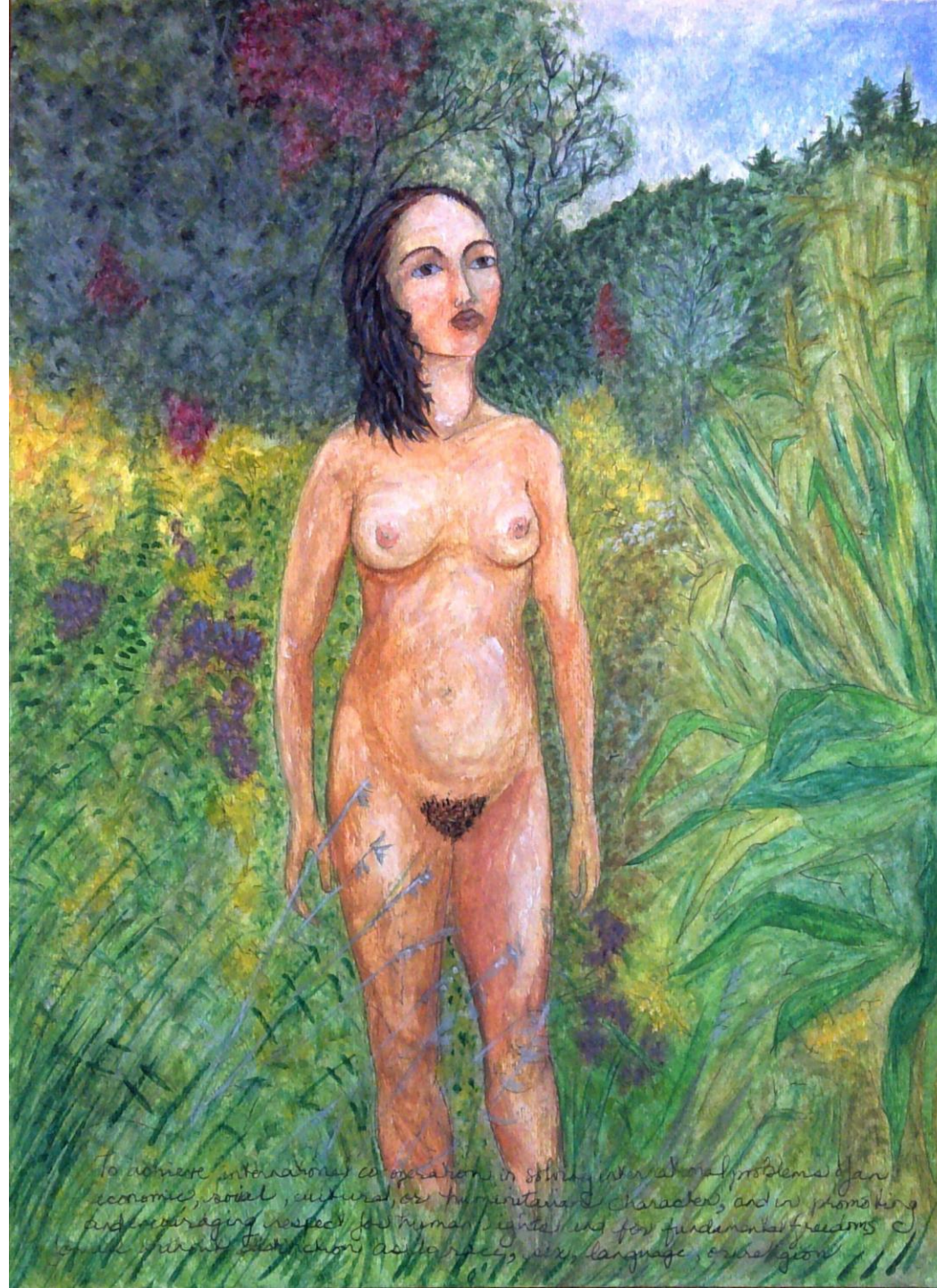


Gillian Rose (1993) at 15: Like Jane Miller [*Seductions, Studies in Reading and Culture* (Virago, London, 1990) pp. 1, 3], I have to say that ‘I was, and still am, seduced by men’s systematic and exhaustive claims on our meanings and our realities through their occupation of everything which is thought of not as male, but simple as human’, Like Snitow and de Lauretis, Miller argues that this seduction is unavoidable: “women can no more escape being adulterated than they can escape being adulteresses’.”

*3.To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”*

*Charter of the United Nations 1945  
BEING FEMALE*

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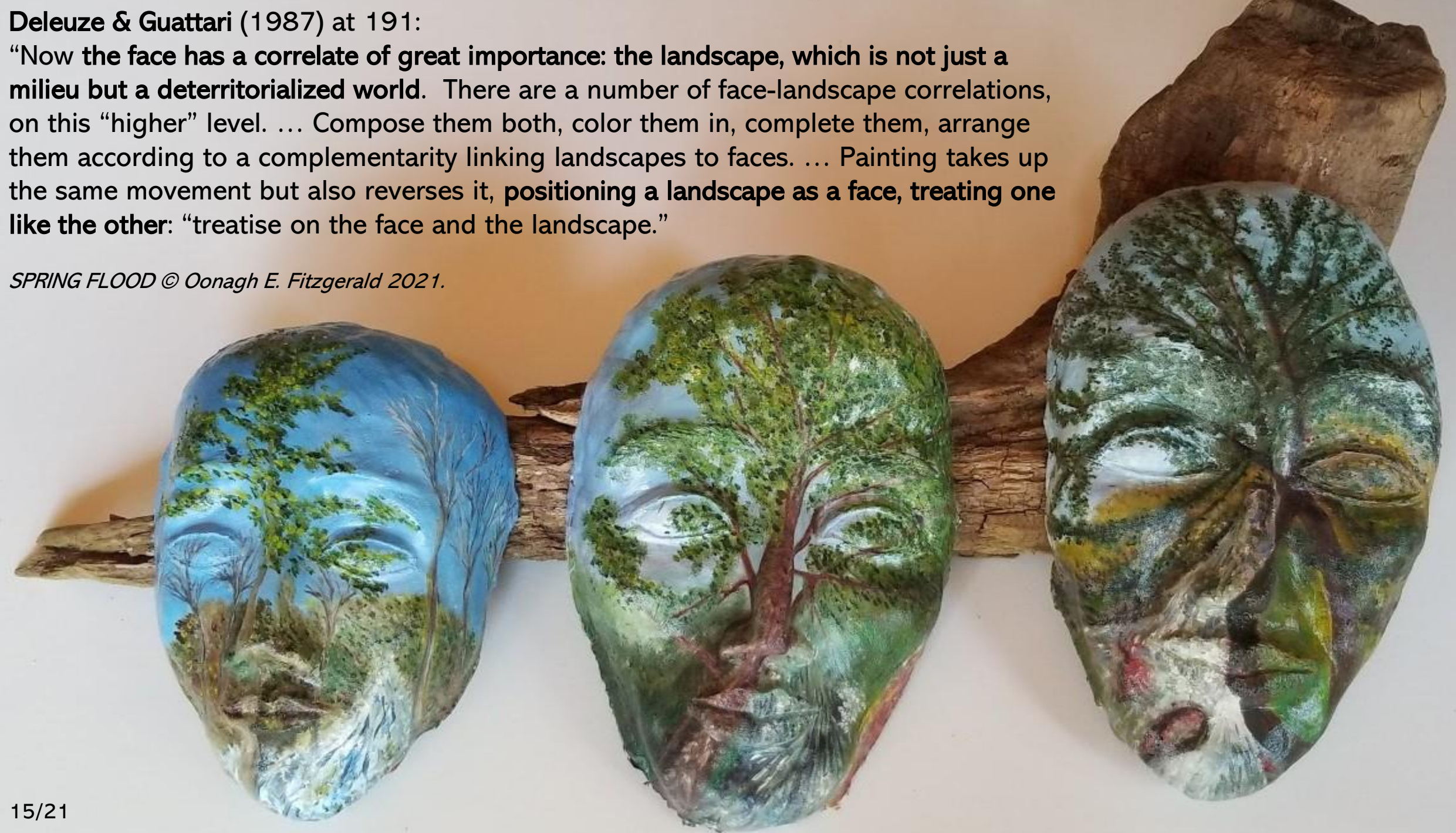
Momin Rahman & Anne Witz (2003) at 257-258: “Notwithstanding their epistemological departure points ... the **deployments of materiality** as a route to a social ontology of gender and sexuality do **share a concern with effectivity: materiality as the ‘effects’ of discourse** (Butler, 1993); materiality as the **social context** and configuration of discourse (Hennessy, 2000); materiality [258] as the **everyday effectivity of social process**, practice and experience (Smith, 1988; Jackson, 2001) and materiality as the **practical effect of corporeality** (Bordo, 1998).



**Deleuze & Guattari (1987) at 191:**

**“Now the face has a correlate of great importance: the landscape, which is not just a milieu but a deterritorialized world. There are a number of face-landscape correlations, on this “higher” level. ... Compose them both, color them in, complete them, arrange them according to a complementarity linking landscapes to faces. ... Painting takes up the same movement but also reverses it, positioning a landscape as a face, treating one like the other: “treatise on the face and the landscape.”**

*SPRING FLOOD © Oonagh E. Fitzgerald 2021.*





**Generating knowledge:**  
Braidotti (2018), at 32: “I will take a materialist approach, and inscribe the Anthropocene as a multi-layered posthuman predicament that includes the environmental, socio-economic, and affective and psychic dimensions of our ecologies of belonging (Guattari, 2000).”

I collect birch bark and discover how hardy the bark is – I find fallen trees from years ago still encircled with intact bark while the hard core of the tree trunks has decomposed into soft reddish-brown mulch. The tree can be broken apart by tugging at a column of bark and the innards fall out as a loamy powder, chewed to pieces by insects, microbes, and mycelium, leaving the empty bark cylinder.



The bark’s ability to withstand the decomposition process explains why it is so useful for making canoes, containers and writing scrolls. Whatever I do with this bark should be appreciative not appropriative of Indigenous artifacts and traditions – a fine line to tread for a European immigrant. I would like to paint on it or sculpt it, but its materiality and aesthetic qualities arrest me, and engage with me.

Bringing bark to a performance to experiment with wearing it as a costume, thinking about a kind of woodland Joan of Arc.  
Sheena Burnett, Concordia INDI PhD student performing in her proposition, *The Technological Burnout Crises - Returning to the Trees - Is technology going extinct?*  
© photograph by Karl Biernath, 2021.



**Diane Marie Keeling and Marguerite Nguyen Lehman (2018): “Whereas a humanist perspective frequently assumes the human is autonomous, conscious, intentional, and exceptional in acts of change, a posthumanist perspective assumes agency is distributed through dynamic forces of which the human participates but does not completely intend or control. Posthumanist philosophy constitutes the human as: (a) physically, chemically, and biologically enmeshed and dependent on the environment; (b) moved to action through interactions that generate affects, habits, and reason; and (c) possessing no attribute that is uniquely human but is instead made up of a larger evolving ecosystem.”**

**“... a posthumanist scholar rejects this [nature\culture] dichotomy through understanding the human as entangled with its environment”**



**TORSO** Oonagh E. Fitzgerald, 2021.



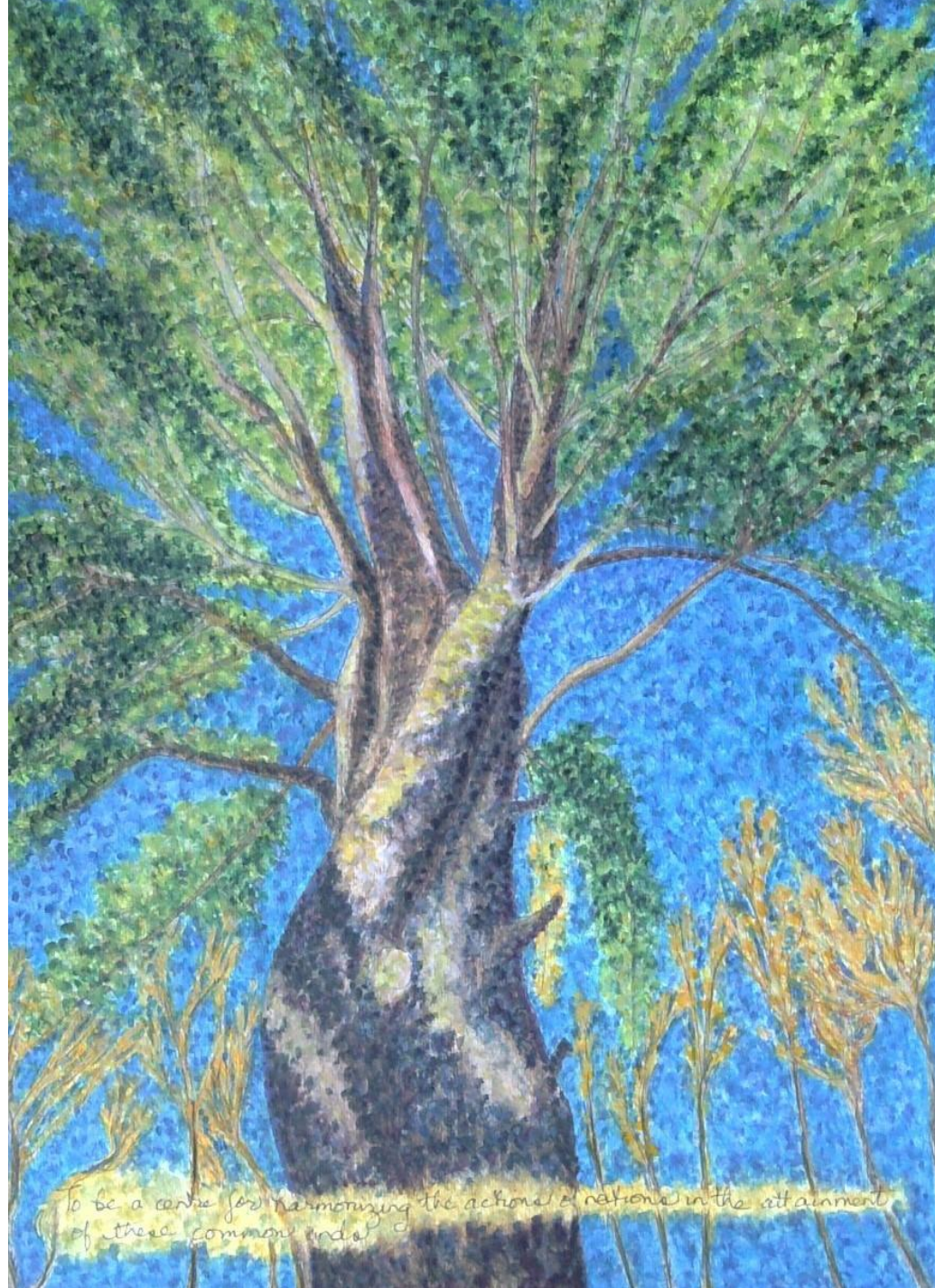
## Re-coding Values and Vision

Using philosophical frameworks and methodologies to make art that instigates the development of individual, community, and planetary codes of values designed to overcome the multiple crises of the Anthropocene.

**Everyone is a coder today** but are we emphasizing meaning or function?

Making codes for computers, oneself, sharing codes and values e.g.

*Desiderata*, Max Ehrmann (1927) “Go placidly amid the noise and the haste...”



*“4.To be a centre for harmonizing the actions of nations in the attainment of these common ends”*

*Charter of the United Nations, 1945*

*COMMON ENDS*

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## De\Re-Coding Values for Our Times

- An attitude of **respect and gratitude** for the opportunity to share our stories and aspirations to work together on such an important task as achieving the sustainable development goals (SDGs) in our locality;
- An attitude of **courage, perseverance and solidarity** in the face of urgent and wicked problems and the resistance and inertia of people, institutions, laws, traditions and habits;
- Respect for all aspects of **human dignity and freedom**, including ensuring decent work, decent living standards, healthcare and education.
- The **recognition of the limits of our own knowledge** and understandings and the need to seek out diverse voices, perspectives and expertise;
- An **integrated and interdisciplinary approach** to solving problems holistically;
- A **collaborative, inclusive, respectful and fair decision-making** approach;
- An **innovative and creative** approach to rethink, redo, repair and transform towards the achievement of the SDGs;
- A **circular and repairable** approach to economic, social and ecological challenges;
- An **appreciation for Indigenous knowledge** about environmental and human interdependence, relationship and care;
- A sense of **belonging and relationship with the natural environment** and all forms of life, and a willingness to take responsibility for safeguarding and rehabilitating our relationships with the natural environment;
- The **humility and hunger to learn** about the experience and history of all peoples, especially First Nations, Inuit and Metis peoples, and settlers of colour, and work towards reconciliation and true partnership;
- A willingness to take **responsibility to safeguard and rehabilitate** all our relationships to transform global human society into one that is more just, equitable, inclusive, secure and peaceful.





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## LET'S DISCUSS!

Kara E. Walker, A SUBTLETY, or the MARVELOUS SUGAR BABY, 2014, on the occasion of the demolition of the Domino Sugar Refining Plant.