Space and Subversive Property: Holding Up Relations of (un)Belonging

Sarah Keenan (AU/UK)
EX-EMBASSY
EXHIBITION AND TEXT SERIES

at the former Australian Embassy to the German Democratic Republic
Grabbeallee 34, 13156 Berlin
August 4–31, 2018

EX-EMBASSY is hosted by artist Sonja Hornung (AU/DE) with curatorial advice from Rachel O’Reilly (AU/DE).

Contributing artists: Megan Cope (Quandamooka); Archie Moore (Kamilaroi); Sumugan Sivanesan (AU/DE), Carl Gerber (DE) & Simone van Dijken (NL); Sonya Schönberger (DE); und Khadija von Zinnenburg Carroll (AU/AT).
Contributing writers: cultural studies scholar Ben Gook (AU/DE); legal scholar Sarah Keenan (UK); historian Peter Monteath (AU); artist, critic and curator Rachel O’Reilly (AU/DE); writer Nathan Sentance (Wiradjuri) & poet Raelee Lancaster (Wiradjuri).

Translations: Manuela Koelke
Design: Francesca Tambussi
Coding: Rasso Hilber

Supported by: Australia Council for the Arts, Helle Panke e.V., Rosa Luxemburg Foundation
Partners: Atelier Australische Botschaft Ost, Project Space Festival Berlin, Archive Books
Media Partner: Berlin Art Link

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Who owns the building of the former Australian Embassy in the former East Berlin? Or, more to the point: Who and what belongs in this low-rise brutalist concrete block in Pankow in 2018 and beyond? Below I consider these questions and aim to contextualise them in the context of a theorisation of property as relations of belonging held up by space. The point of this theorisation is to shift the analytical focus away from the 'proper(tied) subject' and his/her right to exclude, and instead construct a theory of property that focuses on belonging in space, thus raising questions about how belonging and space have been produced for and through this building.

**Property, identity, and belonging in space**

Despite an extensive body of literature on its meaning, property is difficult to define. The understanding of property as a suitable or proper part or extension of the subject has a long history in Western philosophy. For John Locke, property is an inherent, essential part of the subject (the body's labour), and a constructed extension of it (the land upon which the body labours).¹ For G.F.W. Hegel, subjectivity can only be achieved through the process of appropriation; the subject must acquire property in the process of becoming fully human. Locke and Hegel share a definition of property as something that is an essential part of the proper subject, as well as an assumption that neither women nor non-white people can be proper subjects.

Debates over what counts as property continue to be relevant across a range of political contexts because property is widely understood and enforced as a particularly formidable right. Although many legal theorists have pointed out the
social constructed-ness of property — persuasively arguing that it comprises 'no more than socially constituted fact' — most nonetheless still understand property as operating to give the subject something fixed, permanent and incapable of being legally interfered with by others. Property gives the subject the power to exclude. Such exclusion has material effects ranging from urban homelessness to indigenous dispossession. Citing these effects, and discussing the ultimate power of forced eviction that private property rights entail, Nicholas Blomley argues that property produces geographies of violence. While Locke theorised property in terms of a person's relationship with a thing (land), modern property theorists have made a point of highlighting that 'dominium [private power] over things is also imperium [political power] over our fellow human beings'. Property entails significant social power — it is not just an extension of the subject, but also a relationship between subjects.

The former embassy is a building that has been produced at an uneven intersection between the common law capitalist regime of colonial Australia, the civil law capitalist regime of Federal Republic of Germany, and the socialist civil law regime of the German Democratic Republic. Analysing ongoing impacts of British colonisation on American laws, Cheryl Harris has demonstrated how possession — the legal basis of title — has been defined to only include the cultural practices of white people. Native Americans' prior possession of land should, under common law principles imported from England, have given them property rights, except that a concept of 'race', constructed by the colonisers, rendered their possession rights ineffective. Writing in the context of Australia, Aileen Moreton-Robinson (Quandamooka) argues that whiteness itself is built on a possessive logic. That is, whiteness as a category has been constituted by the violent,
possessive practices of early British colonists and their descendants, whose national and cultural identity is formed through embodying these practices and disavowing the reality of indigenous sovereignty. Property and whiteness have thus been mutually constituted through British colonialism. Indeed, Harris' argument is that whiteness is property: it is an exclusive, protected legal category which confers on those who have it an array of benefits including, historically, protection from being enslaved and colonised.\(^9\)

Davina Cooper argues that property can operate as either ownership or as membership, both of which have belonging at their core. Belonging can signify property ownership, membership of a community, a relationship to place, and/or a behaviour or identity that 'fits', or is 'at home'.\(^10\) Emily Grabham writes that belonging 'refers to the location of an object or person in its "proper place" ("the book belongs on the shelf over there" or "you belong in the UK")'.\(^11\) Cooper — of particular use for a practice-based analytic of property — considers belonging in two ways: firstly the relationship whereby an object, space, or rights over it belong to a subject ('subject-object'), and secondly the constitutive relationship of part to whole whereby attributes, qualities or characteristics belong to a thing or a subject ('part-whole').\(^12\) Both types of belonging implicate social relations and networks that extend beyond the immediate subject and object of property; property is instead understood as 'a set of networked relations in which the subject is embedded'.\(^13\)

In a similar way, citizenship can be understood as property, both in the sense that the citizen has rights to a national space, and in the sense that the citizen is part of a whole imagined community. On both understandings, the citizen is embedded in a set of networked relations, including those
required to produce and operate national embassies. These relations include, but are not limited to, legal ones: that is, formal citizenship rights are not enough to embed a subject in a community and give that subject meaningful rights to space. The incremental repeal of explicitly racially discriminatory laws against Aboriginal Australians which occurred through the 1960s, for example, formally equated to equal citizenship but made minimal material difference to their structural exclusion from the wealth of the Australian state. Indeed, as Moreton-Robinson argues, inclusion in the legal ideal of citizenship has been used by the federal Australian government as a means to blame Aboriginal Australians for their poverty, subjection to violence, and extreme rates of incarceration accruing directly from ongoing dispossession from their lands. Subjects, here in this understanding, are not automatically 'held up' as belonging under late liberalism by state recognition.

The former embassy, 'Holding up' and different kinds of property

The former embassy building was constructed by the GDR between 1973-75 on a piece of publicly held land, or 'Volkseigentum'. It was prefabricated from one of eight uniform embassy prototypes, and allocated to Australia, which leased the land from the GDR for a 99-year term. After the embassy closed in 1986, Australia cancelled the lease and the building reverted to GDR control before being privatised after the fall of the Wall. It was briefly used as a kindergarten and a bank, before becoming stuck in its current cycle of speculation, where the only alternatives currently on the table are artist takeover or luxury flats.
While the political changes that occurred in Germany over the lifespan of this building are relatively well-known, the 1970s onwards also saw significant political changes in Australia. An appraisal of the historical memory of the Whitlam era of 'national' diplomacy can only fully take place in relation to the reorganization of geopolitics, social movements, liberal 'rights' instruments and global trade in the twilight of the Cold War era, including indigenous sovereignties bending colonial law and property legacies towards historical truth and land rights, in struggles that continue to this day. Australian law as settler colonial statehood must constantly, farcically and violently deny its own history, and thus itself; it is long from being settled. Meanwhile, in the current conjuncture in Berlin: Who and what belongs in the former embassy today, and what kind of space might it become in the future? How much has the space of the embassy shifted by becoming 'ex'? What rights, wrongs and attributes has this building, including its current occupiers, inherited from the ghosts of its diplomatic and colonial past, and how continuous are its present occupations with dominant property formats? Returning to Cooper's theorisation of property as a network of relations in which the subject is embedded, what are these networks here, today, and who is embedded in them?

Geographer Doreen Massey argues that instead of thinking of places as areas contained by boundaries, it is more useful and accurate to imagine them as articulated moments in networks of social relations and understandings (my emphasis). Networks are necessarily spatial; as particular arrangements of intersecting forces or things that necessarily extend beyond the subject, different networks (whether they be social, conceptual or physical) constitute the reference systems through which we locate ourselves in the world. In the articulation of the property relation, I argue that the set
of networked relations to which Cooper refers must not only include conceiving of belonging between either subject and object or part and whole, but must also be structured in such a way that that relation of belonging is conceptually, socially and physically supported or 'held up.'\(^{17}\) Space here is physical, social, conceptual and active. Relations are held up when the wider social processes, structures and networks that constitute space give force to those relations. In parallel to whiteness, heterosexual relations, for example, tend to be held up by space in a multitude of ways that homosexual relations are not (through institutional means such as marriage and parenting rights, through social validation such as accepting, supporting and celebrating couples who hold hands or kiss in public, through positive media representation, through the availability of appropriate sex education and safe sex materials, etc). This holding up by space of a relation of belonging, importantly, plays out as more than the act of state recognition, which is associated with liberal identity politics, and which has been specifically critiqued for its predetermination of the bounds of the propertied subject, particularly in colonial contexts.\(^{18}\) While recognition fails to acknowledge or address the hailing violence inherent in colonial patriarchal spatial and temporal orders,\(^{19}\) the concept of 'holding up' is directly concerned with these orders, and practice-based.

While the Aboriginal artists of the temporary exhibition of Ex-Embassy practice insurgent critiques of the settler state, and the Berlin-based practitioners tarry with the gentrification of socialist memory, a different group of artists occupying the studios and fighting to save the former embassy from its cycle of speculation are aware that their presence in the building might constitute a step (despite efforts to the contrary) towards further gentrifications of Berlin's former East.\(^{20}\) The capital networks involved in such gentrification process-
es are transnational and extensive, and products of alliances of wealth, displacement and poverty on a global scale. The building is also entangled with political, economic and cultural networks and inheritances constituted through prior diplomacies. If the whiteness of the embassy during its operation was constructed and held up by the fiction of terra nullius, the British theft of Aboriginal land, and the enslavement and exploitation of Aboriginal people, then the lingering post-socialist imagination of (East) Berlin (which is now extended by the imperative to extend communal property formats in a heated-up rental market) might also contend more strongly with the ongoing whiteness of property, including within negotiations aiming at subverting or re-collectivising property. Thinking about property as belonging in space, the pressing question is how the former embassy might be reshaped, and who and what practices will be involved in that reshaping, persistently and into the future. Practicing with Cooper — through both subject-object and part-whole belonging — means challenging the way whiteness (or citizenship or class) operates as a structure of exploitation and oppression, through relations and networks that form whiteness (or citizenship or class). It is this structure that must be undermined, rather than focussing on the narrower project of liberating or disciplining individual subjects who belong to these.

Understanding property in this way means that property is potentially malleable and not necessarily conservative of the spaces through which it is constituted. It allows for engagements with property to be subversive. The spaces that hold up relations of belonging are not fixed, and do not have to hold up relations that are oppressive, exploitative or conservative. Alternative property practices such as those in marginal communities, informal economies and protest sites - but also some exemplarily demonstrative cultural and ed-
ucational spaces — can have an effect on both subjectivities and on the surrounding physical space. Distinct spaces can be carved out, notably different from their surrounds. The result is a space that is potentially permanently unsettled in terms of its position within hegemonic understandings of property enshrined in law: understandings that otherwise tend to dominate space. Property can thereby be experienced in complex and overlapping ways not solely determined by law, and property can be productive of social goods in a way that subverts hegemonic power relations.

That said, the political agenda of subversive property is not fixed; it depends on what is being subverted, how, and by whom. Andre Van der Walt argued that it is important to pay attention to marginal property rights and practices and the circumstances in which they at times develop into dominant property rights. That is, while subversive property can become durable by shifting the space around it so significantly that previously subversive relations of belonging come to be permanently held up, these relations can also be co-opted by — and made to fit into — pre-existing, dominant spatial paradigms. The political agenda of subversive property is not fixed. And what is subversive and unsettling one day, might become dominant and conservative the next.


Cohen and C.B. Macpherson.


Harris.


Emily Grabham, ""Flagging' the Skin: Corporeal Nationalism and the Properties of Belonging," in Body &
Society, 15 (2009), 63–82.

Cooper 629.

Cooper 636.


Here, there is a need to point towards - while refusing to appropriate - narratives of Aboriginal resistance to the settler state. A few key dates: In 1972, Aboriginal activists established the Aboriginal Tent Embassy on the lawns of Parliament House, the seat of government in Canberra, which carved out a physical, social and political space of belonging in the Australian capital until today, subverting the version of Australia that parliamentarians wish to portray to diplomatic visitors, and in constant struggle with the colonial state. In 1973 the White Australia policy, which had effectively barred non-European immigrants from moving to Australia, was disbanded with a series of legal amendments prohibiting racial discrimination from being formally included in immigration law. In 1976, following a ten-year strike by the Gurindji people, led by Vincent Lingiari, the Aboriginal Land Rights Act (Northern Territory) became the first ever Australian law to 'grant' land rights to Aboriginal people. The lie of terra nullius remained part of Australian common law until it was overturned in Mabo v The State of Queensland in 1992; a later Labor government reneged on the promise of federal land rights, creating a post-Mabo legislative framework for 'native title,' as a weaker and


19 Ibid.


Sarah Keenan is Senior Lecturer at Birkbeck Law School and co-director of the Centre for Research on Race and Law. Originally trained as a lawyer in Australia, her research uses feminist and critical race theories to rethink questions of space, property and identity. Her book *Subversive Property: Law and the Production of Spaces of Belonging* was published by Routledge in 2014, and she is currently a Leverhulme Fellow working on her project *Making Land Liquid: The Temporality of Land Title Registration.*