

6. Borrows J. Indigenous Legal Traditions in Canada // Journal of Law & Policy. 2005. Available at: <http://law.wustl.edu/journal/19/p167Borrows.pdf>.
7. Curtis M. Sharia Law, Secular Law and Rabbinical Courts. Available at: <http://www.gatestoneinstitute.org/2927/sharia-law-secular-law-rabbinical-courts>.
8. Kern S. Islamic Sharia Law Court Opens in Belgium. Available at: <http://www.gatestoneinstitute.org/2425/belgium-islamic-sharia-law-court>.
9. Pearl D. The application of Islamic law in the English Courts. Available at: <http://www.soas.ac.uk/cimel/materials/coulson-pearl.html>.
10. Rebecca E. Maret. The Equality Bill and Sharia Arbitration in the United Kingdom. Available at: <http://lawdigitalcommons.bc.edu/iclr/vol36/iss1/7>.
11. Sarah M. Fallon. Justice for All: American Muslims, Sharia Law, and Maintaining Comity with American Jurisprudence. Available at: <http://lawdigitalcommons.bc.edu/iclr/vol36/iss1/4>.
12. The Florida Senate. Available at: <http://www.flsenate.gov/Session/Bill/2012/1360>.

THE ERA OF VERTIGO. IDENTITIES AND THE UBIQUITY OF FEAR

Alanna Lokward, Founding Director Art Labour Archives, Linien st. 68 10119 Berlin

There are irrefutable historical continuities between the Berlin-Africa Conference (1884–1885), the original Eurafrica (European Union) project and current “mappings” of migration routes in the African Continent. This border externalization “initiative” could be defined as a de facto “cartographic war” against Africa and it is organized by Frontex, an external and internal borders program, founded in 2004, with the fastest growing budget in the European Union. In this paper, I argue that Frontex is just one of many examples of how the aftermaths of September 11th have been violently implemented on a planetary level hampering human mobility. Based on an essay written for the catalogue of the groundbreaking exhibition “Visa oder die Verhinderung des Reisens“ (Visa or the Impediments of Travelling, Ifa Galerie, Bonn/Stuttgart, 2003), I offer some insights into how these policies are increasing their fascist profile until today and how they are embodied in our sensations.

Keywords: Contemporary Art, Fear, Migration, Transnational Identities, Visa Policies.

Существует очевидная историческая преемственность между Берлинской конференцией (1884–1885), первоначальным проектом Еврафрики (Европейского Союза) и сегодняшним картированием миграционных маршрутов Африканского континента. Эта инициатива расширения границ де факто может быть названа «картографической войной» против Африки, организованной программой внешних и внутренних границ «Фронтекс», существующей с 2004 г. и располагающей самым быстро растущим бюджетом в ЕС. В статье автор показывает, что «Фронтекс» — лишь один из многочисленных примеров того, как последствия 11 сентября жестко используются в планетарном масштабе для препятствия человеческой мобильности. Отталкиваясь от своего эссе, написанного для каталога новаторской выставки «Виза, или препятствия к перемещению» (Галерея «ИВС», Бонн/Штутгарт 2003), автор размышляет о том, как подобная политика становится все более фашистской, и как она выражается в наших ощущениях.

Ключевые слова: современное искусство, страх, миграция, транснациональные идентичности, визовая политика

*Every work of art is the child of its time,
often it is the mother of our emotions*
Vassily Kandinsky

The video projection of **Stalker 3** (2001) by Russian artist Sergei Bugaev at the Soho gallery I-20, in December 2002, appeared on the first page of the Art Newspaper with an exasperated headline, "Snuff-movie or art as journalism?"¹. Among other reasons, the reporter argues that perhaps the inexhaustible Warhol's Campbell soup² is responsible for the enslavement, via the gargantuan proliferation of biennials and international events, of aspiring "superstar" artists.

The perplexity of the writer is clear and understandable. The video is a double appropriation since the title itself is taken from a film by Andrei Tarkovsky (1979) and also because Bugaev shows (completely uncut) the execution -or assassination- of Russian soldiers by members of Al Qaeda in Chechnya. Bugaev evaluates his work as a ready-made in the strictest Duchampian manner, one that he considers crucial for the times we are living. Exempt of the sensationalism of Bugaev, this same notion of urgency takes shape in the recovery and recycling of the wreckage and travelling paraphernalia presented in the exhibition "Visa oder die Verhinderung des Reisens" (Visa or the Impediments of Travelling, 2003), which I will discuss here retracing my text published in German in its catalogue.

This group show was conceived only two years after September 11th as reflection on the radical changes in visa policies that the curator, Beate Eckstein, had to face in its immediate aftermath. Suddenly, her job of organizing international exhibitions of non-German artists for the Ifa (Institute für Auslandsbeziehungen), the state-funded official representation of German international cultural exchange, became harder to do. Since then the situation worsened, reaching extremes we might choose to consider inevitable or even worst, irreversible. The newest policies hampering human mobility have increased its fascist outreach to levels unforeseeable a decade earlier. A case in point is a brand new institution: Frontex³, an external and internal borders program, founded in 2004, with the fastest growing budget in the European Union. A European Union that was first known and conceptualized as inseparable from (the exploitation of) Africa and therefore named by its founders as "Eurafrica" [6].

Alejo Carpentier counterplays the above quoted lapidary statement by Kandinsky stating in "Los Pasos Perdidos" (1953/2008:253): "<...> Here one can ignore the year in which we live, those who say that man cannot escape his time are liars. The Stone Age, as well as the Middle Ages, are available to us even on this very day <...>. But none of this has been made for me, because the only human race who is not allowed to dismiss the relevance of dates is the race of those that make art" [2, P. 453].

Alternating the voices of a show's imagined spectator, actor or producer, which is characteristic of Caribbean story-telling traditions, Carpentier introduces in this novel two symptomatic devices that materialize relentlessly in the works presented in this exhibition. On the one hand, we find the corporeality of a representation system based on personal experience, — as in the case of Tanja Ostojic (Looking for a Husband with a EU Passport, 2002-2005). The inescapable need of narrating in the first person is herewith similarly intertwined with the tendency to simultaneously engage multiple temporalities. Secondly, we find solace in the *mutatis-mutandis* bonding reflected in the narratives of those who travel from Otherness to the so-called "first world", with the common purpose of "living"

¹ This predicament is the basis of *Aesthetic Journalism*, a book by Alfredo Cramerotti [3, 8] which I reviewed the same year for a Spanish publication quoting one of my favourite authors: "Ever Since Octavio Paz wrote, in 1995, that good [contemporary] poetry is impregnated by journalism, it was a matter of time before this axiom was transferred to the visual arts. This book has this kind of self-explanatory quality and it is particularly refreshing because it is not written by a journalist, a theoretician, or an art critic, but by an artist."

² "What could be more up-to-date than the new headlines, with images of violence or grotesquery sanctioned by an artist's signature and a knowing title? As Warhol understood, news images are just another kind of soup can."

³ <http://www.frontex.europa.eu/>

their/our art. Carpentier inaugurates our imaginary "ethnicity" and send us travelling together with consequences that I will indeed face accordingly in the following reflections.

A few weeks before starting this essay, I endured a forty-five minute panic attack in the waiting line of the "non-something" at a Miami airport. As informed the curator when I set out to write, I shall walk the path traced by the subject of this exhibition and its strong performative profile, in the strictest Carpentier sense, sheltered by our shared Caribbean origin, speaking in the first person in both plural and singular.

On the passport-check waiting line, I discovered a hitherto unknown parentage, a new family of distant cousins, and brothers and sisters too. While trying to reduce my absolute and unfounded fear of not being accepted in the U.S. reciting a secret mantra, I could feel in every inch of my solar plexus the different degrees of nervousness that I could also share with my fellow passengers, my new family. In other words, I began to embody (ir) rationally, in more ways than one, what for many represents the biggest identity crisis humanity has ever faced.

After September 11th anyone in that waiting-line could be a terrorist, or a family of innocent-looking terrorists, like the German father in front of me who ill-concealed his discomfort by smiling for no apparent reason and without pause. He and his kids were my distant cousins. The young, perhaps Nicaraguan woman, who calmly endured twenty-five minutes of questioning by the relentless immigration officer, she was my sister. The Indian or Pakistani passenger behind me who balanced restlessly his briefcase like a frantic pendulum, a relative I would avoid greeting even at church. Theoreticians were right, my trans-identity christened me without sponsors and promises, without gifts.

Transient identities cannot not be mistakenly interpreted as artificial or imaginary, they are as real as the vertigo that attaches to one's solar plexus as a twin, a reckless and annoying sibling, like a conspicuous tumor trying hopelessly to camouflage itself against all odds. And it is also here that the intensity of the "links" that we establish with our fellow transient citizens negotiates its bonding possibilities, its scope of empathy. As I said before, some might have perhaps less than others, but we all experience a similar sensation.

This exhibition offers a suitable scenario for consequential explorations on this new cartography of fear, hardly visible to those who belong to the "Norm" of the (white, patriarchal, Christian) European Union or the United States. While it is true that migration issues have been an integral part of contemporary art discourses for quite some time, it is equally accurate to state that it competes unequally with the mediascape and its propaganda, challenging it could be sometimes almost an exercise in futility.

To speak of these identities of vertigo, the term transnational as coined in migration studies in the early nineties by mainstream sociology is very useful. In an illuminating essay by Jorge Duany [4], transnationalism is explained as the process by which people establish and maintain cultural ties across geopolitical boundaries. However, it would be inaccurate to announce the bankruptcy of national identities:

"Although the large-scale mobility of the population may herald the breakdown of national identities "from the bottom up," crossing a border does not erase it. On the contrary, state policies in the advanced industrial world (such as the United States, France, Germany, and Japan) are increasingly hostile to migrant workers. While migrant-sending governments may be formulating more transnational policies, most laws and regulations in the major receiving countries remain driven by domestic agendas that seek to reassert, control, and protect the borders of individual nation-states. Although migrants often transgress such borders, they continue to structure much of their daily lives"[4, P. 8].

In this new cartography of vertigo there are no epistemological travellers in the Barthian sense, those who edit their diary entries accepting the inaccuracy of their assessment on the places they visit as "fictitious nations", candidly treating them as "novelistic objects"¹. Visa narratives are hastily written, as in the "shelter" improvised by Marcos Lora

¹ 'If I want to imagine a fictive nation, I can give it an invented name, treat it declaratively as a novelistic object, create a new Garabagne, so as to compromise no real country by my fantasy (though it is then that fantasy itself I compromise by the signs of literature). I can also – though in no way claiming to represent or to analyze reality itself (these being the major gestures of Western discourse) – isolate somewhere in the world (faraway) a certain number of features (a term employed by linguistics), and out of these features deliberately form a system. It is this system which I shall call: Japan.' [1, P. 3].

Read, (*Sobre la Teoría del Biotopo. On the Theory of the Biotope*, 2003). Stumbling, these stories struggle to be visually enhanced in a new orality, aiming at casting a spell on a silenced fear.

But the brutality of this angst has another essential difference from the one of Bugaev's video; this feeling is not a ready-made, it is, instead, the foreshadowing of a phenomenon of pan-ethnicity of unimaginable dimensions. Fear in the lines to obtain a visa in Lagos, in Santo Domingo, in Santiago de Chile¹, in Belgrade...

Emeka Udemba (*Sensation of Paradise*, 2003) invites us to access a utopia through an obstacle-infested racetrack labelled with the words "love" and "death". Barriers are also invading the walls, exposing the ubiquity of the Apartheid system of the European Union and the rest of the "first world", which only allows a scant amount of "Others" within their territories. But for now let us leave fear and its ghostly projections at rest and focus for a moment on the hazardous content of Joseph Nazaire's backpack, a citizen of Haiti:

1. A notebook
2. Political party identification
3. Tax identification
4. A page of an English dictionary
5. 14 sheets with notes, letters and music scores
6. A used envelope

This backpack was abandoned on the beaches of St. John Island — a temporary location for those in transit to reach the US mainland — and as part of the project *Bon Bon Dieu* (2002) by Edgar Endress, of Chilean origin and resident in the United States, offers special insights into what Martinican Édouard Glissant, has defined as the "creolization" of the planet [5]. It resonates with the multiple affiliations of the participating artists who were born in Africa, the Caribbean, Latin America and Eastern Europe — the Caribbean as a corollary of hybridization, as a meta-archipelago, as a source of foreboding globalization.

A second acuity with creolization is awarded by the specificity of its discourses of resistance, courageous, honest, ultrabaroque. It is in this dismantling, in this playful exchange of roles, where the rules of the game are dramatized, caricatured, reduced to absurdity, sublimated one by one. The project by Tanja Ostojic (*Looking for a Husband with a EU Passport*, 2001-2005) is another evidence of VISA's transnational status and its de-facto Caribbeanness. Nothing is more common to Caribbean idiosyncrasies than sham-marriages² as resource to legitimize US residency permits. But to better gauge the sheer will of transmutation of this performance project, let's go back to the endless line at the Miami airport to pose some questions:

If the databases are now so fast, if the forms of identifying an individual are increasingly infallible: why do the passport-checks take three times longer than before? Why does the artist who must travel more than ever because this is part of the nature of her/his relationship with her/his work, of the nature of our time, must submit more and more papers to an embassy? What does the (self-appointed) "first world" defend more fiercely and with more "faith" than in the "best times" of their colonizing vehemence?

¹ The absence of Chilean artist, Edgard Endress, at the opening was the corollary of the exhibition's subject since he was denied a visa to enter Germany. We only met in person last year (2012) in Berlin.

² Another insightful artistic project on sham-marriages was realized in Berlin by Nataša Drakula (*M for Fake*, 2010). Here is an excerpt of my text for the exhibition: "Time is hard currency in politically engaged art, and there is no other way to access these narratives of marriage under strenuous circumstances, than by entering Nataša Drakula's theatrical video drawing room with a willingness to invest time in order to learn how is it like to live the fantasy of a white Europe with no "East", no immigrants and no colonial past, from the perspective of the Other. At the time of writing this essay, the president of France, Nicolas Sarkozy has successfully (sic) manipulated the expulsion of Roma citizens under all kind of protests. The vote, we all know that is what it is all about. For the moment he got away with it. In Germany, a similar episode is being staged by a former Minister of Finances, Thilo Sarrazin, who has written a book with all kind of racist constructions against non-white Germans. His agenda is a bit more obscure than that of Sarkozy, since at the moment he is not running for any particular office." <http://scheinehe.blogspot.de/> [9]

For this contradiction between technological innovation and lack of efficiency there are no clear answers. Never has there been anyway. "Visa oder die Verhinderung des Reisens" exposes a complex and unfair scenario, recording the voices of the "Non-something" on their own terms, naked and hairless as the portrait of Tanja Ostojic. Reviewed in retrospect, it asserts the relevance of contemporary art practices in the dismantling of colonial legacies and its continuities, in keeping some sanity in the midst of a global system of oppression where freedom of mobility has become as precarious as the content of an abandoned backpack in a Caribbean island [11].

References

1. Barthes Roland (1983). Empire of Signs. Trans. Richard Howard. New York: Hill & Wang.
2. Carpentier Alejo (1953/2008). Los Pasos Perdidos. Madrid: Akal.
3. Cramerotti Alfredo (2010). Aesthetic Journalism. How to inform without informing. Bristol: Intellect.
4. Duany Jorge (2001). Los Países. Transnational Migration from the Dominican Republic to the United States. Department of Sociology and Anthropology at the University of Puerto Rico. Personal copy.
5. Glissant Édouard (1990/1997). Poetics of Relation. Ann Arbor: University of Michigan Press.
6. Hansen Peo / Jonsson, Stefan (2011): Bringing Africa As A "DOWRY To Europe", Interventions, 13:3, 443-463 // <http://dx.doi.org/10.1080/1369801X.2011.597600>
7. Kandinsky Vassily (1910/1977). Concerning the Spiritual in Art. New York: Dover Publications.
8. Lockward Alanna (2010). Review of Aesthetic Journalism by Alfredo Cramerotti. Madrid: Arte Contexto No. 28. P. 90.
9. Lockward, Alanna (2010). Nataša Drakula. Removing the visible. Exhibition text. Meinblau gallery, Berlin. <http://scheinehe.blogspot.de>.
10. Lockward Alanna (2003). Identität des Schwindels. Visa oder die Verhinderung des Reisens. Bonn: Ifa. <http://cms.ifa.de/?id=5176>.
11. Lockward Alanna (2013). Black Europe Body Politics. Towards an Afropean Decolonial Aesthetics. — Decolonial AestheSis. Mignolo, Walter and Vázquez, Rolando (Eds.). Social Text Journal, Periscope.

ВЛИЯНИЕ ГРАЖДАНСКОЙ ДЕЕСПОСОБНОСТИ НА ТРУДОВУЮ ПРАВОСУБЪЕКТНОСТЬ РАБОТОДАТЕЛЯ, ЯВЛЯЮЩЕГОСЯ ФИЗИЧЕСКИМ ЛИЦОМ

Кораблина Ольга Викторовна, кандидат юридических наук, Астраханский государственный университет, 414056, Россия, г. Астрахань, ул. Татищева, 20а, e-mail: korablina1975@mail.ru.

Федорова Вера Григорьевна, кандидат юридических наук, Астраханский государственный университет, 414056, Россия, г. Астрахань, ул. Татищева, 20а, e-mail: gp.aspu@mail.ru.

Одной из сторон трудового правоотношения является работодатель. Трудовой кодекс РФ определяет, что в качестве работодателя может выступать физическое либо юридическое лицо. Большинство работодателей – юридические лица. Физические лица являются работодателями, если они занимаются предпринимательской деятельностью без образования юридического лица или вступают в трудовые отношения с другими лицами в целях личного обслуживания и оказания помощи по ведению домашнего хозяйства. Особенности правового статуса работодателя закреплены в ст. 22 Трудового кодекса РФ. Однако существенное влияние на объём прав и обязанностей оказывает и гражданская дееспособность. При этом за основу гражданской дееспособности