Getting away with it

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This paper applies an appropriation of leveling, as a performance / performance art construct, in order to contribute to the dialogue between art and authority in the post-apartheid city of Johannesburg.
Key words: performance, social intervention, constitutional law, and municipal law.

Om daarmee weg te kom
Hierdie dokument/vraestel pas ‘n betrokke aanwending van gelykmaking toe - in die vorm van ‘n optrede/ ‘n ‘vertonings kuns’ konstruksie, om sodoende by te dra tot die dialoog tussen kuns en outoriteit in die na-Apartheids stad van Johannesburg.
Sleutelwoorde: Spel en optrede, sosiale ingryping of intervensie, grondwetlike staatsreg en regsfilosofie asook munisipale reg.

There is no desire more natural than the desire for knowledge. We try every means that may lead us to it. When reason fails us, we make use of experience, which is a feebler and less worthy means. But truth is so great a thing we ought not to despise any medium that will conduct us to it (Michel de Montaigne 1958:345).

Art is anything you can get away with (Andy Warhol [sa]).

Three trajectories

This paper follows three trajectories framed by an experiential interrogation of the operation of municipal by laws acting alongside constitutional law in relation to the practice of expressing social interventions in public art and performance. In doing so the research adds to the exploration of what might sustain a particular form of performance practice. The practice, as to follow Montaigne, is to express autonomy along with a desire for knowledge so experience as knowledge may be produced as part of an overall practice led research position in the creative arts.

The first trajectory is called ‘Leveling the Enclosure’ and it is reflective. It concerns my own experiences of making public art / performance projects in the social, urban environment of Johannesburg. (2009-2011) I concentrate, in particular, on one case study called *Florence.* (Johannesburg 2010–2011). This project used multi-disciplinary forms to attract and engage the public with the inner city art gallery and its separated Public Park while at the same time as present a retelling of Florence Phillip’s life, founder of the Johannesburg Art Gallery. The work also correlated to an overall aim of the research project: of what it means to create performance as social intervention. In this case: transgressing or breaking through a municipally constructed fence that encloses the public park separating it from the public gallery.

The second trajectory called ‘Leveling the Playing Field’ is an interpretative deliberation investigating the relationship between South African constitutional law and its municipal by laws. A complex set of rules known as municipal by laws determine how an artist may operate and perform in public open spaces. But these rules may be interpreted by the *Constitution of the Republic of South Africa* (1996) with guarantees of the artist’s constitutional right of freedom of expression. How the right to freedom of expression maybe interpreted may influence local law in regards to how performance and performance art occur as social interventions in public spaces.

The third trajectory called 'Leveling as Equality' combines ruminations from an informal discussion made with three other contemporary South African performance artists and public artists who have considered the operation of the law in relation to the making of their work in public spaces.

Leveling the enclosure

In late sixteenth century England, there were a series of mass mobilizations against enclosure of place as a symbol of the insurrection against ruling classes. There was the Beggars' Christmas Riot of 1582, the Plasterers'' Insurrection of 1586, the Felt-Makers' Riot of 1591 and the Southwark Candle-Makers' Riot of 1592. These were rebellions that resisted enclosure demonstrated by tearing down the fences and filling in the ditches. The rebels were for the first time called the Levelers. (*Do or Die* Online: http://www.eco-action.org: 2000*).* My reference to the origin of leveling as a politic act emerging from the Middle Ages is to ironically demonstrate how enclosure is still situated as an indictment of both class and race segregation. Leveling, rather than merely suggesting erosion, might as an act of transgress supersede its politic by becoming performance. The performance of leveling suggests a temporary disruption of enclosure. This is to engender further integration of the contemporary constellation of diversity, particularly in a place like post-colonial South Africa.

However, when vulnerability is taken in account then enclosure might seem to be justified. In South Africa there has been an increase privatization of public spaces marked by the emerging enclosures of the gated community, boom estates, increasing high walls, barbed wire, metal fences and the increasing presence of security guards (*see* Bremner 2004; Landman 2006). All which provide a sense of security by fortifying against the anxieties of crime and the perpetration of crime[1] But the enclosure also suggests the perpetration of segregation, not necessarily of race but as an embodiment of the divisions of class.

To appropriate the idea of leveling the enclosure is an act of social intervention where there is a symbolic unsettling of the contemporary barricade. This is a symbolic act. It does not really remove the barriers, as this will not appease the fear of crime. Rather in enacting symbolic acts of transgression the paradox of emergent democracies is exposed where the violence is implicit not only in the fortification of the weak but segregation of the other. For it is these more contemporary forms of exclusions that perpetrate legacies of segregation and categorization (*see* Landman 2006:2).

Academic Achille Mbembe points to a symbolic state of duality, pertaining to the inside and the outside of Johannesburg, as a city that encloses and separates its inhabitants. He says: 'the duality of inside and outside is visibly achieved by the walls that encircle and shield nearly every house and building' (2008:47). This duality is part of a larger more complex shape than the one Mbembe describes when citing Giles Deleuze and Félix Guattari as "tubular..."(1987:93–94; 2008:47). In evoking this multi dimensional shape to the city, it might be portrayed as heterogeneously fragmented. A city that has fissure–embodied as an interfacing, intermingling interconnecting network of social exchange and existence. I symbolically integrate this multiple rhizomatic network of tensions revealed in the city into my own creative process I do this in order to produce intermodular and reflexive relationships that create drama. In doing so, project becomes heterogeneous and performative. The notion of the performative while originally stemming from the study of linguistics (*see* J. L Austin 1962) implies an activity where the self is consciously aware of its forms of production including a sense of "interiority – into which the

subject him or herself can 'look', and thereby enact a conscience, a subjectivity…"(Vicky Bell 2007:11–12), which is an effect of historically constructed relations. Along this line of thinking I want to subjectively understand how to use the dynamic suggested in the dual – as it refracts and multiplies – in order to symbolically unsettle and provoke enclosed, privatized public spaces.

These were objectives that were expressed when I developed *Florence* as a performance project. It occurred in variation as two phases, as an experimental project and a descriptive project. It was implemented as such in order to contribute to my research of case study methodology as an applied framework in practice led research.[2]

Florence, (Johannesburg 2010-2011) first began as an exploratory performance project and an experimental intervention.[3] It took place in Joubert Park and the Johannesburg Art Gallery in Johannesburg, where performances from the project occurred as various stages or theatrical acts in and around the spaces of the Art Gallery and Public Park. The various acts each had a particular focus. In this context of this presentation I want to concentrate on the first acts that occurred in the original in 2010 and its replication a year later in 2011. These acts called 'Only When it Rains' and 'anything for money' both concern the relationship both park and gallery had with the fence that separated these two public spaces. Both these acts symbolically attempted to portray transgression and abject – otherness as ways to intervene and perforate enclosure and separation. In doing so I want to not only refer to Julie Kristeva's *The power of horror*, (1982:4) where the abject is portrayed as a composite of the rejected being that does not respect "borders, positions, rules"– that which "disturbs identity, system, order"(Kristeva 1982:4). But also how in embodying this composite, the discarded can be used to transgress and disrupt boundaries as a strategy of social intervention (Jennifer Parker-Starbuck 2011:54). And furthermore in relation to Hannah Arendt's: *The Jew as Pariah: A Hidden Tradition* (1948/2007) where she proposed how the pariah if self consciously realised, then a fluid type of stereotypical categorization could be self-informed, similarly by resisting against the presence of history (Arendt 2007: 275–297).

When the fence was originally erected in Joubert Park, (2002/2003) it was as gesture made for the sake of safety and placated as a commercial interest by the then curator of the gallery Clive Kelner who is quoted as saying:

> The fence has increased visibility, allowing for access and providing additional parking to accommodate more visitors. It had improved the precinct's image and increased the number of visitors. Museums play a significant role in galvanizing communities … defining identity, collecting society's heritage and cultural heritage and offering a space for open exchange (City of Johannesburg Online: 2007).

Working in these two spaces, park and gallery, I began by finding a suitable medium to express the research I had made in locating Lady Florence Phillips as a central motif in my project. Florence Phillips pursued a municipal if not National Art Gallery manifested in her contribution to the foundation of the Johannesburg Art Gallery in 1910. I found it hard to believe that Kelner's fence fitted into Phillips plan. If there has been an increase in visitors than it has to do with the exhibits themselves rather than this mechanical gesture of safety. The fence had not galvanized communities but instead it has amplified separation, separating the immediate black, lower and middle class including immigrant communities who had inhabited the park and its surrounds from the gallery. The fence seemed like a paradox providing for some a symbolic sense of safety but for others a reminder of the legacy of apartheid where segregation is still in effect. [4]

The fence in the performance project of *Florence* became instrumental in pointing to ways of how to disrupt the enclosure. This correlated to an overall aim of my research project,

of what it means to create performance as social intervention in the tradition of South African performance artist Steven Cohen who complicates the categories of identity through performance by performing subversive almost sacrificial engagements with identity as public interventions (*see* Van der Watt 2004: 125).

Intervention in the context of *Florence* means an experimental activation. In this frame it is a proposal of transgression. I was taking on intervention as problem posed at the fence and stimulated by the fence. But I was experimenting less as a social anthropologist. I was not being altruistic nor was I trying to replicate relational art à la Nicolas Bourriaud's *Relational aesthetics* (1998). I was using this site as a point of experimentation as opposed to "art taking as its theoretical horizon the realm of human interactions and its social context…." (Bourriaud 1998:14).

Part of my research suggests locating brackets between written dramatic narratives and practice led research. *Florence* as a project, questioned and experimented with intervention as notion of performance, but is also a catalyst for writing a play. The activities that occurred in the research project became stimuli for the play. This is a play about art. This is a play about a fence.[5] The first act in the real life performance intervention, which occurred in April 2010, was called: 'Only When It Rains'. This was an invisible intervention. It intended to explore the power of invisibility. The object chosen for this was the mask. The un-announced performance occurred with intervention-like tactics. It occurred as an experiment, teasing out assumptions I hade made in preparing the locus of performance. It occurred only when it rained. It only occurred once.

An inverted white *Scream*[6] mask and Biohazard suit were used in the performance in Joubert Park on the Friday before the announced Sunday public performance. I performed a character that was primarily informed by the spontaneous interactions occurring with people in the park. Notably there was a significant encounter with several children in the park that led to them calling the character Uncle *Mlungu* who they constantly berated for performing like a trickster (*see* Arendt's "suspect" 2007: 287; Kristeva's abjected archetype 1982:4;184) as he attempted to transgress the boundaries of park fences and enclosures around fountains.[7] Eventually Uncle *Mlungu* led the children into the art gallery. This was their first visit where they discovered the educational table and began to busy themselves by making drawings of our encounter.

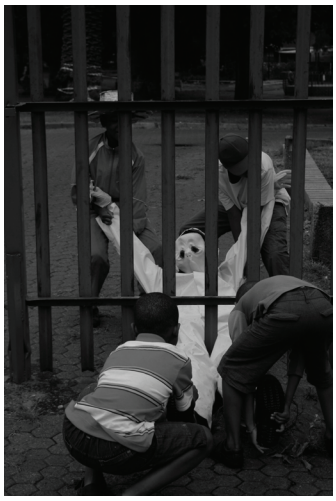

Figure 1
Uncle Mlungu is dragged through the gate of the Fence.
Photograph by Rheshma Chibba and Anthea Buys. April 19 2010.

In this second intervention called *anything for money* I performed as a character called Greedburg (a Jewish art critic / art thief. This second act was made public. I performed as a mumbling, mutated hybrid of Soho Eckstein and Clement Greenberg and Uncle *Mlungu*.[8] This hybridised, white, Jewish, clown-like figure performed an external route between the park and the gallery, the gallery and the exhibit, the collection and the recollection. The body in this performed piece became a projectile of both stereotypical misrepresentation and the re-mapping of sand and dust. The character's external costume was an old, gangster pin-stripped suit along with an additional internal costume, which had my body, wrapped in plastic filled with mine dust that began to leak out of the three-piece suit. These costumes along with the Uncle *Mlungu*'s mask intended to suggest both ideas of misrepresentation and remapping. The representation of stereotypes as in foreigner, outcast, gangster and Jew (as examples of Kristeva's abject and Arendt's pariah) were also aesthetically distressed and therefore the representations were remapped as misrepresentations.

Figure 2
Greedburg posing from the Fence.
Photograph by Simon Marcus. 2010.

The performance began in the park where Greedburg tries to scale the almost impenetrable boundary fence that separates the park from the gallery. In doing so, his white mask, once worn specifically for Uncle Mlungu is torn against the spikes of the fence and Greedburg eventually scrambles around the fence, revealing a bandaged man who has apparently damaged his tongue and can only say only one word: 'art'. This word was spoken aloud, repetitively. As it was uttered, it suggested a trail of leaking mine dust. This was a symbol that intended to indicate the detritus of mining, criminality and discovery. There was authentic mine dust leaking from my jacket. It made a trail that lead from the park entrance to the Gallery.

Figure 3
Greedburg, known also as Stephen Cone, performs at being stuck in the fence.
Photograph by Goethe Institute Johannesburg 2011.

A year later in 2011, I continued working, on the character of Greedburg, I added onto it, like a palimpsest, the character of Stephen Cone. What is evoked and made more certain by this grafting of character upon character is how "one text is read through another" (Craig Owens 1994: 54). The meaning implied here is to begin again, to advance backwards or to unfold the palimpsest back to the place where the self begins to break and dissipate. From this palimpsest process I was referencing the motion of multiple identities along with a composite of rejected identities and along with South African performance artist Steven Cohen and his strategies of subverting the marginalised identities of the Jew and Queer (examples of the abject).[9] These strategies are seminal to my study, in order to understand how the categories of (abject) identity can be complicated and redeemed through performance. One such strategy is a process, which involves "the need to locate where the danger lies" (Gilman 1991:241). This is like performing an act of transgression, with a pursuit of risk as much as there is an engagement of risk. In Cohen's work, difficult themes provoke hostility.[10] Hostility is a dangerous hatred that produces stereotypes. Gilman notes that "an internalization of such stereotypes can led to self-destructive behavior ('self-hatred'), but its sublimation can also lead to productive and successful means of resistance"(1995: 24). In the descriptive replication, I intended for the danger strategy to be sublimated with the irony I recognized in Cohen's. I replaced the white mask with an orange cone covering my head. My suit became more heightened and hybrid, littered not only with mine dust, but with descriptive shwe-shwe patterning. Greedburg was ultimately an (abject) art thief whose intent was to break into the art gallery with his stolen work including a photocopy portrait of Florence Phillips.

In the performance project, my primary research subject that is the experience of the self articulated a particular kind of performative method that pronounced and excavates historical and genealogical fragments that surround the self so as to reassemble them in an enclosure of dramatic narrative. The enclosed dramatic character is situated around notions of the outsider. The outsider was a composite of abject characters framed in the character called Stephen Cone playing the role of Greedburg who had mutated from Uncle *Mhlungu;* all of whom attempted to transgress, or level, the enclosure of the fence. The act had progressed from an experimental frame and now occurred as a performance exposed through a descriptive frame. The descriptive frame might seem in its making to guarantee a further explanatory frame. It also intends to describe the intent of the hypotheses as replication. In the replicated case study, Cone as Greedburg, managed

to climb over the fence using an abandoned security guard house that was nestled on side of the fence as way to prop himself up over the fence.

But irony is perhaps most apparent in this reflexive written document. Here the written frame as a present explanatory review of the performance project as a transgression might only be activated when the variables of laws it has broken are re-addressed.[11]

Leveling the playing field: performance, interpretation and the law

Analyzing my performance as a tool for social intervention means locating this construct within a sociological context. That context is the city. Johannesburg is characterized along with its histories, spatial dynamics and laws. The performance is characterized by the actions of the artist constituting intent of making and embodying art.[12] Doing so also means extracting dramaturgical terms originally extrapolated from dramatic theory by sociologists and re-applying them in a performance context. Erving Goffman's texts *Frame Analysis* (1974) and *The Presentation of Self in Everyday Life* (1976) present key examples of how this might be done. Goffman provides an understanding of the operation of performance by placing it within the operation of behavioral mechanisms. Goffman notes how performance is 'the activity of an individual which occurs during a period, marked by his continuous presence before a particular set of observers and which some influence on the observers' (1976:32). Bracketing performance is the organization of social activity into a form of analysis. Interrogation of the activity occurs once the activity is inside the bracket. The dramaturgical/sociological alignment or enclosure necessitates a showing of action through emplaced distance. This can inform meaning and promote activism, and, therefore, intervention.

In the context of my research, Goffman's bracketing becomes a strategic device that encloses the performance activity within a specific site while simultaneously activating and generating interventionist discourse. The construction of such a model assists in the analysis of value of a social activity that is marked off but simultaneously intervenes in the flow of surrounding events.

Analysis of transgressing or breaking through a municipally constructed fence that encloses the public park separating it from public gallery occurs also through affecting enclosure. The attempt at performative transgression and thereafter analysis suggests interplay between the intent of performance, its effects and affective outcomes. This amplifies the material-like co-exegesis that seems to be apparent within the double-like relationships that are apparent in the enclosed private, yet public, spaces of the city. The interplay of duality occurs between internal and external landscapes existing within and alongside the self and public space. These relationships might suggest how different compositions of reality inform each other and assist in performance. Understanding this plurality as a medium of concurrency in the states of being embodies both condition and process. This means, form continues to inform the process of forming (Chadhuri 2002:13). It is at this point where the practice of the work, as a medium towards experience of what is informed would follow.

In both occasions, the work in public space means there was an assumed sense that the performer did not need permission to activate the site beyond the general understanding from the gallery curators. During the descriptive phase of the project, I encountered two persons who called themselves park marshals. They interrupted a rehearsal and indicated that they worked for city parks, although they did not bear any real evidence of being so. One of them was the first to inform me during the rehearsals that I would need permission for this intervention. It became

clear to me at this point that I would need official park permission. I asked them to return with valid identification. They promised to return but did not. I continued to rehearse and thereafter to perform. I had permission from the gallery but not the park. I was breaking municipal law. But was I guilty or, in Kristeva's terminology, merely abject by "mocking the law" (Kristeva 1982:205).

South Africa's constitution guarantees that freedom of expression is my basic human right. Would denying the performance in the park similarly indicate denying a constitutional right to the freedom of expression?

What is apparent after studying three municipal by laws of the city of Johannesburg, (*Public and miscellaneous by-laws* (1996), *Public open space by-laws* (2004), *Culture and Recreation by-laws* (2004), is a specific position that qualifies 'nuisance' as an activity of transgression in the same way that performance as social intervention might qualify as an activity of transgression:

> "Nuisance" means an unreasonable interference or likely interference with– (a) the health or well-being of any person; (b) the use and enjoyment by an owner or occupier of his or her property; or (c) the use and enjoyment by a member of the public of a public open space; (City of Johannesburg 2004).

If the intervention is anything but likely or reasonable then an artist intervening in public space as a tactic of nuisance is also engaging in criminal activity. If nuisance intends to unsettle and provoke then nuisance must also correspond to the spirit of play and is an essence of performance. For artists working in public spaces, coming to terms with what defines nuisance, as an act of (abject) criminality, is not the only law and complexity that must be negotiated. There are several others. What is apparent in all these by-laws is that permission is needed from a municipal officer in order to activate a performance in public open space. The officer becomes the gatekeeper.[13] The perception of performance by local law and its councilors and gatekeepers might hinder utilizing transgression and spontaneity as signifiers of performance. Public open space in Johannesburg, in turn, is defined by the above three municipal by-laws are places which are managed by or on behalf of the City Council by one or more Gatekeeper for public recreational purposes. Places of public recreational places include:

> any park, botanical garden, sports ground and playground, but exclude any golf course. A public space is also by definition a municipal property which means any structure or thing owned or managed by or on behalf of the Council and which is incidental to the use and enjoyment of a public open space and includes any building, *lapa*, kiosk, bench, picnic table, playground equipment, fountain, statue, monument, fence, pole, notice and sign' (*City By-Laws* [O]: http://www.joburg.org.za/index. 1996; 2004).

Disruptive acts of spontaneity and transgression as acts of performance (in the vein of the abject) disengage with the above municipal procedures when they do not follow the correct civil process prescribed by mandated civil ordinances. But are acts of performance, criminal acts? (Cf. Kristeva's concept of the abject.) In South Africa, if they disengage with municipal law but still occur as a right to freedom of expression than they are not. Perhaps in this context there is both "good" and "bad" criminality?

> Section 16(1) of the *Constitution of the Republic of South Africa* (1996) states:Everyone has the right to expression, which includes-
> (a) Freedom of the press and other media;
> (b) Freedom to receive or impart information or ideas;
> (c) Freedom of artistic creativity; and
> (d) Academic freedom and freedom of scientific research (1996.)

Thus far there has not been any case, which tests the parameters of municipal law against constitutional law in relation to artistic performance in a public space. However there are several cases that do engage with these ideas in the interplay between local and state law and freedom of expression.[14] One such case is *Phillips and Another v Director Public Prosecution: (Witwatersrand Local Division) and others 2003*. In this case, the appellant had been charged for contravening provisions of the Liquor Act 27 of 1989, which prohibits performances in certain circumstances.

> The holder of a theatre liquor licence shall at all times maintain on the licensed premises a bona fide theatre at which dramatic performances, plays, concerts or films are regularly presented or shown to the public (Liquor Act 27 1989: 33).

Interpreting the act along the above parameters with the right to freedom of expression demands considering what make the place of performance a bona fide premise rather than an unobscene place. Meaning that granting a theatre liquor licence requires alongside it the legitimacy of a theatrical place. Determining what an act of obscenity is and what is a performance relies on our understanding what an act of creative expression is, as much as one must recognize that there may be different interpretations. The Court considered how the appellant's premises might be place of performance. The Court ruled that the liquor act proved to be unconstitutional as it went against section 16 (1) of the Constitution, which enables freedom of expression.

In this case the judge declared that what occurred on the premises could be interpreted as a theatrical production, which had objectives beyond those of erotic stimulation and therefore were not obscene. The exercises occurring on the premises could be creative. The Liquor Act had hindered freedom of expression. Any kind of expression if in its true form is a creative act as it is entrenched in the Constitution will also be protected by the Constitution.

Leveling as equality: conversation about relationships

Forming relationships with the everyday and with others is essential to the making of creative expression in public space. A definition which can serve as the explanation of public space is: "Public spaces are a fundamental feature of cities. They represent sites of sociability and face-to-face interaction, and at the same time their quality is commonly perceived to be a measure of the quality of urban life" (Cattel et al., 2008: 544).

What defines making relationships in the public space is what emerged from my informal conversation with three South African artists who work in performance art and public space. These artists are Anthea Moys, Nadine Hutton, and Lesley Perkes. Altogether we spoke for several hours although-specifically-what was recorded, as a document, meant for approximately fifty minutes we spoke together about the concerns of performing in public space in relation to municipal law and freedom of expression. For the sake of the brevity of this paper, I want to concentrate on our ruminations of engagement manifested as social relationships between artist and the public, and between artists and local authority that informed some of our conversation.

Figure 4
Moys in her work: *NessunDorma: None Shall Sleep Tonight.*
Photograph by Chris Saunders. Johannesburg 2008.

In 2008 Anthea Moys performed sleeping in the rose garden of Joubert Park in Johannesburg. In the documented form above, the intent is not to present her performance as a case study but to elude to the relationships that Moys and I ruminated on in our aforementioned conversation; social relationships that I assume are evident in this particular work. In the above figure (Fig.4) Moys conjures up both sleepwalking and social activism in a single frame that is not still performance but still remains so because of the act of sleeping and assumed benevolence, noted both as still-performance. Benevolence is thematised by the CSS tactical security guard who is closest in the frame. His substantiate: outward gaze that makes him more humane and perhaps less potent. And although his gaze can signal several things, it is his direct eye to the camera that disrupts his figure of authority. It also suggests a humane kind of benevolence that resonates with Moys' ideas about permission and activism. Moys got permission to perform this work; she made connections as in relationships with the relevant authorities as in the municipal gatekeepers and in those who guarded her act while asleep. But Moys declares in our conversation somewhat mournfully how she had only a few

Moys got permission to perform this work; she made connections as in relationships with the relevant authorities as in the municipal gatekeepers and in those who guarded her act while asleep. But Moys declares in our conversation somewhat mournfully how she had only a few hours to perform the work as a live yet sleeping activity (July 6 2011). Benevolence in this context suggests a more humane side to authority and power that Moys has strategically yet whimsically asserted onto its symbols and in doing so gets away with leveling its most potent forms.

Moys' social activism signified in things like freedom and play is subtly reinforced in her work through the juxtaposition between respecting authority and then equally irreverence to

it. In *Nessun Dorma*, it is the emplaced authority that assumes Moys will sleep peacefully but it is also the same authority that faces irreverent scrutiny by the artist.. It is this interplay that suggests there is equanimity in forming relationships and leveling power structures that allows Moys in getting away with performing in the everyday with certain irreverence.

Figure 5
Hutton and Perkes perform wrapping the 'ladies man' (the statue of Sir George Grey) during *M.T.H.A.F.K.R*, *Infecting the City Festival* Cape Town 2011.
Photograph by Nadine Hutton 2011.

MTHAFKR is a twisted acronym for ***M****inistry for* ***TH****e glorious preserv****A****tion o****F*** *the* ***K****ultural t****R****easures of the Mother City.* It is also a performance based intervention project commissioned by the *Infecting The City: Public Arts Festival* of Cape Town for February 2011. In this work, the commissioned artists Hutton and Perkes performed as insidious and corrupt yet glorified government ministers who paraded across the city along with their team from their ministry identifying problematic monuments and then proceed to wrap these in glad wrap. The work is both spontaneous yet calculating, involving the obtaining of permission. But in the spirit of spontaneity there is also a sense of subverted showmanship and gall that allows these incorrigible performing ministers to get away with it. In other words Hutton and Perkes by amplifying their own levels of performance will level the enclosures that performance artists might face when performing in public spaces. As live performance, their work is a vast and energetic work. Both are confident and obnoxious in their attempt to re-address public space and re-define the icons of colonialism, historical hegemony as well present an ironic assault on present day concerns of corruption, greed, opportunism, and folly.

Hutton says during our taped conversation: “I go to the gate-keeper and say thank you very much for letting me work in this space” (July 6 2011)

Perkes immediately agrees with this, highlighting how making social relationships is what really matters in the work–that relationships such as the ones between artist and the public are positioned and repositioned as things that are fluid and in states of flux. And it is this relational contrition that empowers performance in temporarily reclaiming public spaces from increasing privatization. Intervention, leveling and reclaiming are by necessity temporary; anything else is wishful thinking and unproductive.

Conclusion

To re-inhabit public space means locating ways of leveling fear of and anxiety over the abject as the criminal. It means leveling (as in temporarily undermining, deconstruction, and testing) power structures to produce relational engagement. It also means creating a sense of multiple flexible spaces that can resist (albeit temporarily) corporate control and private hold of the public space. Leveling thus becomes an attempt to reclaim space embodied in the celebration of freedom of expression; leveling is site-specific, temporary, actual and virtual, indefatigable. The notion of “getting away with it” demands freedom of expression. For freedom of expression ‘is an essential process for advancing knowledge and discovering truth. Knowledge and the search for the truth are promoted by a consideration of all alternatives’ (de Milo et al 2002:26).

Notes

1 Lindsay Bremner explains the emergence of the privatization of public space: The response by those living in targeted areas has been to mobilise every possible defensive mechanism against the violence — burglar proofing, burglar alarms, electric fencing, high walls, steel gates, automatic garage doors. Those who can afford to, move into one of the gated security suburbs on the city’s burgeoning periphery. Those who cannot, demarcate their street or neighborhood from the public realm by fencing it off and restricting access. Private security guards man the gates and patrol the suburbs. A widespread aesthetic of security prevails (Bremner 2004:464).

2 Case Study Methodology is a model, which I have adapted from Robert. K. Yin’s two textbooks: *Case study research: Design and methods* (Yin 2003a) and *Applications of case study research* (Yin 2003b). My model of case study methodology assumes and generates reproduction as a process of three distinct case study stages, namely: i) Exploratory: “[D] etermining feasibility of the desired research procedures” (Yin 2003b:5) ii) Descriptive: “[A] complete description of the phenomenon in question” (Yin 2003b:5)iii) Explanatory: “[E]xplaining how events happened” (Yin 2003b:5). Case study methodology provides a framework for an analysis of making in the field of practice led research.

3 *Florence* had its origins in being part of selected art works commissioned by Anthea Buys who curated *Time Flies*: an exhibition, discussion and archival deliberation with the collection of the Johannesburg Art Gallery and its mining history (April 2010; see Buys 2010).

4 Martin Oostehuizen demonstrates another example of lingering segregation in his evaluation of The Victoria and Albert Waterfront where his “main findings show that 50% of the users felt that with the new developments taking place in the V&AW will result in the waterfront becoming more exclusive” ([O]: http: //www.academic.sun.ac.za/earthSci/honours/documents/Theses/maarten.pdf.

5 Lines from a first draft of *Florence* the play read: There’s a plug switch somewhere on a central board. Come with me I know where there’s somewhere to hide. How did you get here? I got here by foot. We did you come from? From the Johannesburg Art Gallery I got here by foot. Where did you come from? From the Johannesburg Art Gallery... (Taub 2011: 10).

6 The *Scream* mask originated from Edward Munch's painting and a Hollywood horror movie series of the same name.

7 Mlungu seems to have a variety of origins and meanings, but in this context, I assume, that the word is used in describing a white person in a patronising way.

8 Soho Eckstein is South African artist William Kentridge's figurative persona, often used in his charcoal stop frame animation; he is a wry if not ironic allegory of a South African Jewish capitalist. Whereas Clement Greedberg as American Jewish art critic might symbolise the Jewish aesthete and intellectual .

9 Stephen Cone was a conscious incorrigible imitation of Steven Cohen. Where Cohen is detailed, focused and delicate in performance, Cone is clumsy, messy and unfocused.

10 In his work *Ugly Girl*, as developed from his character, *Princess Menorah* (de Waal and Sassyn 2003: 46), Cohen dressed in a grotesque assemblage of drag, wearing a bright orange wig, a corset, leopard-print stockings, shocking red high heels and severe make-up, visits a rugby match at Loftus Versveld stadium in Pretoria. The work is intended to be a public intervention, which stimulated interaction with South African rugby player enthusiasts who were reported to have responded with mixed reactions. (*see* also 'Media responses to Limping Into the African Renaissance on the dance Umbrella Festival [O]: http://www.at.artslink.co.za/~elu/stevencohen).

11 Locating an exact historical context to Shweshwe is complex, like its genealogy. It is a hybrid manifestation of colonial Delft and indigenous South African patterning and Indian cloth (see 2007 *The History of "Original Shweshwe"* [O]: **http://www.shweshwe.net**).

12 I am modifying a particular definition of performance art that I extracted from reading interpretations of art and South Africa's constitutional law. The original read: "In general, performance art is characterized by actions of the artists themselves constituting the work of art" (De Milo et al.:Fn -284:p38: 2002).

13 In anthropological terms, the gatekeeper is "a person who can provide a smooth entrance into the site" (Leedy 2005:137).

14 These cases include: Case and Another v Safety and Security and others; Curtis V Minister Safety and security and others (1996); De Reuk v Director Public Prosecutions (W Local Division) and others (2002); Gay and Lesbian Alliance v Electronic Media Network 2008; Blesch JR v e TV (2008)Phillips and another v DPP (WLD) and others 2008.

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