Shifty:
Looking at the Space of Law

by
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Abstract

This thesis project examines how representations of power are visualized in the context of geopolitical boundaries. In tracing the laws that regulate borders back to the judicial bodies which make them possible, the thesis experiments with images and media representing the space of law. The work in this exhibition creates a space to consider the role of legislative bodies in the naturalization of borders. In doing so, responsibility is placed on the viewer to determine their own role in the imagination and construction of divisions which frame society.

Keywords: Installation art; video; drawing; photography; law; borders
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## Table of Contents

Approval .............................................................................................................................ii  
Abstract ............................................................................................................................. iii  
Dedication ......................................................................................................................... iv  
Acknowledgements ........................................................................................................... v  
Table of Contents .............................................................................................................. vi  
List of Figures ..................................................................................................................... vii  

Prelude ........................................................................................................................................ 1  

Projection...................................................................................................................................... 11  

Bibliography .......................................................................................................................... 23
List of Figures

Figure 1. Drawing: Mobile Surveillance Unit ................................................................. 4
Figure 2. Glass Fold ..................................................................................................... 10
Figure 3. Excised Interior Topography ...................................................................... 10
Figure 4. Schematic Drawing ................................................................................... 17
Figure 5. Rough Sketch ............................................................................................. 17
Figure 6. Video Installation, Interior View ............................................................... 18
Figure 7. Installation View from Gallery ................................................................... 22
Prelude

The question of who has the right to draw lines, and to shape the laws which articulate boundaries, can be analyzed and discussed without ever involving the use of images or visual strategies. However, as contemporary art theorist Anselm Franke asserts, it is the very concept of separation, and the regulation of borders that “needs to be grasped aesthetically.”1 While the boundary to which Franke refers can be interpreted broadly, describing all manner of societal divisions, this research grapples with representations of power in the context of geopolitical borders. The thesis project and exhibition *Shifty* was initially driven by the practice of drawing as research. Materially investigating the images and infrastructure, which comprise the border landscape, supports a broader examination of the spaces of law which define international boundaries. Tracing the laws which regulate borders back to the judicial entities which make them possible, the work in *Shifty* considers the role of legislative power in the naturalization of boundaries. In doing so, responsibility is placed on the viewer to determine their own role in the imagination, construction and maintenance of borders.

To those who cross international borders with minimal inconvenience, the border ‘line’ may appear fixed and sensible, like the logic of a fence between neighbours. This divide may appear to naturally trace the perimeters between

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nations that seek to define their ideological and cultural differences. In this way, the border was traditionally thought of as a line, with perforations or gates; each checkpoint like a two way valve that controls the flow of people and commerce. However, in the context of globalization, with its unprecedented migrations and transit of goods,\(^2\) borders can no longer be compared to static lines. In this new constellation of borders “power is distributed in networks, through mobile and articulated mechanisms,”\(^3\) which converge at points of containment and control. Physically distant locations are symbolically and electronically linked in a nexus of legal strictures that form not a uniform line, but ceaselessly shifting sites of scrutiny. These previously discrete even isolated hubs are now connected by databases in real time, while the proliferation of these hubs or points fluctuate in response to the priorities of the state as articulated by legislation and policy.

When considering the concept of mobile checkpoints, or sites of inspection, Gilles Deleuze’s interpretation of ‘points’ is insightful. In *Thinking Space* Deleuze’s definition of a ‘point’ is described as being “a differentiator, or a differential. And since a point, no less than a space, is folded in many ways, this directional aspect takes on an infinite complexity.”\(^4\) Deleuze’s theory is further explicated to suggest “points or constants are really folds upon folds. Folds are in this sense everywhere without the fold being universal.”\(^5\) Through this lens,

\(^2\) Such migrations may involve the movement of people and goods sanctioned as economically, criminally or politically inadmissible.
\(^5\) Ibid., 127.
border checkpoints do not so much ‘connect the dots’ to form a singular line, rather, these sites form dense intersections and infinite possibilities for articulating difference. Of these sites, perhaps the example of an international airport or a mobile surveillance station most clearly deviates from the metaphoric concept of a fixed, linear border. The flexible architecture of airports, the articulated gangways, ramps and portals reflect in physical form the malleable edifice of laws that regulate the conveyance of people and goods. Similarly mobile inspection sites (Figure 1) privilege speed of response and flexibility over any sense of permanence or anchorage in space.

Images derived from these sites of inspection are studied, replicated and undergo reversals in *Shifty* which bring into focus the sometimes paradoxical nature of borders. Traditionally fortified walls represented the concept of a border, but increasingly it is less visible technology which forms the substance of that divide. The ceaselessly mobile and repetitious performance of law is in some ways more impenetrable than a heavily defended wall. Identity and names can become as embedded in a database as bricks into mortar. The proverbial line in this sense becomes a social and ideological fold, a construction rendered by legislative and administrative power. Inscribed on maps and in the imagination, we often accept this line as being a naturalized, physical contour located on the outer perimeter of a sovereign state. However as the laws, which

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6 The eradication of checkpoints within the European Union signaled a dematerialization of traditional geographical boundaries in some areas. Trade agreements and treaties effectively achieve similar aims for select commodities and travelers.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{mobile_surveillance_unit}
\caption{\textit{Drawing: Mobile Surveillance Unit}}
\end{figure}

In the study of borders, researchers have begun to ask, “Can an epistemology be defined that is founded on uncertainty and able to sidestep the
charm of the fixed border? How would we examine borders under such a dispensation, in which their fixity was precisely bracketed out?" The work of *Shifty* responds to these questions with the assertion that visual art offers a “critical resource” to more fully explore the new ontology of borders and the complex of laws which define them. Exploring the subject through experiments with drawing, photography and video, the exhibition grapples with “new border concepts, logics, and imaginaries” which defy metaphoric comparisons to walls and gates dispersed on a single static line. In this context, the work presented in this thesis project attempts to question and to contend with the ambiguities of this new and shifting terrain.

The images and sketches exhibited in *Shifty* individually represent exercises and inquiries, which raise questions and signal developments in this study of borders. These excerpts exist not as illustrative remnants but more as an effort to “dis-aggregate and recombine the component parts of regulatory landscapes.” Features common to the construction of border topographies have come to symbolize and even naturalize the presence of law in physical space: conduit, fences and walls, bridges, directive signage, surveillance systems, pylons, gates and stanchions, mobile platforms, inspection booths, obelisks, architectural monuments, and even the grooming of foliage, contribute to this

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9 Ibid., 584.
10 Ibid., 583.
concretization and projection of law onto land. The practice of drawing these constituent parts, of re-representing symbols and points of articulation, in effect diminishes any sense of intrinsic power that the individual images might associatively garner. These dispersed images, folded and cut, offer a perspective of the border, which is discontinuous and necessarily incomplete. While “not officially recognized as being connected by any singular interlocking physical form, the sum of its scattered parts loosely constitutes its own sort of whole.”\textsuperscript{12} If it is not a "physical form"\textsuperscript{13} which sutures these points together, then it seems important to consider and investigate the less tangible connections. The constant play between what is revealed, and what is censored or secreted from view haunts the space of law, particularly as law shapes and re-forms the imagination of a contiguous line.

In the context of borders, infrastructure that appears immense and unassailable can in fact be mobile, porous, and even fragile. Similarly, what appear to be provisional ad-hoc measures sometimes become so familiar and ubiquitous that they take on a sense of permanence. Consider the use of expanded metal fencing, or pylons: they remain a cheap, in-exhaustive material means for co-coordinating movement, as well as symbolically representing a boundary. In addition, these markers organize space, providing visual cues for how one should move and behave in space. In the context of borders, it is the intangible presence of the laws which invest these markers with meaning: laws

\textsuperscript{13} Ibid., 19.
which enable actuators and agents to regulate the flow of people, goods and information, forming dynamic, fluctuating lines which respond and retract in response to perceived threats. In some areas the presence of authority is overt, aesthetically groomed and visibly anchored. While in other locations the visual signifiers are negligible, whether deemed unnecessary or impractical. Reflected in the presentation of images in this exhibition, some depictions of the border complex appear almost stranded, or stand alone as isolated fixtures. However, an apparent lack of fortified infrastructure at the frontier does not imply that the area is unsecured, nor does it indicate an absence of surveillance. Satellite and drone\textsuperscript{14} monitoring now provide less obtrusive coverage, diminishing the necessity for architectural fortification in all regions. As a result, the border may appear more ephemeral in places: where an innocuous foot bridge bears minimal indicators of an international boundary, it may also be the subject of remote and cyclic monitoring, less terrestrial modes of surveillance or, on other occasions, the staging area for a mobile inspection site. The dynamic between visible and virtual elements has come to characterize the experience of these spaces, as monitoring technologies create the sensation of a restriction where one may not experience a physical or even symbolic threshold. This trend towards mobility and flexible response is an argument supported by the previously mentioned Critical Border Studies research group, who concur that “borders are increasingly ephemeral and/or impalpable: electronic, non-visible, and located in zones that

\textsuperscript{14} The use of unmanned aerial vehicles (UAV) are an example of drone surveillance.
defy a straightforwardly territorial logic."¹⁵ This is not to say that the authority which regulates a border is entirely diffuse, or de-centered, but rather that the projection of this power involves constant shifts and relocations to enact the laws pertaining to sovereignty.

The work exhibited in *Shifty* similarly went through a process of shifts and reversals, editing and redacting. Initially, the sketches, experiments and images were displayed en masse and mounted on the wall. However, in viewing work in this manner, each image seemed to have an equally measured value, which undermined that sense of provisionality and incompletion, which animates the border today. In order to reflect that tension, these “scattered parts”¹⁶ needed to convey a sense of the border topography without necessitating the presence of every element and without offering the appearance of completion. Consequently, it was the removal of drawings that seemed to charge the remaining images with a greater sense of tension and ambiguity. The selected fragments were exposed on a cantilevered shelf, at an angle resembling an elongated lectern or museological display. Minimally anchored at this angle, the drawings were staged to appear provisionally fixed, almost poised to slip. Glass protected some images, while others studies were left exposed for tactile inspection. Raising questions with these representational and material incongruities invites one to


look for relationships between the images, and to imagine what narratives might exist beyond the traditionally linear trope of borders.

The editing of images encouraged further experimentation with the effects of concealment as a strategy in representing the space of law. The handling of the surfaces in the presentation and the treatment of materials\textsuperscript{17} became crucial in revealing aspects of the images they represent, while withholding full revelation of the image in its entirety. For example, in working with an image of glass partitions dividing a controlled area, an excerpt of this image was excised from a larger print and folded in parallel lines, drawing attention to the way in which glass itself constitutes another layer of articulation and segregation in controlled environments. The image of glass reproduced in this experiment is depicted as a solid or opaque screen, obscuring and degrading the view beyond (Figure 2).

Similarly, in a series of paper exercises, the printed image of an airport interior was used as a foundation, followed by cutting out all signage, screens in the image which control and direct the movement of travelers in that space (Figure 3). Once removed, the image was flipped over revealing only the excised spaces. This exercise revealed visually how the screens, surfaces, and directional signage in controlled areas, form a type of landscape or topography, materially reiterating the interplay of presence, absence and concealment.

\textsuperscript{17} In particular, the opacities and varying weights of paper are used to effect and depictions of glass are manipulated to make the viewer more aware of its presence.
Figure 2. Glass Fold

Figure 3. Excised Interior Topography
The illusion of fixity is key to the mythology of borders "because they are institutionalized, for a time, through the discourse and practice of law."\(^{18}\)

The institutionalizing of borders has the effect of obscuring the originary conditions which inscribed the boundary, while habituating users to accept the almost natural consequences of its presence. In his discourse on globalization and sovereignty, author Alan Hudson explains “the politics of globalization, then, is all about who has the power to draw boundaries around places and peoples, at what scale such boundaries are drawn.”\(^{19}\) Increasingly technology blurs that territorial boundary, while both the scale and sophistication of security infrastructure becomes contingent upon economic and or political power.\(^{20}\)

**Projection**

Seeking a medium to convey the often immaterial process in which territorial lines are shifted and shaped by law, lead to experimentation with video projection. Sharing some metaphoric qualities, the mechanisms of law and the projection of visual media both conjure the illusion of bounded space while relying on means which are immaterial, and in constant flux. Following the lines of power from the space of the border to the spaces of legislation may seem like a vast leap in scale. However, it is in the international sphere of law, that nations

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19 Ibid., 92.
20 'Extra-territoriality' in the context of borders, pertains to laws extending beyond the territorial footprint of the state.
and states receive validation and at least temporary acceptance of their claims to
territorial jurisdiction. Endorsement from the international community of the
treaties, and legislation which define differences among nation states, contributes
to the appearance of boundaries being stable, even naturalized forms.21

Established to resolve issues of human rights abuse and extra-territorial
conflicts, the International Criminal Court and the Court of Justice in The Hague
are tasked with untangling the mesh of disputes among competing entities in the
global community and competing claims to jurisdiction. Author Alan Hudson
explains that “Border skirmishes”22 requiring this scale of judicial intervention are
ultimately “legal battles, over the location, role, meaning and porosity of
boundaries. As states attempt to extend their laws extra-territorially, to catch up
with their economic activity or to prevent competitive deregulation, conflicts of
jurisdictional authority or sovereignty result.”23

Similar to the space of the border itself, the courtroom is a vessel or
conduit for the laws that both validate the courts own existence and confer
powers and authority, which are projected outward. Integrating imagery from the
international court with the previously discussed research on the topography of
borders, traces the connection between the power to arbitrate, and the
manifestations of those shifting powers in space.

21 In some cases, borders do indeed follow geographical terrain, landmarks or the distribution
of natural resources.
22 Alan Hudson, “Beyond the Borders: Globalisation, Sovereignty & Extraterritoriality,”
23 Alan Hudson, “Beyond the Borders: Globalisation, Sovereignty & Extraterritoriality,”
‘Virtual tours’ of the International Courts in the Hague are a feature of the United Nations online web presence which allow a viewer to explore or tour a virtual representation of the various rooms and architectural features made accessible on their website. It is from these tours that the video work of *Shifty* is derived. Much can be said about the utilization of a virtual tour in this context; the way that it lends the appearance of access and transparency, while maintaining distance; the way it confers an ability to explore a space from a somewhat privileged view, without actually being present in that location. The simulation of ‘freely’ exploring a room, which in reality is a highly controlled environment, capitalizes on the illusion of openness and accessibility. The opportunity to explore the properties of the simulation, and to experiment with the virtual representation of that space, in a sense, echoes the process of manipulating, dislocating and re-drawing the border iconography previously described. Literally playing with the imagery and conceiving of this room as yet one more point, or regulatory station in the border paradigm, ‘albeit on a different scale, the exhibition creates an opportunity to investigate the powers which animate that system.

The resulting video is a self-directed, ‘virtual tour’ of the court room, recording in detail an experience of exploring the digital simulacra of this vestibule for international arbitration. The action of observing and gathering video
footage from a ‘virtual tour’ of an international courtroom, in a sense, mirrors the video and data cached by state agencies monitoring border. The camera is ever present, and the images form repetitive cycles. As an online viewer one can manipulate the camera to explore the space of the empty courtroom: the structure of the architecture, the public gallery, and the interior chamber. The virtual tour allows software simulated ‘video camera’ panning encompassing all directions, including full overhead views of the ceiling. In manipulating the virtual camera one realizes that the software has innate qualities and limitations. Undirected by the cursor, the image will slowly begin to rotate or spin, and then drift in a circular motion. When directed by the cursor, the motion has a highly responsive zoom and a faster pace, which accelerates if triggered by the smallest gesture from the mouse or trackpad. Footage of the ceiling lights shining down on the courtroom features in approximately two thirds of the video projection in _Shifty_. By focusing on the ceiling while employing the camera’s propensity to drift when undirected, a macro view of the ceiling lights eliminates an awareness of the architectural interior, and even conceals the orderly grid of lights.

With the zoom function maximized, the screen is dominated by the image of an individual ceiling light. Devoid of context from the courtroom below the blurred image resembles a planet, or stars in orbit, slipping out of view and returning with an unhurried pace. The effect is created by the rotation of the

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24 Virtual tours offer the opportunity for an online viewer to inspect or tour a series of digital images which, when stitched together seamlessly, form the illusion of moving through the space of a real location.
camera, but the image suggests the possibility of surveilling the night sky through an observatory telescope. The visual association is clearly to an outside, on a remote and vastly altered sense of scale. The illusion of distance is further supported by the slightly unfocussed image, suggesting a low grade feed of video or poor reception from a remote location.

Zooming back from this telescopic view incrementally reveals the formation of a lighting grid, the tegular pattern of ceiling tiles, and eventually the upper perimeter of the walls in the courtroom. In contrast to the slow unhindered drift while viewing the ceiling, the camera is manipulated at a faster, slightly frenetic pace below. In this bounded, clearly interior space of the courtroom, the camera is more consciously ‘driven’ with haste to explore the space. Paul Virilio theorizes that “power can no longer simply see panoptically and therefore enforce its disciplinary designs; it must instead more than ever ‘foresee,’ in other words go faster, to see before.”25 Tension between the velocities of the engaged floor level search versus the slow rotary sweep of the ceiling was exploited to heighten the illusions at play.

Creating an illusion of the sky within the interior walls of the courtroom opens up the space to question the greater illusion that laws confirm and concretize a ‘natural’ state of affairs. Illusion in this sense is not so much a schematic for trickery, but instead it functions in the work to remind us of the potential for multiple interpretations, plural perspectives and even dreaming.

within the most regulated social constructions. The repetition of a cyclic motif is embedded not only in the looping video, but also in the perception of the lights revolving in orbit, the rotational logic of the camera and the theatrical ‘roundness’ of the courtroom’s public gallery. Anselm Franke describes a “chaos that lies on the underside of order and without which order could not exist.” Chaos is fittingly defined in this sense as a state of disorder, and the “inherent unpredictability in the behavior of a complex system.” In the context of this work, chaos lays not so much on the underside, but is deeply imbued in the space of law and systems of regulation. Reflective of this, the uncontrolled drifting of the camera on the courtroom ceiling functions within the video projection as a type of derive; a relatively aimless drift away from the task of inspecting the courtroom. As with the static images displayed in *Shifty*, a displacement of context occurs, opening up this social institution to questions about how laws define space and regulate relationships.

A pivotal consideration in presenting the video projection became the structure housing the projector and its stream of light. This structure was derived from the basic shape of the cubicle on a mobile observation tower used to monitor the border. It shares in some ways the form and function of an inspection booth, a judge’s bench, or an observatory—suggesting an objective distance, while occupying a privileged position (Figures 4 and 5).

Housing the projector and video within a ceiling mounted structure created an inversion of this shape, literally turning the structure upside down. In constructing a fortified conduit to deliver light and video images, this re-staging echoed the way in which laws are imbricated in the form and function of their delivery systems. The material considerations for creating the structure were influenced by the appearance of steel housing used to contain and protect the computer systems, which drive multi-camera surveillance systems. The intention was to create a structure that could feel slightly strange, potentially imposing, and yet have the capacity to disappear within the space despite its size. By avoiding the use of a familiar interface, such as a television screen, the video was projected with a greater sense of formality and distance (Figure 6).
The proximity and scale of the viewing apparatus, contributes to a sensation of the structure being at odds with the immateriality of the video projection, causing a slight conflict or fluctuation in the ability to maintain a simultaneous awareness of both elements. While the structure containing the projection system consists of steel, and is in fact an edifice in excess of two hundred pounds, awareness of its material presence, of gravity and suspension, differs at times and from varying perspectives in the otherwise empty room. The angle of the screen requires the viewer to approach the image while looking up into it, which momentarily obscures awareness of the over all structure and materiality. Conversely, by taking in the video at a distance, the viewer is forced to contend with an apparition of the whole, where the video cannot be divorced from the apparatus that delivers the feed.
Surveying the field of other artists whose practice attends to the nature of borders, it seems that to a great degree the work focuses on the experience of crossing borders and the impact of these lines on individual and cultural identity. Artistic strategies for addressing these very real and cogent concerns frequently manifest as a challenge to state agencies. For instance Santiago Sierra’s work broadly explores the subject of labour, global trade and class. Sierra’s works: 250 cm Line Tattooed on Six Paid People and 160 cm Line Tattooed on Four People document a performance where Sierra has commissioned a tattoo artist to ink a visually connected, horizontal line across the backs of first four and then six people. The work is useful in relation to the investigation of borders because Sierra’s act sears the invisible, symbolic ‘line’ that we have been tracing, most indelibly directly onto the individual. Sierra’s work reflects how the law adheres to individuals, as much as to the landscapes, which international laws divide. Restrictions on movement are now more precisely aligned with the individual out of context, rather than a fixed location on a map. So while less visible laws are tightened around people, the border itself unfolds, becomes infinitely malleable and ‘floating’. In formation, the bodies depicted in Sierra’s photographs connect the line inscribed across their backs, but it is not uniform, nor is it without breaks. In fact, through the process of tattooing, that ‘line’ is actually comprised of a series of points, reminiscent of Deleuze’s definition of lines.

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It is also significant that when the individuals disband, or separate from each other, a segment of the line travels with them. The line not only divides an area of the body from itself, but also marks them as different, separate even from others with the same citizenship. Excluded, outsiders or those who are unable to cross legal thresholds, “represent the doubtful existence and dubious truth of what is not spatially present, of what cannot be verified at first hand.”\textsuperscript{29} Their bodies now literally refer to a demarcation, a line that does not exist in reality but is inscribed in law and acts upon them in a very real way. Sierra’s work also deals with a relocation of power, making visible both the impact and the illusion of these lines. The work in \textit{Shifty} is conceptually related to the supposition that borders are de-territorialized and resemble not so much a line, but a series of points activated by laws. However, the work in \textit{Shifty} does not necessitate or seek to undermine the validity of borders. Instead, the work invites consideration of how borders become naturalized and implicates the viewer in the imagination and construction of those spaces. As Michel Foucault states the “links between space, knowledge, power and cultural politics must be seen as both oppressive \textit{and} enabling, filled not only with authoritarian perils but also with possibilities for community, resistance and emancipatory change.”\textsuperscript{30} This insight is key, because it reminds us that the laws, which create borders, are ultimately social constructions for which we bear some responsibility. Legislative institutions struggle not only to define, but also to keep pace with the desires and fears of the

\textsuperscript{29} Crang, Michael and Nigel Thrift, Eds., \textit{Thinking Space} (New York: Routledge Press, 2000), 58.

social body. The work in *Shifty* focuses sustained attention on the subtleties, which tend to recede from view in the construction, maintenance and evolution of borders. Returning to Anselm Franke’s article *Across the Rationalist Veil*, Franke advocates the cultivation of “concern for how conceptual dichotomies have become actual boundaries.” This concern, or sustained attention, is within the purview of visual art and motivates the production of this work. While the scale of global trade and migration has radically transformed traditional border making practices, the Critical Border Studies Research group entitled “Lines in The Sand” describes an enduring “seduction of the idea of a border: a craving for the distinctions of borders, for the sense of certainty, comfort and security that they offer.” In spite of the changes and strictures imposed, borders remain a vital expression of ideological distinctions and a reflection of ideals. Creating space for engagement and reflection, *Shifty* opens up the possibility for further study, and perhaps new ways to imagine boundaries.

Reflecting on the process that lead to this exhibition, it’s clear that some of the work is preliminary and forms the basis for further exploration. This work represents an initial strategy for studying how images, materials and objects function in the making of borders (Figure 7).

The utilization of absences and gaps in the imagery presented and the focus on contradictory elements in physical manifestations of law are significant strategies of this visual investigation. These strategies reflect the way in which boundaries are provisional, revised and even erased contingent on events and circumstances that are not easily contained by the logic of lines. Perhaps individuals learn to navigate these boundaries, adjusting our relations and actions accordingly. However, the work in *Shifty* invites the viewer to visualize the ways in which law animates the border and to consider how that space is less static than one might imagine. We tend to naturalize the delineation of borders and the legal institutions, which create and substantiate them. While recognizing that borders are necessary and in fact an integral component of nation-making, it
is important to remember that these institutions are not predicated on natural laws, rather they are always undergoing a process of construction and revision.

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