Melbourne's Wildscapes: A Critical Ethnography

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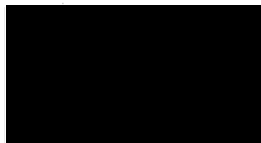
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Abstract

This thesis develops a new theoretical understanding of Melbourne's urban wildscapes through a discussion of a variety of playful practices that take place within them. The urban wildscape is an interdisciplinary concept that refers to marginal or neglected areas within augmented city spaces. I expand on the concept of the wildscape by linking it to the work of Henri Lefebvre and human geographers, arguing that the urban wildscape is not only visual, but can be experienced and produced by a city's inhabitants. The thesis is interdisciplinary, drawing on cultural studies, law, urban planning and architectural theories. It examines the legislation, case law, and design principles that attempt to control behaviour within the city. The study finds evidence of internal regulation structures that are inherent within the practitioners' use (and creation) of these wildscapes, and puts forward a case for a loosening of official regulation of such activities based on their contribution to an inclusive, vibrant, postmodern city. The thesis also makes a contribution to knowledge in interdisciplinary methodology. The analysis is achieved through critical ethnography. This involves self-reflexivity, critique and transformative redefinition, which is challenging when using data drawn in part from informant interviews. The critique allows a questioning of law's certainties. Legal responses are often contradictory and ambiguous as administrators grapple to preserve Melbourne's image as a creative arts hub and a safe city. Major conclusions reached are that urban wildscapes are not lawless zones, but spaces where complex systems of unofficial rules and regulations exist. These are spaces rich with possibilities. The thesis explores the benefits of the urban wildscape to Melbourne and argues that the future city must learn to embrace them
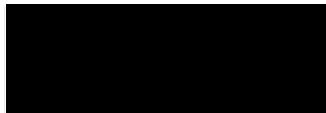
Student Declaration

I, Susan Bird, declare that the PhD thesis entitled 'Melbourne's Wildscapes: A Critical Ethnography' is no more than 100,000 words in length including quotes and exclusive of tables, figures, appendices, bibliography, references and footnotes. This thesis contains no material that has been submitted previously, in whole or in part, for the award of any other academic degree or diploma. Except where otherwise indicated, this thesis is my own work.

Signature:

Date:

Acknowledgements

List of Publications and Awards

Parts of this thesis have been published in refereed journals and a book chapter as listed below:

Susan Bird 'Flash Mobs and Zombie Shuffles: Play in the Augmented City' in Andy Bennett and Brady Robards (eds) *Mediated Youth Cultures* Palgrave Macmillan (in Press, 2014)

Susan Bird and David Vakalis 'Kyle Magee: Adbusting, Exclusion and the Urban Environment' (2011) SCLR vol 14

Susan Bird 'Aesthetics, Authority and the Outlaw of the Street' (2009) *Public Space: The Journal of Law and Social Justice Vol 3, Art 3, pp 1-24*

Susan Bird and David Vakalis 'The Right to the City' (2008) *Activating Human Rights and Diversity* Refereed Conference Proceedings, Southern Cross University

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Prologue

As I sit at home in Melbourne's suburbia, listening to the drone of a lawn mower as it makes its way up and down an already impossibly tidy lawn, I hear that again my mother has received a letter from the council setting out that the grass in her yard is in some places higher than the 30 centimetre limit. According to the letter, her yard is unsightly, and does not fit with the 'amenity' of the area. This aesthetic infringement gives the council the right to inspect the property again in a month, and issue a fine if the property does not conform.

Having mowed my mother's lawn not long ago, I remembered her asking me not to mow under the big liquid amber tree, where the wild flowers and the bulbs sprout in the spring. She said it reminded her of the garden at Leckhampton, the college house at Corpus Christi College in Cambridge, where she was the first female college resident in 1983.

The pettiness of this concern over the length of a lawn struck me as banal in a world where millions will tonight go to bed hungry, worried if their shack made from recycled refuse will still be standing when the morning comes. Are our resources being wasted policing what is, in essence, simply a judgment of taste?

The place where law and aesthetics collide has always fascinated me, and forms an integral part of this thesis. Deeply entrenched views about how and where objects should be located, and whether they are in or out of place, are linked to a past where dirt meant disease and death.[1] My Grandmother grew up in a log hut with a dirt floor on the outskirts of Melbourne (Wantirna), not so long ago. She passed onto my mother a fear of dirt, vermin and disease.

Dirt and the unaesthetic are often linked to an element of 'risk.' Clean, ordered space is seen as 'safe' and predictable; the 'wildscape' the site of danger, contamination and lawlessness. City planners prefer dirt to be out of sight and mind, sequestered to neat receptacles and transfer stations on the edge of town. Council rates are channelled into keeping our waste in order - bins placed on the nature strip after dark are preferably emptied before the dawn. Is

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Mary Douglas (2002) *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* Routledge London

this hiding from our waste, dirt and decay a way of denying our own mortality, that which frightens us more than anything else?[2]

This thesis is not a historical one, and will not explore the history of Melbourne in any great detail. However, I see the importance of history in unsettling the certainties of the law, and also believe that it would be remiss to proceed without providing a brief history of Melbourne. The reasons for this are twofold: first, although Melbourne is now a vast metropolis, with a population numbering upwards of four million people, its history since invasion is relatively short. Exploring pre-invasion history at the outset is a sign of respect to the peoples of the Kulin Nation, given the length of their occupation and the brutality of dispossession. Further, history can be used to unsettle the 'naturalness' of the city environment, and the construction of it as something that always has, and always will be here. The flimsy film of the city masks but does not erase pre-invasion history. Some of the insecurities regarding the aesthetic of the city are tied to the fears of the first Europeans that walked the land – a foreboding that the land would return to its untamed and wild state. The European invaders were oblivious to the strong laws of the Kulin people and their deep connection to their country.

Melbourne's Black History

The starting point for this thesis was a meeting in Morwell, eastern Victoria with Uncle Albert Mullet a member of the Kulin peoples. Uncle Albert who became an informant and friend told me of his youth in Melbourne and his subsequent life at Lake Tyers, an Aboriginal mission. He grew up around the mouth of the Maribynong river; (the word Maribynong meaning salty river in the local Aboriginal language.) Here, near the site of today's Westgate Bridge, many of the Aboriginal residents of Melbourne gathered. They had been displaced from the CBD and driven to the uninviting western wastelands. Uncle Albert and his kin mixed with those whitefellas whose lifestyles were deemed unacceptable for the city centre. Together these marginalised people camped and fished and hunted rabbits, shared meals and

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[2]   Julia Kristeva *Powers of Horror: An Essay on Abjection* (Columbia University Press, 1982)

told stories around their camp fires. It was there that Uncle Albert listened to his elders and heard the sacred knowledges of his peoples before the European invasion. Uncle Albert talked to me of scarred trees which bore witness to the building of canoes by his ancestors. Over many meetings and conversations he brought his people alive in the landscape. The City of Melbourne took on a new meaning for me. This city of spectacle and consumption bore the eternal imprint of its Aboriginal owners. As Henri Lefebrve observes people create space; their practices on (or below) the land produce a space. The material below is informed by insights gleaned from Uncle Albert, my experiences during Cultural Heritage Walks and my academic reading.

The space now called Melbourne was for many thousands of years prior to 1788 Aboriginal land. The country was made by the Wurrundjuri and Bun-wurrung peoples. They were mindful of the earth, water, trees and skies, with, as the white man Grey wrote: '[their] whole soul absorbed in the senses of sight and hearing.'[3] For Aboriginal peoples 'the country is not the setting of stories, but the stories and songs themselves. The re-enactment of the country does not occur on a stage; it is what brings the country into being and keeps it alive.' The country is something to be read. This intertwined fabric of flesh, bone and land was to 18th century white sensibility uncanny. Most white people imagined land as separate to themselves; they did not visualise title deeds in the spatial geography of 'a dance on the earth, a [rock drawing], a design on the body.'[4] The Wurrundjuri and Bun-wurrung were denied full humanity under white law. They tried to apply their black law to the new comers but the power of the gun overrode their justice.

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[3]   Grey quoted in Paul Carter *The Road to Botany Bay: An Exploration of Landscape and History* (University of Minnesota Press, 2010) 301.

[4]   Gilles Deleuze and Felix Guattari *Anti Oedipus,* cited in Paul Carter *The Road to Botany Bay: An Exploration of Landscape and History* (University of Minnesota Press, 2010) 222.

Figure 1 Nicholas Chevalier Studley Park at sunrise

When the white invaders advanced on the fertile green land where Melbourne now stands, the English were drawn to the 'park-like' quality of the area. John Norcock commented on arrival in 1836 at Port Phillip: 'In the afternoon I went on shore….and was quite "charmed" at its richness and beauty - the ground is like a beautiful carpet, covered with grasses, herbs and flowers of various sorts- the scenery was that of an extensive park…'[5] The desire of the early 'settlers' was to recreate a European landscape of neat hedges and lawns, to overcome and tame any wildness in the landscape, or its "natives".[6] At the time, Australian foliage was seen as wild, chaotic and dangerous, alien to the senses of the invaders. European painters such as Nicholas Chevalier and John Glover tried to depict the Australian landscape in soft,

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[5] Eric Rolls, *Visions of Australia: Impressions of the Landscape 1642-1931 (*Lothian Books Port Melbourne, 2002) 132

[6] Which at the time were legislatively viewed as part of the flora and fauna - issues pertaining to indigenous governance not being found in such legislation until relatively recently

hazy light, romantically reproducing the English country garden on canvas. Altering the aesthetic of the landscape I argue was about power and legal legitimacy to invade the land. Space that was uncultivated was seen as empty and belonging to no one. The declaration of Australia as 'desert and uncultivated'[7] validated the theft of Australia from its original inhabitants. This legal fiction was only overturned in 1992 by the *Mabo* case,[8] where it was finally held that Australia had not been empty of humans upon European arrival.

The park like aspects of the Port Phillip district then reminded the colonisers of England, that idyllic, 'green and pleasant land'.[9] They did not recognise the extent to which Aboriginal peoples had shaped the land. 'Aboriginal occupation had created tracks and clearings: it had been responsible for the "meadows" Cook remarked upon. …The very horizons had been channelled and grooved by Aboriginal journeys...Spatially, if not linguistically, the Aborigines informed the whites at every turn.'[10]

There was an attempt by John Batman in 1835 to buy the land from the Aborigines and to enter into a treaty with them.[11] Some soil and twigs were, according to feudal custom, handed over and in return Batman delivered to the 'chiefs' 'blankets, knives, looking glasses, tomahawks, beads, scissors, flour etcetera as payment for the land and also agreed to give them a tribute or rent yearly.'[12] This purchase was of large tracts of land.

The British government declared the contract of sale unlawful and the treaty invalid. When the issue was tested in the Privy Council the land was declared 'desert and uncultivated' (*Cooper v Stuart* (1889) 14 App Cas 286..) The Aboriginal peoples were seen as nomads without any notion of property. As Blackstone's Commentaries stated this gave the British the right to acquire the land; '[I]f an uninhabited country be discovered and planted by English subjects, all the English laws then in being, which are the birth right of every subject,

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[7] *Cooper v Stuart (1889)* 14 App Cas 286.

[8] *Mabo and Others v Queensland* (No. 2) [1992] HCA 23; (1992) 175 CLR 1).

[9] William Blake, *Milton A Poem* (1808).

[10] Paul Carter *The Road to Botany Bay: An Exploration of Landscape and History* (University of Minnesota Press, 2010) 337

[11] Tim Flannery (2010) *The Birth of Melbourne (*Griffin Press, 2010) 52-58.

[12] John Batman's diary cited in Tim Flannery, *The Birth of Melbourne (*Griffin Press, 2010) 53.

are immediately there in force.' A land was 'uninhabited' if its peoples did not practise agriculture and individual ownership.

De Vattel writing on international law principles explained the basis of the law: '…There are others who, in order to avoid labour, seek to live upon … the fruits of the chase…Those who still pursue this idle mode of life occupy more land than they would have need of under a system of honest labour, and they may not complain if other more industrious Nations, too confined at home, should come and occupy part of their lands.'[13] Indeed in *McHugh v Robertson* in 1885 Justice Holyroyd said that the English government and the colonial authorities treated the Aborigines as if they 'were strangers who had immigrated into British territory.'[14] They were in a real sense legally outcast.

Aboriginal peoples were living lives of plenty before white occupation. They had stone huts for shelter, possum skin cloaks to keep them warm, baskets woven from reeds and an excellent knowledge of bush foods and medicines. They used fire to burn the underbrush to make clearings in the land. This facilitated the hunting of kangaroos and wallabies. They fished in rivers, creeks and the bay.

Today you can see, among other things, scarred trees in Melbourne with the shape of Aboriginal canoes carved from them. The land is inscribed spatially with the history of these ancestors for those able and willing to read it.[15]

In 1851 gold was found near Melbourne. 'By the middle of 1852 there were perhaps 50,000 [non Indigenous] people on the diggings; the average weekly shipment on the gold escort …was more than half a ton a week.'[16] The enormous wealth flowing into Melbourne made it a 'saturnalia'.[17] Immigrants, driven by gold lust, streamed off the ships from around the world

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[13] E de Vattel, *The Law of Nations or the Principles of Natural Law* Volume 3 (translated by Charles G Fenwick, Oceana Publications New York, 1982) 38.

[14] *McHugh v Robertson* (1885) VLR p410

[15] For those who want to learn more I suggest you contact the Koorie Heritage Trust at 295 King Street, Melbourne and take part, as I did, in activities such as the legal cultural heritage walk.

[16] Robert Hughes, *The Fatal Shore: A History of the Transportation of Convicts to Australia 1787-1868 (*Collins Harvill, 1982) 562.

[17] Ibid, 563.

particularly Britain and China. There were campaigns to prevent the Chinese coming to the gold fields as they were seen in racist terms as too competitive. Soon 'bark huts, grog shops, brothels and opium dens lined the streets… Around the clock orgy was conducted by the diggers and their hangers-on, the mates and their flushed doxies, drinking the gold away.'[18]

In a material sense we can see that the town of Melbourne was built on mining. However the traditional owners the Wurrunjuri and Bun-wurrung did not share in the gold wealth. Indeed they were not welcome in the city. The Victorian Government set up a Select Committee in 1858 to inquire into their position. Many witnesses argued that the Aborigines should be confined in special reserves. There they could be protected from 'white vices'. At first they were forced to live on land that included what is now the Royal Botanic Gardens. However, as Melbourne prospered, this land came to be seen as too valuable and they were moved to Coranderrk near Healesville.

Unfortunately the manager was paternalistic and racist and punished Aborigines physically or by withholding rations for infractions of his rules such as for being cheeky or swearing. Aboriginal peoples became aware that to survive they needed some aspects of European learning. However their struggle to access education, health and housing was to be a long and at times a bloody one.[19]

As Uncle Albert pointed out Aboriginal people are still struggling for full recognition of their position as original owners of the land and for recognition in The Constitution.

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[18]   Ibid, 563.

[19]   Greta Bird (1993) *The Process of Law in Australia: Intercultural Perspectives* (Butterworths, 1993).

Introduction

This thesis will develop a new understanding of Melbourne's urban wildscapes via a discussion of a variety of playful activities that take place within them. The urban wildscape is an interdisciplinary concept that refers to marginal or neglected spaces within urban areas. I will expand on this idea by linking it to the work of Henri Lefebvre and human geographers, arguing that the urban wildscape is not only visual, but can be experienced and produced by a city's inhabitants. The thesis is interdisciplinary, drawing on cultural studies, law, urban planning and architectural theories. It will examine the legislation, case law, and design principles that attempt to control behaviour within the city. The study seeks to find evidence of internal regulation structures that are inherent within the practitioners' use (and creation) of these wildscapes, and puts forward a case for a loosening of official regulation of such activities based on their contribution to an inclusive, vibrant, postmodern city. This analysis will be achieved in part through critical ethnography. Legal responses are often contradictory and ambiguous as administrators grapple to preserve Melbourne's image as a creative arts hub and a safe city. I do not see urban wildscapes as lawless zones, but spaces where complex systems of unofficial rules and regulations exist. I see these as spaces rich with possibilities. The conclusion of the thesis will explore some the benefits of the urban wildscape to Melbourne and suggest why the future city must learn to embrace them and how this might be achieved.

In this chapter, I will explain the topic of the thesis, and link my chosen theorists to the research questions. The key questions are philosophical and relate directly to the theories I am exploring. In this chapter I will explain what urban wildscapes are, and why they are important to the city. I will explore how playful activities in the city can create their own urban wildscapes, and how they have the potential to disrupt one-dimensional, postmodern space.

The 'Problem' of Urbanisation

Urbanisation is increasing – more and more people are living in cities. This is especially true of Australia. This thesis is a study of Melbourne, Australia, and a number of activities that take place there. These activities are graffiti, urban exploration, dance parties, flash mobs and scavenging. These activities are chosen because they are under researched, and because of their potential to unsettle dominant narratives about the city. I will explore these activities via the concepts of urban wildscapes and playfulness, through a spatio-legal lens.

Where the chosen activities have been researched previously, much analysis has revolved around the issue of deviance. Researchers, approaching the activities from a criminological perspective have explored activities such as graffiti, and asked, often through interviews, why participants engage in such activities.[20] This research, even where sympathetic, is often conducted with a view to producing regulations designed to eliminate, or at least reduce or restrict, such activities.

My research differs in that it does not seek to analyse 'deviance' as displayed through illegal, or abnormal, behaviour. Following Michel Foucault, I prefer to query the structures of power, and critique current measures that seek to criminalise and restrict the activities that I am studying.

Although underpinned by Foucault, I have chosen to critique the law from a spatial, rather than genealogical, perspective. The writings of Henri Lefebvre and Michel de Certeau are central to my thesis. These theorists both explore the city from a spatial perspective. Lefebvre is a starting point for understanding the space of the city as being imbued with layers of meaning. His book, *The Production of Space*, is credited with inspiring a generation of human geographers who unpack in various ways the idea that the city is not a neutral object, but is produced by particular political and ideological systems – in Melbourne's case, capitalism. Certeau builds on Lefebvre's and Foucault's ideas, and in *The Practice of Everyday Life* explains how the masses are able to resist the powerful through their everyday

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[20] See for example, Alison Young, 'Negotiated Consent or Zero Tolerance? Responding to Graffiti and Street Art in Melbourne' (2010) 14 *City* 99.

uses of the city. Certeau implores us to continue the study of the marginalised in greater detail. He explains that the disciplinary net is widening and there is a need for further knowledge of resistant practices. The activities that I explore are, I assert, examples of everyday tactics of resistance that have the potential to produce their own spaces.

In order to make an in depth analysis of Melbourne and the resistant practices that take place there, I will divide the thesis into a series of chapters, each one centred around a particular activity. Each of these chapters can stand alone, and builds its own case for acceptance of diversity in play. Each practice is linked by a number of common threads. These threads draw the activities together and support an overall argument regarding a need to loosen regulation of these 'deviant' behaviours with the aim of creating a more harmonious and cohesive city.

The first of these linking threads is the ways in which each of these activities can be seen as producing their own space, or 'urban wildscape.' The concept of the urban wildscape is a recent one, explored so far by human and environmental geographers who see the value of such spaces for a liveable city. Rather than see the urban wildscape as simply a place that comes into being when an area is neglected by city administrators, I will extend the concept to include those spaces actively produced by wild activities in city spaces. I will explain how each of the activities I am studying cannot only exploit existing wildscapes, but can also produce their own unique urban wildscapes through play.

I will examine in the course of my analysis each activity using Johan Huizinga's theory of play. Play has the potential to challenge and resist power structures, as well as form bonds that unite groups of people. I chose this particular theory because it not only captured the essence of the activities – the fun, not for profit, exciting and joyous aspects – but also conveys the idea that through play humans create boundaries, and in doing such, develop rules and ethical values that apply when taking part in the activities.

The idea that there are separate and unique set of rules that govern the behaviour of participants in each activity allows me to further my critique of the law. 'Common sense' or ordinary justifications for having law or legal systems to govern behaviour is rooted in the idea that in the absence of state laws society would degenerate and people would revert to a

system of survival of the fittest.[21] Through following participants into the wild and unregulated spaces of the city, I found the contrary. To participate in what are often seen as lawless or deviant behaviours, partakers are bound by often strict codes of conduct. These codes are built on ethics of safety and care and respect for others. There is an understanding that some of the activities could be dangerous, and in the absence of the laws of the state, particular care has to be shown. This supports my concluding argument that in a diverse society there is a need to rethink laws from the ground up, to be spatially and legally literate, and to direct the force of the law in greater weight toward the exploitative behaviours of companies and the powerful, rather than participants in activities such as graffiti or urban exploration.

Key Ideas/Theorists

The Development of a Theory – Public Space to Wildscape

When I began this thesis, I started by thinking about the ways that public spaces are regulated. The regulation I examined was legal, designed (architectural -city planning) via norms and people's desire to adhere to those norms. This study was driven by theorists such as Foucault, who writes critically about what is considered deviant,[22]   and also by Lefebvre, and his ideas about space – how space is socially produced, and how if a political system is to successfully change, it needs its own space.[23] Lefebvre was a Marxist, and his project was to map out a new space, suitable for a socialist society. This would come after revolution. The revolution could only succeed once the city had changed.

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[21] Thomas Hobbes 'Chapter XIII: Of the Natural Condition of Mankind as Concerning their Felicity and Misery' *Leviathan* (1651) from *The English Works of Thomas Hobbes of Malmesbury; Now First Collected and Edited by Sir William Molesworth, Bart.,* (London: Bohn, 1839-45). 11 vols. Vol. 3. Hobbes states that without law, man lives a 'brutish' and short existence. The idea that without externally imposed laws human beings would quickly descend into a violent and chaotic existence is also powerfully represented in the literary world. William Golding's *Lord of the Flies* [Faber and Faber 1954] displays the actions of a group of boys stranded on a deserted island after a plane crash. The boys attempt to introduce rules, but their society quickly turns into one of violence and destruction.

[22] Michel Foucault *Discipline and Punish: The Birth of the Prison* (Random House, 1995).

[23] Henri Lefebvre *The Production of Space* (translated by Donald Nicholson-Smith, Blackwell Oxford, 1991).

Certeau, drawing on Foucault and Lefebvre, developed a spatial theory where resistant practices could coexist within capitalist space. There was no need to wait for revolution, strategies of resistance were already taking place.

However engaged I was with these theories I still felt there was something missing. Through postmodernism, I had realised the centrality of the body, with its fluidity and materiality. Both Lefebvre and Certeau focussed on the public in a political sense. I started to see the public/private divide as an arbitrary dichotomy. Neither Lefebvre nor Certeau engaged in critical ethnographic research. Central to my project was to bring the physicality of space to attention, and listen to the voices of those engaging in resistant practices. Many of the activities that I was looking at took place in spaces that were not 'public' in a classical sense. They were often secreted away on the borderlands, in the hidden or rejected parts of the city. Practitioners used techniques to maintain a degree of invisibility – for example, via the cover of darkness or through online communications. Were these activities creating temporary pockets of a new kind of space that could precede a more open, accepting community?

I struggled to find a theory that would encompass the space that I was discussing. As I read widely, I discovered Anna Jorgensen and Richard Keenan's book, *Urban Wildscapes.*[24.] This was the first time I found a theoretical framework that embraced all of the practices in my ethnographic study. The theory of the wildscape was about the unexpected spaces that are found within the city, where regulation and control are loosened, and plants, animals and humans are (to some extent) set free. I set out to extend this idea, incorporating my earlier reading of Lefebvre and Certeau, in envisioning a socially produced urban wildscape developing out of the human practices I was looking at. I was encouraged in this development by Anna Jorgensen[25], who, in the introduction of her and Kennan's book, states that the urban wildscape is an idea which she hopes will develop further as people discover more wild spaces within the cities they live and visit.

My own usage of the term is unique. Jorgensen et al have so far only discussed the urban wildscape which begins as a result of human neglect. In my thesis, I develop the concept so that the wildness of the space can be seen as produced through the activities that take place

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[24] Anna Jorgensen and Richard Keenan (eds) *Urban Wildscapes* (Routledge 2012)

[25] Anna Jorgensen 'Introduction' *Urban Wildscapes* (Routledge 2012) p1

within the space. Lefebvre introduced me to the concept of a socially produced space, and I have developed the theory to apply it to the postmodern city. These socially produced wildscapes share aspects of Jorgensen and Keenan's *Urban Wildscapes* – they are also temporary and are a break or a gap in the smooth, over regulated, postmodern city. The wildscape is resistant to capitalism and other dominant messages, and is more in tune with the natural environment, or a human need for festivities, playfulness and fun. From Certeau, I came to understand that resistance can take place at any time in the capitalist city. Building on these theorists, I saw the wildscape happening right in the centre of the city, sometimes only for a short flash of time. Postmodern city space is often a digitally augmented one.

Urban Wildscape

The theory of the urban wildscape began in the discipline of urban planning as a response to the highly controlled and surveilled space of the city. As Pip Wallace writes, the wildscape 'provokes a rethink' of the ways that people theorise about unexpected spaces in the city.[26] As an urban planning concept, it is a reimagining of the unplanned, where these spaces are not seen as empty, but as valuable to the city. In 2007, the Department of Landscape at Sheffield University held an interdisciplinary conference called 'Urban Wildscapes'.[27] The book *Urban Wildscapes* arose out of the conference papers, which are widely varied in their approach and disciplinary areas. As Anna Jorgensen, one of the books editors, explains, urban wildscapes are:

> 'Urban spaces where natural as opposed to human agency appears to be shaping the land, especially where there is spontaneous growth of vegetation through natural succession. Such wildscapes can exist at different scales, from cracks in the pavement, to much more extensive urban landscapes, including woodland, unused allotments, river corridors or brownfield sites.'[28]

Jorgensen elucidates that the theory can be used to understand a range of city spaces which break with the banality of the urban streetscape. These spaces include disused industrial

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[26] Pip Wallace 'Urban Wildscapes' (2013) 50(3) *Australian Planner* 277.

[27] Anna Jorgensen and Richard Keenan (eds) *Urban Wildscapes (*Routledge, 2012) 1.

[28] Jorgensen cited in Jorgensen and Keenan (eds) *Urban Wildscapes (*Routledge, 2012) 1.

buildings, development sites, and spaces next to and around infrastructure. They are often temporary, as they may be vacant awaiting council building permits or resolution of VCAT (Victorian Civil and Administrative Tribunal) disputes, or be changing aesthetically because of the ruination of human-made structures. They are often partially overtaken by the 'wilderness' - reclaimed by nature - the plants and animals that may have inhabited the land before the city was constructed.

However, as Jorgensen explains, the theory of the urban wildscape has been expanded by other academics working in the area. For example, Dougal Sheridan defines the urban wildscape as 'any area, space, or building where the city's normal forces of control have not shaped how we perceive, use, and occupy them.'[29] Jorgensen explains that the 'normal forces of control' described by Sheridan 'include planning policy, building regulation, the normal commissioning process for the built environment, policing, surveillance and the ways in which places are contextualised within the official cultural narratives of the city.'[30]

Jorgensen is cautious not to pin the emerging theory down too solidly, leaving it open to development. She writes that:

> 'A fundamental aim of the book is to demonstrate that there is no dichotomy of regulated and wild urban places: rather there is a continuum ranging from wilderness to apparently ordered spaces, with different levels of wilderness existing at multiple different scales at each locality. In this sense, the wildscape can be seen as an idea, a way of thinking about urban space, rather than a closed category that can be spatially located.'[31]

As a way of thinking or theory about urban space, many of Melbourne's open spaces could be described as 'urban wildscapes'. The urban wildscape is temporally fragile, unfixed, fluid. It is a postmodern theory of space. A crack in time, like a crack in the pavement, can be an opening for possibilities, where the carnivalesque intrusion of human activity can produce temporary wildscapes within the more ordered parts of the city. Examples of these temporary wildscapes are the laneways of Melbourne, coloured with street art, or the suburban nature

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[29] Dougal Sheridan cited in Jorgensen and Keenan (eds) *Urban Wildscapes (*Routledge, 2012) 1.

[30] Ibid, 1-2.

[31] Ibid, 1.

strips during hard garbage time – both of which return to their ordered state with the flick of a brush or the roar of the collection truck.[32]

Building on the theoretical framework in Keenan and Jorgensen's book, this thesis will develop an enlarged understanding of the urban wildscape. In the further imagining of the concept the thesis will explore a number of urban wildscapes that exist along the continuum referred to by Jorgensen. As a 'way of thinking about urban space', the urban wildscape encompasses many levels both spatially and temporally, existing sometimes for the briefest moment. A flash mob is a momentary wildscape, which converts the street to the festival for just a few minutes. Spaces such as these are human-created through actions rather than physical structures, although they often also rely on the architecture of the city surrounding them.

In this way, the 'urban wildscape' is not only an aesthetic condition, brought about through dereliction and neglect of human structures, and a return of native vegetation. Urban wildscape can also be socially produced, in a Lefebvrian sense. The ethnographic research in this thesis establishes a shared philosophy among practitioners, their understanding that they are creating a self-regulating community – a wildscape – that does not rely on the surveillance of the state.

Transience and Permanence

One of the overarching concerns of the thesis has been to explore whether there can ever be a more permanent expression of the urban wildscape. In the era of integrated world capitalism, some, such as Guattari, would argue that it is impossible for anything to exist outside of it.[33] The critical ethnographic methodology of my thesis involved the interviewing of participants in activities that create urban wildscapes. What came through in the course of my interviews was that my participants were of varying levels of political awareness. There seemed, however, to be a shared delight in the playful transgression or evasion of the existing political or legal system, and in finding gaps which could be exploited to an enjoyable end. In the

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[32] The city's structure is, amongst other things, a structure that highlights humankind's desperate attempt to control every aspect of the 'natural' environment, to set him/herself apart from it, and also due to a fear of it.

[33] Felix Guattari, 'The Three Ecologies' (1989) 8 *New Formations*.

case of some graffiti artists, the idea of permanence is an anathema to their project. Likewise, the attendees and organisers of the rave expressed their delight in the discovery of new spaces to transform into a party. The party in the nightclub was a stilted, sterile environment, and much like permanent 'street art', has lost its ability to transgress boundaries. Perhaps it is only through transience that these activities can evade the tentacles of capitalism, the entrepreneurs of which are always seeking new products to commodify. Commodification is a greatest danger to the urban wildscape; once it can be bought and sold, it is no longer wild.

Henri Lefebvre – The Production of Space

The spatial philosophy of Henri Lefebvre is central to this thesis. As a key spatial theorist, Lefebvre's ideas are surprisingly little-used tools in legal analysis. Butler states that 'overall…Lefebvre has so far played a minor role in contemporary legal scholarship'[34] which could be considered curious as law and space are intrinsically bound. However, it is not so surprising if one understands how disciplines often obtain legitimacy from separating their knowledges from the knowledges of other areas.

In his ground-breaking work *The Production of Space* Henri Lefebvre explains that space is produced not only by the bricks and mortar of the built environment, but also by human activity within it. This he calls social space. He even went as far as to explain the failure of socialism as being linked to a lack of space for it.[35] Human geographers, such as David Harvey and Doreen Massey, have drawn on the concept of socially produced space in distinguishing 'physical' or 'abstract' space and space which has human or cultural meaning. These 'places' are where human activity has occurred and have significance to us reproduced through history and the memory of what has happened there.

In *The Production of Space*, Lefebvre explores the idea of a 'multi-layered space' in immense detail, concluding that that space is trilectic, consisting of *abstract space, lived space and spaces of representation*. Abstract space is space as conceived by map and law makers,

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[34] Chris Butler, *Henri Lefebvre: Spatial Politics, Everyday Life and the Right to the City* (Routledge, 2012) 74.

[35] Henri Lefebvre, Conversasion Avec Henri Lefebvre, cited by Andy Merrifield, *Henri Lefebvre; A Critical Introduction*, (Routledge, 2006) xxiv.

architects and the early white "settlers" in Melbourne, who imposed its grid-like, centre-less structure in an effort to increase profits from land sales. It is space seen at such a distance that it denies the human uses of space, those transgressive, lived experiences that Certeau explores in *The Practice of Everyday Life.*

The ways that we make use of space are what produce social or lived spaces. These are not physically separate parts of the city, but exist as another layer of meaning within it. Lefebvre would insist that our lived experiences of space are overly controlled by abstract space, as we obey the codes of urban life, both written and unwritten, fearing the strong arm of the law or exclusion from social groups that may result if these are transgressed.

Lefebvre, building on the work of Karl Marx, sees the spaces of contemporary capitalism as 'fragmented, homogenised and hierarchically ordered.'[36] The ability of city planners and administrators to separate the visual from the other elements of space creates a false sense of it as one-dimensional. Butler explores Lefebvre's discussion of the creation of a one-dimensional space, explaining that is understood only via the eye, and that 'vision is a medium that promises to reveal all, but…images serve to fragment space…. The logic of visualisation takes the transparent readability of a depthless, apolitical space as truth, thus evading a critical analysis of the condensation of power relations embedded in space.'[37] Lefebvre writes that this 'Separation…[of the visual from other aspects of space] props up the status quo.'[38]   Andy Merrifield explains that in *The Production of Space*, Lefebvre seeks to 'detonate' this separation, to *expose* and *decode* space, forcing us to look beyond the spectacular, and see the natural and social spaces operating within.[39] For Lefebvre, 'wherever there is illusion, the optical and visual world plays an integrative, active and passive, part in it.'[40]

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[36] Chris Butler, *Henri Lefebvre: Spatial Politics, Everyday Life and the Right to the City* (Routledge, 2012) 56. See also Karl Marx, *Das Kapital* (Regnery Publishing, 2000).

[37] Ibid, 59.

[38] Henri Lefebvre *The Production of Space* (translated by Donald Nicholson-Smith, Blackwell Oxford, 1991) 104.

[39] Andy Merrifield, *Henri Lefebvre: A Critical Introduction (*Routledge, 2006) 104.

[40] Henri Lefebvre *The Production of Space* (translated by Donald Nicholson-Smith, Blackwell Oxford, 1991) 97.

Aesthetics are concerned primarily with the visual, the way that things look. This is something that Henri Lefebvre implored that we look beyond. He asserted that there was a dominance of the visual in city planning, and that capitalist space was surface driven. Hidden as much as possible are its inner workings. Nature is covered over, as are the organs of buildings, their pipes and wires, foundations and structures – any signs of their construction. Also are the Black histories, and any unpalatable aspects of Melbourne's past. Butler writes that urban planners, spatial designers and legislators are 'beholden to obsessions with visual intelligibility and readability'[41] and this has led to a 'betrayal', 'abandonment' and 'denial' of the body.[42]

In *The Production of Space*, Lefebvre asserts that space is not merely 'the passive locus of social relations'[43] but is *produced*. He draws on Karl Marx in asserting that the means or path of this production are hidden, and space becomes *alienated*, and is read as neutral and objective. Lefebvre theorises that space is actually multi-layered and rich with history and meanings. If we accept capitalist constructions of space as one-dimensional, then we are not in a position to question the ways, and reasons why, that space is produced. A city skyscraper, for example, might be constructed after an approval process where large amounts of money exchanged hands, where previous owners may have had their houses 'compulsorily acquired', or where there may have been an Indigenous sacred site. Workers may have been exploited in its construction, and it may have been a location of strikes. We see none of these things when gazing in awe at the huge phallic object. However, space can also be reinterpreted and reappropriated. An example of this might be a wall in a city laneway. Most people would read this as private property and something which should not be interfered with. A street artist might interpret this wall as a blank canvas. This interpretation calls into question laws regulating private property, and who has a right to determine which messages or aesthetics are given priority in public spaces.[44] The 'illusion of transparency' of

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[41] Chris Butler, *Henri Lefebvre: Spatial Politics, Everyday Life and the Right to the City* (Routledge, 2012) 62.

[42] Lefbvre cited in Chris Butler, *Henri Lefebvre: Spatial Politics, Everyday Life and the Right to the City* (Routledge, 2012) 74.

[43] Henri Lefebvre *The Production of Space* (translated by Donald Nicholson-Smith, Blackwell Oxford, 1991) 11.

[44] It could be argued that it is this disruption to the transparency of space that is what leads to the severity of punishment for these 'crimes of style'. See Jeff Ferrell *Crimes of Style: Urban Graffiti and the Politics of Criminality* (Northeastern University Press 1996)

space[45] is shattered by the graffiti artist's challenge to its rules and boundaries. We are forced to think about it in different ways, and question how space controls us. As Lefebvre writes in *The Production of Space* 'It's never easy to get back from the object to the activity that produced and/or created it.'[46] However, the graffiti artist might have achieved this in questioning the very laws that allow the wall to exist.

Via reappropriation of space, Lefebvre sees a revolutionary potential. He asks that we seek out spaces that have outlived their capitalist uses and examine ways in which they may be reinterpreted. It is through this technique that the creation of a new space can be imagined:

> 'An existing space may outlive its original purpose and the raison d'être which determines its forms, functions and structures; it may thus in a sense become vacant, and susceptible of being diverted, reappropriated and put to a use quite different from its initial one…The diversion and reappropriation of space are of great significance, for they teach us much about the production of new spaces.'[47]

Lefebvre is interested in the production of new spaces, because he believes that this is a necessary condition for the development of a new society:

> 'Change life! Change Society! These ideas lose completely their meaning without producing an appropriate space. A lesson to be learned from soviet constructivists from the 1920s and 30s, and of their failure, is that new social relations demand a new space, and vice-versa.'[48]

Reappropriation or diversion of spaces provide us with clues on how to create new spaces, but for Lefebvre, they do not in themselves produce them. The changes of the diversion are temporary: 'Diversion is in itself merely appropriation, not creation – a reappropriation which can call but a temporary halt to domination.'[49] The urban wildscape reappropriates spaces

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[45] Henri Lefebvre *The Production of Space* (translated by Donald Nicholson-Smith, Blackwell Oxford, 1991) 27.

[46] Ibid 113.

[47] Ibid 167.

[48] Ibid 59.

[49] Ibid 168.

within the postmodern city. An example of a practice that reappropriates space in the city is a dance party in a disused warehouse. The site of manufacturing becomes one of festival, transgression and play. But what does this 'temporary halt to domination' tell us about the production of new spaces?

Destabilising Law/Michel Foucault

As a legal researcher, I question law as a discourse – a discreet, objective form of knowledge. Law as a discipline is often taught as though it were factual, that the judiciary merely apply 'the law' in a formulaic manner to specific cases to produce just outcomes. These ideas come from the stream of thought known as positivism, which is a dominant theoretical position in jurisprudence. It is asserted that if a statute is enacted according to the law of a particular jurisdiction, it is valid, and can merely be applied 'objectively' to cases by the judiciary.[50]

Theorists such as Michel Foucault (and many others, for example, Jean-François Lyotard – often described as 'postmodern philosophers'), have unsettled 'metanarratives' such as that produced by law, by being sceptical of truth claims. In contrast to an orthodox scientific world view, where facts can be objectively proven through hypothesis and data collection, postmodern inquiry makes room for many 'knowledges' and therefore multiple 'truths.' As legal scholars, it is important to question and critique the law, and maintain scepticism where it purports to uncover or produce truth or justice. Being aware of my own position and making it apparent within my writing is one way that I make my own subjectivity explicit.

Michel Foucault's theories about the connections between power/knowledge, and his discussion of the 'abnormal' have been highly influential as a basis for my interrogation of law as an 'objective' form of discourse. Foucault explains how discourses created by knowledge makers such as social scientists and lawyers generate categories of 'normal' and 'abnormal.' In *Discipline and Punish*[51] Foucault explores how punishment once was a public

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[50] Margaret Davies, *Asking the Law Question: The Dissolution of Legal Theory* (Lawbook Company, 2nd ed, 2002) 90-102. See also Scott J Shapiro (2007) 'The "Hart/Dworkin" Debate: A Short Guide for the Perplexed' Public Law and Legal Working Paper Series, Paper number 77, University of Michigan Law School. Accessed online at http://www.law.yale.edu/documents/pdf/Faculty/Shapiro_Hart_Dworkin_Debate.pdf on 30/12/13.

[51] Michel Foucault *Discipline and Punish: The Birth of the Prison* (Random House, 1995).

display which inflicted pain on the body of the offender. After the advent of the prison, the focus of discipline became the psyche or soul. Today, as described by Foucault, a person's behaviour is closely monitored and only once a state of 'normality' is reached, can an individual be allowed to join the rest of society. This surveillance is not limited to a prison space, but extends throughout society via a range of mechanisms, such as the family, school and church. However, as Foucault reminds us, resistance to power is always a possibility.

Foucault destabilises categories by examining changes which have happened historically, and therefore allowing us to question assumptions such as that imprisonment of offenders is a 'natural' response to criminal behaviour. He also asks us to question why some behaviour is labelled as criminal and others are acceptable.[52] As well as history, Foucault also suggests that space is an 'anxiety of our era.'[53] Legal geographers, such as Nicholas Blomley, use space as part of an interdisciplinary approach to destabalise the certainties of law.[54]

Legal Geographies – Where Law meets Lefebvre

In *History, Geography and the Politics of Law* Nicolas Blomley writes: 'Central to Western law and legal practice is the assertion of legal 'closure', this being the characterisation of law as an autonomous, self-sufficient field that can be marked off, in several important ways, from the vagaries of social and political life.'[55] Here he writes that the 'mainstream' of legal thought attempts to separate law from other disciplines which are deeply implicated in its construction. Allowing an interdisciplinary approach to the study of law allows it to become 'open.'[56] Further, Blomley goes on to assert that many critiques of law to date have focussed on the historical, ignoring the geographic, or spatial, as way of calling into question its 'objectivity'. '…I do not think that the critical legal project can be fully realised without paying attention to the spatiality…of social life.'[57]

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[52] See for example, Michel Foucault, *The History of Sexuality Volume I*, (Penguin Books, 1990).

[53] Michel Foucault (1984) 'Of Other Spaces' *Architecture/Movement/Continuite* October

[54] Nicholas Blomley *Law, Space and the Geographies of Power* (Guilford Press,1994)

[55] Ibid 7.

[56] Ibid 8.

[57] Ibid.

If we scratch beneath the surface, it becomes clear that understandings of space are constructed via 'abstract' discourses such as law. One example of a legal or political representation of space is the map. Boundaries that do not exist in the physical world are visible on this abstract representation of space. Law and space are integrated in other ways as well. On the scale of the city or the neighbourhood, legal documents produce boundaries between public and private, and in which locations behaviour is acceptable or unacceptable. Butler writes: 'Legal judgement (sic) cuts sharply through space, prohibiting or permitting particular use values, and, if necessary, enforcing the legality of such divisions.'[58] One of the central tenets of capitalist legal systems is private property, and the rights that attach to it. In the case of real property, this includes rights to exclude others. Land becomes a tradable commodity, rather than having spiritual or life supporting qualities. For the wealthy it may serve as a gambling chip in an investment portfolio.

Michel de Certeau

If Lefebvre explores the possibilities of resistance to homogenisation within the urban structure, Certeau gives us the tools to explore that resistance. For Certeau resistance to power does not come via violent uprising or revolution (where Lefebvre suggested that this may be necessary), but in the ways that the lives of ordinary people can create their own spaces through everyday lived experience. This gentler world of subversive tactics allows resistance without the overthrow of government. Difference is achieved in the city, the centre of capitalist power, as clandestine activities can occur in the spaces that are unseen by the panopticon of normalisation:

> 'Things *extra* and *other* ….insert themselves into the accepted framework, the imposed order. One thus has the very relationship between spatial practices and the constructed order. The surface of this order is everywhere punched and torn by elipses, drifts and leaks of meaning: it is a sieve order.' [59]

In *The Practice of Everyday Life* Certeau explores the ways in which people create space by *consuming* it - not in a passive Marxist/Lefebvrian sense, but actively, through everyday practices. This, theoretically, gives everyone the opportunity to resist. These nodes of

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[58] Chris Butler, *Henri Lefebvre: Spatial Politics, Everyday Life and the Right to the City* (Routledge, 2012) 74.

[59] Michel de Certeau, *The Practice of Everyday Life* (translated by Steven Rendall, University of California Press Berkeley, 1988) 107.

resistance are at times subtle, but can be achieved without revolution. Resistance, for example, can develop through simply walking in the city, in finding different ways of seeing, and taking the road less travelled.[60]

Like Lefebvre, Certeau draws on the idea that space exists on many planes. For example, Lefebvre writes that there is 'abstract space' that is the space of designers and administrators.[61] This space exists on paper and is not the same as 'lived' or social space. Certeau makes a similar distinction when viewing the city from the top of the now destroyed twin towers in New York City. From the top of the towers, he sees the city as it is seen on a map. He states that the city is from here an 'analogue' map, and gives the viewer a god-like, panoptic perception.[62] 'The panorama-city is a "theoretical" (that is, visual) simulacrum.'[63] This simulated city is where administrative processes begin the process of ousting all that does not fit into its systems, or alternatively, draw them into its net:

> '…there is a rejection of everything that is not capable of being dealt with…and so constitutes "waste products" of a functionalist administration (abnormality, deviance, illness, death, etc). To be sure, progress allows an increasing number of these waste products to be reintroduced into administrative circuits and transforms even deficiencies (in health, security, etc) into ways of making the networks even denser.'[64]

While the processes of urbanisation are homogenising, Certeau explains that an 'all-seeing' view from the top of a tower is so distant from the streets below that action can take place *without being seen*. Within these 'spaces which cannot be seen', or administrated, the streets are reappropriated by ordinary people engaging in everyday practices. 'The ordinary practitioners of the city live "down below", below the thresholds at which visibility begins.'[65]

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[60] Ibid Chapter 7 Certeau 'Walking in the City' 102-112.

[61] Henri Lefebvre, *The Production of Space* (translated by Donald Nicholson-Smith, Blackwell, 1991) – references to abstract space appear throughout, for example at 50.

[62] Michel de Certeau, *The Practice of Everyday Life* (translated by Steven Rendall, University of California Press Berkeley, 1988) 92.

[63] Ibid 93.

[64] Ibid 94-5. In the 'scavenging' chapter of this thesis I will explore responses to waste in the city, and the ways that people subvert these administrative ways of dealing with it by engaging in activities such as skip-dipping and nature-strip scavenging.

[65] Ibid 93.

Certeau suggests that this is a creative 'consumption' of space - a consumption which is productive in that it finds new ways of making use of space that are not part of its designed purpose. In this way, everyday users are continually reinterpreting space and making it their own.[66] When the artist daubs paint on the subway tunnel, or the flash mob swarms a department store, a crack opens in the fabric of the city and expressions of marginality can be momentarily expressed, and humanity expanded.

Rather than suggest that the maginalised need their own, separate space to engage in subversive activities as Lefebvre does, Certeau suggests that users create a place within an existing space (like a city - designed by the powerful), exploiting the gaps in the grid, creating nodes of resistance.[67] The capitalist space of the city may have increasing disciplinary technologies, but its complexity means there are also always new ways of using and interpreting space in order to escape the disciplinary net.[68]

The introduction to the *Practice of Everyday Life* is a call to researchers to explore these activities of the 'silent majority' that are forever redefining the spaces of the city:

> 'If it is true that the *grid of "discipline"* is everywhere becoming clearer and more extensive, it is all the more urgent to discover how an entire society resists being reduced to it, what popular procedures (also "minuscule" and quotidian) manipulate the mechanisms of discipline and conform to them only in order to evade them, and finally what "ways of operating" form the counterpart…of the mute processes that organize the establishment of socio-economic order.' [69]

I contend that play forms a part of the everyday resistance of the dominant socio-economic order.

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[66] Ibid 92.

[67] Much like the way that Michel Foucault theorises power and resistance, see for example, *The History of Sexuality Vol.1* (Penguin Books, 1979).

[68] Certeau uses the example of the Native Americans combining the religion of the invading Spanish with their own so that they were able to continue worshiping their own gods without detection. However, I believe that Certeau's depiction of this is a little naive/benign - there was much pain and suffering on the part of the Indigenous peoples that is not explored here in Certeau's scholarship.

[69] Michel de Certeau, *The Practice of Everyday Life* (translated by Steven Rendall, University of California Press Berkeley, 1988) xv.

Playfulness

In *Homo Ludens: A Study of the Play Element in Culture*, Johan Huizinga argues that play is an activity far more important to human culture than is usually recognised. Huizinga writes that play is 'a significant function' and that 'all play means something.'[70] Rather than being simply engaged in by younger humans and animals to learn skills for later life (an argument which he states assumes 'that play must serve something which is *not* play'[71], he asserts that many aspects of human culture could be described as play.

Of other theorists writing about play he says 'they all enquire into the why and wherefore of play'[72] – instead Huizinga wants to 'take play as the player himself takes it: in its primary significance…and try to understand play as a cultural factor in life…The great archetypal activities of human society are all permeated with play from the start.'[73]

As the concept of play is a central one for this thesis, I will explore in a little more depth the criterion that Huizinga puts forward as being essential to the act of play. Huizinga asserts first and foremost that all play is voluntary. To be play, an individual must take part because they want to. It must also be superfluous, in that it is not needed to sustain life at a physical level.[74]

Although Huizinga writes that play is 'one of the main bases of civilisation'[75], he separates it from what he describes as 'real life', stating that it 'adorns' or 'amplifies' it:

> 'Play is distinct from "ordinary" life in both locality and duration….It is "played out" within certain limits of time and place. It contains its own course and meaning.'[76]

The time and space of the game is the 'magic circle' within which the players accept a shared reality of the game. This separation of play in time and space has broken down since the

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[70] Johan Huizinga, *Homo Ludens: A Study of the play Element in Culture (*Paladin, 1971) 19

[71] Ibid 20.

[72] Ibid.

[73] Ibid 22.

[74] Ibid 26.

[75] Ibid 23.

[76] Ibid 28.

writing of Huizinga's book. Mobile computing technologies have allowed for an expansion of the magic circle of game play. They can now be played anywhere, and at any time.

Another important aspect of Huizinga's theory is his assertion about the importance of rules to the game, and how the one who denies the world of the game, the 'spoil sport' is worst of all:

> 'All play has its rules. They determine what "holds" in the temporary world circumscribed by play. The rules of a game are absolutely binding and allow no doubt….Indeed, as soon as the rules are transgressed the whole play-world collapses. The game is over…. the spoil-sport shatters the play world itself. By withdrawing from the game he reveals the fragility of the play-world in which he had temporarily shut himself with others. He robs play of its *illusion* – a pregnant word which literally means "in play"…'[77]

These aspects of play culture allude to the communities that are formed between people who play together. Huizinga writes that even after the game is over, the players still share a link. They are tied together by their knowledge of the play world:

> 'A play-community generally tends to become permanent after the game is over…the feeling of being "apart-together" in an exceptional [play] situation, of sharing something important, of mutually withdrawing from the rest of the world and rejecting the usual norms, retains its magic beyond the duration of the individual game. '[78]

Many key informants, engaging in the practices explored in this thesis, spoke to me about feeling a connection with the others with whom they shared the experience of playing. Some mentioned that they enjoyed being a part of a 'club' that other members of the community did not understand. The rules of the game were all-important, and to deny them would render players no longer a part of the game's community. If one were to take game play as an important foundation of human culture, it is possible to link its rule making systems to the political structure of a kind of communitarian anarchy.

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[77] Ibid 30.

[78] Ibid 31.

Anarchy

'Anarchy is one of the most abused and misunderstood words in common usage.'[79]

The term anarchy is misunderstood as it has come into popular usage to mean a barbaric society where there is no order. Attached to these ideas is the assumption that without laws, people would become violent and rob each other of possessions, leading to a kind of post-apocalyptic dystopia.[80] If we understand 'utopian' as Marcuse describes it, as 'that which is blocked from coming about by the power of established societies', then it is most certainly utopian.[81] Those currently in power would have the most to lose should a society become an anarchic one. Anarchism has never been recognised as the political system in any nation at any time, although I would argue that it exists to varying extents and in ways in many places – not as an overriding system of power, but operating within and through existing structures, at nodes of resistance.

It is difficult to define anarchism, because apart from there being numerous streams of it, its theoretical stance is to not prescribe a political system for others. Kropotkin, one of the 'founding fathers' of anarchism, defined anarchism as:

> '…the name given to a principle or theory of life and conduct under which society is conceived without government – harmony in such a society being obtained not by submission to law, or by obedience to any authority, but by free agreements concluded between the various groups, territorial and professional, freely constituted for the sake of production and consumption, and also for the satisfaction of the infinite variety of needs and aspirations of a civilised being.'[82]

In *Anarchism: Nomos XIX*, Clark writes that:

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[79] Anthony Masters, *Bakunin: The Father of Anarchism* (EP Dutton, 1974).

[80] This ignores the brutal reality of violence inflicted by properly enacted laws – such as capital punishment, or, in recently history, Hitler's persecution of Jews and other minority groups – totally legal under his properly elected government. In his book on Bakunin, Anthony Masters describes anarchy as 'idealistic, utopian and vulnerable.' *Anthony Masters, Bakunin: The Father of Anarchism* (EP Dutton, 1974) xviii.

[81] Herbert Marcuse, *An Essay on Liberation (1969).*

[82] Peter Kropotkin cited in Anthony Masters xviii.

'In order for a political theory to be called "anarchism" in a complete sense, it must contain: (1) a view of an ideal, noncoercive, nonauthoritarian society; (2) a criticism of existing society and its institutions based on this antiauthoritarian ideal; (3) a view of human nature that justifies hope for significant progress toward the ideal; and (4) a strategy for change, involving immediate institution of noncoercive, nonauthoritarian, and decentralist alternatives.'[83]

Although, as Clark writes, anarchism involves strategies for change, these cannot be set out in any clearly defined terms. This is not because the theory is underdeveloped, but because '…the anarchist does not want to bind anyone to one vision of the ideal, since the acceptance of pluralism implies that various groups will create numerous variations on the general goal.'[84] However, it is possible to recognise two distinct streams: libertarian and communitarian.

The libertarian stream is based on a 'contractual' theory of self-interested individuals, who in the absence of the state, would deal directly with one another, and be bound by their agreements with one another. This theory is an extension to the extreme of neo-liberalism, where the state shrinks to non-existence, and people are assumed to be on an equal footing in their dealings.

The communitarian streams of anarchism are closer to socialism, and are the types of anarchism that are relevant to this thesis. These systems are premised on the inherent good in people, and their desire to cooperate with others. It is argued that in the absence of the state, the individual will be able to develop creatively and realise their full potential. This can happen without detriment to communities, which are also nurtured via this system. For example, Bakunin's theory of anarchy was built on a belief the human beings are naturally social, rather than individual. He strongly subscribed to the idea of 'natural law', not as law derived from God, but as a natural, instinctive result of human nature.

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[83] John Clark, 'What Is Anarchism?' in J Roland Pennock and John Chapman (eds) *Anarchism: Nomos XIX* (New York University Press, 1978) 12. See also Darrell Anderson 'What is Liberty?' online at http://www.simpleliberty.org/essays/what_is_liberty.htm. Anderson argues that individual freedom can be achieved through anarchy.

[84] Ibid 13-14.

Many communitarian theories of anarchy see society existing as numerous, localised, smaller communities, within which rules and laws are determined. Similarly to the creation of rules within a game, inside the 'magic circle' of the community, members decide how to govern themselves. People are able to engage in the production of all things that are needed, such as shelter or food. Within this kind of society, individuals are not alienated from what they make. Many communitarian anarchists see the liberation of humanity as originating with community. Roberto Unger, although he does not label himself as an anarchist, theorises that society is organised by 'human nature' which is discovered through 'anarchist democracy'. Organic groups or communities develop where people know each other in many different capacities. He sees this as a way of breaking down the divisions between the public and private selves, which will 'destroy domination'. For Unger, society existing in other forms will lead to 'madness':

> 'In both theory and practice liberalism separates private from public man. This separation is morally and psychologically devastating. "The self is split in two, each half finding the other incomprehensible, then mad."'[85]

The nature of anarchism is rule from the bottom up. Those choosing to live together agree on the rules that will govern them. This is where I see anarchy as relevant to my research, as the communities that surround the activities I am researching often deny the rule of the state in their pursuit of their practices – for example, painting on walls without permission, or entering enclosed lands. However, although certain state rules may be evaded, the groups are not rule-free, but have their own systems of regulating behaviour. These systems are similar to those envisaged by anarchists in their utopian vision for a more cooperative, harmonious world. We could see these communities as sowing the seeds of anarchism, and giving a living example of how anarchist communities could become a reality.

In contemporary thinking on the use of city space, anarchism has become a recurring theme for theorist Jeff Ferrell. His book *Tearing Down the Street: Adventures in Urban Anarchy* is critical of the postmodern city experience.[86] Ferrell opens the book by asserting that

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[85]Unger cited in Gerald Gaus and John Chapman 1979 'Anarchism and Political Philosophy: An Introduction' in J Roland Pennock, and John W Chapman (eds) *Anarchism: Nomos XIX (*New York University Press, 1978) xxxiii.

[86] Jeff Ferrell, *Tearing Down the Street: Adventures in Urban Anarchy* (Palgrave New York, 2001).

'Something's gone wrong.'[87] What has gone wrong, for Ferrell, is the loss of sense of community within the city, which has arisen through a fear of difference. He documents the underpinnings of modern DIY (Do-It-Yourself) and punk cultures, and his case studies include those of gutter punks, buskers and anarchist radio station DJs.

Methodology

This thesis takes a critical approach to knowledge production arising from my philosophical position as a postmodern researcher. As Thomas asks, 'Why be critical…when it is both more difficult and riskier than conventional research?'[88] Like Thomas, my reasons for taking a critical stance are related to 'personal satisfaction, intellectual responsibility, emancipatory potential, and ethical obligation.'[89] This stance has led me to the use of critical analysis using legal geographies and qualitative methods to gather data. I have drawn on theoretical insights from an extensive reading of the literature by critical scholars to inform my analysis of the data. The thesis does not seek to produce an objective truth about the thesis topic, rather the aim is to explore and map urban wildscapes in Melbourne, and problematize legal regulation.

The methods used in any research project are directly linked to the theoretical foundation. Thus theory and methods together form the methodology. Orthodox social science research starts from a positivist theoretical framework. This calls for certain research methods such as quantitative statistical analysis. The assumption of this theory is that there is an objective reality which can be found by rational processes of discovery. The positivist researcher is distanced from the subject of the research, and is hard to detect in the finished thesis. In law, the positivist approach is called the "black letter" approach, where a law is interpreted non-contextually and where the power relations are obscured. In the last few decades there has been a significant paradigm shift away from positivism and toward a critical approach in the social sciences.[90] No longer is the researcher the distant man of reason examining his subjects under the microscope, now she is engaged and embodied in a critical postmodern

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[87] Ibid 1.

[88]
   Jim Thomas *Doing Critical Ethnography* (Sage Newbury Park 1993) 68.

[89]
   ibid

[90] Margaret Davies, *Asking the Law Question* (3rd ed, Lawbook Co, 2008).

project in partnership with her informants.[91] This means a recognition that research is partial, that the researcher is positioned in the same world as the research subjects, and that research can be collaborative.[92] Writing about the shift from positivism to postmodern critical research, Barbara Tedlock explains that researchers:

> 'use their everyday social skills in simultaneously experiencing and observing their own and others' interactions in various settings. This important change in procedure has resulted in a representational transformation, where, instead of a choice between writing a personal memoir, portraying the Self (or else producing a standard…monograph portraying the Other) both Self and Other are presented together within a single, multivocal text focused on the character and the process of the human encounter.'[93]

This thesis is interdisciplinary. The foundation is the critical theory that has transformed the social sciences in the last few decades. Following on from this theoretical framework the research methods used are critical analysis and ethnography. The thesis is an example of Tedlock's multivocal text. It seeks to critique the regulation by law of wildscapes in Melbourne.   The practices and the spaces they produce are ones that inspire a varied response from those outside of the 'magic circle'. Within this circle, however, the participants create their own regulatory systems that are often resistant to "black letter" law.

The research design involves a combination of theoretical engagement across a range of disciplines, fieldwork interviews with key informants and my own experiences of the city. I use critical ethnography to highlight issues specific to Melbourne. This is important to the project which is inspired in particular by spatial theorists such as Henri Lefebvre and Michel de Certeau. I see the city as a text in itself, therefore my reading and experience of the city is an important aspect of the project, which includes photographic records.

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[91]
    Rubin and Rubin cited in D Soyini Madison *Critical Ethnography: Method, Ethics, and Performance* (2nd ed, Sage Los Angeles 2012) 27

[92]
    Luke Lassiter *Collaborative Ethnography* (University of Chicago Press 2006)

[93] Barbara Tedlock quoted in Luke Eric Lassiter *The Chicago Guide to Collaborative Ethnography* (University of Chicago Press, 2005).

The procedure used with participants is semi- or unstructured interviews. Malcolm Carey asserts: '[C]onventional approaches to the interview...regularly restrict participant's responses. Consequently, such traditional processes can reduce any capacity for the interviewee to express their real experiences or opinions, and also the interviewer may struggle to unearth and explore research questions.'[94] In keeping with this thinking, I have chosen to use semi- and unstructured interviews in order to gain insights which might not be revealed via more conventional interview techniques.   The interviews have been conducted to 'provide powerful data on the legitimacy, organisation and structure of cultural relations. …' Interpreting these interactions enables critical ethnographers 'to examine cultural forms of oppression …'[95] Through the interviews, I am able to examine in more detail the internal regulatory structures of the players, and determine some of the ways in which participation in the wildscape does not reveal a 'brutish' existence, as supposed by Hobbes[96], but an ordered system that notheless resists the mainstream.

Data Analysis

As asserted by Bryman, there are 'few well-established and widely accepted *rules* for the analysis of qualitative data.'[97] The broad methodological approach of this thesis is critical analysis. This method will be applied not only to data collected through interviews but throughout the thesis. Critical analysis involves questioning and problematising aspects of society, including knowledge production. Critical analysis therefore involves reflexivity. Barbara Kamler and Pat Thompson write: 'Reflexivity means looking for the social in the individual account, asking how particular events, categories and assumptions, might have

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[94] Malcolm Carey, *The Social Work Dissertation: Using Small-Scale Qualitative Methodology* (Open University Press, 2009) 132.

[95]
   Kay E Cook 'Critical Ethnography' Lisa M Given (ed) *The SAGE Guide to Qualitative Research Methods* (Sage, 2008) p150

[96]
   Thomas Hobbes 'Chapter XIII: Of the Natural Condition of Mankind as Concerning their Felicity and Misery' *Leviathan* (1651) from *The English Works of Thomas Hobbes of Malmesbury; Now First Collected and Edited by Sir William Molesworth, Bart.,* (London: Bohn, 1839-45). 11 vols. Vol. 3

[97] Alan Bryman, Social Research Methods (Oxford University Press, 2004) 399.

been produced through discourse, culture, political affiliations, and/or social practices.'[98] Data must be analysed creatively and in context.[99] It may be possible to identify trends or generalisations across groups, but due to the small number of participants, conclusions that could be applied to any wider population are unlikely. Data will be mined to 'excavate...key themes [which]...most directly link with an initial research aims and objectives...' [100]Data gathered has the potential to open up new areas for analysis. When using a critical methodology, scientific or objective models of analysis are undesirable or impossible. [101]

The data obtained from the interviews is qualitative and is used throughout the thesis to develop the theoretical framework. The aim of the thesis is to explore diverse uses of the city of Melbourne and the ways that they are regulated. The data gathered will allow a deeper, qualitative level of analysis. Using a critical data analysis methodology, my standpoint rejects positivism and acknowledges that objectivity is an impossibility. For example, Lassiter argues that critical ethnography 'problematises both fieldwork and the ethnographic text as an intersubjective project in coexperience, dialogue and collaboration'.[102] Therefore the aim of collecting data is not to produce statistical observations, but to provide localised richness and information that is unique to Melbourne. Interviews provide access to internal regulation structures specific to participants of activities selected, so that a fuller understanding of the regulation of behaviour can be gained. This informal regulation is contrasted with legal rules that are written into legislation.

Critical Ethnography

'By the 1990s…ethnographic approaches…were increasingly…moving into the same intellectual stream, one that posed ethnography as an ethical, humanistic, interpretive,

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[98] Barbara Kamler and Pat Thompson, *Helping Doctoral Students Write: Pedagogies for Supervision* (Routledge, 2006) 66.

[99] Malcolm Carey, *The Social Work Dissertation: Using Small-Scale Qualitative Methodology* (Open University Press, 2009)155; Padget 1999: 72

[100] Malcolm Carey, *The Social Work Dissertation: Using Small-Scale Qualitative Methodology* (Open University Press, 2009) 156.

[101] Ibid 157.

[102] Luke Lassiter, *Chicago Guide to Collaborative Ethnography* (The University of Chicago Press, 2005) 60.

intersubjective, dialogic, and experimental undertaking, a new postmodern course that lasts to this day.'[103]

Critical ethnography is a '…new mode of qualitative investigation and one in need of further elaboration, discussion and debate…Critical ethnography [is] in a unique position to examine power-laden social and cultural processes within particular social sites.'[104] Critical ethnographic techniques sit comfortably with my theoretical underpinnings as a postmodernist. As highlighted by Tessa Muncey in C*reating Autoethnographies*, life does not stop because one is writing a thesis. 'There is no distinction between doing research and living life.'[105] Critical ethnography is a result of giving expression to the overlapping of research and life, and a recognition of the development of ideas and self that occur throughout the research process. 'Self is a process, not a structure' writes Muncey, 'The process of becoming is always in motion.'[106]

This is a deviation from traditional, positivist research techniques which attempt to separate the researcher from the research. Gary Rolfe describes this as the 'depopulation of the text'[107], where the researcher eliminates the self or other bodies from the writing up of findings. This, Muncey explains, is ironic in the field of social sciences, where the research is intended to lead to a greater understanding of people.[108] She asserts that 'subjectivity does not infect your work, it enhances it.'[109]

In 'repopulating the text', critical ethnography allows a recognition of the embodied aspects of existence. This is important in part because it has been integral to the crumbling of the stereotype that research is conducted by men in white coats. Narrative enquiry is 'marked by

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[103] Ibid 69.

[104] Kay E Cook 'Critical Ethnography' The Sage Encyclopaedia of Qualitative Research Methods Lisa M Given (Sage 2008) 149

[105] Tessa Muncey, *Creating Autoethnographies* (Sage, 2010) 3.

[106] Ibid 23.

[107] Gary Rolfe (2002) quoted in Tessa Muncey, *Creating Autoethnographies* (Sage, 2010), 6.

[108] Tessa Muncey, *Creating Autoethnographies* (Sage, 2010) 6.

[109] Ibid.

the gradual erosion of the positivist model of man.'[110] An ethnographic account 'should attempt to subvert a dominant discourse'[111] by undermining meta or master narratives. It can do this by giving voice to marginalised groups. She explains that ethnographic research can 'shed light on the silent majority of people whose individual voices are unheard.'[112]   Both Foucault and Certeau[113] assert that this is an important area for further research:

> 'Michel Foucault coined the term "subjugated knowledges" to include all the local, regional, vernacular, naïve knowledges at the bottom of the hierarchy – the low Other of science. These are the non-serious ways of knowing that dominant culture neglects, excludes, represses, or simply fails to recognise. Subjugated knowledges have been erased because they are illegible; they exist, by and large, as active bodies of meaning, outside of books, eluding he forces of inscription that would make them legible, and therefore legitimate, ways of knowing.'[114]

Critical ethnography as a methodology provides access to these knowledges by creating a multivocal text. This methodology allows for the collection of data which can then be positioned within larger social or political systems. This task of locating is not always an easy one. As Mats Alvesson and Kaj Skoldberg write: 'Since critical research demands a great deal of reflection, and since theory and empirical data cannot be simply and quickly integrated, the handling…of empirical material becomes quite a complex matter.'[115]

Collection of empirical data is important to research about cities as it assists in maintaining links to the everyday. The theoretical aspects of critical approaches are often silent on issues of methodology.

'Altogether, critical theory adopts too much of an "intellectualising" theoretical stance, which also makes it difficult to apply in empirical research. It is highly theoretical (implying a top-

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[110] Philips quoted in Tessa Muncey, *Creating Autoethnographies* (Sage, 2010) 43.

[111] Tessa Muncey, *Creating Autoethnographies* (Sage, 2010) 31.

[112] Ibid 8.

[113] See Certeau, *The Practice of Everyday Life*, 59

[114] Tessa Muncey, *Creating Autoethnographies* (Sage, 2010) 44.

[115] Mats Alvesson Kaj Skoldberg *Reflexive Methodologies: New Vistas for Qualitative Research* (2nd edSage 2009) 171

down theory) and easily pre-structures empirical material, which tends to be perceived as fitting into the framework, assumptions, and vocabulary of critical theory. Critical research tends to "leave unclear the methodological side of the interpretive process."' [116] As a critical researcher, it is important that I keep in view both the local and overarching themes. This ensures that my research has relevance to the lives of informants and those with the power to regulate their practices.

> 'Critical ethnography '…steers a middle course between the extreme objectivism of scientific rationality and the extreme subjectivism of ….critics of science [postmodern theorists].' [117]

The Chapters

The activities explored in this thesis are all contemporary, they all have the potential to disrupt the spaces of capitalism. They all do this in different, but connected ways. They all create their own, unique 'urban wildscape'. They are examples or case studies that present rich possibilities of the city.

Urban wildscapes are at the moment tenuous, temporary, and fragile. In this thesis I have explored whether they can ever exist more permanently. The urban wildscapes discussed in this thesis are produced by activities that show us glimpses of a new kind of space, one of more localised knowledges and laws, one more accepting of difference, one that relies on ethical codes rather than the black letter of the law.

Urbex

Urbex is short for urban exploration. Although the term takes some cues from colonial forms of exploration, urban explorers do not attempt to own or dominate the environment – although they do map it. Urban explorers have been likened to local historians but with a

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[116] Norman Denzin (1994) in Mats Alvesson Kaj Skoldberg *Reflexive Methodologies: New Vistas for Qualitative Research* (2nd ed Sage 2009) 509.

[117]
   Douglas E Foley 2002 'Critical Ethnography: The Reflexive Turn' vol 15 no 5 *Qualitative Studies in Education* p471

subversive edge, because they are drawn toward abandoned or forbidden spaces – urban wildscapes.[118] Explorers enjoy places that few people visit, or places that were once busy, but now abandoned. Extensive exploration and mapping has occurred under the city in storm water drains. There is a sense of 'discovery' in their actions. Urban explorers seek out the histories of the marginalised. An example of a prized location for urbex would be an abandoned mental hospital, as this space reveals the past strategies of administration used to sequester a marginalised population from mainstream society. Urban explorers 'Take nothing but photos, Leave nothing but footprints.'[119] The explorers' reinterpretation of space, and appreciation of its layers, brings a radical understanding of the city, such as the kind Lefebvre wishes us to find. It goes beyond a visual experience, participants engaging with the materiality of space, multiple histories, its construction and infrastructure.

Rave

Raves or 'dance parties' have received a dual response from authorities. Although they have been directly legislated against in some countries, such as the UK and USA, Australian authorities recognise some dance parties as 'a legitimate form of entertainment.' However, to be 'legitimate', the dance party must adhere to a long list of regulations (including being called a dance party – rather than by its more threatening name 'Rave'), or become a subject of moral panics concerning drug use, underage drinking, sex, all-night dancing and hedonism.

I argue that the unauthorised rave challenges capitalism and creates its own urban wildscape in two ways. Firstly, the traditional site of the rave is the abandoned warehouse, or industrial ruin – a wildscape in the sense first described by Keenan and Jorgensen in their book *Urban Wildscapes*. The use of the ruin for leisure produces a wildscape by challenging notions that it is ugly or useless. The rave is about as far removed from its original, built purpose as is imaginable. The rave also produces its own wildscape by upending many capitalist norms of the usual event. It is embodied, rather than spectacular, it encompasses a do-it-yourself culture rather than relying on 'superstars' to attract a crowd, and it is a space of possibility

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[118] Bradley Garrett 'Urban Explorers: Quests for Myth, Mystery and Meaning' (2010) 4/10 *Geography Compass* 1448.

[119] Urban Explorers take the rules of the Sierra exploration club. These rules state that explorers 'Leave no trace': http://texas.sierraclub.org/dallas/outings/outings-corner/leave-no-trace.asp.

where new futures can be imagined. The rave is a temporary space, operating for only a few hours or a few days.

Urban Gleaning

Urban gleaning is the activity of gathering discarded or unused items from the urban environment. Types of urban gleaning include: collecting things placed on suburban nature strips during hard rubbish time, picking fruit or herbs from public spaces or overhanging branches, and climbing into waste skips to find food or building materials. These activities are closely related to a subculture or philosophy known as 'freeganism' – a play on the word 'vegan'. Subscribers to freeganism attempt to purchase as little as possible, to distance themselves from the wasteful consumption practices of capitalist society. In this chapter I have chosen to focus on nature strip scavenging because of its quasi-legal nature, the popularity of the pastime in Melbourne,[120] and because of my own involvement in the activity over the last 30 years starting as a child in a family of scavengers.

The practice can be linked to rural gleaning, the right to which is referred to and supported by the Bible and the Koran. Rural gleaning involved the collection of left-over grains after a harvest by the poor of a community. Rural gleaning is still a right supported by law in a number of countries.

During hard garbage time in suburban Melbourne, I assert that the street becomes an urban wildscape. The placement of discarded items on the nature strip, and the wanderings of people looking through them, changes the aesthetic of the street. The practices of the gleaners also challenge contemporary capitalist consumption, creating an informal exchange commons on the nature strip. The exchange that takes place here does not rely on money. New interactions and interpretations of and with space are possible as those involved in the practice use and experience space in different ways to their designed purpose. The space is chaotic and busy, people have chance meetings, and move through space differently. It becomes a free marketplace.

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[120]   Up to 40% of people in a survey admitted that they have taken items from the nature strip. See Ruth Lane 'The Waste Commons in an Emerging Resource Recovery Waste Regime: Contesting Property and Value in Melbourne's Hard Rubbish Collections' (2011) 49 *Geographical Research November 395.*

Graffiti/Street Art

Street art and graffiti are often put at opposite ends of a spectrum where street art is permitted and commissioned, a valuable contribution to the streetscape, and graffiti is a criminal act performed by deviant youth that depreciates the value of property. However, the aesthetic impact of the two is often indistinguishable. Indeed, many valuable pieces of street art were completed without the knowledge or permission of the owner of the building.[121]

Melbourne has become well known worldwide for its street art – both legal and illegal, and in multiple forms, such as murals, stencils and paste-ups. Tourists can go on walking tours organised by the city of Melbourne council to view these prized assets by famous street artists such as Banksy, Miso and Ghetto Kitty. Yet simultaneous with the rise of street art in Melbourne was the enactment of state laws that provide for harsh penalties for anyone caught or suspected of marking graffiti, or even carrying a graffiti 'implement'. Provisions in the *Graffiti Prevention Act* even allow for council staff to enter private property to eradicate the 'blight' of graffiti.

Amidst this contradictory environment, I explore the ways in which graffiti or street art have the potential to disrupt capitalist signs and codes in the city, and present a temporary, constantly changing, urban wildscape.

Flash Mobs and Zombie Walks

Flash mobs started as a social experiment in post 9/11 New York by journalist Bill Wasik. They involve a gathering of a group of people of varying numbers, often strangers to each other, to perform a random, unusual act in public space, and then disperse. The rapid meeting of strangers or acquaintances is usually facilitated by the internet and mobile computing devices, such as smart phones. Zombie walks, including the Melbourne Zombie Shuffle, are yearly events where participants dress up in realistic zombie costumes, with fake blood and injuries, and stagger through a predetermined route in the city, calling out for 'Brains.'

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[121] The work of street artist Banksy is a key example of this phenomenon, see Scott Burnham, 'The Call and Response of Street Art and the City (2010) 14 *City* 137.

Zombie walks are very popular worldwide, the largest to date having attracted 30,000 zombies.[122]

These activities temporarily alter the aesthetic and flow of the street. They produce a unique urban wildscape by causing participants and observers to question accepted norms of behaviour in public spaces. The Melbourne Zombie Shuffle can also be viewed as a comment on society, and the ruts and routines that people fall into. It does this by disrupting the routines of the street, and by ironically reflecting on the mind-numbing aspects of urban existence.

Conclusion

The practices chosen for analysis in this thesis demonstrate an underlying theme. The people that partake in them are searching for experiences that take them outside of the mainstream messages presented by the postmodern capitalist city, and into a world where new meanings can be created. It is within these urban wildscapes that new possibilities exist.

Through exploring the selected activities, I have chosen firstly to look at those which happen within what could already be labelled an urban wildscape. Urban exploration is the first of these, as explorers seek out wild and abandoned spaces for their adventures. Dance parties also take place in spaces that are overlooked or abandoned. As the thesis progressed, it became clear to me that the activities themselves contributed to, and indeed themselves produced, urban wildscapes. Many of these were fleeting. Urban scavenging, for example, takes place during hard rubbish time, when the suburban street is already exhibiting wild characteristics. It snaps back to complete order as the rubbish truck rolls past. The chapters toward the end of the thesis explore activities which take place in the heart of the capitalist city, and utilise spaces which are not abandoned by capitalism. They meet the city centre head on, creating an atmosphere of disruption. Graffiti and flash mobs do not seek out the hidden or abandoned spaces of the city, but deliberately disrupt mainstream meanings and messages. Flash mobs produce a space also through the use of augmented realities to create pervasive games where the whole city can become the space of *homo ludens*.

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[122] *Minnesota News*, 'Twin Cities Zombie Crawl sets Guinness World Record' November 13, 2012.

In going on this journey into Melbourne's urban wildscapes I have necessarily crossed disciplinary boundaries. Although, as Judith Petts, Susan Owens, Harriet Bulkeley assert, this can be difficult, it is necessary when discussing a complex structure such as the city.[123] I have undertaken this task as a city of complete administration would be a city lacking in creative energy, and to resist being drawn into an administrative net, it is important to examine strategies of resistance.[124] To really understand these strategies I have left the armchair and headed for the streets[125] to see law in action.

The law I find there is not the black letter law of legal text books. Law is not a coherent discipline with a rigid method of interpretation. In spite of its claims to rigor and objectivity there are a number of philosophical strands, such as positivism and natural law that affect the judicial response to Parliaments' laws. These various interpretations in turn determine administrative procedures. They leave a space for resistance.

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[123] Judith Petts, Susan Owens, and Harriet Bulkeley 'Crossing boundaries: Interdisciplinarity in the context of urban environments' *(2008) 39 Geoforum* 593.

[124] Michel de Certeau, *The Practice of Everyday Life* (translated by Steven Rendall, University of California Press Berkeley, 1988).

[125] William Bunge, a radical geographer working in Detroit in the 1960s, insisted that the geographer leave the armchair and head to the streets to do research. See: William Bunge, 'Geography is a field subject' (1983) 15 *Area* 210.

Chapter 1 - Urbex

My friend had told me about a group of people he'd started hanging around with who were particularly interested in exploring urban spaces that were generally inaccessible to, or underutilised by, the public. These spaces were all around us, and were explored via knowledge passed between members of the group – for example, how to trip the lock on a gate so access could be gained to a city rooftop. And they liked to party.

This appealed to me on so many levels. Having lived in Melbourne all my life, I have spent many hours wandering through the streets and lanes accessible to everyone. Now, I wanted more. Although a relatively 'young' city in terms of European architecture, the city has existed for long enough to have many hidden secrets – those parts which have fallen into disrepair, or are not intended for daily traffic. This new way of looking at the city involved imagining it in all its dimensions – not just in one plane, but above and beneath, a city that existed vertically as well as horizontally.

In this chapter, I will discuss industrial ruins and other hidden wildscapes within urban Melbourne. I will explore ambivalent responses to these spaces, and in particular the playful use of them by urban and drain explorers, including some of my own experiences. My methods include critical ethnography and analysis. My ethnography included joining a group of explorers. The nature of urbex is risky and often illegal and this accounts for the small amount of ethnographic data that appears here. As an ethical researcher much of the empirical data does not appear in the thesis. The explorers' uses of what are often thought of as abandoned, ugly, unregulated areas recast them as valuable sites of leisure and aesthetic beauty. They are also far from unregulated, as the groups that use them have developed their own rules that apply within the 'magic circle' of the outcast zone. I will also assert the theory that the users of the space contribute to our understanding of the urban wildscape.

On the night of the 'underground' party, I was told that the location must be kept completely secret. I picked up my friend, and headed to the northern suburbs. We stopped near a park

and then I followed him as we clambered through the overgrown grass. We descended a small hill, into which a tunnel entrance – barely visible in the darkness – became evident. As my friend swung down and jumped through the entrance, I felt a slight pang of anxiety. I realised that by entering the storm water pipe, I was likely to be contravening some kind of law or regulation. Muffled sounds of voices and music could be heard as we entered, and we walked toward them, zig-zagging from side to side as the rounded edges of the tunnel and flowing water forced us to. I felt both excited and nervous – not sure what to expect, and suppressing a sense of claustrophobia as we descended deeper and deeper into the man-made cave. I was also nervous as it was my first time in a drain since childhood, and I was about to meet some of Melbourne's infamous 'Cave Clan.'

About a kilometre later, the tunnel opened up where two tunnels joined into one. The second, much older tunnel was brick, and more rounded. It did not have its own stream and provided a dry space, where a ghetto blaster and barbeque were set up. A small group of about 20 people filled the cavern. Faces were obscured by poor lighting and the masks that many wore. It seems that this was a theme for the party, something of which I was unaware. Because of this obscurity, it was hard to make any generalisations about the people in my company. There were both men and women, and they appeared to range in age from about 16 to late thirties. Although urban exploration takes courage, it does not take the same skill or exertion that parkour does.[126] Therefore it attracts a much wider range of participants. Some criminologists or psychologists might suggest that the common link between these people is a deviant personality type. They are all breaking the law, and enjoy this kind of 'anarchy' or 'lawlessness'. They get a rush out of risk-taking or 'edgework'.[127] However, rather than being a group of wayward 'youth gone wild', the party I observed was subdued, respectful, and participants adhered to their own set of 'rules'.

I was greeted with warmth and friendliness by those inside. This was probably partly because I arrived with a member already known to the Clan. This is essential to the survival

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[126]Parkour or free running is a practice of moving through the urban environment by going over obstacles rather than around them. Tracuers, the practitioners, use only their bodies in manoeuvring through the city. Some of my informants were both urban explorers and practitioners of parkour.

[127] See for example Stephen Lyng *Edgework: The Sociology of Risk taking* (Routledge 2004). 'Edgework explores the world of voluntary risk-taking, investigating the seductive nature of pursuing peril and teasing out the boundaries between legal and criminal behaviour.'

of the group that relies on being clandestine to prevent encounters with law enforcers. The secret nature of the group also helps to ensure that people who utilise these spaces do so with respect, to make sure people take as few risks as possible and to leave the environment clean. The number one rule of exploring underground is: 'when it rains, no drains'. Horror stories of teenagers drowning while tagging underneath the city when a storm hit does not apply to this group. The weather forecast is studied many days in advance to ensure that no flash flood can spoil the party.

I shared a few drinks with my new-found friends. We wandered further along the tunnel. People told me to be very careful when shining my torch. This duct was particularly close to the surface and like most storm water drains had openings directly onto the guttering in the street. Apparently, above us was a suburban road and houses where people walking past could see the torch light from inside, and possibly call the police. I quickly diverted my light, recognising my position as an amateur.

After leaving the tunnel, I stood on the street for a while, talking. I ended up giving a lift home to a young man, late 20s, to where he lived in a high rise apartment block that overlooked the sparkling nightscape. My friend, and another woman we met in the drain jumped in as well. I never knew his real name as he was only ever referred to by his pseudonym 'Dodgy.'

Dodgy took the three of us on an adventure to one of the most spectacular views in Melbourne. This involved entry into a private car-park, tripping a lock on a cyclone gate, and winding our way up several flights of concealed stairs. We then managed to climb across to the top of the building just behind St Paul's Cathedral in Melbourne's CBD. Flinders Street station was illuminated beyond. I wondered why this place was closed off to the general public. It was perhaps dangerous, but it was one of the best views in Melbourne. I wondered if it was made better by the adrenaline, and the new friendships I had formed, as I breathlessly gazed at the streets below.

Urban Exploration Defined

> 'Our rather anarchic lifestyle and even certain amusements considered dubious that
> have always been enjoyed among our entourage — slipping by night into houses
> undergoing demolition, hitchhiking nonstop and without destination through Paris
> during a transportation strike in the name of adding to the confusion, wandering in
> subterranean catacombs forbidden to the public, etc. — are expressions of a more
> general sensibility which is no different from that of the dérive. Written descriptions
> can be no more than passwords to this great game.'[128]

When Guy Debord, a Situationist,[129] penned the words above in 1958, he could have been
writing a manifesto for urban explorers.

Urban exploration, often shortened to 'urbex', is an activity which involves seeking out
disused or underutilised parts of the city. These areas include condemned houses or more
often factories, institutional buildings such as hospitals and asylums; rooftops, drains, under
bridges, and vacant lots. Debord's words 'Written descriptions can be no more than
passwords to this great game' signify the playfulness of the activity and its coded or secret
nature. They also suggest that trying to capture the experience of urbex on the page would be
an impossibility. As one who has taken part in the activity, I would tend to agree. However,
for the sake of those who have not, I will attempt below to materialise the experience.

There is a certain thrill in entering a site unpermitted. Some criminologists, such as Mike
Presdee[130] suggest that the illegality of the act is what makes it thrilling. In my experience,
the excitement is derived from a spirit of exploration. In an urban setting, our pathways are
usually set for us. Human bodies are channelled through the passageways of the city in
predictable ways. Those keeping within the laws of the street, both written and unwritten, go
unnoticed. It is as much the unwritten forms of governance that regulate behaviour in the city

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[128] Guy Debord 'Theory of Derive' *Situationiste Internationale* (1958).

[129] For a discussion of the term 'situationist' see Guy Debord (1958) *Definitions*, Internationale Situationniste #1 (Paris, June 1958). Translated by Ken Knabb.

[130] Mike Presdee, *Cultural Criminology and the Carnival of Crime* (Routledge, 2000).

as the written.[131] Stepping outside of these norms exposes one to a scrutiny that most find uncomfortable, but others find exciting.

Many of Melbourne's secrets lie hidden beneath, in a stormwater drain, or behind a closed door in an alleyway. Those familiar with the city discover new entry points, and share them with others in person and online. Historic sites are particularly desirable. They enliven the imagination bringing forth images of layers of past human experience. Exploration of the city is a game without an object. Like a chose-your-own-adventure book,[132] the narrative is set by a combination of discoveries and your own imagination.

In 'Confessions of an Urban Explorer' Troy Paiva describes urban exploration as 'the investigation of man-made places ignored and largely unseen by the public.'[133] The *Dictionary of Human Geography*[134] makes reference to urban exploration as a form of radical geography that resists the colonialist connotations of other forms of exploration. Anarchist geographers such as Bill Bunge –described in the dictionary as an urban explorer - performed 'expeditions' in urban areas and aimed to include marginalised groups. Bunge had a vision for a city that encouraged difference. More recently '…the term "urban exploration" has been taken up widely by individuals and groups interested in investigating areas of cities that are "secret", overlooked, forgotten or obscure. Such practices are also sometimes named "infiltration" and typically focus on places off limits to the public…' [135] These practices are imbued with a sense of 'play and curiosity'.

Academic (and explorer) Tim Edensor discusses urban exploration as part of his study on the aesthetic of urban ruins. He sees urban exploration as an organised form of 'non-spectacular

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[131]   Erving Goffman, *Behaviour in Public Places: Notes on the Social Organisation of Gatherings* (The Free Press, 1963).

[132]   A series of popular 1980s game books where the reader is the main protagonist and can direct the outcomes of the book – with up to 40 different endings. The books were originally created by Edward Packard.

[133]   Troy Paiva, 'Confessions of An Urban Explorer' in Tony Pavia *Night Vision: The Art of Urban Exploration* (Chronicle Books, 2008) 9.

[134]   Gregory, Derek; Johnston, Ron; Pratt, Geraldine; Watts, Michael; Whatmore, Sarah Whatmore, *Dictionary of Human Geography* (Wiley-Blackwell, 2009).

[135]   Ibid 1967.

tourism'.[136] He writes: '…urban exploration is akin to the expansion of adventure sports which seek out thrills and "peak" experiences at variance to an over-regulated and usually quiescent life. Informed by an ethics which takes a dim view of vandalism and the right to transgress regulatory regimes…. [urban explorers] enter … often forbidden zones, usually at night, frequently with the aim of exploring the least accessible parts of the complex.'[137]

Another academic, Hayden Lorimer, sees the explorers as much more benign. He states:

> 'what I see [urban explorers] as are slightly glorified and slightly funkier by their own design , versions of the classical landscape historian or local historian in that, their interests are in dredging up often very small forgotten, marginalised, obscured, hidden histories of local communities. And so in many respects I see them as the current generation or a continuation of that much longer tradition.'[138]

Ninjalicious, AKA Jeff Chapman, is an undisputed legend in the urban exploration scene. He created an urban exploration fan-zine, *Infiltration*, which became a website and valuable resource for all interested in urban exploration.[139] Chapman also authored a book - *Access All Areas: A User's Guide to Urban Exploration*. This book explores the pastime from a mostly practical angle, with hints and tips to assist people in the art of exploration. The book, however, also displays Chapman's love of exploring, and some of the philosophy behind it.

Urban exploration can include draining, or the exploration of storm and waste drains. However, this practice has also developed its own 'subculture'. The Cave Clan, for example, started by a group of three teenagers in Melbourne in the 1980s, now has branches in every capital city in Australia. My own original encounter with the Cave Clan was seeing a Cave Clan sticker on the wall of a train during the late 1980s. The sticker contained no explanation as to what the Clan was, or what they did - it simply had the name and a post office box

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[136] Tim Edensor, *Industrial Ruins: Spaces, Aesthetics and Materialisty* (Berg, 2005) 29.

[137] Ibid 30.

[138] Hayden Lorimer in Bradley Garrett 'Urban Explorers: Quests for Myth, Mystery and Meaning' *Geography Compass* 4:10 (2010) 1448, 1454.

[139] 'As with many obscure pursuits, the Internet pulled the culture closer together.' Troy Paiva, 'Confessions of An Urban Explorer' in Tony Pavia *Night Vision: The Art of Urban Exploration* (Chronicle Books, 2008) 12.

address listed. In the days before the internet, this was a source of intrigue to my teenage mind.

Exploring storm water drains is an activity that many remember taking part in when young. The Cave Clan have lifted this playful childhood activity to an art form, mapping out the intricacies of Melbourne's underground world. This, for the most adventurous, involves lying on a skateboard, face-down, while sliding through tunnels so thin that it may be impossible to turn around, meaning that if the tunnel does not widen, exit may necessitate inching slowly backwards for hundreds of meters.

Entry into the Clan involves a vow of secrecy, and a complex vetting process that insists that participants explore a drain with established members before being permitted passwords to the online forum that contains information about "expos" – or expeditions – and social events happening in the hidden spaces of the city.[140] These rules and processes protect the members from legal interference, or the problems that can arise where those who do not respect the rules attempt to get involved.

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[140]   Expos or expeditions are tours into drains. There are 'newbies' expos' for people new to exploration, where experienced members guide new explorers in the art of drain exploration, taking them into an easily accessed and interesting drain, and explaining to them tips to explore safely.

Figure 2 Inside the Drain ©Method

Urban Exploration and the Urban Wildscape

Edensor et al explore the link between the practice of urban exploration and the urban wildscape extensively in their chapter in the book *Urban Wildscapes.* They assert that the unregulated spaces of the urban wildscape, such as ruins, are open to interpretation and invite playful interventions within them. It is the nature of these spaces as liminal and ambiguous that draws the urban explorers to them, allowing them to create their own meaning within these spaces.[141]

Taking into account the idea that spaces are not simply the 'stage' for human activity, but are also *produced* by social interaction[142] I assert that the connection between the urban wildscape and the urban explorers is not a one way flow, where the urban explorers are drawn to the wild spaces of the wildscape. Both are involved in creating the other. The

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[141] Tim Edensor et al 'Playing in industrial ruins: interrogating teleological understandings of play in spaces of material alterity and low surveillance' in Anna Jorgensen and Richard Keenan (2012) *Urban Wildscapes* (Routledge, 2012).

[142] As theorised by Henri Lefebvre in *The Production of Space*.

ruined warehouse or other abandoned spaces 'invite' the explorers into their realm, but the explorers also create their own meanings there, producing their own space. When a member of the Cave Clan crawls into a storm water drain, it is no longer just a drain; it can be a party site, or a challenge to an adventurous soul. It is a space where people can meet and take part in social activities. Where the exploration site was once inhabited but now abandoned, it can become a space where fantasies are acted out, as the explorers imagine the lives of those who may have used the space in the past.[143] In the words of Michel de Certeau, space is consumed by the explorers in a productive way. These creative responses to spaces make use of the objects of a capitalist socio-economic order, for example a disused warehouse or drain, and give them new meaning. They offer room for resistance, not via revolution, but through reinterpretation and reinvention. The space is 'wilder' as it meets the explorers; they actively contribute to the creation of the urban wildscape.

This playful use of space has not only produced new meanings, but has also created a new regulatory system. As Huizinga theorised, play does not produce lawlessness, but often a complex system of rules, that are taken seriously by those taking part in the game.[144] Within the urban wildscape, the law of the state is still in force, but some aspects of it are rejected by the players - laws that regulate trespass, for example. The urban explorers embrace a greater sense of community through their negotiation of regulatory structures. Explorers do not enter without permission in order to cause damage to property; this is strictly prohibited for members of the group. But in entering these abandoned spaces, and adopting a set of shared rules, they can find a sense of community. 'The club pertains to play as a hat belongs to the head'[145], writes Huizinga, explaining how the sharing of the game, here exploration, creates a bond between its members through a shared experience and production of space. As one informant explained:

> *'By going into drains and using them for urban exploration, that is what you are
> doing. You are taking a space where nobody goes for no reason at all…and you are*

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[143]   Caitlin DeSilvey cited in Bradley Garrett (2010).

[144]   Johan Huizinga (1971) *Homo Ludens: A Study of the Play Element in Culture* Paladin London

[145]   Ibid 30.

spending some time in there, and hanging out with other people in there, united by that space itself. That's pretty awesome.'[146]

This searching for a communal space is a response to the postmodern city that has seen a shrinkage in public urban spaces that are not geared toward commercial purposes. The urban ruin provides an escape from the smoothed, spectacular zones of the city, and is a space where embodied connections can be formed, with other people and with the environment. Part of this interaction is a communication with 'nature' – not pre-packaged, adventure-tourism style, but nature as it interacts with human-made structures in a built environment. Abandoned spaces are quickly subsumed beneath wild grasses, and are taken over by birds, reptiles and rodents. This kind of nature holds a different appeal to the neat, ordered, open space of a park, where lawns are manicured, and interactions with flora and fauna are heavily regulated (for example, signs prohibiting walking on the grass, taking dogs off the leash, picking flowers, etc. These restrictions are absent in the wildscape). Within the wildscape there is the possibility to interact with the *materiality* of that space – to touch it, move objects, clamber over them – indeed, one is often forced to interact with the environment via an entry point that is not designed as an entrance. In a video interview with Bradley Garrett, Edensor explains that:

> 'in getting into the place, very often you have to do a bit of climbing, but once in there, you're forced to move and bob and weave and avoid obstacles, so you're confronted by a materiality…but then you're also drawn to a materiality… the materiality of… ruin[s] impose themselves you, but also draw you towards them. I think they have that power.'[147]

The encumbered entry-point and movement throughout the ruin or tunnel may involve jumping, climbing, or other adventurous interactions with the environment which are rarely experienced, even by children in postmodern cities. The concept of risk, and fear of legal repercussions has led to tighter restrictions on behaviour in parks and other public spaces.

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[146] Informant interview, 2011.

[147] Tim Edensor in Garrett (2010) 1450.

> '…the desire to find wild places is something that's very much part of our culture. And I think…very often it's a kind of a subconscious longing to find places that aren't overdetermined, where surprises can happen, where the mysterious can unfold, where the inexplicable can be found. Where you can play and mess about and invent things off your own bat.'[148]

The attraction to drains and other sites of urban exploration are rooted in an ancient history. Greek mythology relied on the concept of the 'underworld' – a space that was hidden until the point of death. Likewise, Christian and Jewish religions usually depict hell as a subterranean zone.

The idea that a parallel, subterranean universe may exist is appealing in the postmodern city, where it becomes increasingly difficult to imagine an unsurveilled space. Popular culture has frequently returned to the imagery of the underground city, which is sometimes conflated with the journey inward where the true self can be discovered. An example of this is Jules Verne's *Journey to the Centre of the Earth*, where the discovery of a possible human civilization living underground is the climax of the novel.[149]

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[148] Ibid 1456.

[149] Jules Verne (1877) *A Journey into the Interior of the Earth* (trans Frederick Malleson) Ward, Lock and Co London.

Figure 3 Drain © Method

A not for profit organisation, the Committee for Melbourne recently tapped into this desire to explore the hidden parts of the city by introducing 'Open House Melbourne'. One weekend a year, sites usually barred from public view are opened up for exploration. Although a highly controlled atmosphere with volunteer tour guides, the 'event' attracts thousands, and there are ballots held to gain entry to popular sites. At others, such as the Russell Street substation, one must queue for hours.[150] In July 2013, I attended Open House Melbourne. Although a free event, it had a staged quality, and was a far cry from the other forms of urbex I had experienced. It was somewhere between these and a packaged historic tour, as there were guides and brochures to explain the sites. However, the immense popularity of the event stands as evidence of the desire to see beyond the surface of the city.

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[150] See http://www.openhousemelbourne.org for more information on the event.

Responses to the Ambiguous Nature of Ruined Spaces

In *Urban Wildscapes*, Anna Jorgensen writes of wild landscapes that exist within urban centres across the world. She asks: 'What are these landscapes, why do they evoke such contradictory responses?'[151] For Jorgensen, a wildscape is an urban space which has returned in part to the forces of nature. The wildscape has been aesthetically deserted by its human inhabitants, and plants and animals have become re-established. These spaces can be visually obvious, such as a deserted building in the centre of town. Urban wildscapes can also be hidden or unseen places, for example spaces that house infrastructure - under bridges, on rooftops, next to railway lines or storm water drains. These wildscapes are less apparent to the general population, but are sought out by urban explorers.

Ruins, dilapidated buildings or infrastructure disrupt ordered conceptions of the city, and the notion that there can be a space of complete regulation. '…[Urban] ruins are [often] conceived as marginal, lacking in purpose and wasteful…excessive, dangerous and "out of place."'[152] Aesthetically, the ruin presents an object which is incomplete, rough and asymmetrical. Ruins also symbolise death and decay, reminding us not only of our own mortality, but of the possibility of a world post humanity. Disused warehouses and underground drains contain disordered, dirty items – things in places where they should not be.[153] They upset the 'order of things' .[154] Drains in particular are abject realms, filled with refuse and rodents. They are 'taboo' and potentially disease-filled.[155] The return of weeds and wildlife to city spaces can 'signif[y] the presence of the natural processes that

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[151] Anna Jorgensen and Richard Keenan 'Introduction' in Anna Jorgensen and Richard Keenan *Urban Wildscapes* (Routledge, 2012) 3.

[152] Edensor et al in Anna Jorgensen and Richard Keenan, 73.

[153] Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (Routledge, 2002).

[154] Michel Foucault *The Order of Things: An Archaeology of the Human Sciences* (Vintage Books, 1994). In the preface to the book, Foucault writes that examining an ancient encyclopaedia allows us to view things in a different way, resulting in a '…breaking up all the ordered surfaces and all the planes with which we are accustomed to tame the wild profusion of existing things, and continuing long afterwards to disturb and threaten with collapse our age-old distinction between the Same and the Other.' Arguably, the disorder of the ruin has the same effect.]

[155] Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (Routledge, 2002).

progressively *destroy*…buildings and structures… "a frightening reversion to matter."'[156]
Ruins and disused spaces can be disturbing as they conjure up the spectre of economic
decline, and negate the promise of continual growth.   Australia's declining manufacturing
sector leaves the picture of the empty warehouse fresh in the minds of many, symbolising an
uncertain economic future.

There are many assumptions that accompany untamed spaces in the city. Many of these are
linked to ideas about capitalist use-value. As Jorgensen writes, these spaces can be seen by
onlookers and planners as *terra nullius*, or empty, vacant land.[157] The concept of *terra
nullius* in relation to Melbourne, as with other 'colonial' territories, can evoke a fear of going
back to a pre-invasion landscape, the landscape that existed before a European aesthetic had
been overlaid upon the Kulin nation - the land of the Wurrundjuri and Bun Wurrung
peoples.[158] Jorgensen explains that in a colonial context, 'The continued existence of
primordial wilderness was depicted by the colonisers as morally reprehensible, and
abandoning land that had been settled was said to be even more dishonourable.'[159] In neo-
colonial Melbourne, attempts to cover up the early invaders' mistreatment of Indigenous
people and illegal acquisition of land are not a distant past. This context means ideas about
empty or unclaimed land are particularly pertinent, as the memories of dispossession and
separation from family and land still haunt the living memories of many Indigenous people.

In Melbourne, unused spaces, particularly within the inner city are frowned upon. Robert
Doyle, mayor of the city of Melbourne, has recently suggested that those not making full
usage of their land pay double land tax, to encourage development of any empty blocks. He
has described an empty building on Spencer Street as 'a scab on the knee of the city.'[160]
'The city council's Future of Melbourne Committee unanimously supported Councillor Ken
Ong's motion to implement a policy to apply differential rates "to sites defined as vacant or

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[156] Janowitz cited in Anna Jorgensen in 'Introduction' in Anna Jorgensen and Richard Keenan (eds) *Urban Wildscapes* 5.

[157] Ibid 5.

[158] Ian D Clark, *Scars on the Landscape. A Register of Massacre sites in Western Victoria 1803-1859* (Aboriginal Studies Press, 1995).

[159] Anna Jorgensen in 'Introduction' in Anna Jorgensen and Richard Keenan (eds) *Urban Wildscapes* 5.

[160] Jason Dowling and Miki Perkins 'Memo from the lord mayor: Fix these bomb sites' *The Age Newspaper* July 9, 2012.

derelict"'. Writes Jane Lee of *The Age* newspaper in April 2013.[161] In the mind of Robert Doyle, and those like him, the rough edges of the cityscape are to be smoothed into bite-size consumable pieces for the tourist or entrepreneurial market. While abandoned or ruined sites may be viewed as ugly by many, it is precisely their disruption from the monotony of the ordered city that is desirable to urban explorers.

'The Promise of the Unexpected'

Much of the appeal of disused warehouses, drains or 'ruins'[162] to urban explorers are their disruption to the clean, ordered spaces of the postmodern city. In the *Production of Space* Henri Lefebvre writes extensively on how the organisation of space is intrinsically linked with systems of power. The capitalist city, writes Lefebvre, marginalises differences, leaving only small cracks or liminal spaces where creativity can flourish.[163] Deleuze and Guittari also theorise on the smooth and striated spaces of postmodernism, the surface-driven city that relies on the production of spectacles for economic success.[164] Within this homogenised, clean city, disused spaces are a disruption to the capitalist message. These spaces are not producing an income stream, and may potentially be decreasing in value in times of economic crisis. However, to urban explorers, these sites are 'fecund' and contain a 'promise of the unexpected.'[165] Warehouses and factories in particular, once highly codified spaces, become their antithesis, as the flows of production slow and cease, leaving glimpses of nature to take root in its cracks. Prior and Cusack assert that: 'Along with other spaces on the

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[161]   Jane Lee 'City Council Approves Higher Rates for Empty Derelict Blocks' *The Age* April 16 2013. Accessed online at: http://www.theage.com.au/ on 16/4/13. See also Doyle's response to the Occupy movement in the city square.

[162] Tim Edensor, *Industrial Ruins: Spaces, Aesthetics and Materiality* Berg (Oxford, 2005).

[163] Henri Lefebvre, *The Production of Space* (translated by Donald Nicholson-Smith, Blackwell, 1991).

[164]   Gilles Deleuze and Félix Guattari (1984) *Anti-Oedipus: Capitalism and Schizophrenia (*translated from the French by Robert Hurley, Mark Seem and Helen R. Lane) Athlone London

[165] Tim Edensor, *Industrial Ruins: Spaces, Aesthetics and Materiality* Berg (Oxford, 2005) 4.

margins of regulated space, urban ruins operate as points of transition…portals revealing the magic that exists at the interstices of ordered space.' [166]

As Edensor writes:

> '…ruined space is ripe with transgressive and transcendent possibilities. Ruins offer space in which the interpretation and practice of the city becomes liberated from the everyday constraints which determine what should be done and where, and which encode the city with meanings. Accordingly, they offer opportunities for challenging and deconstructing the imprint of power on the city.' [167]

By entering and utilising the spaces of the abandoned warehouse, urban explorers disrupt the notion that these spaces are 'useless' once their capitalist-use has ended. [168]

An apposite quote from Lefebvre will be repeated here:

> 'An existing space may outlive its original purpose and the raison d'être which determines its forms, functions and structures; it may thus in a sense become vacant, and susceptible of being diverted, reappropriated and put to a use quite different from its initial one…The diversion and reappropriation of space are of great significance, for they teach us much about the production of new spaces.' [169]

Ninjalicious describes Urban Exploration as an activity that breaks the mould of ordinary experiences of the city, and allows practitioners to find a 'new' world. [170] For Ninjalicious, the practice of urbex is a way of seeing layers of the city which are invisible to most of its inhabitants. 'For too many people, urban living consists of mindless travel between work, shopping and home, oblivious to the countless wonders that the city offers.' [171] For

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[166] Jason H Prior and Carole M Cusack (2012) 'Identity and Ruins: Personal Integration and Disintegration Understood Through a Touristic Lens' *Literature and Aesthetics* 22(1) June pp156-170 at p157

[167] Tim Edensor, *Industrial Ruins: Spaces, Aesthetics and Materiality* Berg (Oxford, 2005) 4.

[168] Ibid 7.

[169] Ibid 167.

[170] Ninjalicious AKA Jeff Chapman, *Access All Areas: A User's Guide to Urban Exploration* (3rd edition Infiltration, 2005).

[171] Ibid 3.

Ninjalicious, urban exploration is an awakening of the senses which have been 'dulled' by the 'cacophony of noise and meaningless spectacle' of the city. It affords its practitioners the opportunity to devise their own path, rather than be 'corralled through the maze of velvet ropes on the way out through the gift shop.'[172]

Part of the appeal of urban exploration comes through finding a new environment with which to share 'peak' experiences with a community of like-minded others. These experiences operate at opposite ends of the spectrum, and are forms of sensory overload or deprivation. Escaping the overly surveilled and controlled city in itself can be an exciting experience, but witnessing the city from the top of a thirty story building at night, with nothing between yourself and the stars is exhilarating. Similarly, the experience of entering an underground tunnel, and switching off every torch provides a kind of darkness not imaginable in any other location. Within the drain, without light, it is possible to reach heightened states of creativity.[173]

Temporality and Permanence

'The thing is of course, about a ruin is, you can't fix it. Then you start to conserve it or preserve it. Then it's brought under a whole different realm and you freeze it at a particular time of decay. One of the interesting things about a ruin is that it does continually mutate. So you can go to a ruin when it's first abandoned let's say and maybe someone's smashed a few windows and you can see moisture gathering on the floor, pools of water. You start to see a little bit of peeling in the wallpaper, but then you can go back two months later and the transformation can be quite dramatic. It can

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[172] Ibid.

[173] Nigel Spivey has theorised that the early rock paintings were produced as a result of the sensory deprivation that early humans experienced within caves. Deprivation can induce hallucinations and Spivey theorises that rock paintings may be an attempt to draw these hallucinations on the walls of the caves that induced them. See Nigel Spivey *How Art Made the World: A Journey to the Origins of Art* (BBC Books, 2005). To see how sensory deprivation produces an hallucinatory experience, view the BBC documentary 'Total Isolation: Sensory Deprivation Experiment' online at Videosift: http://videosift.com/video/Total-Isolation-Sensory-Deprivation-Experiment .

be very, very rapidly colonized by non-humans, by moss, by fungi, by mould, bacteria, by birds and animals, grasses and trees.'[174]

Urban ruins and other visually disordered wildscapes unsettle the boundaries between temporality and permanence. As discussed previously in this thesis, aesthetics are traditionally linked to permanence, and the sight of the crumbling or disordered object is frequently observed as ugly. The ruin or drain occupies a mysterious space that taps into the abject world of disease, death and decay. In *Night Vision: The Art of Urban Exploration* Geoff Manaugh writes that the large amount of derelict buildings available to explore are due to our throw-away society, and the desire to forever be surrounding ourselves with the new. 'Today's accelerated rate of replacement means we have more and more to leave behind - [an] ever-growing trail of wreckage.' [175]

The glossy centre of the city disguises and sequesters symbols of decay, and creates a vision of permanence. Architects and planners use 'superficial tricks' to emphasize permanence - such as 'simulated stone, decorative brick facades and ornamental arches to fool us into thinking places around us are less disposable than they are…' [176] However, the continuing cycles of construction and demolition leave urban wildscapes in their wake, in never-ending push-pull of the interaction with capitalism. Without commerce, the abandoned warehouses would not be so plentiful, and these spaces that create a unique interaction with history would be harder to find.

Urban Exploration and Alternative Histories

'…in most parts of the city it's easy to forget that the past ever happened…'[177]

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[174] Edensor in Garrett (2010) 1454.

[175] Geoff Manaugh, 'Foreward' in Troy Paiva, *Night Vision: The Art of Urban Exploration* Chronicle Books, 2008) 7.

[176] Ninjalicious, AKA Jeff Chapman, *Access All Areas: A User's Guide to Urban Exploration* (3rd edition Infiltration, 2005) 88.

[177] Ibid .

'Hike far enough and you'll find yesterday; it's sitting at the end of the street or on the other side of that mountain range - And tomorrow is right next to it. Time is a landscape.'[178]

One informant told me that he would never check out a building site while exploring because 'there's no history behind it.' Urban explorers are particularly interested in sites that contain historical aspects, but these are different to the kind of history found in books or museums.

In 'Assaying history: Creating Temporal Junctions through Urban Exploration' Bradley Garrett describes urban exploration as an activity that gives practitioners new ways of experiencing the past.[179] He suggests that conventional historical tours of the city are sanitised, homogenised, 'packaged' experiences that present history as an 'artefact' rather than lived experience. These sanitised historical packages ignore the darker sides of the past, recreating an unrealistic and 'Disneyfied' tourist attraction.[180] He explains that urban explorers want to be a part of the construction of history, not just passive consumers of it. '….many people … are looking for more than a "passive past constructed through a scripted narrative."' Garrett asserts.[181] 'As space becomes increasingly codified, especially in terms that ensure a profitable "heritage market", people seek alternative ways to locate memorial thickness, experiences devoid of the need to empirically quantify, rationalise, or sell narratives to the passing cultural history tourist.'[182] Through urban exploration, practitioners produce that interactive history.

Part of the enjoyment in the re-creation of history for urban explorers is to explore places which have not been abandoned for very long and/or still contain the everyday objects of their past use.[183] These unexpected objects bring to life the stories of the people who have utilised the spaces in the (often not so distant) past. As Paiva states, in these spaces 'you can

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[178] Geoff Manaugh, 'Foreward' in Troy Paiva, *Night Vision: The Art of Urban Exploration* (Chronicle Books, 2008) 7.

[179] Bradley Garrett 'Assaying History: Creating Temporal Junctions Through Urban Exploration' (2011) 29 *Environment and Planning D: Society and Space* 1048.

[180] Ibid 1051.

[181] Ibid 1051.

[182] Ibid 1052.

[183] Ibid 1055.

feel the echoes of former human habitation'.[184] These are the untold stories of those who will never make it into the history books - the 'unimportant, illiterate, marginalised'.[185]

Garrett explains that the urbex project is a postmodern one, because it rejects grand narratives of history and opens up spaces for maginalised voices: 'The postmodern origins of the contemporary urban exploration movement are apparent in the rejection of a singular grand narrative, but also in its playful participation in history, in its willingness to interrogate its own becoming' he writes.[186]

Urban exploration allows an embodied experience of history, as we are confronted with the material aspects of the past – explorers are able to touch and experience them, rather than view them through a glass table in a museum display. '…when we go into a ruin, we confront a different kind of memory, one that's much more, one that's much vaguer, one that's much more intangible, but nevertheless, can be very rich.'[187]

Transforming Urban Wildscapes through Play

> 'When you fully embrace the urban explorers' mindset, the city becomes a wonderful playground, and playing in it seems like working your way through a fun and challenging adventure game - except it's real.'[188]

> 'Play is always potentially transformative or subversive of power.'[189]

The disordered, less regulated space of urban wildscapes invite playful interactions. As Edensor et al write:

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[184] Paiva 9.

[185]   Garrett (2011) Bradley Garrett 'Assaying History: Creating Temporal Junctions Through Urban Exploration' (2011) 29 *Environment and Planning D: Society and Space* 1048, 1056.

[186]   Ibid 1058.

[187] Edensor cited in Garrett (2010)1453.

[188]   Ninjalicious AKA Jeff Chapman, *Access All Areas: A User's Guide to Urban Exploration* (3rd edition Infiltration, 2005) 4.

[189] Edensor 77.

'A…crucial quality of ruins [and other wildscapes] is their material affordance, to be found within unfamiliar, unkempt environments that foster a multitude of opportunities for playful interaction with space and matter. The ruin *feels* very different from most other forms of urban space, is full of multiple tactilities, smells, sounds and sights…'[190]

Playful uses of disused spaces produce a new space – that of the 'magic circle.' The magic circle is the area in which the game takes place. Within the magic circle, the player's imagination is enlivened by the possibilities of a place which does not have a clear meaning already imposed upon it. As Edensor et al write: '…playful practices…blur distinctions between productivity and pointlessness, creativity and destruction, legality and illegality and respectability and abjection…'[191]

Although games are traditionally seen as activities confined to a set spatial limit, the space of the game can be expanded, in what Marko et al describe as 'pervasive games'.[192] These games often use parts or all of the city as 'magic circle'. Underutilised spaces which are open to interpretation become the location of invented realities.

Ludens the player, and the Law

Edensor at al write that 'A lack of overt regulation is a key attribute of … [the urban wildscape], important in relation to play since this provides a space outside the stricture of "health and safety", systematic surveillance and material maintenance.'[193] As one informant stated 'There are things that the law doesn't say not to do – we take advantage of that.' He also told me that 'The law would "go sick" if we explored around Parliament [house]'. This historic area would generally be avoided because of the high levels of security present. While often less surveilled than other parts of the city, the world of the urban explorer is not,

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[190] Ibid 67.

[191]   Ibid 73.

[192] Marcus Montola, Jaako Stenros and Annika Wærn (eds), *Pervasive Games: Theory and Design* Focal Press/Elsevier, 2009) 12.

[193]   Edensor 66.

however, one that is free of regulation. There are laws that prevent the unauthorised entry into, and exploration of drains. In the state of Victoria, Australia, the fine for entering drains under the *Waterways and Drainage Protection By-Law* is 10 penalty units – the equivalent to AU$1408.[194] Similarly, as Ninjalicious explains in *Access All Areas*, there are many criminal charges and civil actions which can be levelled against the urban explorer, from break and enter, to trespass.[195]

In what could be described as an anarchistic approach to these externally exerted rules, members of the Cave Clan and urbex communities often disregard the laws of the State in favour of their own sets of rules and regulations. These codes are strict and breaching them can result in eviction from the group and the spaces of exploration.

Edensor et al argue that playfulness in urban ruins counters ordered usage of space and is often 'destructive' or 'hedonistic'. While not denying that vandalism does occur in such space, I assert that the world of game play is not unregulated, but ordered by strict codes of conduct which are administered by experienced cavers and explorers. These rules are aimed at reducing risk to explorers. One way to minimise risk while exploring, Ninja asserts, is to choose exploration partners who have high ethical values. He claims that people who stick to the rules of the state unquestioningly are unlikely to be such people, as once they find themselves in the absence of the law, these people often misbehave:

> 'People who think that laws are more important than ethics are exactly the sorts who
> will wander into an abandoned area and be so confused by their sudden freedom and
> lack of supervision that they start breaking windows and urinating on the
> floor….From what I have seen, people who don't use the law as a substitute for their

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   The *Water Act 1989* (Vic) gives Melbourne Water the authority to create By-laws. Melbourne Water By Law No.2 *Waterways and Drainage Protection* s8 Prohibited Activities, ss (g) Enter any drains. Penalty: 10 Penalty units. The value of penalty unity is determined by the *Monetary Units Act 2004* and can change annually, at the end of the financial year. At 30 June, 2013, one penalty unit was equivalent to AU$140.84.

[195] Ninjalicious AKA Jeff Chapman, *Access All Areas: A User's Guide to Urban Exploration* (3rd edition Infiltration, 2005) 69. See for example *Inclosed Lands Protection Act NSW 1901* (sections 4, 4A), *Summary Offences Act 1966 (Vic)* Section 9 (e) ' without express or implied authority given by the owner or occupier or given on behalf of the owner or occupier by a person authorised to give it or without any other lawful excuse, wilfully enters any private place or Scheduled public place, unless for a legitimate purpose… shall be guilty of an offence' and *Crimes Act 1958 (Vic)* s 207(2) forcible entry.

own moral compass tend to develop stronger consciences and greater self-discipline simply through greater use.'[196]

This is echoed in the words of one of my informants, who explains:

'I think with urban exploration, in some contexts, you actually require them [rules] for your own personal safety, because a lot of the activities you are doing are quite dangerous, and if you couldn't rely on the people that you are with to behave in a certain way you could hurt yourself quite badly.'[197]

Although urban spaces, such as drains, may be represented as a chaotic, lawless space, draining comes complete with its own set of rules. Predator sets these out in Predator's Approach:

'The basic rules of drain exploring:

1. When it rains, no drains. Check the skies, get a weather report. DO it!
2. Always go in numbers (3 is good, 5 gets a bit crowded).
3. Tell a third party where you are going. Preferably not the cops, they are more concerned about putting you in the slammer than keeping you alive.
4. Take a spare torch.
5. All of the above.'[198]

Urban explorers generally state that graffiti is not acceptable, although they frequently photograph other people's graffiti. Clannies (members of the Cave Clan) are fine with some graffiti in drains, although one informant told me that 'Drainers do not change their atmosphere'. Members of the Cave Clan record visits to particular sites with lists of

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[196] Ibid 19-20.

[197] Informant interview, Melbourne, 2011.

[198] Predator 'Approach: A Sprawling Manifesto on the Art of Drain Exploring' October 1999 accessed online at http://www.urbex.org/misc/approach/approach.html on 18/6/13.

'handles' written on the drain walls for each expo. However, the approach to graffiti is a well thought-out one, which suggests protecting the environment. As Predator writes:

> 'We recommend the non-ozone-destroying aerosol paints available in hardware stores, since paint is absorbed well and we have found it stays a long time compared to artline textas. Charcoal is all but useless in drains, being washed off with the next flood. Crayon is ok… Dispose of your empty can in a responsible way, dont (sic) just flick it in the water. Puncture your can extensively to allow rapid natural oxidation after use if it looks like going to landfill.'[199]

In this way, Predator's rules extend beyond the time in spent the drain, to express an ethic of environmentalism that continues to the disposal of empty cans. Explorers must develop strong ethical values as the usual laws and rules of the city are rarely applied to their activities. Apart from rules about graffiti, there are many other internal codes of conduct that urban explorers are expected to adhere to. One of the most important slogans of urban explorers originates from the Sierra Club: 'Take nothing but pictures, leave nothing but footprints.'[200] There is an understanding that damaging any building or infrastructure will destroy the activity for other explorers, and it is therefore frowned upon. In my experience of exploring and draining, this rule in particular is strictly followed. As one of my informants states, explorers will not tolerate:

> '…any graffiti, especially tagging. No interference with the environment that you are exploring.'[201]

Another informant told me that he and his friends would get 'told off' exploring or doing parkour at the Old Melbourne Gaol. It disappointed him that his group were not trusted to respect the space. He said 'It may be heritage, but we're not going to destroy it; we care about the environment, pick up rubbish and disassociate from people who throw rubbish.'

Clannies and other drainers in particular seemed concerned with protecting the environment. One informant told me that although he knew he could get into legal trouble at many sites he

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[199] Ibid.

[200] The Sierra Club is a wilderness exploration club in the USA.

[201] Informant interview, Melbourne, 2011.

explored, he had also worked with the Environmental Protection Agency (EPA) to help prevent pollution of drains:

> *'The EPA love us [explorers]. I made a report last week. There was a green slick [on the water down a drain]. People do it [pollute] on the sly. It was where we take the newbies on Australia Day. Restaurant sullage – oil, fat – ended up in the drain. I don't know if the restaurant was aware of it, or if a plumber did a dodgy job. The drain comes out into the Yarra [river]…*[202] *It is disrespectful to us. We're kind of like conservationists. [When you pollute] it's like you're destroying heritage.'*[203]

Entry into an online urbex community also involves adhering to a set of rules developed within the community. These are not only codes of behaviour whilst on-site, but interactions in cyberspace and the way that expos are described online. In 'Bunkerology', Luke Bennett creates an 'ethnography' of an online urban exploration community who explore disused bunkers in Britain. Through examining posts of the explorers, he asserts that: 'To be a member of an on-line urbex community requires that the participant accept, and operate according to that community's "ways of seeing", its interpretive culture. That culture is reproduced through a mix of conscious and epistemic control.'[204] Bennett asserts that those who do not adhere to the rules of the forum are requested to do so by moderators, but are also edited or removed if they do not stick to the method for reporting on visits to bunkers. Kudos is increased based on the number of bunkers visited, and the detail of the reporting (which is presented in a 'factual' or scientific manner, unlike the adventurous, story-telling descriptions usually found on UE (Urban Exploration) sites. [205]

This notion of a highly regulated playspace is in keeping with Johan Huizinga's theory on play and culture.[206] In *Homo Ludens*, Huizinga argues that play is such an important element

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[202] The Yarra River is the large river that flows through the centre of Melbourne.

[203] Informant interview, Melbourne, 2011.

[204] Luke Bennett, 'Bunkerology—a case study in the theory and practice of urban exploration' (2011) 29 *Environment and Planning D: Society and Space* 421.

[205] Bradley Garrett is scathing of Bennett's 'ethnography' stating that these cannot take place merely online, and must have an element of 'participant observation'. See Garrett's response to Bennett, Bradley Garrett 'Shallow excavation, a response to Bunkerology' *Society and Space* June 10, 2011 online at: http://societyandspace.com/. He states that Bennett misrepresents the subculture.

[206] J Huizinga, *Homo Ludens; a study of the play-element in culture* (Paladin, 1971).

of human existence that the species could be as appropriately named 'homo ludens' as homo sapien or homo faber (man the maker). Play, however is not at odds with order. He writes that rules are essential for the magic circle's existence:

> '[Rules]…are a very important factor in the play concept. All play has rules. They determine what "holds" in the temporary world circumscribed by play. The rules of the game are absolutely binding and allow no doubt….Indeed, as soon as the rules are transgressed, the whole play-world collapses. The game is over.' [207]

Although entry into the world of the game is completely voluntary, this does not mean that once a participant in the game, the rules can be broken or disregarded. Inside the magic circle, the rules of the game are law. In summing up the most important aspects of play, Huizinga writes:

> '…we might call it a free activity standing quite consciously outside "ordinary" life as being "not serious", but at the same time absorbing the player intensely and utterly. It is an activity connected with no material interest, and no profit can be gained by it. It proceeds with its own proper boundaries of time and space and according to fixed rules in an orderly manner. It promotes the formation of social groupings which tend to surround themselves with secrecy and to stress their difference from the common world by disguise or other means.' [208]

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[207] Ibid 11.

[208] Ibid 13.

Risk

Via game play, the wildscape of the urban ruin or storm water drain can shift from being seen as a dangerous, dirty, undesirable unregulated zone, into a space of possibility, where multiple sets of (often written) rules and codes of conduct are adhered to. Although these differ from the law of the state, these rules are ethical and have as their basis the negation of risk of injury.

Urban explorers and in particular drainers are proud of their record of safety. In contrast with other 'adventure' sports such as BASE jumping, the risk of injury is very low, if the rules and precautions are followed. The risk involved is not understated by senior members of urban exploration groups. For example, Ninjalicious states that urbex can be a risky pastime. However, he also asserts that if the risk is managed it can be minimised. To Nijalicious, the joy of urban exploration makes the reward worth the risk. Ninjalicious explains that illegal

activities are not always the most risky ones, and that the law cannot be relied upon to make decisions about which behaviours will put you most at risk. He writes:

> '…dangerous activities like white water rafting, contact sports, bungee jumping, parachute diving, driving, cycling or mountain climbing…all have much higher fatality rates. Yet people do these things all the time, and as long as they get proper permission from the authorities, no one condemns them for risking their lives and the lives of those around them.'[209]

One of my informants reiterated Nijalicious' point, stating that: 'There is not necessarily a greater risk to the people involved in [urban exploration]…'

When choosing to partake in activities which lie on the margins of the law, it is important to minimise risks. Not to do so could have not only the consequence of injury, but also restriction of the activity by legal authorities, and negative media reporting.[210]   Minimising risk can be achieved by only entering wild urban spaces with experienced explorers and following their instructions. Draining is similarly dangerous, and requires participants to be alert to the risks. Predator, an experienced drain explorer writes:

> 'Drain exploring can be challenging and adventurous, but you must think of what you are doing as dangerous and you must consider having a professional attitude. Think intelligently and be alert!!!!'[211]

Many drain entries have grills and locks on them (although there are no locks on the multitudes of manholes that can be found scattered throughout suburbia). Predator explains why there are locks on drains and why the Cave Clan believes that locks are dangerous:

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[209] Ninjalicious AKA Jeff Chapman, *Access All Areas: A User's Guide to Urban Exploration* (3rd edition Infiltration, 2005) 7. Similar arguments can be raised about drug use, where legal drugs such as tobacco and alcohol have been proven over the years to be more dangerous than illegal ones such as marijuana, lsd and ecstasy. The ability to make money out of an activity appears to be a greater driving factor in the passing of laws restricting certain behaviours than risk of danger.

[210] See for example – AAP 'Trio Swept Through Flooded Storm Water Drain, One Survives' January 21 2008. Accessed online at http://www.news.com.au/ on 19/6/13.

[211] Predator 'Approach: A Sprawling Manifesto on the Art of Drain Exploring' October 1999 accessed online at http://www.urbex.org/misc/approach/approach.html on 18/6/13.

'We know why locks are there... to cover the legal clauses in the public liability insurance that the large public works authorities use... We also know that locks are there (ostensibly) to prevent kids from getting into bridges and drains (etc) and exposing themselves to danger…Methinks when people are old enough to smash locks, people are old enough to take responsibility for the subsequent damage that may occur to them as a result of being in the once-locked area.'[212]

Locked grills can also prevent drainers from escaping in the event of unexpected rain, actually increasing the risk of drain exploration.[213]

Different experiences of space and the production of the urban wildscape

'The urban explorers are a strange bunch. I don't think they necessarily want to preserve places, I think they want to experience them. I think there's a kind of a strong anti-authoritarian streak amongst urban explorers, so they see themselves as people going out on a limb against the kind of prevailing authority, particularly prevailing ideas about how we should use space and they do indeed seek out not only derelict spaces but ventilation shafts, old mines, military installations and so forth to explore them and they often record them.'[214]

I discussed with my informants the reactions of members of the 'general public' when they encountered urban exploration. They responded that people were 'always surprised':

'When you pop out of drain covers, people are pretty surprised.'

'People are like totally surprised. No one goes like "right on!", they are just like "What the fuck?!"'[215]

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[212] Ibid.

[213] Ibid.

[214] Edensor in Bradley Garrett, 1451.

[215] Informant interview, Melbourne, 2011.

One informant remembered a time when she climbed out of a storm water drain with fifteen or twenty people:

> '...outside a café full of suits...then we got pizza, and dropped back into the drain...That was awesome! The particular drain cover was outside of a café and pizza shop. There was writing on a pipe that indicated that it led [to the pizza shop]. From the public [there is] always surprise, and amusement, more than anything negative.'[216]

Another informant indicated that as long as your actions were not seen as harmful to members of the general public, surprise or confusion was the most usual response:

> 'If you're just using public space to do whatever your thing is, and not hurt anyone else, or get in anyone else's face, most people are just like "whoa! What the hell are you doing?"' [217]

Urbex in general is viewed as a disruption to space, resulting in surprise, but not as an activity that causes a dangerous environment for those who are not participating. Another informant, however, told me that there had been times where 'people get angry or frustrated because they think you are doing something either stupid or dangerous.'

> 'In a worst case scenario, people say "You are going to bloody kill yourself!"[218]

'Yes, things do live in drains' or 'Nature' and the Urban Wildscape

Part of the dynamic of the city is the 'battle' between 'man' and 'nature'. Within the confines of the city walls, the elemental aspects of the natural environment are controlled and confined. Rhythms of day and night are transformed by electric lighting; humans are shielded from weather by temperature controlled environments. Water flows, and other weather patterns, are channelled into drains.

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[216] Informant interview, Melbourne, 2011.

[217] Informant interview, Melbourne, 2011.

[218] Informant interview, Melbourne, 2011.

In 'Predator's Approach', Predator addresses the question: 'Why are there drains?' Predator explains:

> 'Drains in general used to be creeks, streams, marshy areas or rivers. When you put a city on top of an area, you eliminate the usual absorption into the ground of rainwater, because concrete and roofing and road surfaces are not permeable…Unfortunately, the Australian mentality towards environmental management of… drainage has traditionally been "Build a pipe and forget about it".'[219]

There is a yearning on the part of the explorers to experience the natural environment in a non-commodified form. This is part of the appeal of the urban wildscape – the natural environment has begun to re-establish itself and creep into the cracks of the spectacular city. Where the creeks and streams that once flowed through the city are now tunnelled, explorers must go to greater lengths to experience them, such as climbing through a manhole.

Storm water drains, although often hidden from view, are not devoid of life. As Predator writes, they soon become their own ecosystems, allowing a magnitude of animal life to flourish. An informant reported finding fish, rodents, birds and turtles living in storm water drains. Abandoned city sites such as warehouses, also become the home of flora and fauna usually eradicated from the urban environment.

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[219] Ibid.

Conclusion

My next encounter with the Cave Clan happened a few weeks after my first. I was invited to come on a 'newbies expo'. This was an exploration geared toward people just starting out and did not involve any challenging tunnels. I had heard stories of places where the cave roof is so low that you have to crawl sideways on your belly to get through, and then drop forwards through a horizontal gap so tiny that you practically land on your head. The thought of this peaked my fear of confined spaces, and I hoped that this expo would not involve any such manoeuvres.   I also hoped that people wouldn't see me as a 'tourist' – someone just going along to watch from the outside and not really interested in joining the Cave Clan.

I was warned to wear waterproof shoes, or shoes that I didn't mind getting wet.
Remembering the party that I had attended previously, I thought 'I can keep my feet dry'. I

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soon found that this was not the case – exploring this tunnel involved sections almost knee-deep in Melbourne's run off.

This time entering somewhere in Melbourne's affluent inner East, the raggle-taggle group met somewhat conspicuously by a bridge in a park. My friend had warned me that he was only to be known by his pseudonym; I was never to use his real name. In fact, on this expo, he stated that it was preferable that I did not let other members of the group know that I knew him at all. I did not really understand the reason behind this, but tried my hardest not to accidently call out his name when trying to get his attention.

We jumped down from the bridge into the concreted drain that ran through the park. At this stage, we were still above ground, and the sides of the waterway were coated with colourful street art. It was a hot day, and the coolness and seclusion of the tunnel was welcomed.

As we walked through the tunnel, it became evident that it had been frequently used by graffiti artists and by many explorers before. We walked for what seemed like kilometres into the bowels of the earth. At some points, trickles of water or light seeped into the tunnel. Most of the time, though, without the artificial light of the torches, we were in complete darkness.

At one point, the tunnel twisted around a corner and opened up a little. Our leader shone his torch upwards and we could see wooden floorboards above. There were also pipes and electrical wires visible. It sounded as if someone were walking above. He explained to us that we were underneath a shop on Glenferrie road in Hawthorn.[220] The people above were oblivious to our presence and continued to shop, blissfully unaware. I wondered what would happen to the shop if there were ever a flood in the tunnel. I didn't imagine it could have ever happened since the tunnel was built.

A bit further into the tunnel was a well-lit area, where beams of light seemed blinding after the dim yellow lumen of 20 torches. At this point, our guide stopped to show us the graffiti on the wall. This graffiti was not of the colourful kind, but a list of names. I soon realised that this was the Clannies hall of fame. Every time there was an expo here, the leader would inscribe the names of the participants on the wall. Our pseudonyms were given, and the dark walls made us famous.

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[220] A busy shopping district in Melbourne's inner east.

Before we left our play space, and returned to 'ordinary life', we were each given a small slip of paper. On this paper was a secret password, which would allow us entry into the online world of the Clannies. It seemed we had all passed the test in the eyes of our hosts, and deserved to be elevated to the next level, which meant we would be privy to other underground adventures.

In this chapter I have discussed the practice of urban exploration as not only a use of space, but as a way of producing a space. I propose that by exploring ruined, abandoned or underutilised spaces, or 'urban wildscapes', the urban explorers employ a tactic of resistance that involves a two way flow – they both explore and produce the wildscape. Without the urban explorers, and other practitioners, this space could be interpreted as empty, ugly or useless. Through their occupation of this space it is beautiful, adventurous, historical and alive. It allows practitioners to experience another reality – one that emerges from sensory deprivation in the underground and group cohesion through play.

Urban explorers have an attraction to the untold histories of the city. These are the histories of the ordinary and the marginalised. They may also be natural histories as wildscapes allow flora and fauna to re-establish itself within the city. This production of the urban wildscape is a playful one, and, rather than a lawless zone, it is in many ways highly regulated – not by the laws of the state, but by the internal rule structures created within the magic circle of the 'game'.

In the following chapter, I will explore the practice of the rave. Like urban exploration, raves take place in abandoned, secret or forgotten spaces. The rave relies on unique spaces that are low in surveillance and to some extent escape from the law of the state.

Chapter Two - Rave

'For me... underground events have always been interesting because of the spaces they were in. Abandoned warehouses were brought back to life with an echo of their industrial past; factories next to beaches were blasted with the music of machines, a soundtrack to what that place had now become.'[221]

'I see rave as a part of the culture of the city.'[222]

Gotham city

The location I was told was somewhere in Preston.[223] During the day I had looked for a costume. A lot of parties these days had a theme. If you got dressed up, you got discounted entry. People liked the excuse to get dressed up in a silly, outrageous costume, and it certainly added to the atmosphere. The organisers hardly needed to worry about décor or roving performers when everybody in the place could pass as either.

It was with huge anticipation that our trio made their way to the location, posted on the internet only to those who had answered that they were attending. Nature strips lit by yellow halogen street lamps took on an extraordinary quality that night – my imagination taking me straight into the pages of a comic book hero. It was an icy night, and I, dressed somewhat like a Mexican wrestler, had a silky cape flowing behind me; one of my companions could have been admitted to a B&D dungeon, wearing a black face mask reminiscent of the boy wonder, and a fluoro pink leopard print loin cloth.

As we reached a hole in the fence of an abandoned house, we crouched and entered. At the door, a familiar face asked what we were there for. 'Is this Gotham City?' I answered.

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221 Dan Hekate 'All Things Fall and Will be Built Again' *Datacide* November 2 2008 Accessed online at http://datacide.c8.com/ on 27/06/2013.

222 Informant interview, Melbourne, 2011.

223 Preston is a suburb in Melbourne's North.

Without a word, he gestured toward another opening across the backyard. Through this small gap was a huge concreted plane, once a car park for factory workers, long abandoned and sprouting grassy tufts in its cracks. In the distance, the faint sound of repetitive beats could be heard. We followed these to a doorway that led up a dimly lit stairway.

At the top of the stairway we were greeted by a friend of many years, barely recognisable in the soft light and heavy makeup that transformed him into 'the Riddler.' Admiration for outfits was quickly exchanged, and we made our way into the disused office block.

Inside the atmosphere was thick, warm and full of sweat. It was in stark contrast to the crisp, foggy winter air outside. The lights were warm and inviting, in shades of red and yellow. A bar was set up in the corner of the room, and although heavily frequented, nobody seemed particularly drunk. The party was alive, friendly, energetic yet mellow. Perfect.

Familiar faces sprang out of the crowd. I started a conversation with a friend who lived in nearby Coburg. It was difficult to follow the conversation through the loud thump of bass, but we both continued to nod and smile, enjoying a dialogue that held little exchange. I noticed friends, including the friends I arrived with, enjoying the party, too. They smiled, and swayed in time with the music.

Melbourne's 'underground' rave scene has dwindled – this is acutely documented in many sources which state that Melbourne's 'scene' (along with many others around the world), has become enslaved to capitalism, has been commodified, chewed up and spat out as a commercialized bi-product of what it once was.[224] The initial ideas that went behind the movement – PLUR – Peace, Love, Unity, Respect – have been lost in the splintering of the scene, as multiple genres of electronic music emerged, each spawning a distinct following. In the early nineties, when I experienced my first rave, they seemed to be a celebration of diversity. Having only been alive at the tail end of the hippie movement in Australia, I could only conjecture that raves' meaning was kind of similar to the 'peace and love' of the hippie movement – enlivened by technology. There was a sense that with the internet and an electronic, global music and culture, we would bridge some of the gaps that divided us and gain togetherness with others from all corners of the world. We all shared a spiritual link – a

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[224] See for eg Simon Reynolds, 'Rave Culture: Living Dream or Living Death?' in Steve Redhead (ed) *The Club Cultures Reader: Readings in Popular Cultural* Studies (Blackwell, 1998).

unity which could only come from hours spent dancing into a trance together. The language and feeling that came from this went way beyond words. Those postmodern theorists that I was reading at university such as Jacques Derrida who claimed that 'the unconscious is structured like a language' – '*il n'y a pas de hors-texte*' [225] – there is nothing outside of the text - had obviously never danced up a sweat at threeam eternal[226] with 500 likeminded souls under the haze of a smoke machine, a thudding synthesized beat and laser lighting. In this state, the individual ceases to be important – all that matters is oneness with each and every living thing in the room, and beyond.

To say that being a part of 'rave' in the early days in Melbourne was transformative would be an understatement. Through this experience, I, and many others felt that we were able to regain something of our childhood, of the very essence of our own humanity, and that of others. Everywhere I turned, there was another person who was thinking the same thing – we were onto something, something new and fresh, that was going to result in big changes, that would affect the world in such a way that it would never go back.

Rave as Urban Wildscape

The rave or 'dance party' can be described as an urban wildscape in two ways if we employ Lefebvre's trialectic of space. Lefebvre's theory, as explored earlier, presents space as existing on many levels, and not simply as a stage on which human activity is played out. For Lefebvre, abstract space, or representations of space are the physical structures of the city as designed by architects or urban planners. Spaces of representation are those spaces produced by people. To deny the human aspect of the city Lefebvre would see akin to seeing a manufactured product without recognizing that it was produced by human labor. These separate layers must be first understood before they can be 'detonated' and experienced as social and embodied.

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[225] Jacques Derrida *Of Grammatology* translated Gayatri Chakravorty Spivak (Johns Hopkins 1997) 163.

[226] 3AM Eternal is a song by KLF, one of the original acid house groups in the UK. Lyrics refer to the stopping of time while in the 'dance trance' – 'The force comin' down with mayhem, Lookin at my watch, time 3 AM; Got to see that everywhere I turn will Point to the fact that time is Eternal.'

So to recognize the rave as urban wildscape on these two levels, the physical structures that house the rave could be described as an urban wildscape in the sense described by Jorgensen and Keenan in their text *Urban Wildscapes.* The abandoned warehouse is an anarchic zone where wildlife and vegetation have taken over, and which to a large extent is free from the surveillance and rule systems present in other urban zones. In capitalist terms, the abandoned warehouse is useless, as it is no longer productive. The rave scene in part came into being because a decline in manufacturing in first world countries saw empty warehouses appear. This was particularly the case in Manchester, UK and Detroit, USA; cities that were heavily dependent on manufacturing until globalization led to the majority of manufacturing moving to countries where goods can be produced for less money. This left buildings without a purpose and many young people with a sense of alienation as the jobs disappeared. Both Detroit and Manchester are places where rave culture is seen to have originated and flourished in its early years.

Abandoned warehouses provide unique environments which are often close to town centers, but far enough from residential zones not to cause noise complaints. Although, ironically, the popularity of rave and dance party culture has caused a gentrification of industrial suburbs as the warehouse is associated with 'cool' underground subcultures. The 'warehouse shell' apartment has become the hip new place to live. Further, the solid brick walls of many industrial era warehouses contain noise and provide shelter for expensive sound equipment. The lawless, unsurveilled nature of the abandoned warehouse or other industrial site provides the setting for subversive activities such as drug taking, underage drinking, graffiti, or the meeting of same sex couples. In this sense, a number of new urban wildscapes physically came into being at the same time as the political and social climate also demanded a space of resistance.

The space of the abandoned warehouse has already shifted its meaning from its birth as a site of industry via its being allowed to fall into ruin. Rather than being a site of capitalist production, with heightened control and surveillance, it is disordered and is economically void. As a space of representation, however, it is 'fecund'[227] - rich in possibilities for play and adventure. By appropriating this space for the dance party, human activity redefines it and produces a point of resistance to normalizing forces.

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[227] Tim Edensor, *Industrial Ruins: Spaces, Aesthetics and Materiality* (Berg, 2005) 15.

That raves or dance parties[228] alter space has been discussed by many academics.[229] The taking of a once commercial space of manufacture and transforming it into a place of recreation and resistance for a period of one night is integral to what makes a rave. Herman and Ott suggest that the term 'RAVE' is an acronym for 'Renegade Alternative Venue Events', highlighting the importance of the creative use of space to the rave. As Chris Gibson writes in 'Subversive Sites', 'A central tenet of the 'mythology' of rave culture involves fluid, transient appropriations of material space, agendas that rely on evading spatial fixity, in avoiding the "closure" associated with many other now-conventional music industry tropes...the idealized "rave" occupies space momentarily...'[230] The precarious locations of events are exciting for those attending, but also hold a greater significance. The rave is a *detournment*[231] of a site, where new meaning is produced. The act of dancing signifies a marking out of space. In *FreeNRG,* Graham St John writes: '"Stomping" is a significant means of inhabiting space, whether forest, desert, beach, park, warehouse or street. Dancescape occupation can be an imaginative process of appropriating, inverting, dwelling in and marking out place.'[232]

In this chapter I will explore the idea that the rave can only exist as a transitory occupation of space, and whether a more permanent incarnation would destroy its very meaning. I have woven together my own experiences as an attendee of underground parties, as well as those of a number of interviewees from Melbourne to produce a unique interpretation of Australian rave culture. I will also look at how dance parties both reinterpret and create space. I will

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[228] In this chapter I will use the words 'rave' and 'dance party' interchangeably, as they have come to mean more or less the same thing. The word rave, which was very popular early on (late eighties to nineties) has fallen out of favour in more recent times. This may be partly to do with the NSW Code of Practice for Dance Parties, which recommends that promoters use the word 'dance party' rather than 'rave' as rave has connotations of drug use.

[229] For example: Chris Gibson and Rebecca Pagan (2006) 'Rave Culture in Sydney, Australia' Division of Geography University of Sydney accessed online at: http://www.snarl.org/youth/chrispagan2.pdf on 17/6/13, Graham st John, 'Doof: Australian Post-Rave Culture' in Graham St John (ed) *FreeNRG: Notes from the Edge of the Dance Floor Common* (Ground Publishing, 2001); C Gibson, 'Subversive sites: rave culture, spatial politics, and the internet' (1999) 31 *Area* 19.

[230] C Gibson, 'Subversive sites: rave culture, spatial politics, and the internet' (1999) 31 *Area* 19. 22.

[231] Situationist International 'Definitions' in *Situationist International* (1) June 1958.

[232] Graham st John, 'Doof: Australian Post-Rave Culture' in Graham St John (ed) *FreeNRG: Notes from the Edge of the Dance Floor Common* (Ground Publishing, 2001) 29.

critique legal techniques in Australia, Britain and the US angled at closing the aporia of the rave, in an attempt to tame this space from an urban wildscape to a heavily regulated environment. I will also seek to uncover some of the reasons that rave culture is so threatening to the mainstream.

Spatial Politics and Hakim Bey

The work of anarchist philosopher Hakim Bey has been inspirational to those discussing the spatial politics of the rave. The TAZ, or 'Temporary Autonomous Zone' is a concept that sits comfortably with the idea of the urban wildscape. Both describe an area that escapes the forces of the state, and is alive with playful, creative activities. In his essay Bey explores the possibility of an anarchist space. He begins by describing a 'pirate utopia' where 'whole mini-societies [lived] consciously outside the law and [were] determined to keep it up even if only for a short but merry life.'[233] This pirate utopia is similar to a Temporary Autonomous Zone, as it is an existence of abundance and joy that disregards the law of the State. However, the TAZ differs from a pirate utopia in that it exists only temporarily. The TAZ is more like an uprising or festival than a revolution. Bey argues that revolution is bound to fail if it tries to achieve permanency. The TAZ's success lies in its spontaneity. It appears and disappears quickly, but has lasting effects. 'Like festivals, uprisings cannot happen every day – otherwise they would not be "nonordinary".'[234] However, Bey writes that although the TAZ is necessarily temporary, it has lasting effects: '…such moments give shape and meaning to everyday life.'[235]

Bey is also explicit about the festive elements of the TAZ. Within the space of the festival or party, people meet face-to-face and can realise a potential for a new kind of society. Party space is different from other space because '...the party is always "open" because it is not "ordered"; it may be planned, but unless it "*happens*" it's a failure. The element of

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[233] Hakim Bey aka Peter Lamborn Wilson, *T.A.Z.: The Temporary Autonomous Zone, Ontological Anarchy, Poetic Terrorism* (Autonomedia, 1991) 118.

[234] Ibid 99.

[235] Ibid.

spontaneity is crucial.' For Bey, the importance of the party cannot be overstated. It is not only fun, but has political significance:

> 'Let us admit that we have attended parties where for one brief night a republic of gratified desires was attained. Shall we not confess that the politics of that night have more reality and force for us than those of, say, the entire U.S. Government?'[236]

The dance party has led to more permanent changes in society as those attending grew to a huge proportion of young people in a number of countries, including Australia. One of the most obvious of these is the acceptance of same sex love. The use of the drug ecstasy has been documented to allow individuals to feel love that is not connected to sexual attraction or gender, and has blurred the lines for many in terms of sexual orientation.[237]

An informant commented:

> *'I think [rave] creates spaces for people to exchange ideas and be exposed to new ideas and new ways of thinking. I guess with the early gay scene – because the dance party scene in Melbourne was really a gay scene originally– and it served a big function in helping to normalise [gay sexuality] with my generation... I think homophobia is a lot less prevalent in the younger generation now, amongst people who participated in the scene at least. That may have something to do with the drugs that were being taken. They made people feel a lot less threatened by other people's sexualities.'[238]*

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[236] Ibid 133.

[237] The dance party scene in Melbourne has its roots were in the gay party scene. The first warehouse parties in Melbourne were held in the docklands and were aimed in particular at a gay male audience – for example 'Red Raw' and 'Winterdaze' which were run from 1983 onwards by the ALSO foundation (Alternative Life Style Organisation – a GLBTIQ support organisation). These parties attracted tens of thousands in the mid to late 1990s. Respect for Melbourne's origins of rave meant a respect for the GLBTIQ community that spawned it. This has had a lasting effect where community support for the GLBTIQ community, including overwhelming support for gay marriage amongst young people.

[238] Informant interview, Melbourne, 2011.

Figure 6 Messy 10

The Cartography of Control[239]

Bey explores the 'closure' of the map and how land ownership prevents the possibilities for an anarchist space. 'The "map" is a political abstract grid, a gigantic *con* enforced by the carrot/stick conditioning of the "Expert" State...'[240] Bey's map is reminiscent of Lefebvre's abstract space, or the city as seen from the top of the twin towers by Certeau. It is a picture of space which does not 'see' human activity. It is an attempt to 'objectify' space without recognising that the very act of map-making is a political one. Like Lefebvre and Certeau,

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[239] Ibid 102.

[240] Ibid 101.

Bey sees that the all-encompassing map does leave spaces for resistance. Although the map is closed, and every piece of the earth is controlled by one political system or another, the map is imperfect: '...because the map is an abstraction it cannot cover Earth with 1:1 accuracy. Within the fractal complexities of actual geography the map can see only dimensional grids. Hidden enfolded immensities escape the measuring rod. The map is not accurate; the map *cannot* be accurate.'[241] The map represents not only geographic or physical space, but power. The map signifies how far legal and regulatory structures restrict lived space. However, as Bey writes, there are gaps in the map. It cannot be accurate. It is within these temporary lapses that diversity can flourish.

The gap on the map left by the disused block, the abandoned warehouse, or space around infrastructure (under a bridge, for example) creates an urban wildscape which can be reappropriated for the rave. A rave is an aporia in the legal map. It is a site of resistance that creates a space where certain laws of the state can be disregarded. And, like Bey's TAZ, it can only exist momentarily, as the forces of the State cannot tolerate its lawlessness. It is a space of connectedness and pleasure with an ethics arising from the participants, not an externally imposed scheme.

"Fuck 'em and Their Law"[242] – The UK Scene

In the UK in the late eighties, house music exploded into popularity - going from a little known US genre to a style of music which topped the UK charts – within a fairly short period of time. House music, or more specifically 'acid house' was the soundtrack for a *neo-tribe*[243] – rave. The exponential rise of the scene has been attributed to many factors – disenchantment with Thatcher's conservative rule (including strict liquor licensing laws

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[241] Ibid.

[242] Lyrics from The Prodigy –'Their Law'
  '"What we're dealing with here is a total lack of respect for the law.
  I'm the law and you can't beat the law"
  ... Fuck 'em and their law
  Crack down at sundown'

[243] Michel Maffesoli, *The Time of the Tribes: The Decline of Individualism in Mass Society* (Sage, 1996).

which meant that most venues were not licensed after midnight),[244] the shift from manufacturing to an information economy leaving a plethora of empty warehouses, and the proliferation of the drug ecstasy, being among them.[245] At first parties went under the law's radar by being small events run by an elite of travelers returning from Ibiza.[246] By creating members' lists, parties could be described as 'private' and therefore avoid the wrath of the *Public Entertainment Act*.[247] However, increased attention on raves, fueled by media reporting of drug taking and the rapid growth of the scene, turned into moral panic.[248] Police effort to halt the parties had become increasingly expensive and unsustainable.[249]

Legal control in the UK began with the use of legislation designed to protect the environment. As Collin writes in *Altered State*:

> 'With hindsight, the strategy that the Home Office adopted appears meticulously thought-out, but at the time they were just scratching around for anything that might work. The decision was made not to pursue the parties on the grounds of drug use, but to concentrate on environmental offences, noise and fire regulations and obscure local bylaws.'[250]

However, these methods would not last for long. So threatened was the UK mainstream by the lawlessness of the dance party, that the *Criminal Justice and Public Order Bill* was introduced to Parliament in 1994. 'The populace at large was encouraged by the newspapers and TV news to look at raving as depraved and dangerous. Those who dream of total control however saw a chance to exploit the hype surrounding rave to justify their own restrictive

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[244] Matthew Collin, *Altered State: The Story of Ecstasy Culture and Acid House* (Serpent's Tail, 1998) 14. Melbourne's recent '3am lockout' and anti-smoking legislation have made licensed venues less attractive in recent times – perhaps the result will be more illegal events?

[245] Ibid. There was also growing unemployment at the time, and a widening gap between rich and poor. Civil unrest with the miner's strikes in the 1980s had left a degree of disenchantment with the government and the law.

[246] Ibid Chapter two 'Summer of Love' 45-83.

[247] Steve Redhead, 'The Politics of Ecstasy' in Steve Redhead (ed) *Rave Off: Politics and Deviance in Contemporary Youth Culture* (Avebury, 1993).

[248] Stanley Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (Routledge, 2002).

[249] Matthew Collin, *Altered State: The Story of Ecstasy Culture and Acid House* (Serpent's Tail, 1998) 119.

[250] Ibid 108. In Australia, the rave is still regulated via these 'softer', less direct techniques.

agendas'[251] asserts Collin. This Bill changed the existing legislation to insert sections such as Part V – 'Powers in Relation to Raves.' In Part 63, powers are granted to police officers to remove persons attending or preparing for a rave. The law prohibits a gathering of 100 or more people – even if legally on a property – with amplified music consisting of repetitive beats.[252] Two or more persons on land where an officer believes they are preparing or waiting for a party can be asked to leave.[253] Disobeying these instructions could result in a term of up to three months imprisonment and a fine.[254] Further, an officer has the power to seize sound equipment and vehicles of those thought to be organizing a rave. The seized sound system may then be forfeited.[255] Persons approached by an officer within five miles of a party site and thought to be heading to it can be asked not to proceed. If a person does so after being instructed not to, they may be punished with a fine.[256] A person found to be disobeying this direction by an officer may be arrested without a warrant.[257]

The introduction of these laws to Britain did not go without protest. The Prodigy's album *Music for the Jilted Generation* was aimed directly at inspiring challenge to the legislation. The original album art included a picture of people at an outdoor party on one side and police gathered at the other with a chasm in between. A long haired man gives the police the finger while he takes a knife to ropes holding up a bridge that the police would have to cross to shut down the party. The caption reads: 'How can the government stop young people from having a good time? Fight this bollocks'[258] Protests against the *Criminal Justice and Public Order Bill* erupted, but it still became law.[259]

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[251] The Reverend (2008) 'More than a Night Out: Raves as Confrontation' *Datacide: Magazine for Noise and Politics* at http://datacide.c8.com/more-than-just-a-night-out/#more-1100

[252] *Criminal Justice and Public Order Act* 1994 (UK) Part V, s63 ss 1. This law has been altered following the *Anti-Social Behaviour Act 2003* to be 20 people.

[253] ibid Part V, s63 ss2.

[254] ibid Part V s63 ss6.

[255] Ibid Part V, s 66.

[256] Ibid Part V s 65 (iv).

[257] Ibid Part V s 65 (v).

[258] The Prodigy (1994) *Music for a Jilted Generation.* Art by Les Edwards.
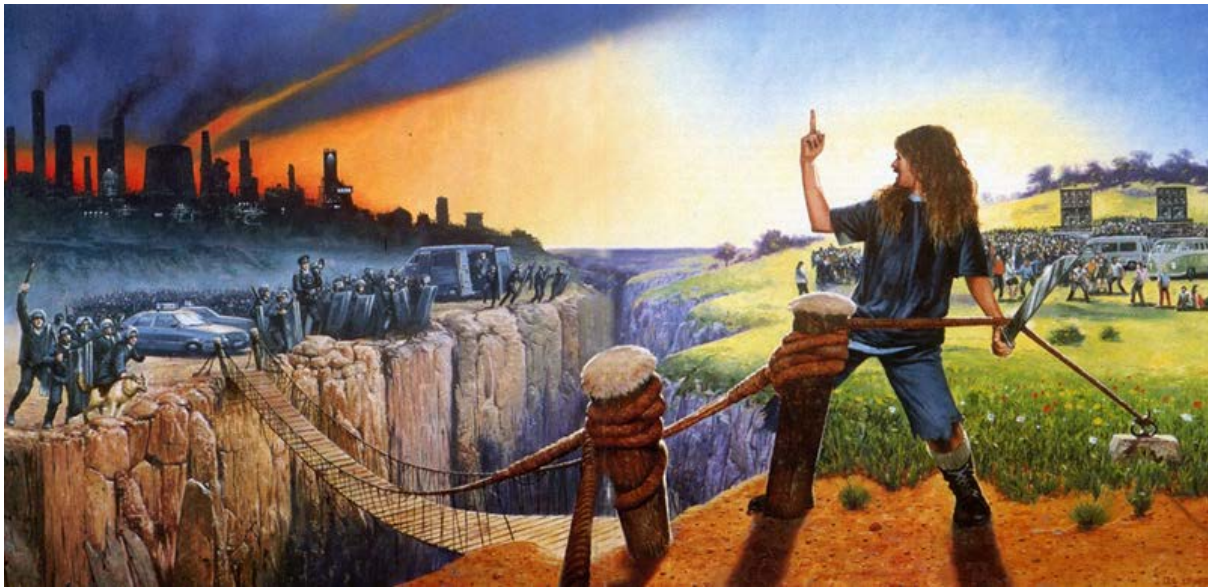
Figure 7 -Album Art - The Prodigy - Music for a Jilted Generation

This regulation of the UK outdoor scene had the desired effect of driving the majority of parties into clubs. The same activities continued in the clubs, but under the watchful eyes, and regulation of risk, of private security and police. This saw rave shift toward 'the commercial middle ground, dress codes, door policies [etc].'[260] A smaller rave scene did continue in underground venues, outside of surveillance, but were often broken up by police. Legal 'raves' inside clubs were encouraged by some, including members of the UK government, whose Advisory Council on the Misuse of Drugs recommended in 1994 (the same year as the *Criminal Justice Act*) that 'the organization of more legal raves be encouraged by local authorities….raves at established venues such as nightclubs are, of course, much easier to regulate.'[261]

The fact that raves were actively being encouraged by some arms of the British government if held in legal venues highlights the importance of geography and space to the rave's subversiveness. Where the rave takes place in the legal venue, it is considered safe, a

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[259] The precursor to these laws were introduced by the Thatcher Government to discipline the miners who were striking in the 1980s

[260] Fiona Measham 'Play Space: Historical and Socio-cultural Perspectives on Drugs, Licensed Leisure Locations, Commercialisation and Control' (2004) 15 *International Journal of Drug Policy* 15 (2004) 337, 340.

[261] Advisory Council Recommendations cited in Fiona Measham 'Play Space: Historical and Socio-cultural Perspectives on Drugs, Licensed Leisure Locations, Commercialisation and Control' (2004) 15 *International Journal of Drug Policy* 15 (2004) 337, 340.

'controlled loss of control.'[262] This is acceptable risk in a neo-liberal society. In this situation, there is a responsible person who can be sued should something go wrong. The venue owners are prepared to take a calculated risk in holding raves, as revenue from alcohol sales returns to their coffers.

Ironically, as pointed out by Fiona Measham in 'Play Space: Historical and Socio-cultural Perspectives on Drugs, Licensed Leisure Locations, Commercialisation and Control', the 'controlled loss of control' of moving raves into nightclubs did not result in increased safety for rave patrons. The warm, enclosed spaces of nightclubs increased the chances of overheating if the clubber had consumed ecstasy – a substance known to raise body temperatures when dancing. This was never an issue in outdoor or warehouse venues which were generally cold and drafty late at night. Further, the moving into clubs left ravers exposed to other risks. Water in nightclubs is often overpriced, and clubs are known to frequently only supply warm water in taps which is unpleasant to drink – forcing people to buy new bottles rather than refill. The exorbitant cost of water in clubs makes purchasing enough bottles to stay properly hydrated prohibitive. Other dangers are produced by the location of the party no longer being restricted to those inside the rave scene. People who are outside of the scene can easily find out the location of the party and take advantage of the philosophy of PLUR that operates within the party, for example, people who want to take advantage of the trust that has developed in the scene. I have been present at parties where 'outsiders' have entered the club to rummage through bags while people are dancing. Within the rave culture this would rarely take place, and bags can be left at the side of the dance floor for hours without interference. I have also noticed sexual predators taking advantage of vulnerable people who are 'high' on ecstasy, and lacking the boundaries to get rid of unwanted advances from people outside the scene. A further danger is posed by police, who use techniques such as sniffer dogs outside of venues, prompting those afraid of being 'busted' for possession of drugs to ingest all at once their entire amount of drugs for the night. This can lead to overdose, as was recently reported at a Big Day Out festival in Perth.[263]

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[262] Ibid 343.

[263] See ABC news story online: http://www.abc.net.au/news/2009-02-03/sniffer-dogs-blamed-for-bdo-overdose/281410.

The "RAVE" Act

Although 'techno' music – the music of the rave – originally began in Detroit, the 'rave scene' was a British phenomenon firstly due to the unique political and physical circumstances described above. The 'scene' as developed in the UK took a few years to cross the Atlantic and developed its own style and substance there. Although different to the UK scene in some respects, it was met with a similar, if not harsher response from the US authorities, who have been particularly adept at the creation of moral panic surrounding illegal drugs.[264] Original attempts to crush rave culture were the January 2001 prosecutions of three rave organisers under the 'Crack House Law'. Under this law, organisers of an event can be prosecuted whether involved in the manufacture, sale or use of drugs themselves or not. The idea of the law is that the owners or renters of the property in which the rave is held provide a *space* in which illegal drug taking can take place.[265] However, there were problems prosecuting rave organisers and property owners under this Act, as it could not be proven that people who come to raves do so just to use drugs. The result of this failure was the enactment of more legislation to address the issues associated with prosecuting under this Act – laws which, according to James Walsh in *Liberty in Troubled Times: A Libertarian Approach to Law, Politics and Society* were 'so bad that they may end up shifting popular opinion away from prohibition [of drugs].'[266]

The *Reducing Americans Vulnerability to Ecstasy (RAVE) Bill* was introduced in 2002. This bill's stated purpose was:

> 'To prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for

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[264] See for example the 'Just say No' campaigns organized by Nancy Reagan - http://www.reaganfoundation.org/details_f.aspx?p=rr1008nrhc&tx=6

[265] *Illicit Drug Anti-Proliferation Act 2003* US. See also Jack Date ''Rave' party organizers indicted under federal drug law' January 12, 2001 at http://edition.cnn.com/. In the UK the *Anti-social Behaviour Act 2003* s 2 (3) (b) gives the police the power to shut down crack houses that are deemed to cause nuisance or disorder.

[266] James Walsh, *Liberty in Troubled Times: A Libertarian Approach to Law, Politics and Society* Silver Lake Publishing (Aberdeen, 2004) 292.

the purpose of manufacturing, distributing, or using any controlled substance, and for other purposes.'[267]

Although the *RAVE Bill* was intended to be viewed as anti-drug legislation, it was aimed at the people running dance parties, rather than drug users. As Brooke Levy writes: 'The U.S. government has often employed the War on Drugs in order to restrict music and lifestyle choices that it dislikes. ... the U.S. government retains significant power, which it has utilized through the decades to exert control over emerging subcultures.'[268] The bill's targeting of sub-cultural icons was clear – the bill stated that problems with raves included the sale of 'glow sticks' and 'massage oils' which were seen as 'enhance[ing] the effects of the drugs that patrons have ingested...'[269] The Bill was defeated but re-introduced in 2003 as the *Illicit Drug Anti-Proliferation Bill*. Although the new bill was little changed from the *RAVE Bill*, it was passed without debate.

 The *Illicit Drug Anti-Proliferation Act* exerts control over the rave subculture in the United States by attempting to close up the material space in which the parties are held. As Levy writes, the drug taking which the Act suggests it is targeting will not be ended by attacking the venues for the parties. People will still take drugs - just in different locations. However, rave culture will be damaged.[270] Where legislators are concerned about the sale of glow sticks, massage oils and bottled water, it appears that they are more concerned with a black market economy than whether a drug experience might be enhanced by the sale of such items at parties (which could be bought elsewhere beforehand).[271]

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[267] *Reducing Americans Vulnerability to Ecstasy (Rave) Bill 2002.*

[268] Brooke Levy (2004) 'When Cute Acronyms Happen to Bad Legislation: The *Reducing Americans' Vulnerability to Ecstasy "RAVE" Act*' (2004) 3 *Northwestern University Law Review* 1251, 1251-2.

[269] *RAVE Bill*, s 2 (7).

[270] James Walsh, *Liberty in Troubled Times: A Libertarian Approach to Law, Politics and Society* Silver Lake Publishing (Aberdeen, 2004) 288-9.

[271] The background of this legislation was an article published by *Science* magazine in September 2002 that claimed that ecstasy use could cause brain damage. It was later revealed that the scientist had tested the primates on amphetamines, rather than ecstasy, after a vial was switched, the dosage given much higher than would normally be used by an amphetamine user. The article was retracted a year later, but received a lot less hype than the original article – see Donald McNeill 'Research on Ecstasy is Clouded by Errors' *New York Times* December 2, 2003.

Death of the Doof?[272]

> *'The authorities regulate dance parties by making it impossible to get permission to throw them. The police talk of permits, but these are practically impossible to obtain. It would take an impractical amount of time, money and work on something that is not a commercial venture.'*[273]

In Australia, there is no legislation specifically addressing raves in the same way as in the US or the UK. However, New South Wales, South Australia, Western Australia and Victoria have written 'Codes of Practice' for people putting on dance parties.[274] There is also a 'National Checklist' for those wanting to run events.[275] These codes do not criminalize raves, and in fact recognize dance parties as a 'legitimate form of entertainment'. However, the regulations create a dichotomy between two different kinds of parties – those that operate within a model of capitalism, and those that exist beyond it. People running small, not for profit events are unable to adhere to the code. Larger, commercial events have the financial and other backing to do so. The drafting of these codes attempts to transform the rave from an urban wildscape to a heavily regulated, commercialized zone. This was similar to the regulatory landscape in the UK before the *Criminal Justice Act* was passed.

The NSW 'Code of Practice for running Safer Dance Parties' states:

> 'The aim of these Guidelines is to support and encourage dance party promoters to hold professionally organised, legal and hassle free dance parties in suitable locations which are safe for patrons and do not disturb neighbouring properties. Patrons will then be able to enjoy a contemporary and legitimate form of entertainment without the

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[272] 'Doof' is an Australian term for a rave and in particular outdoor events where the style of music played is usually psychedelic trance. This music sounds like: 'doof, doof, doof' when heard from a distance, the base being audible above the other elements of the music. When searching for an event from a distance, it is sometimes possible to hear this sound and follow it to locate a rave in a forest.

[273] Informant interview, Melbourne, 2011.

[274] Victorian Government (2004) *Code of Practice for Running Safer Dance Parties* Department of Human Services, Drugs Policy and Services Branch Melbourne, Victoria; New South Wales Government (1998) *Guidelines for Dance Parties.*

[275] http://www.crimeprevention.gov.au.

dangers and negative image that have been associated with dance parties in the past. By providing quality entertainment in a responsible manner, the dance party industry will be able to better attract and satisfy patrons and gain the confidence of their parents and the wider community.'[276]

The Victorian 'Code of Practice for Safer Dance Parties' was commissioned by the Victorian State Government, Department of Human Services Drug Policy Branch. Its drafting boasts the involvement of 'the widest range of people', and states that it is applicable to all dance parties, whether small or large. Those involved in the drafting, however, are weighted toward law enforcement and health professionals. Further, the three 'rave organisers' present at the drafting stages are all organisers of very large events – Jason Ayoubi of Future Entertainment, Richie ('Richie Rich') McNeill of Hardware Corporation and Pip Darvall of Earthcore Corporation (or 'Earthcorp' as it is known to many in the scene).[277] These larger promoters see dance parties as money making opportunities and have much invested in them – cutting out competition from smaller organisers would increase their profits. Note that not only were smaller operators absent from the drafting process, there were no 'ravers' involved in the process.

Susan Luckman comments that the Code also attempts to change the labelling of events, so that they become more acceptable to authority, and are hence more likely to be granted approval: '...the guidelines... encourage promoters to use the name "dance party" as distinct from "rave party" as "The term rave has a negative and pro-drug reputation, and the image it reflects will not help in getting the needed approval and consents."'[278]

Sebastian Chan writes that the code does not introduce anything new, just brings together existing laws and regulations into one document. By regulating raves, the government hopes to reduce the number of people putting on parties: 'For any regulatory body, especially a bureaucratic one such as local and state government, diversity is an anathema. In their terms,

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[276] New South Wales Government (1998) *Guidelines for Dance Parties,* 2.

[277] It is interesting to note that Earthcore ceased its operations as a result of unwise business decisions by its founder Spiro, who has gone into liquidation a number of times. See 'The End of Earthcore'- http://www.theage.com.au/news/entertainment/music/end-of-the-earthcore/2008/11/27/1227491711042.html and http://boycottearthcore2007.blogspot.com.au/ and 'Earthcore's Beat Lurking in the Bush' http://www.highbeam.com/doc/1G1-274657821.html.

[278] Susan Luckman (1998) 'Rave Cultures and the Academy' 17 *Social Alternatives* 45, 48.

it is easier to deal with one person than one hundred. The Draft Code, by choosing to legitimate, rather than ban outright, is a way of reducing the number of people putting on dance parties, rave or what-have-you, to an easily managed number.'[279] Chan also comments that the Code will have a negative impact on smaller events:

> 'The major problem with the draft code is that it intends to apply to ALL parties whether they cost $5 or $50, and whether they draw 50 or 5000 people. The implementation of the regulations set down is not only extremely time consuming (the Code itself suggests planning at least 60 days in advance) but also extremely expensive to implement for the promoter of small scale events. Indeed it would be unlikely that events could be put on for less than $20 per ticket under the Code….By regulating the dance party/rave scene in this manner the large promoters will doubtless survive and profit under a climate of increased council and police co-operation. On the other hand their smaller-scale, amateur, 'underground' counterparts will have their parties closed down and the promoters themselves will be left with hefty fines.'[280]

The effect of these regulations is to allow larger operators to continue, and push the smaller organisers further underground – or into non-existence – leaving more punters for commercial operators to attract. As one informant commented, parties held inside nightclubs are preferred by authorities because:

> '...night clubs are closed environments. This is much more preferable to the police and authorities because the people at the event as well as the sound from it are contained and just generally easier to control. I think it is also important for the authorities to have someone in charge, like a venue owner who can be held responsible. At events that are run by collectives with no-one really in charge it becomes tricky for them….The reason people throw illegal parties is a lack of options. Nightclubs are costly and the owners/managers can be hard to deal with...' [281]

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[279]   Sebastian Chan/Yellow Peril (1997) 'Death of Diversity? The New South Wales Draft Code of Practice for Dance Parties' at http://www.snarl.org/texts/features/ravecode.htm.

[280]   Ibid.

[281] Informant interview, Melbourne, 2011.

Another stated:

> *'In one sense [the Dance Party Code of Practice] means the police can pick someone*
> *that they think is ok, and say "ok, they're alright, we know who they are, we trust*
> *them." But they won't leave it open to general anarchy, to just anybody to organise a*
> *dance party. They want to know who the dance party organisers are. They want to*
> *know that – like the puppet regimes in the Middle East – they may be despots, but they*
> *are our despots.'* [282]

Figure 8- Messy 10

Many of Melbourne's smaller parties were organised out of a need to give airplay to emerging artists and musicians who had no other outlet for their talent. In order to create a space for less commercial art and music, many people decided to run their own parties. In the early days, finding people who would lease out their warehouse for a few hundred dollars for an evening was not hard. Door charges were kept to a minimum and were aimed at covering the costs of hiring sound and lighting equipment. Within these party collectives, no one individually profited – any money made went to fund future events.[283] Many of these tiny events complied with the majority of the Code. However, at other times, parties have been held in urban wildscapes, appearing spontaneously and disappearing again. Many people comment that there is something liberating about being at a smaller, underground event – that they capture something of what dance parties are meant to be about. Larger scale events

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[282] Informant interview, Melbourne, 2011.

[283] Informant interviews, 2011.

come across as commercial opportunities for their organisers – and this is reflected in the atmosphere at these events. It is usually at large-scale, commercial events where reports of drug abuse and overdose arise. Without the philosophy of PLUR, drug dealing also is at risk of becoming a commercial venture, and a greater problem, where the uncertain or inexperienced can have drugs 'pushed' to them.[284]

Recently, there have been some calls in Australia for a response similar to the *RAVE Act* in the US – where the responsibility for patrons is passed onto the organisers, in the hope that this will stop the parties from happening altogether. As Hugh Tobin writes in 'Cops and Ravers', a recent dance party in rural Victoria resulted in emergency services being called to the scene when 14 people took too many drugs. The bill for the services provided has been passed onto the organisers of the party.[285] Tobin writes that: 'governments around the world are trying to pass the responsibility for law enforcement onto event organisers and nightclub owners and hold them liable if they fail to control the problem.'[286]

The softer legislative response to raves in Australia has been linked by some commentators to the socio—economic class of those found attending the events. The death of Anna Wood in 1995 became elevated to the level of moral panic about raves and ecstasy use. Wood was a teenager from Sydney's North Shore, an upper-middleclass area, who purportedly died from ingesting ecstasy.[287] However, as the popularity of the rave subculture in Australia had grown within the comfortable Australian middle-class, it became apparent that policing ecstasy use would result in the criminalisation of a large, otherwise law-abiding, educated, wealthy section of the community. Susan Luckman writes '…the white, middleclass popularity of the [rave] subculture has set the tone for media and governmental approaches to its containment. This also helps to explain the emphasis on harm minimisation within governmental discourse… Ecstasy is constructed in popular discourse as a classically

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[284] Informant interviews, 2011.

[285] Hugh Tobin, 'Cops and Ravers: Should organisers be liable for their guests' drug use?' (2008) *IPA Review* March 25.

[286] Ibid.

[287] It was later revealed that she died from ingesting too much water – possibly concerned about dehydrating which is often given as a danger of ecstasy use.

bourgeois consumer practice….Ecstasy is positioned as an aberrant lifestyle preference but still within a bourgeois consumer lifestyle.'[288]

The Law of the Rave

> 'No matter how hard you try, every movement invents its own rules; even if these are anti-rules. Through the semblance of chaos there is always order; maybe we [ravers] were just happy with less order in general. Every human society, no matter how small, eventually grows its own laws, etiquette and behavior that must be maintained.'[290]

Within the urban wildscape of the rave, the lack of surveillance, use of drugs and all night dancing to amplified electronic music might lead it to be interpreted as a lawless zone. However, although many state laws are disregarded in the rave environment, a number of other forms of regulations code peoples' behaviour. Rave is known to be about 'PLUR' – Peace, Love, Unity, Respect. That respect does not concern a respect for black letter law. The rave has its own law. I discussed with one informant the differences he perceived in the

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[288] Susan Luckman, 'Sorted? A Mapping of the Regulation of Dance Parties' (2000) 64 *Journal of Australian Studies* 217.

[289]
    From Wiki Commons at: http://en.wikipedia.org/wiki/File:Anna-Victoria-Wood-95.png

[290] Dan Hekate (2008) 'All Things Will Fall and Will be Built Again' *Datacide: Magazine for Noise and Politics* October 2008 accessed online at http://datacide.c8.com/all-things-fall-and-will-be-built-again/.

way the space of the rave is regulated as opposed to a commercial event. He suggests that the rave is different because there are no written rules – codes of behaviour are absorbed from the environment:

> '*I think people go to these events to have a very different experience to going to a club, or a really commercial outdoor event... I use the word "anarchy", but the lack of really clear "no, don't do this", "don't do that" - the fact that those [rules] don't really exist - that makes people think about what is and isn't cool for themselves, rather than being faced with a list of rules and conditions for whether or not you're allowed to be in a space or whether you are allowed to spend your money there. When you rock up to [raves], the rules are pretty much what you see going on around you.*' [291]

The rave space as urban wildscape rejects many of society's rules, both legal and otherwise. It has its own ethic, for example, respect of others, no matter what their differences. For the main, the ethic of PLUR is upheld, even where the majority of people in the 'rave scene' now see this concept as 'cheesy' or out of date.[292] This philosophy is proven in practice - statistics show that violence inside raves is considerably lower than at other venues such as nightclubs, where recent research has shown Australia's binge drinking and resulting violence is at a crisis point.[293]

The spirit of PLUR is about accepting difference. Interviewees explained that the rave was a place where the outcast could feel accepted:

> '*For me, with my first parties, I was pretty solely into heavy metal. I dressed alternatively, I didn't fit in to my rural town at all. I had a friend take me to my first party, and I said "I don't like techno". He said "It doesn't matter, you'll love it. You'll love the party." And being used to always being the freak in town, and just disappearing in the crowd [at the party] – it was my form of self-expression and it*

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[291] Informant interview, Melbourne, 2011.

[292] See research/interviews.

[293] See for example 4-Corners on binge drinking culture in Australia 'Punch Drunk' broadcast on ABC TV 24 February 2013.

was no longer something to stand out or be ridiculed, it was just me being myself, and I was accepted and even nurtured in that environment.' [294]

One informant commented that raves were generally safer than nightclubs because there were unspoken rules within the scene that stopped people from acting irresponsibly. This was linked to a desire to ensure that the events continue:

'... because [the rules of the rave] are not something that [are] written down, they are more of a general understanding, like keep the place clean... [With semi-legal parties] I think people realise that they have a responsibility to help foster or nurture those sorts of events. Like, everybody that goes to those sorts of events knows that if they don't clean up, it's not going to happen again – if the site gets trashed, it's going to make it harder for everybody else in the future.' [295]

Another informant also commented that there was a special code when it came to the location of the party site:

'...if you are a party organiser and you find a unique space you'd get a bit upset if other crews, after you'd found it, went in there and used it – there is a level of respect involved and trying not to clash with other people's dates if you attract a similar crowd. I think most people understand that it is something that needs to be protected when you do find [a party site], because they are so few and far between. It's a scarce resource.' [296]

There are many aspects of the rave that create a different space to that found at rock concerts or other events. These are explored in detail by Brian Ott and Bill Herman in 'Mixed Messages: Resistance and Representation in Rave Culture.' [297]

Ott and Herman write:

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[294] Informant interview, Melbourne, 2011.

[295] Informant interview, Melbourne, 2011.

[296] Informant interview, Melbourne, 2011.

[297] Brian Ott and Bill Herman in 'Mixed Messages: Resistance and Representation in Rave Culture' (2003) 67 *Western Journal of Communication* 249.

'…underground rave culture resists the prevailing set of cultural codes concerning the organisation of space at musical events – codes that construct the artist and audience in very different ways.'[298] They explain that rather than being a 'commodity spectacle' as are many music events, the rave 'flattens out hierarchies' and creates a space which removes the musician as superstar and allows those attending to actively become producers of the space, rather than consumers of a product. 'The highly temporal, festive, decentred and participatory social space of raves is about coming together in the spirit of freedom, equality, and communion,'[299] they assert.

Drawing on the theories of Foucault and Certeau, Ott and Herman argue that rather than revolt against capitalism, rave has found creative ways to reuse its tools and subvert its meaning. '…resistance is always already situated within a network of power relationships and thus resistive practices must make creative and adaptive use of the resources of the other.'[300]

It is the reinterpretation and reuse of the imagery of rave that has led to its commercialisation, and many say, downfall. '…many of the hierarchies flattened by rave culture are reanimated in its reinterpretation by the music industry. The commercialisation of the rave culture finds the heterotopia of the invaded field replaced by the official space of the club…the performance of the ravers replaced by the artistic product of the DJ, the freeing pleasure of *jouissance* replaced by the disciplining pleasure of accepting ready-made meanings…'[301]

One way that the underground rave circumvents the commercialisation of the DJ and the creation of the 'superstar' is through the blending of tracks. The composer of the music that is heard at raves is unlikely to be known – indeed it is likely that only the DJ will be aware of when one track blends into the other. As an informant comments:

> *'It all comes back to the idea of whether or not it's commercial. With that sort of music, especially not telling where one song ends and another one starts, it distracts it*

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[298] Ibid 255.

[299] Ibid.

[300] Ibid 251.

[301] Ibid 264.

again. It is less and less something which can be marketed…You might go to listen to music for four or five hours and not recognise any of [the artist or track names].'[302]

This reduces the commercial aspects of the music, as it is not focussed on the identity of the performer, but on the pleasure in dancing to it. It is therefore less marketable via traditional channels that use the image of the artists to sell the music. DJs at raves are also likely to be positioned on the dance floor rather than a podium or stage like at rock or classical events – a DJ in a nightclub. When asked, the three informants who were also DJs commented that they prefer to be at the same level of the dancers in order to get a 'vibe' from the dance floor, and be able to pick the best tracks to keep people dancing.

When asked, the respondents were clear in their distinctions between nightclubs and parties in alternative spaces:

> *'Nightclubs [are] stale, dull environments. There is also something exciting about using a space for a purpose it usually isn't used for.'*[303]

Another informant distinguished between the commercial rave scene and underground parties. His description reflects Ott and Herman's discussion of the altering of rave culture into a commodity spectacle. However, as the informant explains, Australian culture still has an alternative aspect which exists alongside the commercial one. He states that the existence of one does not prevent the other:

> *'I think that the commercial aspects will exist, but it doesn't take away from what other people are doing…if you go to Future Music Festival there would be no way it would be the same experience as to go to a free party in a park. You could not compare the two at all – apart from that they have got loud music. They [Future Entertainment] do get some good acts, but for me, it might be one or two out of fifty odd acts – and a demographic that I don't think are really there for the same reasons I would be. They're there because it is popular. Because it is very heavily advertised. Because the guy that does that song that they love and listen to every day is going to be there. With Future they get the acts that people want to see, but they are doing*

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[302] Informant interview, Melbourne, 2011.

[303] Informant interview, Melbourne, 2011.

some interesting stuff, like bringing out Aphex Twin. And most people in that demographic wouldn't even know who he is. But for them to be profitable they need to be able to get the demographic that is going to spend money.'[304]

The Politics of Ecstasy

'Even the ordinary usage of the term "drug" is utterly ambiguous. While the war on drugs rages you can still drive past a mall and see a seven foot neon sign reading DRUGS on the facade of a chain pharmacy. We assume that this is possible because there is a clear distinction between drugs taken for medical purposes and those taken for recreation, but this boundary too is far from rigid...The difference between Prozac and Ecstasy is mostly a matter of marketing.'[305]

'Discourse can make one drug…appear deviant and another normal – not really a drug at all.'[306]

'The unavoidable fact of the matter is that a substance becomes a drug in the pejorative sense when and only when a law interdicts it...'[307]

Drug use has often been given as the reason to ban raves. They have been presented in Victorian Parliament as 'drug hotels'.[308] Moral outrage has erupted as newspapers link raves to overdose.[309] Most people who attend raves regularly will admit that many people at dance parties choose to ingest illegal, black market intoxicants rather than taxable alcohol. Many see these drugs as safer – and statistically they are – compared with deaths caused by tobacco

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[304] Informant interview, Melbourne, 2011.

[305] David Lenson, *On Drugs* (University of Minnesota Press, 1995) 4.

[306] Brian Ott and Bill Herman in 'Mixed Messages: Resistance and Representation in Rave Culture' (2003) 67 *Western Journal of Communication* 249, 265.

[307] Ibid.

[308] Victorian Parliament Hansard Legislative Council 3 October 2000, Honourable MT Luckins.

[309] Chris Gibson and Rebecca Pagan (2006) 'Rave Culture in Sydney, Australia' Division of Geography University of Sydney accessed online at: http://www.snarl.org/youth/chrispagan2.pdf on 17/6/13.

or alcohol. Marijuana, for example, has never resulted in an overdose death.[310] However, the choice in intoxicant has fuelled a backlash against the scene as dance parties come to be seen as 'drug supermarkets' or havens of illicit activity. Much of this backlash may be connected to the powerful hotel and club lobby that makes large profits from the sale of legal substances such as alcohol and the provision of spaces for legal gambling.[311]

Ecstasy has only relatively recently become criminalised in Australia, becoming illegal in 1986. Having been invented in 1914, why was this chemical unrestricted in Australia, the UK and the US until the 1980s? As David Lenson writes, 'The Acts that made these plants and chemicals [for example, ecstasy] illegal were neither rational nor scientific, but, like all legislation, were products of political partisanship and compromise that buried the real issues altogether.'[312]   One of the 'real issues' was that rave culture saw a reduction in the sale of alcohol.[313] In *Altered State*, Matthew Collin speculates that it is ecstasy's link with the rave scene that pushed it into the spotlight and resulted in its criminalisation. Moral panic in England construed all night parties as dens of iniquity where drugs were freely available and a strange new kind of music was played. The portrayal of raves in the press served to advertise the scene to British youth but also to cause fear and panic by 'moral entrepreneurs'.[314]

In Victoria, punishments for the possession of even small amounts of ecstasy are fairly heavy. If a person is found in possession of three grams of ecstasy, they are presumed to have a trafficable quantity.[315] This can result in 15 years imprisonment if they are found guilty.[316]

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[310]   David E Smith and Carter Mehl, (1970) 3 'An Analysis of Marijuana Toxicology' *Clinical Toxicology* 101.

[311]   And the government that makes money from taxing alcohol and gambling. See Victorian Government Budget Paper Number 5 *Statement of Finances* 2013.

[312]   David Lenson, *On Drugs* (University of Minnesota Press., 1995) 4.5

[313]   Fiona Measham 'Play Space: Historical and Socio-cultural Perspectives on Drugs, Licensed Leisure Locations, Commercialisation and Control' (2004) 15 *International Journal of Drug Policy* 15 (2004) 337, 340.

[314] Howard Becker, *Outsiders: Studies in the Sociology of Deviance* (The Free Press, 1991). Becker coined this term to describe individuals or groups of people who 'crusade' for the enactment of laws that fit with their own moral belief systems. This has the effect of creating a group of outsiders or deviants who can be criminalised.

[315]   *Drugs, Poisons and Controlled Substances Act 1981*(Vic), Schedule Eleven. This amount does not refer to 'pure' MDMA – the active chemical in ecstasy – but the weight of any tablets seized. Part V Drugs of Dependence states that the burden of proof is on the person charged: S 104 Burden of proof 'In any

In the Commonwealth legislation, 0.5g of ecstasy is considered trafficable and may result in a 25 year term in prison.[317] Of course, punishments are at the discretion of police and judges, who are likely to give first-offending, middle-class kids a slap on the wrist if found with one or two pills in a deal bag. The focus of drug laws since the 1980s, according to drug law historian Desmond Manderson, has been the Mr Bigs. Drug laws have become more focussed on underworld crime gangs, which become an easy target for politicians when wanting to take a 'tough on drugs' stance. As Manderson notes 'Drug laws have had precious little to do with drugs or health.'[318]

In a consumerist society, one might question why the purchase of a product designed to enhance a night out could result in such an extreme legal response. In 'What is "straight" Consciousness', David Lenson attempts to answer that question. He writes that:

> 'What one is purchasing when one buys drugs... is the promise of a change in consciousness – and possibly an alternative to Consumerism. [The drug transaction] withdraws energy from the system of ordinary commercial activity. It creates an economy that resembles the official one but also stands outside it. The existence of this black market undermines the mendacious free-market language used to promote state-supported enterprises...'[319]

Therefore the drug market, although consumerist in a sense, escapes the capitalist market as it pours nothing into it. The black market avoids taxation and regulation – the market regulates itself via a supply and demand partially controlled by those at the upper end of the market.

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proceedings against any person for an offence against this Act the burden of proving any matter of exception qualification or defence shall lie upon the person seeking to avail himself thereof.'

[316] Ibid

[317] *Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990* (Cth) Schedule 3 – Psychotropic substances. Penalties: Part 2, s15 – Although this refers to persons caught with drugs on or around ships and aircraft, so presumably they are attempting to move drugs across international borders.

[318] Desmond Manderson, *From Mr Sin to Mr Big: A History of Australian Drug Laws* (Oxford University Press, 1993). See also chapters 9 and 10 181-207.

[319] David Lenson, *On Drugs* (University of Minnesota Press, 1995) 28.

Drug dealers can create an artificial drought for example, to raise the price on drugs. All of this operates outside of the legitimate consumer market.[320]

Lenson also explains that the act of drug taking can also cause users to want to 'drop out' of society. In the 1960s, users of LSD were encouraged by guru Timothy Leary to 'turn on, tune in, drop out.'[321] This 'dropping out' was a departure from mainstream, capitalist, consumer society and a tuning in to what many would see as the more important aspects of human existence. As Lenson writes: 'The contention that drugs are escapist may be accurate. And those who profit from consumer culture do not want anyone to escape it.'[322] Drugs threaten to highlight gaps in the spectacle and allow users to see 'the wiring under the board.'[323] Terrance McKenna explains on *The Shamen* album, *Boss Drum:* 'What psychedelics do is they dissolve boundaries, and in the presence of dissolved boundaries, one cannot continue to close one's eyes to the ruination of the earth, the poisoning of the seas, and the consequences of two thousand years of unchallenged dominator culture, based on monotheism, hatred of nature, suppression of the female, and so forth and so on.'[324]

In 'Play Space' Fiona Measham writes that in hyper-individualistic post-Thatcherite Britain, the taking of drugs is a 'controlled loss of control' in a world where we are held to be responsible for outcomes in our lives (rather than the pressures of society). It is up to the individual to create their own 'head space' by getting drunk or high, where they can escape from long work hours and increasing debt.

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[320]   And unfortunately it operates outside of quality control measures. This can make products sold dangerous.

[321] See Timothy Leary, *The Politics of Ecstasy* (1971, Paladin).

[322]   Ibid p28

[323]   Terrance McKenna (1992) appearing on The Shamen's album *Boss Drum* One Little Indian Recordings. The full paragraph of his speech is: '…a shaman is someone who has been to the end, it's someone who knows how the world really works, and knowing how the world really works means to have risen outside, above, beyond the dimensions of ordinary space, time, and casuistry, and actually seen the wiring under the board, stepped outside the confines of learned culture and learned and embedded language, into the domain of what Wittgenstein called the unspeakable, the transcendental presence of the other, which can be abstracted, in various ways, to yield systems of knowledge which can be brought back into ordinary social space for the good of the community.' The album also contained the single 'Ebenezer Good' – a chart topping hit about the drug ecstasy.

[324]   Ibid.

One informant described the nightclub as like a 'pressure valve' – where the patron can release tension in a controlled environment:

> *'To badly quote Foucault – he has a concept of sites of allowed deviance – where I guess it is almost like a pressure valve – where you have sites that are regulated but allow deviance – and I think nightclubs are spots like that. Everyone knows what goes on there is not really different to a dance party. There's people drinking and dancing and taking drugs. But I think for a number of reasons, the law is comfortable with that because it is regulated, It's being taxed – which I think is a big one - through the sales of alcohol and alcohol permits, it is contained in a specific space. They are often very surveilled places. A lot of nightclubs are now implementing processes where they will take a photo of your ID or finger print you or take a retina scan so that they know exactly who's in there and can hand your details over to the authorities if they so desire.'*[325]

Figure 10 - Phoenix and Salamander c2003

"Dancing *is* political, Stupid!"

Although many see raves as a purely escapist, hedonistic pleasure, many participants in the rave scene see it as a political act. Ott and Herman assert that by dancing at the rave,

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[325] Informant interview, Melbourne, 2011.

participants are breaking with conformity: 'By participating in these renegade alternative-venue events (later shortened to "raves"), dancers were challenging social norms and confirming the belief that "Dancing is political, stupid."' [326]

This idea was confirmed by my informants. One commented that:

> *'There is something political about dancing – it is the opposite of control, the regulation of the body, it is the very opposite rebellion you can do against having your body regulated by the state or the law or....whatever... I guess at that very core level it is political in that sense.'* [327]

Another stated:

> *'I would say the message [of rave] is in the defiance to adhere to the rules, and to reclaim these spaces and areas within our own city for our own purposes as a community. Even though it is only temporary....Also illegal dance parties are not commercial in nature. A lot of the time they are free, or with a very low, affordable entry fee to cover costs. I think this is a political statement in itself.'* [328]

When asked whether they had a special relationship with Melbourne and its wild urban spaces, my respondents were clear that they did:

> *'I am always keeping an eye out for places where I might be able to hold a dance party. When I drive past an old derelict warehouse, I don't see it as an eyesore, but as a potential venue; or driving down the new freeway bypass on Sydney road – seeing those huge sound baffling – some of the materials they have used is pretty amazing! And there's a huge paddock next to the freeway, and I had this vision of*

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[326]   Brian Ott and Bill Herman in 'Mixed Messages: Resistance and Representation in Rave Culture' (2003) 67 *Western Journal of Communication* 249 citing Brewster and Broughton 362.

[327] Informant interview, Melbourne 2012.

[328] Informant interview, Melbourne 2012.

having a huge dance party with that as a backdrop – an urban backdrop. And I enjoy the exploration of that sort of empty, deserted urban space.'[329]

Gotham City under Attack…

Our submersion in the warm womb of the night was short lived. We had not long been inside, when a stranger approached. 'Police' he whispered loudly in my ear. 'Tell anyone with drugs to dack 'em now.'

About another five minutes passed and nothing seemed to change inside the event. False alarm? I thought, maybe the cops are just checking us out and will leave to find some real trouble to investigate. My hopes were soon dashed when one of the organisers entered the room, the sound system and lights went off and someone yelled 'EVERYBODY OUT!'

I quickly grabbed my two friends and made my way for the darkened stairs, now lit only with a torch, as the generator had been shut off. There was a bit of push and shove as some, anxious and possibly holding illegal substances, wanted to make a fast get away. Although not in that category, I was eager to exit, too. 'Maybe we should stick around. Maybe the party will start again' one of my friends said. That was something that often happened. The police came in, had a look, saw there was no trouble, and left with a stern word to keep the music down and clean up when we were done. However, I had a strong feeling about this one. 'It's over' I said. 'Let's go.'

Outside the building, 'The Riddler' stood, trying to talk to two of the officers. They were shining torches in his eyes and had their other hands on batons or guns. 'Let's talk about this' he said in a calm tone, palms open in a gesture of peace. 'Get back! GET BACK!' one of the officers yelled, his grip tightening on his weapon. Part of me wanted to stop and help, but I could see things getting ugly, as the police, obviously confused and threatened by our outfits were not in a mood to negotiate. I left the premises quietly and quickly.

A few weeks later I was again in the area. I drove past Gotham City. Coated in graffiti and broken windows, it appeared so ordinary, nothing like the magical space it had been that

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[329] Informant interview, Melbourne, 2011.

night. I could see that it had once been a factory or office, but was now in state of total disrepair. It was clearly no longer useful for its former purpose, and was awaiting demolition, probably waiting for a property manager to get enough capital to convert it into apartments. It would be an expensive undertaking as the site took up the whole block. But as the northern suburbs continued to gentrify, industrial land was fast converting into residential space, attracting upwardly mobile residents who were not willing to share 'their' suburbs with people who danced in the night.

This was the quandary for a city, ever expanding alternative culture colliding with the mainstream Australian obsession for peace and quiet. I could never understand how a population so built on drinking culture could also be so uptight about noise. In other countries, I found, those who complained about noise were the ones seen as having a problem. In Melbourne there has until this time always been space to find an urban wildscape, ripe with possibilities. Until now with the population of Melbourne increasing by around 1,500 people every week.

What harm is there in this playful détournement of city space?

Conclusion

In this chapter I have used my own narrative and those of others within the 'rave' scene in Melbourne to explore its meaning, and question its regulation. I have analysed the rave as both existing within, and producing its own 'urban wildscape', using Lefebvre's theory of the trialectic of space, and Hakim Bey's temporary autonomous zone. These theories place rave as a temporary tactic useful in subverting the controlled spaces of the capitalist city, although it is certainly not immune to the strategies of capitalism. These creative uses of space form sites of resistance within the web of power and control. I have looked at the formal and informal rules that regulate the rave. Although Australia does not have specific laws that target rave culture, there are other pieces of legislation that can be used to restrict them – such as EPA noise level regulations, and drug laws.

In the following chapter, I will discuss urban scavenging. This activity takes place in the heart of suburbia, on the nature strips designed to add to Melbourne's 'garden city' image.

During hard garbage time I assert that the street becomes an urban wildscape, an informal marketplace where goods are exchanged without the need for money in the wallet.

Chapter Three - Urban Scrounging

In the leafy, green suburb of East Malvern, automatic roller doors, SUVs and a couple of kids are the accessories that make you one of the crowd. Being a part of the old set in the street, I have none of these things. By older, I am not referring to my age, but to the length of time that I have resided here. My parents bought the house in 1979, moving in from the relatively outer suburban wasteland of Blackburn. Then, when the suburb was still called 'Chadstone', it housed a different lower socio-economic group. Now, due to the gentrification which accompanied the change in name, only the young, upwardly mobile couples with two incomes can afford to buy – or even rent – the overly renovated Californian bungalows, complete with lawns fed on slimline tanks and Japanese weeping cherry blossoms – if that is what's trendy this season.

The front facade of our house looks the same as many others in the street. The back is distinctive in its reflection of years of scrounging. The bay window in my room was scrounged from hard garbage in a combined family effort. The hills hoist[330] in the backyard was similarly acquired. I remember I was about 13 at the time and my father had spotted the hills hoist in the hard garbage in the next street. The operation took all four members of my family to carry out. The hoist had to be lugged up the centre of the street due to its enormous circumference. I remember clearly my father advising that we should wait not only until after dark, but until the premier screening of the film *Tootsie* began – this would ensure that most people in our street would be glued to the television, distracted from noticing the passage of the giant clothes line past their living room windows. My father was correct, and, although shaking under the weight and adrenaline, the 'hoist' came off without incident!

There is always a certain thrill in urban scrounging. Part of that thrill is that everything laid out on the nature strip is there for the taking – no money has to be exchanged – it is all free, and the 'shop' open all hours. There is also the aspect of randomness - one is never sure what will be found - that element of the unknown and mystery. And the cheeky nature of the stealth mission, working undercover, doing something subversive or not quite acceptable to

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[330] The Hills Hoist is a pyramid-topped, single poled rotary washing line which is iconic in suburban Australia. See: David Harris, *What a line! The story of the people who made the hoist an Australian icon: fifty years of Hills* (Hills Printing Service, 1996).

mainstream society. Morally, no boundaries are crossed in removing discarded items from the nature strip – but are we crossing the bounds of normalised behaviour? Personally, I have never copped much more than an evil eye from those who see collecting objects on the side of the road as 'dirty' or 'theft'. Most people seem quite happy for others to make use of what they have discarded. However, exceptions do exist, and it pays to be cautious when engaging in urban scrounging. A friend of mine received a very bad reaction in a conservative, bible-belt suburb of Melbourne. Obviously the man yelling aggressively didn't adhere to the Christian teaching 'love thy neighbour'. Undeterred by harsh words and the shaking of fists, however, my friend returned after dark, and turned scrounging into an adventure game. Enlisting a friend and donning his army greens, he pretended to be on a secret mission, evading the 'enemy' to arrive home with a near new exercise bike. Mind you, the said object ended up in his own hard garbage heap by the next collection, but this was beside the point. Mission accomplished.

One of my favourite trips out as a child was when dad took us to the tip. Clambering over mountains of waste hoping to find buried treasure filled me with an unparalleled sense of excitement. Often journeys to the tip resulted in 'new' toys or furniture. An antique, once stripped of an ugly 1950s paint job, still remains a treasured item in our home.

One of my fondest early memories was from when, at age six or seven, my sister, cousin and I went to the tip at Torquay, on the surf coast of Victoria. Here, amongst the discarded banana skins, one of us came across a plaster model of a set of teeth. This object at once held a mystical quality for us. My cousin Claire explained to my sister and I that the object was a 'plaque of teeth.' The owner of this object was likely dead, and on a toothless, ghostly hunt for the teeth. The teeth became the source of endless stories and giggles centred around the toothless old zombie who would somehow know that we had his teeth and would be hunting us down to reclaim them. At the time, and on my cousin's rural farm property, nothing else was more deliciously terrifying.

Introduction

'Urban analysis must begin with the abject site precisely because it is omitted…'[331]

In this chapter, I will explore a number of forms of urban gleaning – in particular urban scavenging. Through this discussion, I will explain how these activities both exist within, and produce, urban wildscapes using Lefebvre's theory of the trialectic of space, and Certeau's idea that power can be resisted through creative practices. While Foucault and Certeau have theorised that we cannot escape power completely, there are points of resistance. Certeau explores the way that everyday practices can subvert power by creatively using space in *The Practice of Everyday Life.*

The practices of recycling and gleaning from the urban environment operate alongside conventional methods of waste disposal. Current attitudes to the governance of waste in Western countries are complex, and revolve around ingrained ideas that link waste to death and disease.[332] Hygiene practices have led to the development of single use items with individual packaging, which increase the amount of waste produced. The cheap price and availability of products has also led to overconsumption. However, the issue of consumption and waste in postmodern cities is increasingly multifaceted. Levels of consumption and waste have reached unsustainable levels.[333] Fear of global warming has led to the development of recycling plans. 'Green' products take up more shelf space in supermarkets, and it has become 'trendy' to engage in environmental activities such as vegetable gardening or raising chickens. The practices of the urban gleaners, however, continue to exist at the margins, exploiting the municipal responses to waste to their own ends, and in doing so create their own urban wildscape.

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[331] Joshua Nichols 'Lacan, the City, and the Utopian Symptom: An Analysis of Abject Urban Spaces' (2008) 11 *Space and Culture* 459, 473.

[332] Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (Routledge, 2002).

[333] John Gertsakis and Helen Lewis (2003) 'Sustainability and the Waste Management Hierarchy: A discussion paper on the waste management hierarchy and its relationship to sustainability' A discussion paper prepared for EcoRecycle Victoria. Accessed online at www.sustainability.vic.gov. Gertsakis and Lewis assert: 'Perhaps one of the most fundamental conclusions about sustainability is that our current patterns of production and consumption are unsustainable.' At p5

In this chapter I argue that the acts of collecting discarded items from the nature strip, skip or overhanging fruit tree subvert dominant messages about the ways that we should acquire and dispose of items. These activities also create a playful, festive urban wildscape, where hierarchies are eroded and the usual exchange of goods for money is replaced with trade and sharing. By examining the history of gleaning, I will link urban scavenging to its ancient roots, and explain how perceptions of this practice changed along with ideas about property. As property became commodified through industrialisation and capitalism, rights to use it became exclusive, and the commons was enclosed.

Gleaning History

'When you reap the harvest of your land do not reap to the very edges of your field or gather the gleanings of your harvest. Do not go over your vineyard a second time or pick up the grapes that have fallen. Leave them for the poor and the alien. I am the Lord your God' [334]

Urban Gleaning originates in the ancient practice of gleaning. Gleaning has a long history and is thought to have begun thousands of years ago. Early documentation of gleaning can be found in the Old Testament and Koran.[335]

Gleaning was an important right for the poor in feudal Britain who relied on it to feed their families. It was also important during the eighteenth century, when work was poorly paid, and increasingly difficult to come by.[336] Access to land for gleaning represented recognition of rights connected to communal ownership. Communal rights, however, are at odds with the principles of capitalism, and were therefore overruled as feudalism gave way to 'modernity'. As Margaret Radin points out, within a capitalist framework, 'Everything must be ownable or

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[334] Leviticus: 19:22.

[335] University of California 'Gleaning and Religion' accessed online at:
  http://humweb.ucsc.edu/gleaningstories/html/charity.html on 14/6/13.

[336] Peter King, 'Legal change Customary rights and Social conflict in the Late Eighteenth century: the origins of the Great Gleaning Case of 1788' (1992) 10 *Law and History Review* 1.

saleable'.[337] In late eighteenth century Britain, at the same time as the invasion of the Australian continent by the British, laws of the commons and enclosure were being fought in the English courts. As King writes, 'During the eighteenth and early nineteenth centuries, the laboring poor in many parts of England not only endured irregular employment and inadequate wages, but also suffered a series of attacks on their customary rights.'[338] These attacks on the peasants' rights came from both the farmers, who leased land from wealthy land owners, and from the land owners themselves, who were eager to enclose the land and enjoy exclusive rights to it. Many of the farmers employed the peasants as labourers and it was therefore difficult for them to mount any challenge when their rights were eroded.[339] AR Buck asserts in *The Making of Australian Property Law*:

> 'the law of property was being redrafted in England via the enclosure movement of the late eighteenth century….pre-capitalist (or more to the point – anti-capitalist) concepts of property and agrarian practice were being effectively negated and replaced by law in favour of a profit oriented conception of property as a tradeable commodity…'[340]

An important eighteenth century case from the Court of Common Pleas which enforces individual rights to property over communal ones is *Steel v Houghton*. Known as 'the great gleaning case' in legal commentary, it overturns precedent that supports a right of the poor to glean after the harvest. The facts of the case concern a peasant woman, Mary Houghton, who is gleaning in the field of a farmer, James Steel. Steel claims that Houghton is guilty of trespass.[341]

Although, prima facie, the precedent for gleaning lies in Houghton's favour, the majority of the court surprisingly find that Houghton's gleaning constitutes trespass. In his leading

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[337]   Margaret Radin cited in A R Buck, *The Making of Australian Property Law* (The Federation Press, 2006) 19.

[338] Peter King, 'Legal change Customary rights and Social conflict in the Late Eighteenth century: the origins of the Great Gleaning Case of 1788' (1992) 10 *Law and History Review* 1, 2. See also: E.P. Thompson *Whigs and Hunters: The Origins of the Black Act (*Breviary Stuff Publications, 2013).

[339] Ibid.

[340]   A R Buck, *The Making of Australian Property Law* (The Federation Press, 2006), 23-4.

[341]   *Steel v Houghton et Uxor 1788.*

judgement, Lord Loughborough held that 'no person has a right to glean in the harvest field.' In finding in Steel's favour, Lord Loughborough states that gleaning is 'inconsistent with the nature of property which imports exclusive enjoyment.'[342]

In his supporting judgement, Heath J held that a right to glean would 'raise the insolence of the poor'. Further, he held that 'The inconvenience arising from this custom being considered a right by the poor would be infinite…' Many of these inconveniences were related to the 'uncertainty' of the practice of gleaning. It was argued that law is intended to create certainty, and that it was difficult to define the poor, and therefore who had a right to glean. Heath J also suggested that 'the practice of gleaning is itself uncertain and changeable…'[343]

However, the 'famous gleaning case' did not see the end of gleaning in Britain. As King explains:

> 'The farmers were rarely able to mobilize formal legal sanctions against the gleaners. The vigorous collective protests of the gleaners, the continued strength of local customary law, the legal difficulties that prevented the farmers from using the more accessible courts against the gleaners, and the greater sympathy toward the gleaners' case often shown by magistrates, jurors, clergymen, and others, combined to make it almost impossible for the farmers to control the gleaners through legal sanctions either before or after the 1788 judgment. Thus while it is clear that the indefinite use rights of the poor and the fringe benefits of the communal grid were frequently attacked by the propertied, these attacks were not automatically successful.' [344]

The fight of the gleaners to preserve their rights was not only fought in the courts. In the 1800s it continued to be a contentious issue throughout Europe. Painting in 1867, Jean-François Millet brought the battle to the canvas. His painting *The Gleaners* shows women

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[342] Ibid.

[343] Ibid.

[344] Peter King, 'Legal change Customary rights and Social conflict in the Late Eighteenth century: the origins of the Great Gleaning Case of 1788' (1992) 10 *Law and History Review* 1, 2. The case was successful, however, in defeating Mary Houghton, who had to mortgage her tiny parcel of inherited land to pay for court costs. Her husband died shortly after the case, and she could no longer rely on his meagre shoe-makers income. The property was sold into the hands of the wealthy land owner, and paved the way for complete enclosure of the Timworth area by Cornwallis. See King for more details.

stooping to collect left over grains after a harvest in a field, in the soft morning light. It is a romanticised image of the hard-working, clean living country poor. In the background, the machinery of the harvest can be seen. Sandrine Badio writes that the artists and their paintings of the gleaners were 'canvassing a political statement' by depicting the contrast between rich and poor in a time of economic uncertainty.[345]

Other painters, such as Breton, also depicted the gleaners in a positive light, and highlighted their poverty and oppression on canvas.[346] Therefore, although the law was largely against them, the gleaners were still supported by many. There is a continuing right to glean in some parts of Europe, where gleaning has been codified into law.[347]

There are also remnants of these usufructory rights in Britain that allow people to enter onto private land and use it as a thoroughfare. Australia in general does not grant usufructory rights on private land. However, usufructory rights to crown land are granted to Indigenous peoples under the *Native Title Act (Cth).* These rights are weak and are extinguished by most other forms of property rights. Rights to land and privacy are more fiercely guarded in Australia than in Europe – perhaps because it was acquired in such dubious circumstances.

What is Urban Scavenging? What is Skip Dipping?

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[345]   Sandrine Badio, 'Understanding Gleaning: Historical and Cultural Contexts of the Shift from Rural to Urban Models for the Improvement of Food Security' Accessed online at http://www.foodsecurityresearch.ca/resources/theses/BadioGleaningThesis.pdf on 28/3/13 at 7.

[346] Ibid 7.

[347] In France for example. See the film *The Gleaners and I.* Also Sandrine Badio, 'Understanding Gleaning: Historical and Cultural Contexts of the Shift from Rural to Urban Models for the Improvement of Food Security' Accessed online at http://www.foodsecurityresearch.ca/resources/theses/BadioGleaningThesis.pdf on 28/3/13 at 3. See also Paul Vincent *Les Glanes, petits profits de la nature* (La Maison Rustique 1979).

'In the past I have scavenged at any time and in any area. If I am driving past anything that I see that can be reused or recycled I would stop and pick up.'[348]

Urban scavenging or scrounging describes the activity of looking for things of value in hard garbage waste. Hard garbage collection occurs in many Melbourne suburbs about twice a year, and allows residents to deposit a set amount of cubic meters of waste onto the nature strip for pick up by private companies contracted by the council. Some areas are moving toward an 'on call' system of hard rubbish waste removal, where residents are allowed to call the council once or twice a year to have their hard waste removed. This move has been largely unpopular, as it is much more expensive, driving up rates.[349]

Skip dipping, or 'dumpster diving' involves climbing into waste skips, usually outside of supermarkets or department stores and rummaging for food or other usable products. Some skip dippers also look through construction bins to find useful building materials. Skip dippers are usually conscientious objectors to waste[350] but many also skip dip out of need.

There are also urban gleaners who map the location of wild fruits and herbs, as well as those that hang over fences and into public spaces. A 'feral fruit map' is posted online that can be added to by people who find new sources of free fruit.[351] The purpose of the feral fruit map is to allow people to source fruit locally when much produce found in shops is being shipped in from interstate and overseas at great cost to the environment (and the consumer).

The activities described above, although partaken in by a wide range of people, can be linked to 'freeganism.' Freegans are part of an anarchist subculture which resist paying for items

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[348] Informant interview, Melbourne, 2011.

[349] See for example Melidah Marshall 'Call to Trash Hard Rubbish Collection' *Maroondah Leader* 23 December 2008.

[350] Ferne Edwards and David Mercer, 'Gleaning from Gluttony: An Australian Youth Subculture Confronts the Ethics of Waste' (2007) 38 *Australian Geographer* 3 and Emma Rush, 'Skip Dipping in Australia' *Australia Institute Webpaper* February 2006.

[351] See 'Feral Fruit Trees Map': http://www.sustainablemelbourne.com/models/feral-fruit-trees -accessed 21/3/13.

wherever possible, and as well as scavenging from the urban environment, also engage in activities such as squatting.[352]

It can be argued that these activities create a kind of 'commons' or community land within Melbourne's suburbia. Like the commons in Medieval Britain, where peasants hunted and grazed animals, the nature strip is a modern day example of the sharing of land and resource. As Ruth Lane asserts:

> 'Melbourne's hard rubbish collections form a kind of informal waste commons where discarded goods and materials are relinquished by their owners into the public space of the kerb-side for a brief period of time. The kerb-side or 'nature strip', where the transition in ownership takes place, is a critical locus for the categorisation of private property… It forms a boundary between public space formally managed by local government authorities and the private space of the domestic residence, although this boundary can be challenged through informal activities of residents. The commercialisation of kerb-side waste collection through contracting arrangements further complicates matters.'[353]

The practices of urban gleaning have subversive potential because they use and produce a space of resistance to mainstream consumerist practices in the city. To take the example of urban scavenging: I contend that suburban streets, which usually signify a neat image of modernity, are transformed into an urban wildscape during hard rubbish collection time. This happens through the placement of usually hidden waste items on the curb, and the activities of the gleaners as they sift through them. The image of the street is for a temporary period chaotic, and filled with symbols of a wasteful society. But like Tim Edensor et al's urban wildscape[354], it is a space ripe with possibility. The city, that according to Certeau is

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[352] Ferne Edwards and David Mercer, 'Gleaning from Gluttony: An Australian Youth Subculture Confronts the Ethics of Waste' (2007) 38 *Australian Geographer* 3 and Emma Rush, 'Skip Dipping in Australia' *Australia Institute Webpaper* February 2006.

[353] Ruth Lane, 'The Waste Commons in an Emerging Resource Recovery Waste Regime: Contesting Property and Value in Melbourne's Hard Rubbish Collections' (2011) 49 *Geographical Research* 395, 398. (Reference omitted)

[354] Tim Edensor et al 'Playing in industrial ruins: interrogating teleological understandings of play in spaces of material alterity and low surveillance' in Anna Jorgensen and Richard Keenan (eds) *Urban Wildscapes* (Routledge, 2012).

'simultaneously the machinery and the hero of modernity',[355] becomes the site of festival, where rejected items and waste products usually so carefully sequestered spill out into view. The playful activity of meandering and collecting valuable items from trash can *detourn* space, producing something which can be threatening to the very core of capitalist society - the resistance of consumerism.

Similarly, when a skip-dipper dives into the dumpster, s/he subverts the city laneway, crossing several boundaries such as legal/illegal, useful/useless, dirty/clean. Ethically, the skip dipper is saving waste from going to landfill, yet can provoke negative reactions from passers-by. As Jeff Ferrell writes in *Empire of Scrounge*:

> '...urban scavenging undermines the existing order of things. As consumers set out yesterday's goods on the curb or discard them in the trash bin, and as scroungers explore these marginal accumulations, sorting and saving and reusing what they find there, scroungers and consumers alike cooperate to subvert all manner of neatly dualistic categories: commodity versus trash, public versus private, possession versus dispossession. Part of this subversion is transgressive; the daily, informal exchange of second-hand goods keeps the city's boundaries open, its situations porous and permeable, and in doing so erodes revanchist strategies for partitioning the city by social class and privilege.'[356]

When I asked my informants the way that they felt the street changed when there was a hard garbage collection on, many mentioned the 'festive atmosphere'. For example, three responses were:

> *'When I see hard garbage, I think yeah! Grouse!'*[357]

> *'I feel excited!'*[358]

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[355] Michel de Certeau, *The Practice of Everyday Life* (translated by Steven Rendall, University of California Press, 1984) 95.

[356] Jeff Ferrell *Empire of Scrounge: Inside the Urban Underground of Dumpster Diving, Trash Picking and Street Scavenging* (University of New York Press, 2006) 185.

[357] Informant interview, Melbourne, 2011.

[358] Ibid.

'There is possibility!'[359]

One of the changes to the street that has been observed by the scavengers echoes the appeal of urban exploring. There is a sense of history to be found in discarded items, a kind of history that is not found in official records. There is a sense that we can learn something about the way other people live, or lived, by examining their discarded possessions. One informant stated that the appeal of scavenging:

> *'For me it is when there is something really special, that is what's exciting, something very unique, like an antique. I mean there are a lot of televisions, washing machines, and things that are worth quite a lot of money. But when you are fossicking, it can be...something different. It's like Camberwell market. You don't know what you will find. It is very personal, too. Because suddenly the private inside of people's houses are out for everyone to see....it is historical.'*[360]

Below, I explore some of the reasons why these activities are constructed as 'dirty' by many in a society that, ironically, simultaneously encourages an ethic of recycling.

In *The Practice of Everyday Life*, Certeau writes how walking in the city can in itself be a resistant activity. This is because the walker exists below the line of vision of the administrators, and is an experience that cannot be translated onto a map. As Jeff Ferrell writes:

> '...the empire of scrounge ...constitutes an empire of alternative meaning....[it] undermine[s] the carefully constructed cultural status of consumption and consumer goods, to muddy certainties of law and crime that others might wish to enforce, to remake the reality of time, space, and identity.'[361]

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[359] Ibid.

[360] Ibid.

[361] Jeff Ferrell *Empire of Scrounge: Inside the Urban Underground of Dumpster Diving, Trash Picking and Street Scavenging* (University of New York Press, 2006) 203.

The 'nature strip' or the back alley filled with skips is already a marginal space. The dark laneway of the city was once the sole territory of the pan man[362] and the garbage collector. The laneways of inner Melbourne were constructed for these purposes, to keep things considered 'dirty' off the major thoroughfares, obstructing views of monuments and grand buildings at the end of wide streets.[363] The lane ways continue to maintain a certain 'edgy' quality, often filled with colourful street art and back door entrances to triple X cinemas.

The nature strip is an icon of Melbourne suburbia. Originally introduced to soften the street scape and enhance the 'garden city' image of the suburbs, it is now a source of pride and identity for many residents.[364] The nature strip has a liminal or marginal characteristic in that it has an ambiguous relationship to concepts of ownership and responsibility. Legal decisions regarding the ownership of the nature strip are ambiguous, and responsibility for any injury that takes place there is difficult to ascertain.[365] Control over the nature strips' aesthetic or the ownership of junk left kerbside are legally unclear. Although, as Eddie Butler-Bowdon and Sophie Couchman write, local councils 'own and regulate' the nature strip, it is considered the resident's responsibility to maintain the strip, something usually associated with ownership, or at least, tenancy.[366]

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[362] The person who collected the 'night soil' (sewerage from outdoor 'dunnies') before the sewerage system was constructed. There were still suburban sites without sewerage as late as the 1950s – for example, Reservoir, where my mother spent her teenage years.

[363] Le Corbusier's theories of urban development. The styles expounded by Corbusier can be clearly seen in Melbourne. For more details about Le Corbusier, see Le Corbusier, *Toward an Architecture* (Translated by John Goodman, Getty Research Institute, 2007).

[364] Eddie Butler-Bowden and Sophie Couchman, 'eMelbourne: The City Past and Present' University of Melbourne accessed online at: http://www.emelbourne.net.au/biogs/EM01049b.htm.

[365] See for example *Ghantous v Hawkesbury City Council* S69/1999 where the Council was not found liable for injury on a nature strip as it was found to be 'immune from nonfeasance' under a roadways law that does not usually apply to nature strips. In this case, a number of states took leave to appeal on the grounds that the court had wrongfully extended the power to include the nature strip. Also an example of policy from a website for one of Melbourne's local councils, Whitehorse, states that if the owner of a property wants to change the nature strip to include plants they must extend their public liability insurance to cover the nature strip: 'The permit holder must extend their domestic insurance public liability component, to cover the permit holder's liability at law only, with respect to the naturestrip. Council continues to insure its public liability for the naturestrip.' http://www.whitehorse.vic.gov.au/Naturestrip-Planting-Guidelines.html accessed 20/3/13.

[366] Eddie Butler-Bowden and Sophie Couchman 'eMelbourne: The City Past and Present' University of Melbourne accessed online at: http://www.emelbourne.net.au/biogs/EM01049b.htm. The council can issue notices to comply and fines if upkeep is not considered in keeping with the local amenity. Council rights are

The (Il)legality of Scrounging

Although research has shown that scavenging results in significant decreases in the amount of waste going to landfill,[367] legal responses to it are ambiguous. Attitudes to hard rubbish scrounging vary between local councils, where in some cases fines can be issued for removing discarded items from the nature strip. The direct method of collecting items from the nature strip to reuse them is not encouraged by local councils, who pass by-laws that can lead to hefty fines (one man in Frankston was fined $900 for taking two bikes).[368] Although not technically 'theft', as items are abandoned, local councils still have the authority to create laws with respect to minor roads, paths and verge (including nature strips). The City of Stonnington Council – in which the suburb of East Malvern sits – claim to own the nature strip. Legally the council is responsible for its upkeep, and for domestic garbage collection, and some aspects of commercial waste collection. A large percentage of council rates in Victoria go to waste collection services, privatised after more than 90 years in the 1990s by the Kennett Government.[369] The local council contracts waste collection to private agencies. In Melbourne, many councils use the services of WM Waste Management, who collect for 11 city council areas.

Some councils are concerned about trash being on the nature strip for long periods of time for example, Frankston City Council. A Frankston Council Press Release reads: 'despite the success of this year's [hard rubbish] collection there had been some difficulties around scavenging. "A problem still exists with commercial operators illegally taking recyclable

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subject to the Victorian *Roads Management Act 2004* (Vic) which delegates authority to the council under the *Local Government Act 1989* (Vic) s205 which states 'Councils to have the care and management of certain roads'.

[367] Ruth Lane, 'The Waste Commons in an Emerging Resource Recovery Waste Regime: Contesting Property and Value in Melbourne's Hard Rubbish Collections' (2011) 49 *Geographical Research* 395.

[368] Examples: Casey City Council Local Law Number 2 2010 s25 ss1(b); Frankston Local Law Number 7 General Local Law 2012 s3.8(b) Hard Rubbish and Part 6 Enforcement

[369] Eddie Butler-Bowden and Sophie Couchman, 'eMelbourne: The City Past and Present' University of Melbourne accessed online at: http://www.emelbourne.net.au/biogs/EM01049b.htm.

material with a high resale value," Mr Swales said. "Council has a local law prohibiting commercial removal of hard waste for personal gain or resale.'" [370]

> 'All items placed for the hard waste collection are the property of Council and the hard waste contractor. On the spot fines of $100 may apply to people removing goods from someone else's pile.' [371]

One informant had read and believed the press releases in his council area. He thought that the hard garbage belonged to:

> 'Technically, probably the council. But I don't think people would put it out on the nature strip if they didn't want others to have a chance to reuse their old stuff.'

As Lane comments, these attempts to reduce scavenging through regulation are not often successful, due to the ambiguity in ownership of the nature strip and items left on them: 'These measures inevitably fail because of the inability to secure exclusive property rights to materials on the kerb-side in any practical way.' [372] Although press releases such as the one above suggest that hard garbage belongs to the local council, taking items from the nature strip is not illegal. This was determined in 2011 when a man was arrested by police for taking a vacuum cleaner from a nature strip in Kimberley Drive, Chirnside Park – an outer Eastern suburb of Melbourne. This incident highlighted the ambiguity over the ownership of items found on the curb side. Initially the 58-year-old man was arrested for theft, and taken to the Mooroolbark police station. At the time the police made a statement that items left on the nature strip belong to the council. Yarra Ranges deputy mayor Len Cox, however, contradicted the police position, claiming that the property remained under the ownership of the resident until picked up by the council commissioned collectors. A police superintendent supported the view that the property belongs to residents, and that it certainly was not the property of the council. Therefore if the taker of the object can prove that they believed that the item was discarded, they cannot be charged with theft. [373]

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[370] Frankston City Council website: http://www.frankston.vic.gov.au/

[371] Frankston City Council press release: http://www.frankston.vic.gov.au/

[372] Ruth Lane, 'The Waste Commons in an Emerging Resource Recovery Waste Regime: Contesting Property and Value in Melbourne's Hard Rubbish Collections' (2011) 49 *Geographical Research* 395, 404.

[373] Mex Cooper 'Vacuum-cleaner man won't be charged' *The Age* March 22, 2011.

When asked about the legality of nature strip scavenging, my informants were more concerned with how other residents in the area viewed them when they were taking items form the nature strip.

> *'I thought that anyone could take what was out. But I must admit that we do get a bit embarrassed by neighbours seeing us take it. So we like to do it after dark or in streets some distance from where we're living. You wouldn't want the actual neighbour to...[see you taking their stuff] ...You get regulated by the informal rules of the neighbourhood.'*[374]

> *'If I want to take something, and then I notice someone watching, I have felt embarrassed and I have wanted to walk on. Although often people have reacted positively.'*[375]

Some had heard about the case of the man taking the vacuum cleaner and the council's inability to prosecute him:

> *'I know that the council are always trying to claim ownership of the goods. But I think the laws are very fuzzy in that area. I don't think anyone's ever been prosecuted. There was one case where a guy took a vacuum cleaner, and the council tried to take him to court, and it was thrown out. So I don't think there has ever been a prosecution from stuff being taken, although the council try to bluff their way through that. They see it as their property once it is on the naturestrip. When it is hard garbage they see value in the recycling, whether it is metals, or whatever.'*[376]

By placing items on the nature strip, one informant suggested that this implied that the resident wanted people to take the items:

> *'They belong to the person who put them out on the nature strip. And by putting them on the naturestrip they have implied... that they no longer want them. Generally people, if there is somebody visible in a front garden, I will ask, and they will always say "Please, take it." And they are always happy to see something recycled. They*

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[374] Informant interview, Melbourne, 2011.

[375] Informant interview, Melbourne, 2011.

[376] Ibid,

have put them out because they want people to take them. When it's not hard garbage time, people will put things out, and there is the expectation that someone will take it.'[377]

Waste Strategies

Local Councils' involvement in the policing of urban scavenging is at first glance confusing. Local councils in Melbourne generally encourage recycling by providing separate recycling services and larger bins at no extra cost for this purpose. However, it has been revealed that councils often make deals with private contractors, some of whom will do waste collecting for free in exchange for possession of the valuable, recyclable metals in the hard garbage.[378]

Council policies have shifted from 'waste management' to rhetoric of 'resource recovery' with regards to domestic waste. Garbage collection trucks are now painted with the words 'resource recovery', encouraging us to view waste as something of value. This is in keeping with the Victorian State government policy paper 'Toward Zero Waste.' This paper suggests that Victoria can aim for zero waste by 2020, it appears mostly through diverting waste away from landfill and into recycling plants. The Toward Zero Waste Strategy states that its 'targets are not mandatory, rather, they are *projected outcomes'*.[379] However, the plan is due to finish in 2014, and the progress reports on whether Victoria is meeting its targets show that, although recycling has increased greatly, Victorians are actually creating more solid waste per capita than ever before. It now stands at 2.09 tonnes per capita[380] per annum.[381]

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[377] Ibid.

[378] This was confirmed in an interview with a worker at the Stonnington City Council Office on 9/6/09.

[379] Department of Sustainability Victoria *Toward Zero Waste Strategy* Summary p8 accessed online at http://www.sustainability.vic.gov.au.

[380] Ruth Lane, Ralph Horne, and Jenny Bicknell 'Routes of Reuse of Second-Hand Goods in Melbourne Households' (2009) 40 *Australian Geographer* 151, 152.

This is not surprising in the only developed country not to go into recession during the global financial crisis. Continuous growth and increasing consumption go hand in hand. As Lane et al write: 'Despite an expanding rhetoric of environmental concern, the prevailing orthodoxy at all levels of government in Australia is 'economic growth', and consumer spending is seen as a key indicator of this growth.' To adhere to the *Environment Protection Act's* hierarchy which states 'avoidance' should be our number one strategy to reduce waste could place the growth of the nation in jeopardy. To 'do our bit' for the environment, rather, we are encouraged to buy 'green' products. Indeed, a productivity commission report in 2006 recommended this, and has been described by some commentators as 'ecological modernisation.' [382]

Lane argues that the shift toward seeing waste as a 'resource' fits with a neoliberal philosophy, one which increases individual responsibility and utilises market forces in determining outcomes which are desirable for the community. Within this framework, waste itself becomes a commodity.

The History of Waste management in Melbourne

Waste management has been an issue for Melbourne since the huge expansion of population during the gold rush. In the 1850s there were no formal waste collection services, so residents disposed of rubbish by dumping it in their backyards or the streets.[383] The practice of dumping and incinerating waste in backyards continued long after formal domestic waste policies came into place. When I was a child, I remember the incinerator out the back. When Dad dug our first veggie patch he uncovered a plethora of old milk and cream bottles, some at least 50 years old – evidence of garbage being buried in the backyard. This fascinating

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[381] Department of Sustainability Victoria *Toward Zero Waste Report 09-10* accessed online at http://www.sustainability.vic.gov.au on 27/3/13.

[382] Ruth Lane, Ralph Horne, and Jenny Bicknell 'Routes of Reuse of Second-Hand Goods in Melbourne Households' (2009) 40 *Australian Geographer* 151, 152.

[383] Although street dumping was illegal under the *Police (Town and Country) Act 1854*. For more details, see Cailtlin Stone, 'Rubbish and Rubbish Disposal' *EMelbourne: The Encyclopaedia of Melbourne Online at* http://www.emelbourne.net.au/biogs/EM01289b.htm accessed 21/3/13.

archaeology of trash gave me insights into a past era, a history of the ordinary, a far cry from the stories of heroic men that was taught at school. These were the bottles that real people drank from, and then buried in the yard. Private disposal of our own waste within our own yards would not be possible today. This is in part due to the vast increases in waste now produced. Landfill sites have reached ridiculous proportions,[384] and continue to release toxic gasses into the environment even once closed.[385]

Dirt, Sequester, Administration, Abject

 'While sanitation is undeniably a necessity of urban life, the demand for it extends far beyond the biological need; the need for sanitation is conflated with the moral demand for purity.'[386]

All cities are 'created environments' (ie people have exercised control over the natural environment to regiment and control it).[387] However, the level of control over time-space varies between societies and even localities within cities.

In *The Practice of Everyday Life,* Certeau writes that within the city 'there is a rejection of everything that is not capable of being dealt with.'[388]   Some of these rejected items include those that are connected with dirt and death, such as waste. Anthony Giddens writes: ''Not only death is sequestered from the ordinary activities of daily life; so are other phenomena which, in becoming "detached" from the normal run of social life, produce specific sources of

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[384]   New York's Staten Island, for example, was home until recently of one of the biggest landfill sites in the world. It was predicted to be the highest geographic feature between Florida and Maine by 2005. The site is now in the process of being converted to a park, although it still does process waste on a smaller scale.

[385]   A housing development near Cranbourne was partially evacuated in 2008 after dangerous levels of methane were found in a number of homes. The methane was seeping out of a closed landfill which was only 200 meters from the closest houses. The incident sparked an EPA landfill review.

[386] Joshua Nicols, 'Lacan, the City, and the Utopian Symptom: An Analysis of Abject Urban Spaces' (2008) 11 *Space and Culture* 459, 473.

[387]   Antony Giddens, *The Nation-State and Violence: Volume Two of A Contemporary Critique of Historical Materialism* (Polity Press, 1987) 193.

[388] Michel de Certeau, *The Practice of Everyday Life* (translated by Steven Rendall, University of California Press Berkeley, 1988) 94-5.

anxiety or distress – including both madness and physical illness of a serious sort…Such experiences are removed from possible intrusion into the continuity of routinised activities and pushed instead to the outer margins of those contexts in which most daily social life is enacted.'[389] Waste is an aspect of society which is pushed to the marginal spaces of the city – spaces which are generally avoided or ignored. Where these waste products spill over into 'ordinary life', feelings of anxiety are created.[390]

While weekly trash collection manages our domestic waste via collection from colour-coded kerbside receptacles, larger items are more difficult to deal with. Hard waste collection about two times a year in most suburban areas of Melbourne assists in dealing with the 'problem' of waste too large to fit in bins, while at shopping centres and in the central business district, skips are used to collect large volumes of waste.

The desire to keep rubbish out of sight and out of mind ties with a modernist obsession for order. As Gay Hawkins writes: 'Secreting waste away, rendering it invisible, has become fundamental to the maintenance of distinctly modern classifications and boundaries and distinctly modern ways of being.'[391] Julian Murphet, following Jean Baudrillard, explains that the ideal postmodern city is 'voided…of real human content …' and becomes 'flattened' into a two-dimensional, clean, surface-driven space.[392] This is evidenced in the 'Disneyfication' of suburbs such as Caroline Springs in Melbourne and other constructed, gated communities such as Celebration, Florida in the USA. These constructed suburbs give the superficial impression of being free from disorder, crime and the other unpleasantries of human existence – such as waste. Baudrillard's theory of the Simulacra and Simulation is at work here – he argues that in western postmodern cities, particularly in the US, the simulation has collapsed onto the 'real' to produce a hyperreal – fantasy cities like Las Vegas and Disneyland become the real. In these places, there is no space for waste, and for those that glean from it, even less so.

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[389] Antony Giddens, *The Nation-State and Violence: Volume Two of A Contemporary Critique of Historical Materialism* (Polity Press, 1987) 195-6.

[390] Ibid 196.

[391] Gay Hawkins, 'Waste in Sydney: Unwelcome Returns' in (2007) 122 *PMLA* 348.

[392] Julian Murphet (2004) 'Postmodernism and Space' in Steven Connor (ed) *The Cambridge Companion to Postmodernism* (Cambridge University Press, 2004).

That discarded items are dirty or dangerous is accepted unquestioningly by many, as fears that link rubbish and disease are aroused. They tie with our ideas about disorder and how we maintain systems of cleanliness: 'These classifications and sensibilities aren't just inscribed in public bins and networks of underground sewers; they also reverberate across bodies in the myriad of domestic practices, bodily habits, and aversions that link norms of self-care to the presence of urban infrastructure. This is biopower at work' writes Gay Hawkins in 'Waste in Sydney: Unwelcome Returns'[393] Ferne Edwards and David Mercer write that skip-dipping in particular confronts ingrained ideas about dirt and disease: 'The issue of gleaning healthy food from "garbage" confronts the modern Western concept of cleanliness and hygiene,' they assert.[394] They write that although ideas about dirt and the spreading of disease have changed over time, from 'humours' to 'miasmas' to 'germs', skip dipping manages to offend all of these conventions: 'All three discourses are challenged by the behaviour of the gleaners, and especially dumpster divers, who experience the physical proximity of mixed rubbish, strong odours and invisible germs. This changing cultural perception of hygiene illustrates the importance of the socio-political context in defining garbage.'[395]

In her book *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo*,[396] Mary Douglas writes that dirt and disorder are synonymous and that there is a taboo against what is considered 'dirty' in modern society. She writes that dirt is simply 'matter out of place', symbolising a breakdown in the ordered structures of modern society. 'The reaction to dirt is continuous with other reactions to ambiguity or anomaly…' she asserts.[397] 'Dirt is the by-product of a systematic ordering and classification of matter, in so far as ordering involves rejecting inappropriate elements.'[398]

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[393] Ibid 348-9.

[394] Ibid 289.

[395] Ibid.

[396] Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (Routledge, 2002).

[397] Ibid 5-6.

[398] Ibid 35.

Disordered spaces, including the urban wildscape, are unsettling because they confound and confuse the categorisation of objects that allows us to make sense of the world. To accept anomalies may lead to a crumbling of the structure of order:

'In the chaos of shifting impressions, each of us constructs a stable world in which objects have recognisable shapes, are located in depth, and have permanence…If [discordant cues] are accepted, the structure of assumptions has to be modified.'[399]

Rubbish is unsettling because of its status on the border. 'Rubbish is a *border* category rather than simply *disorder*,' writes Susan Strasser.[400] The disordered clutter of random junk on the nature strip during hard rubbish time, or the contents of a bin or skip, and 'tip-scape' are all examples of the tying together of items which are normally unrelated. Unlike a shopping environment in a postmodern city, where objects are fastidiously ordered according to shape, size and colour, piles of waste are ambiguous and random. The objects in them defy categorisation. The boundary status of the nature strip, its ownership and the right to glean from it add to this ambiguity and the 'shifting impression' that it creates, and this may force us to reassess the usual categories. '...rubbish...only exists culturally because it lies at the borders or interstices of social existence' writes Lucas.[401]

Rubbish is to be kept 'tidy' in neat receptacles – themselves a fashion product for sale - colour coordinated to match your furniture and decor. The disembowelled packaging and used, broken or obsolete products are to be kept within, out of sight and out of mind. Litter is rubbish which is not contained within this housing: '...we even have a word for rubbish that is out of place: litter' writes Lucas. He explores the idea that litter is more ghastly than rubbish, because not only is it dirty, it is where it shouldn't be. '[Where]...things are not in their place inside the bin or landfill, but indeed disordered, mixed up… [they] consequently elicit responses of disgust.'[402] Hard garbage, scattered about on neat suburban lawns can arouse fears of disorder, and the crime that is often associated with it. As a Frankston City Council

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[399] Ibid 36.

[400] Susan Strasser, *Waste and Want: A Social History of Trash* (Metropolitan Books, 1999) 15.

[401] Gavin Lucas, 'Disposability and Dispossession in the Twentieth Century' (2002) 7 *Journal of Material Culture* 5, 16.

[402] Ibid 8.

Press Release reports 'Rubbish breeds rubbish.'[403] There is a sense that, left unchecked, garbage may take on a mind of its own, and, like a disease, spread, contaminating ordered

spaces.

Figure 11 – Suburban Sprawl

Dirt and Ambiguity

Lucas asserts that rubbish lies on the borderlands between the desirable and the undesirable. 'It lives in an ambiguous plane... rubbish needs to be linked to a temporality of desire which is never present to its object but always future or past. That which we desire/no longer.'[404]

Yet even that which repels us, can also draw us to it. The abject is that which is so horrible that it can remind us of our own mortality, but can still arouse desire. As Julia Kristeva writes in *Powers of Horror*, 'There looms within abjection one of those violent, dark revolts of being, directed against a threat that seems to emanate from an exorbitant outside or inside, ejected beyond the scope of the possible, the tolerable, the thinkable. It lies there, quite close, but it cannot be assimilated. It beseeches worries, and *fascinates desire*....'[405]

The abject, in a spatial context, is not only the object repelled, but the disorder it creates. Abject spaces may be places to be avoided. Zygmunt Bauman writes: 'We do not revisit

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[403] Frankston City Council press release at http://www.frankston.vic.gov.au/

[404] Ibid 16.

[405] Julia Kristeva, *Powers of Horror: An Essay on Abjection* (translated Leon Roudiez) (Colombia University Press, 1982) 1.

those [refuse] mountains, neither in body nor in thought, as we do not stroll through rough districts, mean streets, urban ghettoes, asylum seekers' camps and other no-go areas. We carefully avoid them (or are directed away from them) in our compulsive tourist escapades. We dispose of leftovers in the most radical and effective way: we make them invisible by not looking and unthinkable by not thinking.'[406]

However, as Campkin and Cox write, our relationship with the disordered spaces of cities should not be overly simplified. 'Contemporary "spaces of abjection" cannot be discussed in such clear cut terms. Instead, a more fluid conception of urban boundaries, and of our attitudes towards dirt and 'dirty' places, is required. How do we account….for the attractions of 'edgy' urban neighbourhoods?'[407] Urban Studies theorist Richard Florida has put forward the thesis that homogenised, clean suburbs repel creative people, who are instead attracted to industrial districts. Grunge can actually make good economic sense.[408] As Campkin and Cox add, 'In the case of Shoreditch [a London suburb], the area's "edginess" and aesthetics of urban decay have provided an attraction to architects and artists alike, in turn prompting its accelerated gentrification.'[409]

Similarly, the laneways of Melbourne have become a top tourist attraction[410] – not because of their 'flower boxes' as then Premier John Brumby asserted, but because of their grungy appearance.[411] A Lonely Planet review writes of a small restaurant, 'nestled in a cobbled laneway emblazoned with edgy graffiti.... It doesn't get much more 'Melbourne' than this.'[412]

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[406] Zygmunt Bauman cited in Ben Campkin Rosie Cox, *Dirt: New Geographies of Cleanliness and Contamination* (IB Tauris, 2007) 74.

[407] Ben Campkin Rosie Cox, *Dirt: New Geographies of Cleanliness and Contamination* (IB Tauris London, 2007) 74.

[408] Richard Florida, *The Rise of the Creative Class and How it's transforming work, leisure, community and everyday life* (Perseus Book Group, 2002).

[409] Ben Campkin Rosie Cox, *Dirt: New Geographies of Cleanliness and Contamination* (IB Tauris London, 2007) 74.

[410] Marcus Westbury 'Street Art: Melbourne's Unwanted Attraction' July 5, 2009, accessed 25 June 2010. http://www.marcuswestbury.net/2009/07/05/street-art-melbournes-unwanted-attraction.

[411] Jewel Topsfield 'Brumby slams Tourism Victoria over graffiti promotion' *The Age* October 1, 2008. Accessed 24 June 2010 http://www.theage.com.au/articles/2008/10/01/1222651140951.html.

[412] Lonely Planet Website: http://www.lonelyplanet.com/.

However, the City of Melbourne has recently sought to contain the grunge, by codifying the unwritten law of the suburbs with respect to bins kept in laneways. From July, 2010 Melbourne City Council regulations state that bins must be kept inside until after 6pm on the night before the bin is to be emptied. Emptied bins must be brought back inside premises within three hours.[413] The laneways, once the domain of the garbo and pan man, are undergoing a shift. In arguing for the new laws, the Enterprise Melbourne website states 'Melbourne's central city is changing. Our laneways were once 'back of house' areas for restaurants and retailers. Now our laneways are home to residents, secret bars, innovative retailers, restaurants and cafes.'[414]

Hyperconsumption

In this fearful world, where homogeneity is equated with safety, we all have the same picket fences, 4-wheel drives, and weeping cherry blossoms. Being homogenous truly means 'Keeping up with the Joneses'. And we are provided with the resources to do so – as long as we have the money.

My suburb contains one of the Southern Hemisphere's largest shopping malls. As the shopping mall grows, it threatens to encapsulate our entire suburb – if not with shops, with car-parking spaces. As Rem Koolhaas attests: Shopping is the only public activity left; and the mall is its temple.[415] Glossy pamphlets delivered to my door announce in futuristic font: 'Citizens Guide to the Fashion Capital'. They contain robotic models in the latest spring colours. Inside the mall is climate-controlled comfort. A windowless environment, it is impossible to tell if it's day or night. Ceaseless escalators shunt endless crowds though the embalmed-palm passageways. A seemingly endless array of products are on display, but on closer scrutiny, most have been shipped from the same warehouse in China. The mall tells us to 'shut up and shop'. Design principles perfected with the help of psychologists to push us toward that inevitable conclusion.

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[413] Enterprise Melbourne Website: http://www.melbourne.vic.gov.au/enterprisemelbourne/

[414] Ibid.

[415] Harvard Project on the City, 'Shopping' in Rem Koolhaas *Mutations* (ACTAR, 2001).

In his days as an urban scrounger, Ferrell even came across unwrapped presents – the symbol of gift-giving here clearly more important than the gift itself.

> '...this pace of contemporary status acquisition is all a self-perpetuating fraud. An addiction to immediate gratification guarantees no lasting gratification at all, only an itch for the next quicker fix, an insatiable desire for the faster and the more efficient. Sold like so much crack cocaine, the corporate promise of greater convenience persuades the consumer to perceive today as an unbearable inconvenience, and to pay for tomorrow's imagined resolutions. As the pace of this cycle accelerates and feeds off existing patterns of hyperconsumption, a sort of binge–and–purge panic emerges, a consumptive bulimia: consumers purchase products mostly for the immediate pleasure of doing so...'[416]

Hyper-consumption is fuelled by the theory that spending assists the economy in difficult times. This idea is not new. For example, writing in 1932, Bernard London penned the pamphlet 'Ending the Depression Through Planned Obsolescence'.[417] The pamphlet suggested that every item have a use-by date, and that those keeping items after this date had expired be taxed. This would, theoretically, force consumers to buy goods before their current possessions were worn out, ensuring that jobs in manufacturing and sales were preserved. Rather than introducing these laws, however, companies have adopted the principle by creating objects that are designed to break or be outmoded, compelling consumers to buy.[418] Recently a dominant Australian political party has pushed the concept of hyperconsumption by providing an economic stimulus package for all low to medium income earners with the advice to spend for sake of the country. Ironically, it has also been argued that it was living beyond one's means that caused the global financial crisis in the first place.

As Ruth Lane asserts, 'it is only since the 1990s that significant government resources have been directed towards resource recovery from municipal waste and there have been no

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[416] Jeff Ferrell *Empire of Scrounge: Inside the Urban Underground of Dumpster Diving, Trash Picking and Street Scavenging* (University of New York Press, 2006) 190.

[417] Bernard London, *Ending The Depression Through Planned Obsolescence* (1932) accessed 23 June 2010 at Adbusters Website: (https://www.adbusters.org/category/tags/obsolescence).

[418] Ibid.

initiatives to promote reduced consumption in line with the specifications of the waste hierarchy.'[419]

The *Environment Protection Act 1970* (Vic) prescribes the waste management hierarchy, which states that 'avoidance' should be the first step in preventing waste, followed by reuse and recycling.[420] However, the hierarchy is at odds with capitalism, and the desire for ever-increasing growth. As waste is rebranded as a resource, it becomes a saleable item. Those scavenging through hard rubbish waste or dumpsters are therefore a nuisance to municipal councils and the contractors employed to remove it. They are not recognised as heroes of the waste management hierarchy. 'There is no acknowledgement [by the Victorian Department of Sustainability and the Environment] of scavenging as a channel for either reuse or diversion of hard rubbish from landfill, and scavenging is only mentioned as a problem for local governments to manage'[421] writes Lane. Lane's research suggests that about 35% of materials put out on the nature strip are taken prior to the collection by contractors. She asserts that this is higher than the amount that the council diverts from landfill which currently sits at 13%. Therefore 'informal scavenging appears to be far more significant in achieving government policy goals of diversion from landfill than is recycling by the waste management contractors who collect hard rubbish.'[422]

"Time Bums"

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[419] Ruth Lane, 'The Waste Commons in an Emerging Resource Recovery Waste Regime: Contesting Property and Value in Melbourne's Hard Rubbish Collections' (2011) 49 *Geographical Research* 395, 396.

[420] *Environment Protection Act 1970* (Vic).

[421] Ruth Lane, 'The Waste Commons in an Emerging Resource Recovery Waste Regime: Contesting Property and Value in Melbourne's Hard Rubbish Collections' (2011) 49 *Geographical Research* 395, 399.

[422] Ibid 400.

> 'Waste… challenge[s] our environmental integrity and the recklessness of
> overproduction and the attendant overconsumptive lifestyle.' [423]

Skip dippers and urban scavengers challenge the modern, neo-liberal city in a number of ways. The urban wildscape of the dumpster divers and scroungers not only subverts the aesthetic of the city, by making what was ordered disordered, but also subverts the use of time. As Edwards and Mercer comment, the dumpster diver's 'chosen time allocation parallel preference for a "slow" lifestyle, reconstructing temporality to their personal values rather than endorsing capitalist values of modernisation and speed.' [424]

Jeff Ferrell reiterates this idea in *Empire of Scrounge.* When a person engages in the lifestyle of urban scrounging, they need to take on a different 'pace' of living. Everything moves slower for the scrounger. In order to discover useful items within piles of trash, the scrounger must stop and sift through piles of un-useful items. [425] A lack of funds may mean that the scrounger has to move by foot or bicycle which is a slower pace than a car or public transport. [426] The meandering of the scrounger allows them to get to know the streets more intimately, to get to know the other people that hang out there, and to travel between point 'A' and 'B' in a non-conventional, non-direct manner. [427] The street is recognisable by where the dumpsters are, when hard rubbish time is, and when trash is collected rather than as a passageway or a place of transit. [428]

> '...scroungers and scavengers slowly making their way through the city and its trash
> piles aren't just bums because of their predilection for back alley trash or their

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[423] Ferne Edwards and David Mercer 'Gleaning from Gluttony: An Australian Youth Subculture Confronts the Ethics of Waste' (2007) 38 *Australian Geographer* 279.

[424] Ibid 291.

[425] Jeff Ferrell *Empire of Scrounge: Inside the Urban Underground of Dumpster Diving, Trash Picking and Street Scavenging* (University of New York Press, 2006) 186.

[426] Ibid 187.

[427] Ibid 187.

[428] Ibid 187.

inattention to fashion trends: they're *time bums*, unwilling or unable to keep pace with contemporary status and respectability.'[429]

This, further, represents a detournment that contradicts modernism's distancing from that natural environment via the use of phones, maps, and global positioning systems. These systems of ordering are ignored by the scavenger, who creates a disordered usage of time:

> 'To dawdle from dumpster to dumpster as cars and commuters whiz by, to forego a fast trip to the store for the slow solutions offered by chance and accumulation, is to undermine in some small way the temporal foundations of the social order.' [430]

Spatial Tactics

To revisit Certeau's theory of how tactics of resistance can challenge the strategies of power via creative uses of space, we can see how the urban scavenger's path through the suburbs, looking through piles of discarded items, is able to produce a non-capitalist space. The scrounger's interaction with space gives her or him a unique relationship to the street that relates to where the hard rubbish collection is taking place. The places where a better quality of items can be found is often understood by the scrounger, and may be communicated to other members of the community through internet forums. As Jeff Ferrell writes, the act of scrounging is a process of mapping, as the scrounger must be acutely aware of the location of specific items. S/he must learn the intimate detail of the city: 'The scrounger maps the city as a series of subdivisions, telescoping in from broad spatial understandings to small details of street and alley.'[431] The important details for the scrounger differ from those which are used by the worker or the tourist: 'Stopping to investigate a trash pile or Dumpster, a new sort of mapping would begin – a careful calibration of space measured not in feet or yards, but in potential for unpleasantness or interruption.'[432] This kind of mapping is filled with

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[429] Ibid 189.

[430] Ibid 190.

[431] Ibid 192-3.

[432] Ibid 194.

sensory, bodily experiences rather than the sterile mapping of a town planner, cartographer or legislator. It is akin to Lefebvre's 'lived space' or space of representation, in contrast to the abstract representation of space produced by the administrators.

In Certeau's theory, the subversive activity takes place *alongside* the daily activities of the dominant socio-economic group, using the same space, yet producing a new one within it via creative activities.[433] Urban scrounging and dumpster diving take place in the ordinary, everyday parts of the city, which in this case are still being utilised for example by workers going to and from work, or shoppers driving to the shopping centre.

Drawing on Certeau, Jeff Ferrell explains:

> 'In this way, urban dwellers don't simply occupy the spaces set up for them by city planners and legal authorities; they reconstruct them as they move through them on their own terms. Likewise, urban scroungers don't simply obey or disobey the law, trespass on private property or not; they reinvent the experiential meaning of such legal abstractions, the remap the city itself, as they go about their work. Walkers, scroungers, bicyclists, loiterers – all engage a sort of collective ethnomethod that subverts the mythology of the city as a place of planned and efficient control. Together, as de Certeau says, "their intertwined paths give shape to spaces" They "weave places together" in a way that the authorities, with their cost-per-square-foot coefficients and spatial controls, cannot.'[434]

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[433] Michel de Certeau, *Practice of Everyday Life* (translated by Steven Rendall, University of California Press, 1984) pxiii.

[434] Jeff Ferrell *Empire of Scrounge: Inside the Urban Underground of Dumpster Diving, Trash Picking and Street Scavenging* (University of New York Press, 2006) 196.

Figure 12 Land of plenty

The Trash Pickers

The playful performance of urban gleaning creates both on and offline communities that centre around the embodied experience of exploring piles of trash. An online culture springs up around the chaos of the garbage. A Facebook fansite asks me 'Wanna know when hard rubbish is on and where? ...Recycle, reduce consumption, don't work as much, start living' It states that: 'Hard Rubbish is a valuable resource. We have more than enough stuff manufactured already. This group is an attempt to make hard rubbish fossicking easier for all and keep everyone out of the shops.' [435]

In *Empire of Scrounge* Jeff Ferrell explores how scavenging connects people who are not usually connected. Scavenging creates communities, as seen in blogs and Facebook pages. People communicate online about when the next collection will take place and where. The community also exists offline. Wandering the streets people meet their neighbours, and learn more about them through the items they reject. An informant tells me that he often gleans with others:

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[435] Hard Rubbish Melbourne - A group on Facebook: http://www.facebook.com.

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> *'I have often been with people doing the same thing. Just been with them, and then we've seen hard garbage and gone "yeah, wicked!" and gone through it. Yeah, people that I'm with tend to start doing it anyway and then I'll join in...'*[436]

These communities involve both people who previously knew each other, and those that were complete strangers before their encounters on the street. A system of rules has developed amongst the community that governs behaviour around piles of waste and skip. An informant says:

> *'Normally if someone is going through a pile, you wouldn't just dive in and start going through it. Unless it was your friend. If it's someone you don't know you don't just... You don't just dive in and try to get the best stuff first...'*[437]

This was contrasted with marketplace behaviour, where a 'first-in, best-dressed' rule usually applies. Another group of informants told me that they did think a 'first in, best dressed' rule applied to scavenging, which they saw as akin to a market. One informant stated that the street was:

> *'...very different because of the influx of vans and trailers and things. It is quite ferocious, the competition for picking up the things.'*[438]

Others stated that you had to be quick, in particular with gleaning firewood. One gleaner suggested that there had to be a certain speed in acquisition, in case the original dumper changed their mind:

> *`I think some people are jealous. It's like, "I don't want it, but I don't want you to have it"…There is some kind of jealousy with some people.'*[439]

However, although reaping the rewards of the nature strip succeeded only through hasty and decisive action, once acquired, items were usually shared with family, friends and other scavengers. The standard of behaviour of gleaners appears to hold a greater ethic of sharing,

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[436] Informant interview, Melbourne, 2011.

[437] Ibid.

[438] Ibid.

[439] Ibid.

where those involved with a motive of profit may be looked down upon. This is supported by the research of Ruth Lane, who found:

> 'The sense of mutual obligation around giving and receiving [amongst scavengers] clearly contributed to perpetuation of these practices. From this perspective the waste commons provided by hard rubbish was linked with practices of giving and receiving gifts, and the idea of communal benefits, rather than the acquisition of private property for personal gain.'[440]

Well-documented rules of scavenging include leaving enough for others, not making a mess, and not damaging other people's property.[441]

When discussing the ethic of sharing with a group of interviewees, I asked what was done with found items once they were brought home. None of my informants suggested that selling was an option. One informant expressed joyfully the feeling of rescuing items that were barely used, cleaning and repairing them to give to others. When asked what he had collected, he answered that the items were:

> *'Too numerous. Lawn mowers, with very minor issues. Washing machines that cost five cents to fix that are relatively new, barbeques, microwaves…So much, and with so little repairs needed. But there is a lot of satisfaction in repairing, seeing something work that has been thrown out, and then someone is going to get a lot of years use out of it.'*[442]

Other found items were 'hoarded'. One informant stated that he has 'a garage full of whipper snippers'. Another suggested that the practice of gleaning 'feeds a hoarder's mentality'. There was also the suggestion by one informant that he no longer gleaned as much as he used to because he didn't have the space to store the stuff he had gathered.

A remedy to this problem, suggested by another interviewee, would be to have a time where the nature strip could officially turn into a place of exchange, which she suggested could be

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[440] Lane Ruth Lane, 'The Waste Commons in an Emerging Resource Recovery Waste Regime: Contesting Property and Value in Melbourne's Hard Rubbish Collections' (2011) 49 *Geographical Research* 395, 401.

[441] See Emma Rush, 'Skip Dipping in Australia' *Australia Institute Webpaper* February 2006 and http://www.sustainablemelbourne.com/models/feral-fruit-trees-melbourne/ for examples of rules.

[442] Informant interview, Melbourne, 2011.

called: "Street Swap". This could happen for a week before the official collection, and allow people to put out things of value that they no longer wanted for others to take and trade.

However, another informant relayed a concern regarding 'people from outside' coming to glean the best goods from the sidewalk. Although he confirmed that he would pick up hard garbage from 'anywhere' and at 'anytime', this was a random activity, and occurred opportunistically. This was contrasted with the activities of those who are organised and who scavenge 'professionally'. Professional scavengers were more likely to be people looking for metals, recyclers rather than re-users. Re-use was held in higher regard by scavengers interviewed, as it was seen to have a greater value in terms of environmental protection.[443] The gleaners felt that laws restricting their rights to take items from the nature strip were in direct opposition to the message 'reduce, reuse, recycle':

> *'People are encouraged to recycle, and then they are punished for it. It's mixed messages.'*[444]

Conclusion

> 'But what of those moments when you find yourself acknowledging the strange pull of wasted commodities, when you sense that abandoned sofa inviting you to sit down? When, after you stop rushing down the street pretending not to see all the crap, the city becomes interactive and waste objects start speaking to you not of your bad habits but of their material qualities, their sensuous presence as things. In these moments a different person-thing relation is realized. The sofa's dislocation and uncanny presence as a remainder make traces of its former life visible. This isn't a fetish object but an object with history in it, with traces of its social life evident in its stains and slumped

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[443] This is supported by the *Environment Protection Act*, where 'reuse' sits above recycle on the hierarchy. Recycling usually involves processing that can be environmentally damaging.

[444] Informant interview, Melbourne, 2011.

cushions. Its short life as a commodity may be over, but its anterior physicality persists.'[445]

In this chapter, I have explored the playful uses of suburban nature strip and city skip, that create an 'informal exchange commons' or urban wildscape within them. Urban gleaning is a sensuous, embodied experience, that exposes the usually 'secreted' objects that have been rejected although they may not have lost their value. I have interviewed participants in these activities, highlighting their sense of an ethic that overrides any council regulation that prohibits the interference with domestic and commercial waste. The rebranding of waste as a 'resource' has resulted in a suburban battle played out on the nature strip which echoes earlier conflict when common land was subsumed by private property.

These activities have the potential to contribute to a reduction in waste that exceeds those implemented by official resource recovery programs. They subvert capitalist messages of consumption and replace them with an ethic of avoidance, reuse and recycle, which are listed as priorities in the *Environment Protection Act 1970* (Vic) hierarchy. Although they conform with the ethic of the *EPA*, they subvert a more powerful system of rules – those which are imposed by the dominant socio-economic system .

The scavengers' use of the street produces a space of representation distinct from the abstract space of city planners. This urban wildscape is also an informal exchange commons, where goods are traded without the need for monetary exchange. Following Certeau, I assert that scavenging is a tactic that subverts the dominant socio-economic order; that is capitalism. It is an activity that diverts shoppers from the mall, and waste from landfill. While being in opposition to capitalist conceptions of property (both real and otherwise), it can exist alongside and within capitalist space. The rhetoric of waste as resource draws the wildscape of the scavenger further into the administrative net, as the scavenger shares this conception of hard garbage with official regulation structures. However, scavenging remains on the fringes as it disrupts ideas about cleanliness and hygiene, and remaining in an uneasy relationship with the law of property.

In the next chapter I will look at another activity which is at times linked with dirt and disease – graffiti. Graffiti emerges in both city and suburban environments and is often linked to the

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[445]   Gay Hawkins, 'Waste in Sydney: Unwelcome Returns' in (2007) 122 *PMLA* 348, 351.

urban wildscape in that its presence can be seen to indicate an abandoned, unkempt space. However, unlike the other urban wildscapes examined so far, graffiti often emerges in highly inhabited or visible locations. As a form of art, it presents an alternative aesthetic of the street, and in doing so produces its own urban wildscape.

Chapter Four - Graffiti

This chapter is about the meanings of aesthetics, authority, street art, and graffiti. It is about the potential that graffiti has to allow for a wildscape that disrupts the codes that emanate from the post-industrial, capitalist city, and the ways in which law making authorities have attempted to curb that potential. The regulation of the city involves control over the visual appearance of the street. The *Graffiti Prevention Act 2007* (Vic) is one instrument employed in regulating the aesthetics of the city. The legislation defines street art as illegal and imposes harsh penalties for the creators of this form of public art. As Margaret Davies writes in *Asking the Law Question*, the illegality of an act cannot be seen at face value – it is only after we see the act through the filter of the law that it is seen as criminal.[446] I use this as a starting point in interrogating the way that the law enforces particular codes and messages in the city streets.

How does Graffiti Create an Urban Wildscape?

Graffiti creates an urban wildscape because of the way it alters the aesthetic of an environment. It has the potential to scramble the messages of capitalism and resist the 'aesthetic of authority.'[447] An urban wildscape is a city space that is ripe with possibilities, it is transgressive, and open to interpretation.[448] It is often an ambiguous space, where meaning or purpose is not clearly defined, or where the originally designed purpose has been transformed.

Where graffiti springs up, it unsettles the neat order of space like the sprouting of grass through a crack in the pavement. There is something organic about its swirling, constantly

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[446] Margaret Davies, *Asking the Law Question* (3rd ed, Lawbook Co, 2008).

[447]   Jeff Ferrell, *Crimes of Style: Urban Graffiti and the Politics of Criminality* (Northeastern University Press, 1996).

[448] Tim Edensor (2005) *Industrial Ruins: Spaces, Aesthetics and Materiality* Berg Oxford

changing presence. The graffiti-filled laneway, like the other wildscapes discussed, has an ephemeral quality. Its transient nature, and 'out of placeness' of the street art, render it disruptive, and to some, reminiscent of dirt or disease, something to be scrubbed or cleaned from the city's surface. Its presence is thought to attract more graffiti, or other forms of crime, and can make people fearful.[449] Tim Edensor writes that graffiti is 'ubiquitous' in ruins, and other 'abandoned' or unsurveilled areas, where the law of the state is at a minimum. 'Ruins…provide unsurveilled urban spaces for graffiti artists to develop their alternative aesthetic and skills, for where graffiti has been largely regarded as "out of place" in the more regulated spaces of the city, its presence is more ambivalent in spaces of dereliction.'[450]

However, graffiti also flourishes in busy areas, as art demands an audience. When it appears in a busy laneway, its colourful presence in that space transforms it; it becomes a playful backdrop that may provoke a different kind of movement through it, as people linger to admire the works. Our pathway through the city alters as we follow the colours and shapes into alleyways to discover their secrets.

> 'These "trees of gestures" are in movement everywhere. Their forests walk through the streets. They transform the scene, but they cannot be filled in a certain place by images. If in spite of that an illustration were required we could mention the fleeting images, yellowish green and metallic blue calligraphies that howl without raising their voices and emblazon themselves on the subterranean passages of the city, "embroideries" composed of letters and numbers, perfect gestures of violence painted without a pistol, shivas made of written characters, dancing graphics whose fleeting apparitions are accompanied by the rumble of the subway trains. New York graffiti.'[451]

Graffiti crosses boundaries and divides opinion. 'Graffiti' and 'street art' describe the same phenomenon, one acceptable, the other an act of vandalism. Graffiti on the wall of a city

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[449]
    Australian Bureau of Statistics *Crime Victimisation Survey* (ABS 2008) 'Perceptions of Safety' p32

[450] Ibid 33-4.

[451] Michel de Certeau, *Practice of Everyday Life* (translated by Steven Rendall, University of California Press, 1984) 102.

laneway confuses because it is unfathomable to many as to why it exists. The time, effort and resources of the artists is given without any financial reward, and may indeed result in punishment. This is confusing to many in a society that only gives value to that which can be exchanged for money. Where 'street art' enters the gallery, it ceases to be a threat – now an edgy new commodity that accrues value in the capitalist marketplace.

Graffiti is performative, and embodied. The artists take risks in creating it. They risk prosecution,[452] and they often place their bodies at risk while seeking new, highly visible 'canvasses' for their art. These new interpretations of the city lanes are acts of resistance that produce a new space, a differential space 'that celebrates bodily and experiential particularit[ies]'.[453] The laneways themselves are not structurally different, they are aesthetically different. The 'stable, isolatable and interconnected properties' of the city are jumbled.[454] When 'The [graffiti artist] scrawls and daubs… even if he (sic) is punished for this crime, he has made a space for himself and signs his existence as an author on it.'[455] These spaces of the city are wrestled back from the competing commercial messages. Spaces which are ordinarily only open for those who have the money to pay for them are pirated by the street artists, whose voices can yell just as loud, even if only momentarily.

Figure 13 Centre Way

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[452] In Victoria, under the *Graffiti Prevention Act* (Vic) *2007.*

[453] Andy Merrifield, *Henri Lefebvre: A Critical Introduction* (Routledge, 2006) 113.

[454] Michel de Certeau, *Practice of Everyday Life* (translated by Steven Rendall, University of California Press, 1984) 94.

[455] Ibid 31.

Legal Responses to Graffiti

The illegality of street art is often linked to its location, or what Tim Cresswell refers to as 'the crucial "where" of graffiti'.[456] When taken off the street, and into the gallery, it is art. On the street, it is generally seen as crime. Here, issues such as permanence and permission also come into play. Where street art mimics aspects of more traditional forms, such as permanency, it may become acceptable and become highly valued culturally and financially. In this chapter I ask: How and why does the *Graffiti Prevention Act* work to support a particular aesthetic by controlling street art? I will examine how the Melbourne City Council's attempt to preserve street art was overcome by this Act, which I argue enforces the homogenised production of space and an 'aesthetic of authority.'[457] I will also critique *DPP v Shoan*,[458] a case that considered whether Shoan's artistic reconfiguration of space ought to be punished with a term in jail.

Legal responses to graffiti are overly punitive and must be interrogated, rather than accept the prevailing analysis of the artists and their reasons for 'offending'. What must be considered is why street art motivates such a strong response. I contend that graffiti arouses such a response because it changes the way we experience the city. It causes an interruption to a commercialised system of signs and codes. It offers a possibility of difference and exposes cracks in the ordered routine of everyday life. Street art portrays a lifestyle that baffles those driven by a world of economy. It takes inhabitants on a treasure hunt to unknown places where countless gifts of creative, unexpected inspiration lay in wait.

As Mark Halsey and Alison Young write, '...it is no exaggeration to say that the State has a marked and ongoing interest in the flow of paint.'[459] In the postmodern era the capitalist system works more through systems of signs and meanings and less through ownership and production. Control is maintained via influencing subjectivity through the management of

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[456] Tim Creswell, 'The Crucial "Where" of Graffiti' in *In Place/Out of Place: Geography, Ideology, Transgression* (University of Minnesota Press, 1996).

[457] Jeff Ferrell, *Crimes of Style: Urban Graffiti and the Politics of Criminality* (Garland, 1996) 178.

[458] *DPP v Shoan* [2007] VSCA 220.

[459] Mark Halsey and Alison Young 'Our Desires are Ungovernable' (2006) 10 *Theoretical Criminology* 295.

messages and creation of desires. Felix Guatarri argues that we live in an age of 'Integrated World Capitalism' (or IWC).[460] Here, nothing can exist outside of capitalism or beyond its system of signs. In this sense, graffiti is a part of capitalism and is born of it. However, it also resists it. This resistance is at the level of meaning, where graffiti may confuse the messages found within public space. As Jean Baudrillard asserts, graffiti is a scream of anti-discourse that has political potential to resist just by its very presence. In this way, graffiti interrupts what Jeff Ferrell refers to as 'the aesthetic of authority' – or the neat and tidy space produced by capitalism.[461] Halsey and Young write 'Historically, and significantly, the modern state has sought to transform smooth and nomadic territories into places where everything is ordered, numbered, monitored and controlled.'[462] The state produces a capitalist spatiality, geared toward consumption.[463] It is homogenised, and seeks to subsume all difference within its midst.[464] As Henri Lefebvre writes, 'What is different...is excluded....the existing centre and the forces of homogenisation must seek to absorb all differences....'[465] The city street loses its local character and becomes more like an airport.[466] Jean Baudrillard asserts that 'The urban city is...a neutralised, homogenised space, a space where indifference, the segregation of urban ghettos, and the downgrading of districts, races and certain age groups are on the increase. ...[The city is] an immense centre for marshalling and enclosure where the system reproduces itself not only economically and spatially, but also in depth by the ramifications of signs and codes, by the symbolic destruction of human relations.'[467]

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[460] Felix Guattari, 'The Three Ecologies' (1989) 8 *New Formations*.

[461] The relationship between street art and capitalism is never straightforward. Graffiti parodies commercial art and can be a form of playful political action in public space. Graffiti is also commodified by capitalism, becoming a valuable art object.

[462] Halsey and Young Mark Halsey and Alison Young 'Our Desires are Ungovernable' (2006) 10 *Theoretical Criminology* 295.

[463] Henri Lefebvre, *The Production of Space* (Blackwell, 1991).

[464] Ibid 373.

[465] Ibid.

[466] Architect Rem Koolhaas writes that cities are becoming more characterless. See Koolhaas in Liven de Cauter, *The Capsular Civilization: On The City in the Age of Fear* (NAi Publishers, 2004) 11.

[467] Jean Baudrillard, 'Kool Killer, or The Insurrection of Signs' in *Symbolic Exchange and Death* (Sage, 1993) 77.

Authority dictates that graffiti has no place in the sanitised, commercial city. As Jeff Ferrell writes: '...graffiti threatens not only the economic value of private property, and the political control of property and space, but the sense of ordered style, the aesthetic of authority, that is intertwined with them. When those in authority assign epistemic and aesthetic traits to graffiti, they reveal in the process their own sense of beauty, meaning and power.'[468] The political power of graffiti, Baudrillard writes, derives from its ability to 'derail the common system of designations.'[469] As he explains, in the postmodern era the city has become a location of signs and signification rather than a place of industry and production. The city is a space dense with meanings and messages. For Baudrillard, graffiti disrupts a city which cannot make sense of it. Within the high capitalist city, graffiti is empty of meaning.[470] He writes that graffiti is '...like a scream, an interjection, an anti-discourse, as the waste of all syntactic, poetic and political development, as the smallest radical element that cannot be caught by any organised discourse....with neither connotation nor denotation, [graffiti] escape[s] the principle of signification and, as *empty signifiers*, erupt[s] into the sphere of the *full signs* of the city, dissolving it on contact.'[471]

Figure 14 stencils and stickers
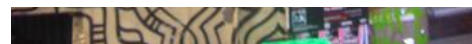
The Criminalisation of Noam Jason Shoan, or Ugly Renderings on the Blank Canvas of Melbourne

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[468] Jeff Ferrell, *Crimes of Style: Urban Graffiti and the Politics of Criminality (*Northeastern University Press, 1996) 179.

[469] Jean Baudrillard, 'Kool Killer, or The Insurrection of Signs' in *Symbolic Exchange and Death* (Sage, 1993) 78.

[470] Ibid 77.

[471] Ibid 78-9.

I began considering these issues in August, 2007, before the *Graffiti Prevention Act* came into force. I was sitting in my office at university after teaching tutorials. Someone had discarded a copy of the *Herald-Sun* (Melbourne's daily tabloid newspaper), leaving it on the desk for any academic wanting some light relief from the usual fare of Foucault, Derrida or the musty old judgments of the English Law Lords. Normally I would avoid this paper, but the headline "JAIL FOR GRAFFITI" boldly jumped off the front page. A 25 year old artist, Noam Jason Shoan had been sentenced to 3 months imprisonment for a five year 'career' of unauthorised painting in public spaces. Immediately I was struck by the very heavy penalty for what was merely an alteration of aesthetic. This led me to question: who chooses the aesthetic of public space? Are Victorians regularly jailed for altering the appearance of their local environment with a spray can?

A search of a case database[472] revealed that there are very few reported Victorian cases that contain the word 'graffiti'. *Shoan v DPP*[473] stands out as the only reported criminal case on 'graffiti'. Originally heard in the Magistrates' Court, the recorded case is an appeal to the Supreme Court. The case was first heard by Magistrate Sarah Dawes who imposed a penalty of 250 hours community service and ordered that a fine of $30,000 be paid to transport providers whose infrastructure Shoan was found guilty of damaging. Magistrate Dawes did not convict Shoan on the grounds that he was remorseful, and that a conviction would unfairly burden his future career as a graphic artist.[474] However, although $30,000 was a hefty fine, the prosecution appealed the case to the County Court arguing that the punishment was too lenient, as Shoan had not had a conviction recorded.[475] In the County Court, Shoan was convicted and sentenced to three months imprisonment. The presiding judge, Wood J, stated that graffiti was 'affronting community standards'[476] and should therefore be severely

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[472] Australian Legal Information Institute: http://www.austlii.edu.au/

[473] *DPP v Shoan* [2007] VSCA 220.

[474] Brendan Roberts, 'JAIL FOR GRAFFITI' *Herald-Sun* August 23, 2007.

[475] This is likely due to pressure from groups such as PALS (People Against Lenient Sentencing) and RAGE (Residents Against Graffiti Everywhere).

[476] Kate Jones, 'Graffiti Vandal "now Bird Watcher"' *Herald-Sun* August 4, 2007

punished. Shoan had originally pleaded guilty to charges of 42 counts of criminal damage which allegedly cost nearly \$52,000 to 'rectify'.[477]

On the same day as the *Herald-Sun* reported 'JAIL FOR GRAFFITI', debate in Victorian Parliament turned to the topic of Noam Shoan. The member for Bass disregarded the doctrine of separation of powers[478] when he commented on the judgment:

> 'I want to congratulate Judge Tim Wood on overturning a decision of a magistrate. He jailed a graffiti artist, or vandal, Noam Shoan, for graffitiing railway property... In congratulating Judge Tim Wood I must condemn the magistrate, Sarah Dawes, for the way in which she said a conviction may interfere with the graffiti vandal, Noam Shoan, working overseas as a graphic artist. Too bad! ... These people are not artists, they are vandals, and they should be treated as such. Well done to Judge Tim Wood! There should be more judges and magistrates like him who reflect the community's will and desire to see these people treated in the way they should be treated. Stick them in jail: they cannot do the damage there.[479]

After Wood J's sentence was handed down in the County Court, the case went on appeal to the Full Supreme Court. Here, Buchanan, Nettle and Curtain JJ heard that Shoan had been denied procedural fairness as the defence had not been aware that imprisonment was under contemplation by the judge. Because of this breach, the appeal was allowed. Upon reconsidering Shoan's sentence, Buchanan J, in the major judgment, discusses Shoan's alterations to the aesthetic of the cityscape:

> 'The damage inflicted by the applicant on publicly owned property and property in the public view was considerable. It could be said he *defaced and rendered ugly* a great deal of the scenery that people pass by. At the very least, *he unilaterally imposed his notions of art and decoration on the rest of the world.* He did so persistently over a period of some five years.'[480]

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[477] *DPP v Shoan* [2007] VSCA 220 at para 3.

[478] Where the judiciary and Parliament are to remain separate in their law making functions.

[479] Victorian Parliament *Parliamentary Debates*, Legislative Assembly, 23 August 2007, 2936 (Ken Smith)

[480] *DPP v Shoan* [2007] VSCA 220 per Buchanan J at para 28 (my emphasis).

Justice Buchanan asserts that Shoan 'unilaterally imposed his notions of art and decoration on the rest of the world.' However, art and decoration are theorised to be based on an individualistic judgment of taste.[481] Buchanan's comment could be applied to any "man-made" alteration to space – any deviation from its natural appearance. Streets, houses, power-lines – all inflict the passer-by with a particular aesthetic. The placement of signage, one example being billboards, could be likened to the aesthetic of a mural. A billboard is often brightly coloured and intrusive; its imagery may be an 'affront' to community standards of aesthetic taste (often also offensive on other levels). Yet the eradication of billboards is rarely contemplated[482] and where Melbourne City Council has considered restricting billboards to certain locations, these proposals have been overcome by commercial forces. It appears that money can buy an individual the right to alter the aesthetic of urban space – as long as the messages presented are aimed at encouraging the frenzied sale of consumer products.[483]

Graffiti is art that introduces creative elements that are not usually motivated by financial gain, and often present messages which oppose concepts of private property, 'cleanliness', and consumerism. As Ferrell writes: 'Graffiti exists as a public art outside the circle of corporate style and consumption. Graffiti illuminates the city... it stands for a sort of decentralised and decentred insubordination, a mysterious resistance to conformity and control, a stylish counterpunch to the belly of authority.'[484] It is within this resistance that graffiti is so threatening.

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[481] Carolyn Korsmeyer (ed) *Aesthetics: The Big Questions* (1999) Blackwell Oxford

[482] Advertising is regulated but rarely banned. São Paulo, the second-largest city in Brazil, has enforced a billboard ban since January 2007. See http://www.businessweek.com/innovate/content/jun2007/id20070618_505580.htm?chan=top+news_top+news+index_innovation+%2Bamp%3B+design . Auckland has also considered a billboard ban, which was slammed as an encroachment on free speech! See http://www.freespeech.org.nz/section14/2006/12/13/auckland-wants-to-ban-billboards/

[483] As Ron English, billboard liberator, states, he is a bit like Robin Hood – taking commercial space from corporations and giving it back to the people. English asks: 'Who gets to own the visual space that we all share?' *Triple J TV* Australian Broadcasting Commission, broadcast 24/4/09

[484] Jeff Ferrell *Empire of Scrounge: Inside the Urban Underground of Dumpster Diving, Trash Picking and Street Scavenging* (University of New York Press, 2006) 197.

The conclusion reached by Buchanan, Nettle JJ and Curtain JA in *Shoan v DPP* was that Shoan's artwork was ugly, unwanted vandalism. However, although the justices found that 3 months jail was within a possible range of sentences for such damage, they could see 'no utility in requiring the applicant to serve any further term of imprisonment'[485] – and the remainder of his sentence was suspended for 6 months.

While Noam Shoan's punishment for graffiti was debated in Melbourne's courtrooms, outside street art flourished. Melbourne was becoming increasingly well known for its laneway 'galleries'. Shoan was not the only Melbournian with a desire to make unauthorised alterations to the aesthetic of the city. Rather than facing condemnation, many artists were being recognised for their talent and creativity. In court, street art was a serious crime – outside it was increasingly a commodity.

Street artists such as Banksy and Shepard Fairy have gained fame and commercial success in part through the sale of books which contain photos

Figure 15 Nativity wall

of their illegal works. Street art-styled pieces have also been sold for high prices to celebrities such as Angelina Jolie, the 'trendiness' of the art amplified by artist's "street" (or illegal) presence. Street art has been repackaged as a consumer good, and used to sell products – including Melbourne itself. Melbourne's international reputation as a street art hub was increasingly being recognised on the internet, and via books such as *Stencil Graffiti Capital: Melbourne* published by New York publisher Mark Batty.[486] Tourist organisations, for example, Lonely Planet, declare that Melbourne's top cultural attraction is its laneways, complete with brightly coloured murals.[487] Marcus Westbury, art curator and event manager, hosted a TV show 'Not

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[485] *DPP v Shoan* [2007] VSCA 220 per Buchanan J at 29.

[486] Jake Smallman and Carl Nyman, *Stencil Graffiti Capital: Melbourne* (Mark Batty Publisher, 2011).

[487] Lonely Planet's *Facebook Bluelist* lists exploring Melbourne's laneways and street art as its number one culture fix or attraction. http://www.facebook.com/topic.php?uid=11071120908&topic=4488. See also: http://www.lonelyplanet.tv/Clip.aspx?key=F3C2E8767A975C23.

Quite Art' on the ABC – featuring an episode exploring Melbourne street art.[488] The
Melbourne Design Guide, which 'celebrates graffiti from a design perspective' was
'"proudly" sponsored' by the state government.[489] Local government also contributed
financially to 'Stencil Fest' – a yearly ten day festival which displays stencil art by people
who also regularly engage in 'illegal' stencil art – on the streets and lanes of Melbourne's
inner suburbs. English artist 'Aerosol Ali' was brought out by Melbourne City Council's
Community Cultural Development Program as part of the Melbourne International Arts
Festival to create a graffiti mural with Crooked Rib in a Melbourne laneway.[490]

Street art was Melbourne's cache of cool; it was bringing tourists and their dollars – but some
residents were unconvinced – leaving the Melbourne City council in a difficult position –
having to please those on two sides of an ever-widening chasm, driven wider by a wedge of
moral panics fed on a diet of trash journalism such as *A Current Affair*.[491]

The Melbourne City Council sought to preserve those aspects of street art that were
recognised by the greater community as creative and aesthetically pleasing, while
maintaining a strong stance against what was seen as less attractive forms such as tagging.
Research into the topic by council led to new graffiti management strategies[492] that
recognised a difference between 'street art' and 'graffiti.' Graffiti was usually linked with
'tagging' and street art with murals or alternatives such as stencils, stickers and paste-ups.
Although often the same people engaged in more than one type of street art, an artificial
distinction was constructed. While 'tagging' was 'ugly', 'street art' was creative - and
increasing Melbourne's profile on the tourist map.

 Melbourne city council's website states that:

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[488] *Not Quite Art* – view online at http://www.abc.net.au/tv/notquiteart/.

[489] Suzy Freeman-Greene, 'Urban Scrawl: Shades of Grey' *The Age* January 12, 2008.

[490] Crooked Rib are a group of 14 Muslim women graffiti artists. I saw their work in progress as part of the
MIAF in 2008. See: Arts Hub 'MIAF Special: Aerosol Arabic & Crooked Rib' Monday, October 20, 2008 at
http://www.artshub.com.au/au/news.asp?sId=174656&ref=hubber.

[491] For example, in one episode of *A Current Affair* this year, Ben Fordham describes graffiti as 'organized
crime' – see http://au.youtube.com/watch?v=A-S5mOtLYPk – accessed 21 November 2008.

[492] Alison Young, Mark Halsey and Helen Forster, *Draft Graffiti Management Strategy* (2005) City of
Melbourne.

'The City of Melbourne recognises the importance of street art in contributing to a vibrant urban culture. Melbourne's street art has become internationally renowned and has become an attraction for local and overseas visitors experiencing Melbourne's creative ambience.

The council takes a strong stance against illegal graffiti and has a number of measures in place to ensure that the city stays clean.'[493]

The strategies employed by the council are an effort 'to ensure that the city stays clean.'[494] That graffiti is equated with dirt or uncleanliness is a common response to graffiti, which is often connected with disease, plague, disruption to order and danger.[495] However, 'legal street art' – although often indistinguishable to the passer by – contributes to the vibrancy of the urban centre.

Figure 16 Vandalism or Tourism - Art from 'Don't Ban the Can'

In conjunction with the distinction between 'tagging' and other forms of street art, Melbourne city council sought new ways to control the location and content of street art. Although artists within the street art scene, such as Ghost Patrol, insist that one of the essential qualities of street art is its ever changing, ephemeral nature, Melbourne City Council sought ways to align street art with more traditional forms of art, by accentuating its permanence. As Jeff Ferrell writes, '...spontaneity ... contributes to the threat which graffiti writing poses to those in authority.'[496] One way that council sought to preserve street art while controlling its spontaneity was by amending the

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[493] City of Melbourne Website at: http://www.melbourne.vic.gov.au accessed 26 April 2009.

[494] Ibid.

[495] Alison Young, *Judging the Image* (Routledge, 2004).

[496] Jeff Ferrell, *Crimes of Style: Urban Graffiti and the Politics of Criminality* (Garland, 1996) 173.

Activities Local Law to create a permit system.[497] This system, the only one of its kind in the world, also overcame the issue of permission.   The applicant for the street art permit was the owner of the property – not the artist.[498] The applicant had to provide not only the street address, but also a 'sketch map' and colour photos (where the exact position of the art has been marked out in chalk or masking tape) showing the location of the proposed art. The application was more likely to succeed where the applicant also attached a description and sketch of the proposed artwork. These measures hopefully ensure the public that only the 'right' kind of imagery ends up on Melbourne's walls.

One informant told me that she had been commissioned to do street art under the permit system. She stated:

> *I got a few of them [permits]. I was friends with the guy that did it. We got it for the back laneway behind Lounge [nightclub in Melbourne's CBD]; we had to go through this whole permit thing. I had all these artists calling me up and going "what the fuck? We've got to get permits for all these places?" Like I think they even wanted photos submitted and stuff, and I was like, this is not gonna fly, dude. And we did it twice and it all sort of crumbled...'* [499]

Although the permit system could be seen as stifling creativity, it was looked upon favourably by many street artists, who welcomed the recognition of the value of their work. The permit system was only on foot for a number of months before it crumbled. This was because of the introduction of the *Graffiti Prevention Act* by the Victorian state government. State law overrides local government regulations. The permit system now became illegal because it contradicted the state law.   The introduction of the *Graffiti Prevention Act* saw the removal of all information on permits from the Melbourne City Council's website – besides the list of permits previously granted.

One of my informants distinguished between commissioned street art painted under the permit system and spontaneous work:

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[497] *Activities Local Law Amendment (Street Art) Local Law* 2006

[498] Melbourne City Council *Street Art Permit Fact Sheet* (no longer online).

[499] Informant interview, Melbourne, 2011.

'doing a mural for someone that's paying for it and allowing it to be there is not graffiti in a traditional sense. That is aerosol art on a mural... Even when there is no permit system on a place, they [the artists] still have to, usually, talk with the building owner, and whoever owns the business... when you do that, that's not doing graffiti. Graffiti is running out and doing a massive, fucking secretive bomb in the middle of the night.... And for a lot of people who do it, that's why they do it. They are not interested in the big mural thing. And some of the famous ones that do the big mural thing, they don't really do graffiti any more – they do murals and they do gallery art. And they doodle on shoes for hipsters. They're not running around in the middle of the night.'[500]

These comments suggest that once street art becomes permanent, and the art becomes commodified, it is 'not graffiti'. These artists end up making designer shoes for hipsters, and are no longer part of the street art scene. For street artists, getting a large audience is not always important. The art only has to exist momentarily. One informant told me:

'The dudes that I used to do street art with would say when they put stuff up, the only person who sees it might be the guy who buffs it. Like, that's it. Just one guy. You know what I mean? So what use is that? Just leaving it there for that one person to be surprised is sometimes enough. It doesn't have to be there forever.'

Apart from the permit system, the transformation of street art from ephemerality to permanence is exemplified by the Union Lane street art project. This project involved a legal mural being created by around 50 artists in November and December 2007.[501] The project was part of the city of Melbourne's graffiti management plan.[502] Once the mural was completed, it was covered by an anti-graffiti coating at a cost of $50,000 to ensure that the art in the laneway maintained its permanence – although it was indistinguishable from much illegal street art found in the city.

Another strategy to preserve the permanency of street art was the placing of a Perspex panel over Banksy's 'little diver' in Swanston Street. The stencil is rumoured to have been worth

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[500] Ibid.

[501] http://www.melbourne.vic.gov.au/.

[502] Ibid.

'more than an average house.'[503]   However, even with the coating, 'vandals' managed to destroy Banksy's art by pouring silver paint under the Perspex and scrawling "Banksy woz ere" over the top.[504] This 'vandalism' of Little Diver may have been a backlash against attempts to change the meaning of Banksy's work from a rebellious and ephemeral addition to public space, into a static tourist attraction/commodity – a predictable and staged product within the city's aesthetic.

Graffiti and the Simulated City

Even when 'tamed', however, graffiti-styled imagery is at times considered a threat to authority, or at least as having the potential to 'tarnish' Melbourne's image. During the Epcot Food and Wine festival in September 2008, Tourism Victoria and Walt Disney recreated the Victoria Market and a series of inner city laneways – complete with graffiti – at the festival site in Florida. The hyper-real simulation even had 'extras'. However, although the street art in Florida was only a copy of Melbourne graffiti, it advertised the city in a way that then Victorian Premier John Brumby found offensive. It was thus treated as if it were 'real' (criminal) graffiti. Then Premier Brumby commented: 'I don't think graffiti is what we want to be displaying overseas. We've put through very tough laws to discourage graffiti – it's a blight on the city.'[505]   As Baudrillard theorised, in *Simulacrum and Simulation*, the postmodern era dissolves the distinctions between the 'real' and the 'simulated' so that the real no longer exists.[506] In this example, the simulation of Melbourne in Florida contained the symbols of crime which were treated as 'real' graffiti and cleaned from the display.

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[503] Jo Roberts, 'Could Laneway Graffiti be Worth More than your Average House?' *The Age* January 16, 2008 at http://www.theage.com.au/.

[504] Janae Houghton, 'The Painter Painted: Melbourne Loses its Treasured Banksy' *The Age* December 14, 2008 at: http://www.theage.com.au/.

[505] Brumby in Jewel Topsfield 'Brumby Slams Tourism Victoria over Graffiti Promotion' *The Age* October 1, 2008.

[506] Jean Baudrillard, *Simulacra and Simulation* (University of Michigan Press, 1996).

In a similar vein, Marc Ecko's 'Getting Up: Contents Under Pressure', a computer game about graffiti writing in which the player is rewarded for tagging, was banned in Australia.[507] This virtual tagging creates no actual damage in the 'real' world, but like the graffiti within the simulated 'Melbourne' in Florida, its imagery is seen as threatening – the reproduction of graffiti within cyberspace becoming indistinguishable from the real and hence eradicated from public (gamer) view. The film *70K*[508] was also refused classification by the Office of Film and Literature Classification, for similar reasons. This non-narrative film depicted graffiti artists scrawling their tags throughout Melbourne to a rock soundtrack. Again, the existence of graffiti within the hyperreality of the cinema is responded to by authority as being menacing, and removed from public view via the refusal of classification.

Commercialisation of the Image

The relationship between graffiti and capitalism is complex and involves an exchange of ideas and imagery, resulting in an interplay of colours and styles. Lachlan McDowell argues that: 'Much graffiti, particularly the tradition of tagging originating from New York ...provides a model for an individualised, highly mobile, geographically engaged subject that is not dissimilar from an ideal, late-capitalist consumer.'[509] Iain Sinclair writes: 'the [graffiti] tag is everything, as jealously defended as the Coke or Disney decals. Tags are the marginalia of corporate tribalism. Their offence is to parody the most visible aspect of high capitalist black magic.'[510] In this way, graffiti mimics commercial art, but contains different messages. Baudrillard writes: '...[G]raffiti runs contrary to all media and advertising signs, although they might create the illusion, on our city walls, that they are the same incantation.'[511]

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[507] Australian Government *Office of Film and Literature Classification* see online at: http://www.oflc.gov.au/.

[508] 70k stands for the crew 1970s kids – the crew of graffiti writers that artist Noam Shoan is a member of.

[509] Lachlan McDowell, 'Graffitimedia: How graffiti functions as a model for new media futures' paper presented at *Vital Signs: School of Creative Media National Conference* September 7-9 2005.

[510] Iain Sinclair in Lachlan McDowell, 'Graffitimedia: How graffiti functions as a model for new media futures' paper presented at *Vital Signs: School of Creative Media National Conference* September 7-9 2005.

[511] Jean Baudrillard, 'KOOL KILLER, or The Insurrection of Signs' in Jean Baudrillard, *Symbolic Exchange and Death* (Sage, 1993) 79.

Graffiti's parody of commercial art runs both ways. Street artists are influenced by designs and colours from commercial art and billboards, and also by the very act of 'pushing' their own tag or identity into the spotlight. Commercial advertisers also frequently use graffiti imagery in their campaigns. Elements of graffiti art are appropriated as they lend an element of 'street cred' to an advertising campaign. One example of the appropriation of graffiti into advertising was its use in the Hummer 'Now Get Lost' promotion. Part of the commercial was photographed in Hosier Lane, Melbourne. Art curator Andy Mac asked Hummer on behalf of the artists to pay for the use of the imagery once it was taken off the wall and super-imposed onto the car.[512] Hummer chose not to pay the artists, but to use 'generic graffiti'.[513]

Graffiti Prevention Act 2007 (Vic)

The *Graffiti Prevention Bill* was passed in late 2007. Outrage following what was seen by some as lenient sentencing[514] and pressure from vocal minorities such as Residents Against Graffiti Everywhere (RAGE)[515] and Graffiti Hurts Australia[516] – as well as conservative forces within the government - heralded the push toward making graffiti its own category of criminal damage. Now, not only can the artist be charged with damage to property under the

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[512] While the art remains on the wall, it is part of public space and thus cannot be copyrighted (although there are some examples throughout the world where the photographing of art objects in public space is banned – see for example *New (sub)Urbanism* The Copyrighting of Public Space accessed online at: http://newurbanist.blogspot.com/2005/01/copyrighting-of-public-space.html on 26 April 2009

[513] Andy MacDonald speaking at a graffiti forum at the *Famous when Dead* Gallery, North Melbourne, 6 April 2008.

[514] For example PALS – People Against Lenient Sentencing, see: http://palsforjustice.com/news.php , or Victorian Parliament, Legislative Council 3 October 2000, Honourable MT Luckins 24.

[515] An examination of the RAGE website reveals that these people have little or no concept of aesthetic taste whatsoever http://au.geocities.com/ragepages/index.html.

[516] See http://www.graffitihurts.com.au/.

Summary Offences or *Crimes Act*[517], but can also be charged with 'marking graffiti' under the new *Graffiti Prevention Act*.[518]

One aspect of the Act which is particularly concerning is the reversal of the burden of proof. The burden of proof in criminal cases usually lies with the prosecution – which is a central pillar of our legal system and a right set out in the Victorian *Charter of Human Rights and Responsibilities*.[519] The *Graffiti Prevention Act* allows for search without a warrant upon 'reasonable grounds'.[520] Those found carrying implements such as textas or aerosol paint cans must prove that they need the implements for a purpose other than graffiti – put another way, they are guilty until proven innocent.[521] Given that there are many lawful uses for these so-called 'graffiti implements' it is concerning that there is strong punishment for their possession. Being found in possession of a 'graffiti implement' has a penalty of 25 penalty units, or $2,835.50. If a person is 'present in or near - a) a location with a high incidence of graffiti or b) a location that appears to have been recently marked with graffiti'[522] this may be sufficient reason for search without a warrant. This is particularly disturbing where persons as young as 14 can be searched. Train stations or surrounds, and many Melbourne streets would fit the description of a 'location with a high incidence of graffiti'.

Punishment for graffiti is severe – up to two years jail and a $27,220.80 fine. Graffiti is defined as anything which involves marking a surface which cannot be easily wiped off with a dry cloth.[523] Where graffiti is on private property, 'A council may...take any action

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[517] *Summary Offences Act 1966* (Vic) s 10 Posting Bills and Defacing Property; or *Crimes Act 1958* (Vic) s 197 Destroying or Damaging Property.

[518] *Graffiti Prevention Act 2007* (Vic) Part 2, s 5.

[519] *Victorian Charter of Human Rights and Responsibilities Act 2006* (Vic).

[520] Ibid s 12 and s 13. Underage persons may be searched under the Act, although with some restrictions.

[521] This is an aspect of the legislation which has come under fire, even from local councils who have a 'zero tolerance' response to graffiti (eg Moreland city council – see minutes of council meeting 14 February 2007 accessed at http://www.moreland.vic.gov.au on 19/2/08).

[522] *Graffiti Prevention Act 2007 (Vic)* s 13 Search Without a Warrant.

[523] Ibid s 2 Definitions.

necessary to remove or obliterate graffiti on private property if graffiti is visible from a public place.'[524]

Legal Developments since the Passing of the *Graffiti Prevention Act 2007 (Vic)*

Since the *Graffiti Prevention Act* was passed in Victoria, there have been a number of legal developments. The permit system, which attempted to tame the spontaneity of street art, has now been modified by the *Activities (Street Art) Local Law 2009*. One purpose of the amendment to the *Activities Local Law* is to: 'ensure consistency with the *Graffiti Prevention Act* 2007'. The amendment does allow street art which is executed 'in accordance with a permit.' However, only 'murals' can be street art. Tagging and 'stand alone stencils' cannot.[525]

New South Wales has also followed Victoria, passing its own legislation specifically criminalising graffiti. The *Graffiti Control Act 2008* (NSW) is similar in content to the Victorian legislation. Cheyene Back, an 18 year old writer, was sentenced to three months imprisonment by Magistrate McRae under the Act for scrawling her nick name on a cafe wall with a marker.[526] The conviction and prison term were, however, overturned on appeal.[527] The Act itself stipulates at s 4(2) that a person 'A court ... must not sentence the person to imprisonment unless the person has previously been convicted of an offence under this section or section 5... on so many occasions that the court is satisfied that the person is a serious and persistent offender and is likely to commit such an offence again.'[528] Obviously, this provision did not influence Magistrate McRae who erred in law when sentencing Back –

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[524] *Graffiti Prevention Act* s 62 Part 4 and s 18 Removal of Graffiti from Private Property.

[525] However, Banksy's 'Little Diver' is a stand-alone stencil, prompting the question of whether it would be considered street art or graffiti under the new law, had it not been painted over.

[526] Harriet Alexander (2009) 'Graffiti Girl Wins Appeal Against Jail Term' *Sydney Morning Herald* March 4, 2009. Accessed online at http://www.smh.com.au/national/graffiti-girl-wins-appeal-against-jail-20090304-8nxd.html on April 26 2009.

[527] Ibid.

[528] *Graffiti Control Act 2009* (NSW) s4(2)

this was her first offence – but still resulted in conviction and imprisonment. To McRae, Back was guilty of more than just markings on a wall – she was an aesthetic saboteur.[529]

Graffiti 'Law'

The urban wildscape of the city laneway filled with graffiti may be interpreted aesthetically as a site of crime and lawlessness. However, like the other wildscapes examined, there are 'codes of conduct' [informant ML] that govern these spaces.   I discussed the graffiti codes of conduct with my informants. Although the law of the state may be ignored with respect to laws that regard street art as damage to property, there are rules that must be respected:

> 'For graffiti artists it is a whole different set of rules, like you don't graffiti on places of worship, and you don't want to graffiti on someone's private property. It is more about public space, unused space. But all those rules differ depending on who you are talking to.'

The creation of the urban wildscape involves a different relationship to the street. This is explored by one informant who tells me how people react when she is creating street art:

> 'people are like "what are you doing, like actually touching a bit of the street? or the wall?" Like, nobody does that. Everyone just walks. They walk and they talk. They don't touch the walls and the streets.'

The productive consumption of space for the graffiti artist is a resistant tactic that allows for a different meaning to be created within the city, where new messages can be heard that deviate from commercial ones.

Media Saturation and Resistance in Urban Spaces

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[529] Back was also Indigenous – making her 15 times more likely to be imprisoned than a non-Indigenous Australian.

> '...At a time when there are more means of facilitating discourse than ever before, less real communication is taking place...'[530]

Although there is no debate that people, particularly in the city, are exposed to myriad advertising messages in a day, there is some debate over the exact number. [531] Estimates vary from around 150 to 5000 ad messages. One study in London used a device to record the number of ads a person was exposed to in the city in a 45 minute period and found that the number was 130 – equalling up to 3,500 in a day.[532] The majority of ads viewed when walking through the city are not sought out by the person viewing them, but enter the headspace uninvited, via billboards, SMS, spruikers, signs – even brand names on clothing and other objects such as cars or handbags. City spaces become cluttered with private messages all saying the same thing – buy.

But although city spaces could just as fittingly be called 'corporate spaces', replete with capitalist design and imagery, the city's citizens are not passive receptacles. The reaction of many to the saturated environment is to switch off, or to fight back. A few media-literate citizens have devised formats to rally against the bombardment of urban spaces with advertising. One group, known as 'Adbusters',[533] subvert the meaning of advertising by altering its imagery or text. Essential to Ad-busting is the intention to make a political statement or present a social critique. Some forms of ad-busting include: the alteration of an advertisement; the obstruction or damage of a billboard; the adaption of a corporate or government website; the tweaking of a corporate logo; or a graffitied message. One

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[530] David Slayden and Rita Kirk Whillock (eds), (1999) *Soundbite Culture: The Death of Discourse in a Wired World* (Sage, 1999) ix.

[531] This number would be dependent on where a person is living and other factors, such as gender, as some studies have shown (see Britt, Stuart Henderson, Stephen C Adams and Allan S Miller, 'How Many Advertising Exposures per Day?' *Journal of Advertising Research*, December 1972, 3-9, for example).

[532] http://www.guardian.co.uk/.

[533]http://www.adbusters.org/ accessed 3 March 2011. Ad-busting is also known as: 'citizen art'; 'guerrilla art'; 'subvertising'; 'hacktivism'; and, 'culture jamming'. In addition, its practitioners are sometimes called: 'billboard artists'; 'vigilante censors'; 'hacktivists'; 'toucher-uppers'; and, 'culture vultures'.

Australian group of Adbusters, which I will discuss in more detail, are known as 'BUGA-UP.'

Berlei, BUGA-UP, and Aussie Billboard Banditry

> 'What is the worse crime? To vandalise the paper sheeting on an advertising hoarding, or to meekly accept the right of wealthy corporations to promote carcinogenic products to children?'[534]

Although the legal response to graffiti is often a zero tolerance, 'broken windows' response,[535] billboard banditry has a celebrated history in Australia. Actions by those refacing billboards have at times been met with sympathy from members of the judiciary, and impacted on public opinion toward advertising in urban spaces.

Born in 1978 at a meeting in Sydney's city morgue, BUGA-UP (Billboard Utilising Graffitists Against Unhealthy Promotions) was a spin-off of MOP-UP (Movement Opposed to the Promotion of Unhealthy Products).[536] MOP-UP - formed by citizens concerned about tobacco and alcohol advertising in public space - had members from many well-respected professions such as doctors, artists and health care workers. At the first meeting, strategies to end the advertising of unhealthy products were discussed.   These included sending letters to regulatory bodies, demonstrating and lobbying government. Some members of the group felt that these methods were not direct enough, and stated that they were not there to 'write letters.'[537] These people suggested that a more immediate technique should be mobilised – and BUGA-UP was formed.

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[534] Simon Chapman quoting the classic BUGA-UP argument for refacing billboards in 'Civil Disobedience and Tobacco Control: The Case of BUGA-UP' (1996) 5 *Tobacco Control* 179.

[535] James Q. Wilson and George L Kelling 'Broken Windows: The Police and Neighborhood Safety' *Atlantic Monthly* March 1982.

[536] Ibid 179.

[537] Ibid.

Simon Chapman, a professor at Sydney University Medical School, and founding member of BUGA-UP, describes BUGA-UP's legacy as 'profound' and 'pivotal' in shifting attitude toward cigarette advertising: 'The group's direct messages helped move the focus of tobacco control beyond individual models of tobacco use, and firmly onto a set of objectives that required governments to act to control the tobacco industry's marketing activities.'[538]

In 'Civil Disobedience and Tobacco Control: The Case of BUGA-UP' Chapman describes the activities of BUGA-UP. He writes that:

> '…tight-knit groups would often organise well-planned, night-long raids in which hundreds of boards were regularly sprayed….In most cases, sprayers tried to change advertising slogans by the careful alteration of words or lettering….Whenever possible, humour was used.'[539]

Although often cheered on by passers-by, about thirty BUGA-UP activists were taken to court over ten years of operation. Most were charged with wilful damage to property, and pleaded guilty. Dr Chesterfield-Evans was one who chose to plead not guilty, invoking the defence of necessity. He likened tobacco advertising to witnessing someone tipping cholera into a water supply, and argued that the law attempting to stop him preventing harm was 'trivial' by comparison to the damage caused by encouraging people to smoke.[540] Although unsuccessful, these cases were reported by the media, and at times were met with a compassionate judgment. For example, Justice Loveday in sentencing BUGA-UP offenders held:

> 'I have the utmost sympathy for you, or any person doing what he thinks can be done to remedy the matter…The commission of this crime was of the highest idealistic nature.'[541]

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[538] ibid

[539] Ibid.

[540] Ibid, 181.

[541] Ibid, 182.

The actions of BUGA-UP, although not successful in terms of changing the law with respect to the refacing of billboards, have been largely credited with the overhaul of legislation that regulates cigarette and alcohol advertising, leading to restrictions on corporate advertising of these dangerous products.

In 1993, Magistrate Pat O'Shane dismissed charges against four women who refaced a Berlei bra billboard in Sydney. The ad contained an image of a woman being sawn in half, accompanied by the caption: 'You'll always look good in Berlei'. The four students added the words 'Even if you're mutilated' to the billboard.

Magistrate O'Shane gave these reasons for dismissing the charges, which she did under her discretion for first time offenders:

> 'Women are subjected to violence daily, if not hourly, if not by the minute. It is no accident in a society dominated by males that we get this kind of advertising ... It is no accident that we do not see similar depictions of men being disembodied, dismembered and it is no accident, therefore, in fact it flows indeed, that we have laws ... to protect the property of a male-dominated society. The real crime in this matter was the erection of these extremely offensive advertisements. Let nobody be under any misapprehension about it. And what redress does 51% of the population have? Absolutely none. Not only because of that male dominance ... but also because of the massive power that is exercised through huge financial resources. It is an absolute outrage and I am enraged to find myself in a position where I have to deal with four women who have taken the action they did ... which they felt justified in taking and I don't for one moment accept that they were engaged in some kind of idealistic prank. We have a very, very sorry society indeed when these women can be brought before this court for this sort of thing in the light of the depictions which I find in the photograph of that particular advertisement. We live in a society in which at least one, and possibly more judicial officers can state to the world that the law will condone violence towards women. What sort of world are we creating for ourselves? Ladies, you are excused.'[542]

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[542] Magistrate O'Shane cited in Scott Beattie and Elizabeth Beal, *Connect and Converge: Australian Media and Communications Law* (Oxford University, 2007) 2008.

By contrast to the BUGA-UP campaign, the students' actions did not result in conviction, but also did not put an end to sexist outdoor advertising. O'Shane's judgement was reported in the press as the decision of a bitter, angry and biased woman.[543]

Billboard Washout - Introducing Kyle Magee

In March 2010, I met Kyle Magee in a hot Melbourne laneway. As we shared a coffee, we found that we held a common concern about the rapid corporatisation of the urban environment, and the declining space for free, open speech within it. Magee's solution to this issue is to white out advertising billboards using a paintbrush and water-based paints. More recently, Kyle has taken up pasting posters over corporate advertising. This has been a response to legal judgments which have argued that Kyle's actions in whiting out advertisements cannot constitute acts of speech, protected under the *Victorian Charter of Human Rights and Responsibilities*, as they do not convey any message.

Magee strongly believes that the dominant economic system, capitalism, results in power imbalances and environmental destruction. An antidote to the domination of corporate power, Kyle argues, would be a free and open media, where speech in public spaces is not confused with a barrage of commercial messages and interests.[544] Kyle holds his beliefs so strongly that he feels compelled to act, even though his attempts at blanking out advertising messages have resulted in repeated incarceration and other restrictions on his freedom, including exclusion from the CBD of Melbourne while on bail. Kyle has been prepared to forfeit his freedom while fighting for the freedom of others. He has been found guilty of criminal damage via his act of refacing corporate advertising.

Kyle Magee has been painting over billboards for close to a decade. Kyle began by donning work person's clothes in an attempt to blend in and avoid arrest. More recently he has deliberately taken to painting over transport shelters in locations and at times when he will be very quickly caught. He also paints using easily removed water-based paints. He does this

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[543] *John Fairfax Publications Pty Ltd v O'Shane* [2005] NSWCA 164.

[544] Global Liberal Media Please at http://globalliberalmediaplease.net/ accessed 15/01/11.

because his actions are 'symbolic' and not designed to cause actual damage to a billboard. His last painted act caused a total of $40.17 worth of damage, however he was fined $500.[545] Magistrate Mealy's sentence was light compared with some previous decisions, which had denied Magee bail and held him in custody on the grounds that he might 're-offend.' Considering the small amount of damage caused, one might ask the question 'How could this punishment happen?'[546] But it appears the symbolism of Magee's acts pose a far greater threat than the monetary value of damage caused – and the chance that others may choose to join him on his quest to halt the domination of global capitalism.[547] His actions alter the aesthetic of the city, and disrupt its commercial messages, giving a voice to the 'silent majority'.[548]

Kyle's acts are inherently political. Each time he takes brush in hand he is metaphorically taking on the corporations which he sees as contributing to the domination of the world by capitalist forces. He sees capitalism as 'the largest impediment to world democracy'.[549] Advertising creates false needs that distract the population from important issues such as poverty and environmental destruction.[550] The media, dominated by wealthy corporations, also has the power to define what is reported.[551] The power to have a say, particularly in the city, must be wrestled back from these corporations in order for people to make informed decisions about their political choices.

Kyle's attack on billboards is part of a protest that he finds impossible to ignore. He compares walking away from his response to capitalism as similar to walking away when witnessing a rape:

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[545] *Delaney v Magee* Unreported judgment No A10288537 Melbourne Magistrates' Court 14 February 2011.

[546] Justice Forrest *Re Kyle Magee* [2009] VSC 384 at 19.

[547] Further, Magee refuses to be apologetic or plead insanity, arguments that previous solicitors have suggested to him. These issues will be discussed elsewhere due to the limitations on words.

548 Michel de Certeau, *The Practice of Everyday Life* (translated by Steven Rendall, University of California Press Berkeley, 1988).

[549] Kyle Magee 'Global Liberal Media Please' at http://globalliberalmediaplease.net/ accessed 14 March 2011.

[550] Ibid.

[551] Ibid.

'...just as someone who believes that rape is total (sic) abhorrent would be seen as contradicting themselves by failing to intervene on a rape occurring in front of them, i (sic) cannot allow myself not to try to physically intervene with the practice of advertising, even if i (sic) will surely fail and only put myself in the line of harm.'[552]

The harm felt by Kyle since his first arrest has been significant. He has been sentenced 28 times, spent 157 days in jail, and 30 days in remand.[553] He has given up his Art/Science degree in part because of the difficulty of studying while in jail, and bail conditions which obliged him to live in Footscray (in the West of Melbourne) while his university study required travelling to Clayton (in the South East) to attend class. Further, the restrictions on his movement through the CBD meant that he would be breaching his bail conditions if he were to change trains in the city on the way to university.

Kyle appealed the judgment of Magistrate Mealy in the Victorian Supreme Court, arguing that citizens have as much right to represent their messages as do corporate advertisers.

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[552] Ibid.

[553] *Re Kyle Magee [2009] VSC 384.*

Freedom of Expression in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*

While the refacing of advertisements can be framed within the offence of criminal damage, or be pursued under the *Graffiti Prevention Act*, Kyle's actions or those of BUGA-UP are also political. The Graffiti Prevention Act recognises the concept of 'political graffiti', which may also be defended by the *Victorian Charter of Human Rights and Responsibilities*.

Section 15(2)(d) of the *Victorian Charter of Human Rights and Responsibilities* states:

> 'Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether…(d) by way of art; or (e) in another medium chosen by him or her.'

If this section of the Act were to be read in isolation, Kyle's painting would be legally allowed as it is an expression of his political values. Indeed, in his latest judgement, Magistrate Mealy concluded that Kyle's actions did constitute political expression. However, as George Williams writes, the Charter does not provide 'absolute' rights. Rights can be limited 'where the circumstances justify it.'[554] The right is limited by, amongst other things, a need to preserve 'public order.'[555] In Justice Mealy's judgement, he asserts that 'the Accused has alternatives' in promoting his political views - speaking at public forums, writing letters, and marching with placards.[556] These solutions smack of those abandoned by members of BUGA-UP, who found them ineffective in comparison to the direct action of targeting billboards.

In 2012, Kyle's appeal against Mealy's judgment was heard in the Supreme Court of Victoria by Kyrou J. In discussing whether Magee had a 'lawful excuse' to blank out the billboards under s 197 of the *Crimes Act 1958 (Vic)*, at 37 Kyrou J held that 'It is neither possible nor desirable to define the expression "lawful excuse". It is an expression of broad ambit and each case must be examined on its individual facts.[557] However, the grounds for 'lawful excuse' are clearly set out in s 201 of the *Crimes Act*, and include the belief in the individual that they hold 'a right or interest in the property in question which authorized him (sic) to engage in the conduct.' [558] Magee and other adbusters or billboard bandits could argue that as citizens they have some interest in property belonging in part to the Melbourne City Council. This is particularly the case for Kyle who might argue that he didn't actually 'damage' the billboard, which was behind glass and remained intact, only obscured it by paint for a brief period of time.

Kyrou J interpreted s 15(2) of the *Victorian Charter of Human Rights and Responsibilities* broadly. At para 62 of his decision, he held that: 'In my opinion, any act which is capable of conveying some kind of meaning falls within the words 'impart information and ideas of all

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[554] George Williams (2006) 'The *Victorian Charter of Human Rights and Responsibilities*: Origins and Scope' (2006) 30 *Melbourne University Law Review* 880.

[555] The Law Handbook Online: http://www.lawhandbook.org.au/.

[556] *Delaney v Magee (unreported)* per Magistrate Mealey.

[557] *Magee v Delaney* [2012] VSC 407 (11 September 2012) at 37.

[558] *Crimes Act 1958* (Vic) s201 ss 2 (ii).

kinds' in s 15(2) of the Victorian Charter, without the need to prove that it actually conveyed a particular meaning to a specific person.' Painting over a billboard did, in the judge's opinion, constitute a form of expression, where the magistrate had previously held that it would be perceived as an act of vandalism to a reasonable person passing by.[559]

As per Kyrou J at 66:

> 'It is true that some reasonable members of the public may have formed the view that the person who painted over the advertisement was an anti-social individual who had engaged in an act of vandalism. This possibility, however, does not detract from the fact that some reasonable members of the public would have reacted in the manner set out at [65] above. That possibility is sufficient for Mr Magee's act to be capable of imparting information or ideas.'[560]

However, in his judgment, Kyrou J stated that although Magee's painting did convey a political message, it did not constitute a lawful excuse because:

> 'Even persons who commit the most heinous crimes may claim to be exercising their right to freedom of expression in performing the acts that constitute those crimes. A mass murderer may claim to be conveying a political message about immigration policies by killing innocent people and a rapist may claim to be conveying a message about the role of women by sexually assaulting them. It is inconceivable that the Victorian Parliament intended to protect all forms of expressive conduct, no matter how egregious and inimical to the welfare of society, subject only to the specific restrictions recognised by s 15(3) of the Victorian Charter.' [561]

To liken $40.47 of damage to a billboard (which is partially publicly owned), to the killings of a mass-murderer, is a huge leap. I assert that the minimal damage caused and the deliberate use of water-based paints in the protest should have been taken into consideration in the judgment. It appears that Magee's political message, in fact, allowed the judiciary to exert a harsher punishment upon Magee than would be on a citizen without a message.

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[559] *Delaney v Magee*, 14 February, 2011, unreported.

[560] Ibid at 66.

[561] Ibid per Kyrou J at 87.

Kyrou J, indeed, concluded that the message put out by the legal, but 'non-human' persons –
the companies posting the advertisements – should have priority over the message of Kyle
Magee. He argued that the receiving of information from corporations is a form of 'freedom
of expression': 'Mr Magee's act of painting over the advertisement affected the human right
to freedom of expression of members of the public, in the sense that the act prevented them
from receiving the information in the advertisement.'[562]. Magee had disrupted the 'public
order' and the 'aesthetic of authority' and therefore had to be punished accordingly.

Conclusion

> 'Graffiti writing breaks the hegemonic hold of corporate/governmental style over the
> urban environment and the situations of daily life. As a form of aesthetic sabotage, it
> interrupts the pleasant, efficient uniformity of "planned" urban space and predictable
> urban living.'[563]

In this chapter I have discussed legal responses to graffiti in the context of its effects on the
aesthetics of the city. Graffiti is dangerous because it symbolises lack of order, and blurs
boundaries rigidly enacted by property law, and the capitalist economic system. As Halsey

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[562] Ibid per Kyrou J at 127.

[563]Jeff Ferrell, *Crimes of Style: Urban Graffiti and the Politics of Criminality* (Garland, 1996) 176.

and Young write: '...graffiti's authors write in ways which rupture orthodox senses of urbanity – of order, cleanliness, purity, integrity and so forth.'[564] Graffiti, or its less menacing meme, street art, confronts ingrained ideas about urban space, and who has rights to determine its use and meaning. As Jeff Ferrell asks, why is a wall with graffiti considered 'uglier' than one without it? And who has a right to make this choice? Public art must not interrupt the 'aesthetics of authority' or it is rendered illegal vandalism by the state.[565]

In the postmodern era, capitalism is marked not by the ownership of the means of production but rather centres on the control of subjectivity through signs, media and advertising.[566] Within post-industrial capitalism, or the age of *integrated world capitalism*,[567] all aspects of daily life are subsumed. However, power is always incomplete. There are always nodes of resistance. For Baudrillard, graffiti can provide at least a disruption to the codes of the capitalist city, and the potential to dissolve its structures at the level of meanings. In the words of Baudrillard:

'We must attack...by means of difference, dismantling the network of codes, attacking coded differences by means of an uncodeable absolute difference, over which the system will stumble and disintegrate. There is no need for organised masses, nor for a political consciousness to do this – a thousand youths armed with marker pens and cans of spray-paint are enough to scramble the signals of urbania and dismantle the order of signs.'[568]

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[564] Mark Halsey and Alison Young (2006) 'Our Desires are Ungovernable' (2006) 10 *Theoretical Criminology* 295, 296.

[565] Jeff Ferrell, *Crimes of Style: Urban Graffiti and the Politics of Criminality* (Garland, 1996) 176.

[566] Felix Guattari, 'The Three Ecologies' (1989) 8 *New Formations* 137.

[567] Ibid.

[568] Jean Baudrillard, 'KOOL KILLER, or The Insurrection of Signs' in Jean Baudrillard, *Symbolic Exchange and Death* (Sage, 1993) 80-81.

Graffiti and street art within Melbourne has the potential to scramble the commercial signs of the city and replace them with an urban wildscape. The wildscape resists capitalism and the clean, slick spaces of postmodernity by leaving the mark of flesh and blood, embodied – rather than non-human – persons [the corporations]. It is a playful act of reinterpretation and a reclaiming of the city as a space of representation.

Chapter Four - Flash Mobs and Zombie Shuffles[569]

5/5 @ 5.55

On Facebook I received an invitation from a young guy I'd met at a party. It said:

'After the success of "Dont Walk Dance", Awkward/Amazing are opening up another Portable Dance Portal at 5:55pm on the 5th of May!!!! This time it's....

>>>>>>DANCE CROSSING<<<<<<

Step 1. Set aside all other priorities.

Step 2. Find an MP3 player

Step 3. Meet at the intersection of Elizabeth and Flinders St at 5.55pm on 5/5/11

Step 4. When the little man goes green dance your little hearts out in the middle of the intersection (this is the set of lights where you can cross the street diagonally)

Step 5. When the little man turns red return to the sidewalk

Step 6. Repeat steps 4 and 5 for as long as you feel necessary

Please spread the word.....

>>>>>>SEE YOU THERE<<<<<<'

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[569] Thanks to Andy Bennett for his helpful comments on this chapter.

I jumped on the Flinders street train at East Malvern, excited by the invitation and not wanting to be left out. I noticed a girl in my carriage, dressed in brightly coloured, alternative clothes. You don't see many people like that on my line. Carriages tend to be filled with mostly business people and school kids in uniform. This urban hipster didn't belong on the Southside.

Twenty minutes later, I was dancing with her in the intersection of two of the busiest streets in Melbourne's CBD. Like a storm appearing in the summer sky, swirls of people skipped unexpectedly into the intersection as the lights changed to green. They emerged out of the peak hour suits as though drawn by an invisible thread, cavorting and pirouetting, dancing to the tunes on their MP3 players until the lights changed to red. I, caught in the current, felt a strange connection with my new friends, although no words were exchanged.

The dancing went on for about an hour – the crowd swelling to a peak of about 150. It was not a large mob, but this made it perfect. When the light turned red, the mob had the ability to melt into the sidelines, and appear again as if by magic at the sound of the walk signal. Astounded commuters stared, but continued in a frantic bee-line for the next train. I wondered whether seeing the spin of whirling dervishes made them question their hurry, and consider joining in. Perhaps life doesn't hinge on catching the next train…

This was my very first flash mob, up close and personal. According to Bill Wasik, the inventor of the phenomenon, flash mobbing was dead before the end of 2003. However, as reported by Giles Hewitt, flash mobs have taken on 'a life of their own'[570,] and this was confirmed for me on the streets of Melbourne in 2011.

Introduction

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[570] Giles Hewitt, 'Flash Mobs: A new Social Phenomenon?' (2003) *ABC Science* accessed http://www.abc.net.au on 19/08/2012.

In this chapter, I assert that the flash mob is a very temporary urban wildscape – the most transient of all activities discussed in this thesis. As explored earlier in the thesis, the urban wildscape is a space of transgression, playfulness and lack of state regulation. The flash mob can produce an urban wildscape by creating an aporia within the usual codes of the city. Unlike the other wildscapes presented earlier in this thesis, the flash mob differs, in that it does not seek out hidden and secluded spaces, but erupts into the very heart of the capitalist city. The space of the flash mob is not an urban wildscape before the mob arrives, and is returned to its usual order once the mob vanishes – often only a few minutes later. The flash mob thrives on its temporary disruption to the very ordinary spaces of the city. While street art is similar to this in some respects, the graffiti artist often seeks out a secret or hidden space, such as a lane way, or utilises the cover of night in creating an urban wildscape. The flash mob by contrast seeks out the immediate response of other persons using the city space, and interacts directly with them. It does not leave any sign of its presence behind, except in space augmented by mobile technologies, where the flash mob often flourishes in the months and years that follow.[571]

I will also explore flash mobs as a form of mediated youth culture that exemplifies the shifts occurring in the ways that we view and use 'real' and 'virtual' public spaces. An early writer who brought the concept of cyberspace into the popular imagination even before the advent of the World Wide Web was novelist William Gibson. In the Sprawl Trilogy Gibson painted a dystopian vision where 'real' world action becomes secondary to that taking place within 'the Matrix'.[572] The idea of the Matrix reaches its pinnacle in the movie of the same name, where humans are not even aware of their 'real' existence, but live out their lives in a virtual world. Manuel Castells, a theorist on what he called 'the information age' imagined that space and time would collapse as we moved into a 'space of flows' where online communication, and the exchange of information, could happen anywhere and at any time, reducing the importance of 'real' geographies.[573] Gaming environments such as Second Life attempt to create an online

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[571] YouTube: http://www.youtube.com

[572] See William Gibson, *Neuromancer* (Penguin Books, 1984), *Count Zero* (Penguin Books, 1986), and *Mona Lisa Overdrive* (Penguin Books, 1988). See also Robert Nozick *Anarchy, State and Utopia* (Basic Books 1974)

[573] Manuel Castells, *The Rise of the Network Society : The Information Age: Economy, Society, and Culture* (2nd ed) (Blackwell, 2000).

virtual world with as many aspects as possible of the 'real' world replicated, allowing individuals to submerge themselves in a parallel universe. However, this kind of gaming is beginning to give way to gaming environments that incorporate the real in such a way as to create a layered, or augmented, experience of urban space. I assert that the internet, and mobile technologies often used to access it, expand rather than diminish the importance of public space to young people, and increase the amount and types of interaction that occur there. Further, it is becoming increasingly difficult to argue that that the 'virtual' and the 'real' exist as two, separate, dichotomous worlds.[574] Ubiquitous computing technologies permeate further into public and private urban life, leaving dwellers caught in an invisible web which is often only noticeable when it stops working.[575] These technologies have the ability to track, sort and statistically analyse populations, and creates a Foucaultian 'territorialisation of populations' – a kind of urban control that uses statistical data as leverage in its authority over populations.[576] Activities such as flash mobs resist such measures of control as they draw attention to the ordering of public space and the pervasiveness of mobile technologies, making them visible and thus open to critique. They do this via disrupting the norms of behaviour in public spaces, and by illuminating the invisible thread that ties the participants together – the online world.[577]

It is not surprising that flash mobbing was invented by a media-savvy journalist. What Wasik may not have known was quite the extent to which flash mobbing would capture an imagination

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[574] Andea Mubi Brighenti, 'New Media and Urban Motilities: A Territiologic Point of View' (2012) 49 *Urban Studies* 399; Mike Crang, Tracie Crosbie and Stephen Graham, 'Technology, timespace and the remediation of neighbourhood life', (2007) 39 *Environment and Planning* 2405; M Crang, S Graham, 'Sentient Cities: Ambient Intelligence and the Politics of Urban Space' (2007) 10 *Information, Communication and Society* 789.

[575] Mike Crang, Stephen Graham, 'Sentient Cities: Ambient Intelligence and the Politics of Urban Space' (2007) 10 *Information, Communication and Society* 789, 812.

[576] Andrea Mubi Brighenti, 'New Media and Urban Motilities: A Territiologic Point of View' (2012) 49 *Urban Studies* 399.

[577] A number of flash mobs have specifically involved drawing attention to the technology behind their planning – see Judith Nicholson, 'FCJ-030 Flash! Mobs in the Age of Mobile Connectivity' (2005) 6 *The Fibreculture Journal.*, 57. Nicholson cites two flash mobs which involved calling people on mobile phones as part of the action of the mob. She argues that the link between mobile phones and flash mobs began with the culture of 'one-to-many' communication that is associated with texting.

driven by the do it yourself immediacy of Web 2.0.   Flash mobbing has a symbiotic relationship with the internet and mobile technologies. Flash mobs very much capitalise on the blended environment of ubiquitous computing technologies. They often last for only a few minutes, but are attention-grabbing and visually spectacular, and therefore bounce around in cyberspace for a much longer period of time, being posted and reposted on YouTube, Facebook, blogs and other interactive platforms, usually by the participants themselves.

Where boundaries are blurred between online and offline, fantasy and reality, the theatrical imagery of the flash mob appeals to a generation brought up on a diet of TV, movies, and more recently YouTube. Media devices and social media provide platforms for the quick, easy uploading of events or any attention-grabbing images. Web 2.0 is a DIY environment where anyone with access and even basic computing equipment, such as a smart phone, can become photographer, promoter, producer, or developer. While anyone can do it, the vast volume of images means that only the most spectacular can survive, be reposted and reproduced throughout the online world – anything less than amazing is quickly forgotten. Without the internet and mobile technologies, the flash mob may have remained a small, brief event in New York's history, rather than a global phenomenon.   But social media sites such as Facebook and YouTube also owe their success to people's desire to create spectacles. Activities like flash mobs are at times rehearsed or involve complex preparations such as zombie costumes designed to attract attention, reanimating in endless reiterations online. In augmented public space, the mobbers become the stars of their own show.

This chapter has been researched through an examination of the very public display of flash mobs online on sites such as YouTube, but also through observation and participation by the author in flash mobs on the streets of Melbourne, Australia. I have also conducted a series of interviews with participants in the Melbourne Zombie Shuffle, which could be described as an extended or interactive flash mob. Zombie walks are an international phenomenon but have been particularly large in Melbourne, numbering well into the thousands each year.[578]

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[578] The Melbourne Zombie Shuffle could be described as an 'extended flash mob' in that it lasts for several hours. The Melbourne Zombie Shuffle Facebook page simply describes the event as 'Melbourne's biggest gathering of the undead.' There are few constraints on the activity beyond turning up at a specified location dressed as a zombie, and to march on a set route through the city. Zombie marches began in the year 2000 at a gaming

The Origins of the Flash Mob

Bill Wasik, a journalist at Harper's magazine, originally came up with the flash mob idea because he was 'bored and therefore disposed toward acts of social-scientific inquiry.'[579] Inspired by the experiments of Stanley Milgram[580] and by what he saw as tendencies toward conformity in New York's young urban hipster crowd, Wasik created the first mob in 2003, in an attempt to see how many people he could gather in one place only for the reason that 'Tons of other people are doing it.'[581] Wasik felt that New York's in-crowd were more interested in being seen at events than in their artistic content, and hated to miss out on anything new. He sent a mysterious and anonymous email to friends and acquaintances who were young and arty. Wasik's original email stated:

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convention. Early zombie marches had as few as six participants. However, many world records have recently been set and surpassed, with the latest record for the biggest zombie march set at around 30,000 participants in 2012. Melbourne has been a record holder, in 2010, with about 7,000 zombies taking part.

[579] Judith Nicholson, 'FCJ-030 Flash! Mobs in the Age of Mobile Connectivity' (2005) 6 *The Fibreculture Journal.*, 57.

[580] The now famous experiments on obedience by Stanley Milgram during the 1960s were written up in his article 'Behavioral Study of Obedience.' In these experiments destructive obedience was tested where subjects were asked to give another participant an electric shock if they got the answer to a quiz wrong. The participants receiving the shock however were actually actors and the shocks fake – the experiment was designed to test how far the participants would go in giving electric shocks when asked by a person who they thought of as holding authority. Milgram himself expected some level of obedience, but was surprised at how far the participants went in obeying the instructions of a man in a white lab coat. He was inspired to test obedience when he noticed the responses of the Nazi war criminals who claimed that they were simply 'following orders' when executing millions of innocent people.

[581] Bill Wasik, 'My Crowd: Or, Phase 5: A report from the inventor of the flash mob' (2006) 312 *Harper's Magazine* 56, 57.

'You are invited to take part in MOB, the project that creates an inexplicable mob of people in New York City for ten minutes or less. Please forward this to other people you know who might like to join.'[582]

Wasik sent the email to people he felt fitted the profile he was looking for:

'My subjects were grad students, publishing functionaries, cultured technologists, comedy writers, aspiring poets, musicians, actors, novelists, their ages ranging from the early twenties to middle thirties. They were, that is to say, a fairly representative cross-section of hipsters, and these were people who did not easily let themselves get left out. I rated the project's chances as fair to good.'[583]

The first mob was cancelled after the targeted destination, a department store, received a tip off. Police arrived at the scene before the mob could form.[584] The second mob was organised using an initial meeting point at which people received instructions on slips of paper telling them where and what the mob involved. MOB #2 involved the crowd meeting in several bars and then heading to Macy's department store. Once in the Macy's rug department, participants started discussing the purchase of a 'Love Rug' for their commune. Before the strange actions of the mob could be explained, the crowd dispersed. The whole process had taken less than ten minutes, but caused a ripple around the world.[585]

Flash mobs were such a new way of relating in public spaces that they quickly attracted attention online. Wasik himself describes the flash mob as 'a spectacle for spectacle's sake.'[586] As a journalist, Wasik knew how to play the media game, and was soon giving interviews, although

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[582] Ibid.

[583] Ibid.

[584] Giles Hewitt (2003) 'Flash Mobs: A new Social Phenomenon?' *ABC Science* accessed http://www.abc.net.au on 19/08/2012.

[585] A search of flash mobs on YouTube today yields about **51,200** results. YouTube http://www.youtube.com/ accessed 19/08/2012

[586] Wasik in Giles Hewitt (2003) 'Flash Mobs: A new Social Phenomenon?' *ABC Science* accessed http://www.abc.net.au on 19/08/2012.

he remained anonymous, being known only as 'Bill'. He states that he gave over thirty interviews in the first six weeks after MOB #1.[587] Many of the interviews given were for online magazines and websites.[588]   Although Wasik denies that technology was responsible for the rapid rise of flash mobbing, stating that 'technology played only a minor role',[589] it has been noted elsewhere that 'journalists with mobile phones and cameras sometimes outnumbered the people who gathered to participate in flash mobbings.'[590] Without mobile phones and the internet, flash mobbing may have remained isolated to New York City, rather than going global within months of its beginnings. The flash mobs have also shifted from its originator's stated purpose, as a 'social science experiment' and a 'vacuous fad'[591] into something more significant. Flash mobs cannot be understood out of context. New York City in the years following the 9/11 attacks on the world trade centre created a climate of fear and conformity. Although the flash mob 'experiment' began in Wasik's mind as a comment on conformity amongst young urban hipsters, they became a form of disruptive art,[592] unsettling the overly organised post 9/11 New York City, and other locations where they took place. Reflecting on the purpose and meaning of flash mobs, Wasik stated that although the flash mob is 'silly' it 'is also, as I've discovered somewhat to my surprise, genuinely transgressive, which is part of its appeal, I think….People feel like there's nothing but order everywhere, and so they love to be a part of just one thing that nobody was expecting.'[593]

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[587] Bill Wasik, 'My Crowd: Or, Phase 5: A report from the inventor of the flash mob' (2006) 312 *Harper's Magazine* 56, 58.

[588] Ibid.

[589] Ibid.

[590] Sean Savage in Judith Nicholson, 'FCJ-030 Flash! Mobs in the Age of Mobile Connectivity' (2005) 6 *The Fibreculture Journal.*

[591] Bill Wasik 57.

[592] Johan Ejbye-Ernst, 'Contemporary urban performance-intervention-An aesthetic perspective' (2007) *Limits of Aesthetics, May-June*. Accessed online at http://aestetik.au.dk on 19/08/2012.

[593] Bill Wasik in Giles Hewitt (2003) 'Flash Mobs: A new Social Phenomenon?' *ABC Science* accessed http://www.abc.net.au on 19/08/2012.

Within the bloggsphere of the mobsters themselves, flash mobs are defined via their meaninglessness. 'The power of many in the pursuit of nothing' is a common catch cry.[594] One informant, when asked whether he felt that the zombie shuffle had meaning, said 'Fun. Just fun.' In some ways, flash mobs echo graffiti – they contain empty messages that 'tell us nothing' but in their very existence create meaning.[595] The term 'flash mob' was coined not by creator Bill Wasik, but by bloggerator Sean Savage of *Cheesebikini.com.* He named the mobs after a 1973 science fiction short story, 'Flash Crowd.' In the story, the main protagonist creates a riot using teleportation technology.[596]

Another, perhaps more direct inspiration of the flash mob is performance art created in Düsseldorf in 1963. Nicholson suggests that the first flash mob in Macy's department store is a close copy of the work of the artist group Fluxus, who carried out a project called 'Demonstration for Capitalist Realism,' in a furniture store.[597] The similarity between the two, Nicholson argues, is no coincidence and is evidence that flash mobbing has at its roots an anti-capitalist political outlook, although Wasik did not openly acknowledge this.[598]

Mobile Technologies and the City

The way that people, particularly young people, are using urban public spaces is changing. These changes are occurring due in part to the increasing use of mobile technologies such as mobile internet devices. The internet, once a discrete, separate world accessed within the

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[594] Tom (2003) *Disperse Now* accessed online at: http://flashhack.blogspot.com.au/ on 20/08/2012.

[595] Jean Baudrillard, 'KOOL KILLER, or The Insurrection of Signs' in Jean Baudrillard, *Symbolic Exchange and Death* (Sage, 1993).

[596] Bill Wasik, 'My Crowd: Or, Phase 5: A report from the inventor of the flash mob' (2006) 312 *Harper's Magazine* 56, 58.

[597] Judith Nicholson, 'FCJ-030 Flash! Mobs in the Age of Mobile Connectivity' (2005) 6 *The Fibreculture Journal.*

[598] Bill Wasik, 'My Crowd: Or, Phase 5: A report from the inventor of the flash mob' (2006) 312 *Harper's Magazine* 56.

privacy of the bedroom or workplace, is rapidly moving out into the public realm, and on to the streets.

The uptake of new media technologies has been very rapid, particularly in urbanised areas. The messages sent and received are not outwardly visible like billboards or graffiti scrawlings, but create a 'floating private "phone-space" in public spaces'.[599] The users of the devices also increase their own visibility. Global positioning systems (GPS) allow the location of the device user to become traceable, and a flag to commercial or other interests (such as military) in the city. Resistant practices have also resulted from these new modes of communicating and being in city spaces. Although often not overtly political, flash mobs are playful practices that draw attention to new media devices, and disrupt the smooth, commercialised, over-regulated planes of the postmodern city.

As previously stated, flash mobs began in the increasingly surveilled public spaces of New York City post the 9/11 attack on the World Trade Centre. Flash mobs can be characterised as a unique form of pervasive game that use internet and mobile technologies in their organisation, but are played out in public urban spaces. They draw attention to the technologies that are utilised in their organisation, if not overtly via their content (the subject of which can be the use of the technologies themselves, as explored later), certainly in the necessary use of these technologies in the planning and choreographing of such precise and bizarre activities, often between strangers, in public spaces. They also cause observers to question their responses to the unexpected in public spaces. In this way, they have the potential to jam or disrupt mainstream messages which prevail in the city. These mainstream messages might be, for example, the pedestrian light that tells us when to cross a road, or the cultural norm that tells us that we should walk straight across, not dance in the intersection as we did in the 'Portable Dance Portal'. By resisting normal codes of behaviour, flash mobbers and observers are given a chance to question these codes, and to ask themselves what it is that persuades us to conform to these usually unwritten laws.

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[599] Judith Nicholson, 'FCJ-030 Flash! Mobs in the Age of Mobile Connectivity' (2005) 6 *The Fibreculture Journal.*

Flash Mobs and Reactions from the Mainstream

Flash mobs have come a long way from Bill Wasik's original Milgramesque experiment on New York hipsters. Flash mobs have even made their way into the Oxford English Dictionary where they are defined as:

> 'a public gathering of complete strangers, organized via internet or mobile phone, who perform a pointless act and then disperse again'[600]

Flash mobs are often wrongly conflated with gang violence or riots such as those that occurred in England in August 2011. Although in both instances mobile technologies have been used, there is no other link between flash mobs and the types of riot observed in England. Articles such as Linda Kiltz's 'Flash Mobs: The Newest Threat to Local Governments' feed into the fear of large groups organising quickly via mobile technologies to commit acts of violence and robbery.[601] Kiltz writes: 'Armed with cell phones and connected through social media sites, young people banding in groups have been rushing into stores or assaulting bystanders in a slew of "flash mob" incidents...leaving police and public officials scrambling to curtail crimes associated with these spontaneous assemblies.'[602] These 'moral panics' smack of those generated around numerous youth activities which are feared by those that do not understand them.[603] The media often leaps onto these misconceptions as they generate dramatic headlines that increase sales.

Young people in particular are targeted by authorities in urban public spaces. In general, they are more intensely governed there than older users. This is because they are often engaged in activities that do not fit the 'designed purposes' of city spaces, and their presence in itself can be seen as a potential threat to older people. 'Hanging out' and being visible in public places,

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[600] Angus Stevenson (ed), *Oxford English Dictionary* (3rd edition) (Oxford University Press, 2010) 1503.

[601] Kiltz Linda (2011) 'Flash Mobs: The Newest Threat to Local Governments' *Public Management* December accessed online at http://icma.org/pm on 18/08/2012.

[602]   Ibid 7.

[603]   Stanley Cohen, *Folk Devils and Moral Panics: the creation of the Mods and Rockers* (Routledge, 2011).

separate from family and other adult guardians, is key in establishing identity.[604] The identity forming aspects of flash mobs and the zombie shuffle were strongly iterated by my informants:

> *'it is a kind of forum to push people's tolerance a little bit, and also to build up your own confidence. It has always been an exercise in being comfortable with being different. Like being in a place and having people look at you, and even laugh and point, and little kids pulling on their dad's jacket and saying "Daddy, what is that?" And if you have an insecurity, that could be a quite shocking experience to be pointed out for being different. But then if you can kind of go "I am actually enjoying that exhibitionism", to kind of enjoy that, puts your ego up a little bit, and that is sort of the power in it...'*

Facebook was described by one informant as 'Mum-and-Dad-Book' because of the lack of privacy that many young users experience after 'friending' parents or other authority figures on social media programs. The street therefore remains an important space for acting out identities for young adults, away from the constant surveillance of their elders.

This need to push boundaries in establishing identity means that young people may occupy public spaces even when they may not have anything to do, or may not have the money to afford to do anything. In many cities, legislation is enacted which specifically targets young people - such as anti-social behaviour orders, which can require people loitering to 'move along'.[605] Other strategies such as playing amplified, high pitched sounds only audible to people under 30, or Barry Manillow hits piped through train station speakers, are specifically designed to make public spaces unbearable to young people.[606] Activities such as flash mobs are able to avoid

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[604]   Gustavo Mesch and Ilad Talmud, *Wired Youth : The Social World of Adolescence in the Information Age* (Routledge, 2010).

[605]   Tamara Walsh and Monica Taylor, 'You're Not Welcome Here': Police Move-On Powers And Discrimination Law' (2007) 30 *University of New South Wales Law Journal* Volume 151.

[606]   McFadyen, Warwick (2006) 'Manilow a Secret Weapon' *The Age August 13, 2006* Accessed online http://www.theage.com.au.

interruption by authorities by utilising private networks of individuals using mobile devices. They are tiny acts of rebellion that disappear quickly 'before the state can crush [them].'[607]

Another appropriation of the flash mob concept within mainstream media is their use as an advertising tool. In 'Ways to Showcase your Brand in a Flash with Mob Mentality', Ivy Wong asks '…how can we harness the power of a flash mob...?'[608] Wong suggests that flash mobs can be created for mindless followers as a PR stunt. '[I]magine if, during the Christmas shopping season, we sent out flash mob emails asking the mob to wear a red top on Christmas Eve and dance like a turkey for a minute at noon at, of course, a client's shopping mall? Imagine the PR and traffic it would create.'[609] This use of the flash mob is what Wasik saw as the final stage of his original experiment: when the Ford Motor Company ran a series of 'flash concerts.' As Wasik writes: 'Ford and Sony had managed to take my fad, an empty meditation on emptiness, and to render it even more vacuous. They had become…the new and undisputed masters of the game.'[610]

'Reality is the Impediment of the Unimaginative'

Flash mobs are resistant to definitions. They are diverse in form and content. In online discourse following a flash mob event, the mobsters continually insist that their missions are meaningless. When onlookers see a flash mob, a common reaction is to question whether the mob is organised for political or commercial purposes. Someone asked me at last year's zombie

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[607] Hakim Bey,' Waiting for the Revolution' in *TAZ The Temporary Autonomous Zone, Ontological Anarchy, Poetic Terrorism* (Autonomedia, 1991).

[608] Ivy Wong, 'Ways to Showcase your Brand in a Flash with Mob Mentality' *Media: Asia's Media & Marketing Newspaper* 19 September 2003.

[609] Ibid.

[610] Bill Wasik, 'My Crowd: Or, Phase 5: A report from the inventor of the flash mob' (2006) 312 *Harper's Magazine* 56, 66.

shuffle: 'What are they selling?' Observers are usually astounded to find that there is no leader, and no motivation except fun. Defining and analysing goes against the anarchic nature of the mob. As one mobster writes:

> 'The way I see it they can try all they like, as long as we stay meaningless they're stuck with nothing to report... Maybe we should all be militant communists for a day.... Possibility is ours to create. Reality is the impediment of the unimaginative. It's them stuck in the network of needing to organise, label, categorize, ANALyse. We have the secret of pronoia and we will always lead this dance.' [611]

Molnár attempts to define the broad spectrum of flash mobs by dividing them into three distinct types - atomised, interactive and performative.[612] The first two types described by Molnár are very similar. The only real difference is the length of time that they occupy public space. Atomised flash mobs are carried out between people who have generally only met online or communicated through media devices, such as mobile phones. They come together for a period of less than ten minutes, perform a meaningless act and then disperse. People do not interact with each other. The flash mob purist might see this form as the only true type of flash mob. [613]

Interactive flash mobs are very similar to atomised flash mobs, except that they last for longer and can involve interaction between participants. Zombie shuffles, including the yearly Melbourne zombie shuffle, would fit into this category. Molnár writes that interactive flash mobs can interrupt public spaces, leaving bystanders confused or 'uneasy even though participants do not perform any illegal activity or break any formal rules.' [614] Performative flash mobs differ from the other two categories. These are usually formally rehearsed and therefore

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[611] Shaw cited in Tom Marchbank, 'Intense Flows: Flashmobbing, Rush Capital and the Swarming of Space' (2004) 4 *Philament.*

[612] Virag Molnár, 'Reframing public space through digital mobilization: Flash mobs and the futility (?) of contemporary urban youth culture' (2010) *Theory, Culture, and Society* accessed online at: http://isites.harvard.edu 10-13.

[613] Ibid 12.

[614] Ibid.

the participants already know each other before the mob occurs. Participants may be professional performers, and could have a motive such as promoting an artistic event.[615]

Flash mobs and Sociability

One way of exploring the significance of the flash mob is through the concepts of sociability and game-play. Sociability is a concept first developed by Georg Simmel in 1910.[616] Sociability can be most simply described as 'the play form of association'.[617] What makes sociability different

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[615] Ibid.

[616] Georg Simmel, 'The Sociology of Sociability' (Translated Everett Hughes) (1949) *American Journal of Sociology.*

[617] Ibid 255.

to other forms of relating is that it has no meaning, except for the joy that is found in interacting with others. It has 'no ulterior end, no content, and no result outside itself.'[618] Sociability satisfies the human need to spend time with others, something which may not be seen as a priority in an atomised, neoliberal, postmodern world.

Game-play is one form of sociability. However, if a game becomes too formal or rule-oriented, it ceases to encompass true sociability:

> 'As a formalised and rigidly rule-governed game, the configurations of sociability can become ossified in a set of formal and formally binding rules of etiquette and deportment which always run the risk of being a caricature of themselves …. such that, at the moment in which the social forms become ends in themselves, sociability disintegrates.'[619]

Although the play form of association must not allow its rules to become rigid, and become an act with a greater meaning than simply socialisation, it must still bear some connection to 'real life'. If it does not, Simmel asserts, 'it turns from play into an empty farce, to a lifeless schematization.'[620]

Flash mobs are often critiqued for their meaninglessness, this is a criticism that Simmel also perceives will be levelled at sociability. But Simmel suggests that there can be meaning in simply enjoying the experience of relating with others. He frequently relates play to art, suggesting that play is meaningful in a similar way. Neither produces anything vital to our physical existence, such as food, shelter and water, but they nourish our senses, and some would argue our souls.

Molnár links flash mobs to sociability, writing that the 'meaningless' nature of flash mobs and the fluidity of networks they rely on characterise them as such. She writes:

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[618] Ibid.

[619] David Frisby and Mike Featherstone, *Simmel on Culture: Selected Writings* (Sage, 1997) 10 .

[620] Georg Simmel (1949) 'The Sociology of Sociability' (Translated Everett Hughes) (1949) 55 *American Journal of Sociology* 261.

'Flash mobs' emphasis on playfulness, creativity, pointlessness and togetherness as principal meanings suggests that sociability is a central and controlling principle in this form of association. The fleeting and loose organisational – the "just in time" – nature of flash mobs, which has been fully attributed to the use of new media play in the process, also seems to be a more general expression of the centrality of sociability in the social networking culture of participants, who tend to be predominantly in their 20s and 30s. It is at this age that people's social networks tend to be most fluid, when they are most open to meeting new people and experiment with new group activities that are governed primarily by sociability. New communication technology simply enables, enlarges and intensifies this deep seated tendency of youth socialization.'[621]

Flash Mobs as Pervasive Games

As a 'play form of association', flash mobs could also be described as a pervasive game. Although flash mob roles and rules are fluid, mobbers must adhere to a strict set of instructions for the flash mob to be a success. Participants must not be spoil sports who break the magic circle of the game by not agreeing to the shared altered reality it creates.[622] The magic circles of game play are often bounded by clear borders such as a game board or playing field. A pervasive game breaks traditional notions of the magic circle by expanding it - the pervasive game can happen anywhere. The ordinary temporal, spatial and participant boundaries are no longer certain. As Markus Montola, Jaakko Stenros, and Annika Wærn write: 'pervasive games embrace their environments and contexts.'[623] Pervasive games use mobile internet technologies to achieve this. Players are connected via mobile phones or other Information and

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[621]   Virag Molnár,'Reframing public space through digital mobilization: Flash mobs and the futility (?) of contemporary urban youth culture' (2010) *Theory, Culture, and Society* accessed online at: http://isites.harvard.edu, 26.

[622]   J Huizinga, *Homo Ludens; a study of the play-element in culture* (Paladin, 1971) 11-12.

[623]   Marcus Montola, Jaako Stenros and Annika Wærn (eds), *Pervasive Games: Theory and Design* (Focal Press/Elsevier, 2009) 12.

Communications Technologies (ICTs), which can allow them to find other players. When a game moves from a closed environment to the street - where the laws and norms of society (as well as those of the game) apply - a number of boundaries are crossed. One of these is the blur between fantasy and reality. 'As the magic circle of a pervasive game is a blurry, porous structure, it is often hard or impossible to clearly differentiate the ordinary and the ludic.'[624] When a flash mob takes place, the random features of public space, including other persons within it, become part of the game. Flash mobs and other pervasive games 'thrive in the area between fact and fiction, being fertilized by uncertainly and ambiguity. They challenge societal norms and codes relating to behavior, especially in regards to what is acceptable in a public space.'[625]

When discussing the zombie shuffle with two informants, they were in agreement that there was a sense of fun and playfulness involved. However, they made it clear that the road rules were to be obeyed and the direction of the police officers were to be followed. [footnote: Melbourne Zombie Shuffle on Facebook: https://www.facebook.com/melbournezombieshuffle/info 'The Melbourne Zombie Shuffle operates with the cooperation of the Victoria Police'] The shuffle was seen as a kind of game which only the players knew about. '…that was the funnest (sic) bit. We were all kind of in on a secret.'[626] Apart from the fun, and being a part of something that other people did not know about, or understand, there was also a sense of pushing boundaries: 'flash mobs is [sic] about trying to create broader acceptance [of difference], whether it is because of…[the participant's] gender, sexual preference, or race, or their eccentricities…'[627] The informants agreed that it was empowering to be with a group and to challenge what is considered acceptable in public spaces, where engaging in this kind of activity alone or in a smaller group might result in being harassed or assaulted. 'I think it is trying to push acceptance,

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[624] Ibid 22.

[625] Markus Montola, Jaakko Stenros and Franz Mäyrä, 'Pervasive Games in Media Culture' in Markus Montola, Jaakko Stenros and Annika Wærn (eds), *Pervasive Games: Theory and Design* (Focal Press/Elsevier, 2009) 273.

[626] Informant interview, Melbourne, 2011.

[627] Informant interview, Melbourne, 2011.

if anything. I think that is what it is all about, about being different but having the support of a group, which is empowering.'[628]

Public space versus online space?

Many utopian theorists such as Castells have suggested that cyber space is the new public space, and that as communities develop within it, real public space will become less and less important.

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[628] Informant interview, Melbourne, 2011.

In contrast, however, theorists such as Crang and Graham[629], Molnár[630], and Brighenti[631] have argued that the advent of mobile internet technologies has made the dichotomy between online and offline spaces redundant. Online space has permeated offline space to such an extent that they now coexist, users straddling the two spheres effortlessly. Young people in first world, English speaking Western societies in particular occupy this liminal space, as 'digital natives.'[632]

Speaking about the kinds of relationship that exist in the on- and off-line worlds, Ilan Talmud and Gustavo Mesch write: '…the online/offline comparison is … becoming a faded and even false dichotomy.'[633] The physical city - already awash with messages, has simply added another layer - a constantly changing, individualised one. Although the changes to city spaces created by mobile technologies are at times subtle and invisible, the 'entwining of people, place and software' create complex, new relationships.[634] They allow young people to express their identities in different ways, such as through flash mobbing.

Much less than vanishing into the 'mainframe', online identities rely very much on participation in 'real' space activities. Apps such as Facebook centre around representations of users' experiences in 'real' spaces – enhanced by automatic real time check-ins at venues and events powered by GPS. While at such events, users upload content to their or other's profiles via their

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[629] Michael Crang, Stephen Graham, 'Sentient Cities: Ambient Intelligence and the Politics of Urban Space' (2007) 10 *Information, Communication and Society* 789.

[630] Virag Molnár, 'Reframing public space through digital mobilization: Flash mobs and the futility (?) of contemporary urban youth culture' (2010) *Theory, Culture, and Society* accessed online at: http://isites.harvard.edu.

[631] Andrea Mubi Brighenti, 'New Media and Urban Motilities: A Territiologic Point of View' (2012) 49 *Urban Studies* 399.

[632] Laura Lentini and Françoise Decortis, 'Space and places: when interacting with and in physical space becomes a meaningful experience' (2010) 14 *Personal Ubiquitous Computing* 407.

[633] Gustavo Mesch and Ilad Talmud, *Wired Youth : The Social World of Adolescence in the Information Age* (Routledge, 2010) 98.

[634] Mike Crang, Stephen Graham, 'Sentient Cities: Ambient Intelligence and the Politics of Urban Space' (2007) 10 *Information, Communication and Society* 789, 792.

mobile devices, updating their status to reflect up-to-the-minute experiences. In this way, rather than diminishing the meaning and purpose of the physical space of the city, mobile technologies enhance and augment the city, allowing for new interactions within it. In this context, the desire for young people to occupy the public spaces of the city is just as strong as ever.

Interview participants who had taken part in several zombie shuffles in Melbourne explained the importance of Facebook in transforming the event from a small one, with 'four or five- hundred zombies' to about eight thousand in one year and to a world record breaking ten to twelve thousand participants in the space of another year or two. One participant informed me that he had no idea who had started the zombie shuffle in Melbourne, but said he had first found out about it 'on the internet.' Another told me that he felt the expansion of the event was 'almost entirely' because of Facebook: 'People saw photos of their friends doing it [on Facebook], and thought, wow! Let's do that next year! I think that's why it became so popular in one year.'[635]

Another participant was also unclear as to how she found out about the event. However, Facebook, and other internet coverage was cited as the reason for its huge growth:

> 'The year we went there was maybe 1000 people, which was pretty big. But I had heard by the next year it just grew exponentially, and I think that had a lot to do with people putting up photos on Facebook, and of course when you see other people doing it [you want to join in]…There were so many photos being taken! There were heaps of photographers just everywhere taking photos of the event. I think that really … adds to the buzz.'[636]

Another said that the quick rise in popularity of the Melbourne zombie shuffle 'would have been all of the pictures, and the comments that were surfacing, and all the coverage. It was all: "What was this? Oh my God! When was this?"'[637]

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[635] Informant interview, Melbourne, 2011.

[636] Informant interview, Melbourne, 2011.

[637] Ibid.

There was also a strong sense from all informants that there had been an increasing interest in 'horror' themes among young people, and that this had created an internet 'meme',[638] in the words of one participant:

> *'I think that there does exist almost a global subconscious meme of ideas, and things become ripe, not necessarily traceable sometimes, the same thing can happen around the world sort of because of subtle subconscious messages that are happening globally, maybe politics are bringing people to a kind of a point, and maybe a movie comes out, or a couple of things kind of present a sort of platform for an idea to kind of pop up.'*[639]

These kinds of global ideas are encouraged and move faster while using new media technologies, where messages can cross the world in seconds.

While Flash mobs could not exist without new media technologies, physical public spaces are also essential. Molnár writes: 'the technology in itself is a requirement but not a sufficient condition for mobilizing people to meet in physical space.'[640] She writes that what is crucial to the effective flash mob is 'its rootedness in particular geographic locales. Flash mobs tend to be strictly urban affairs, favouring large, densely populated urban centres as evidenced by the very high incidence of flash mob activity in New York, London, or San Francisco.'[641] She also writes that areas with high concentrations of young, educated people are more likely to have flash mobs. Research shows that they are more frequent in university towns.[642] The flash mobber is

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[638] Internet memes are ideas that are reproduced through internet 2.0 and 'go viral.' See: Christopher Mims (2013) 'Why you'll share this story: The new science of meme' *Quartz* Accessed online 29/12/13 at http://qz.com/98677/why-youll-share-this-story-the-new-science-of-memes/

[639] Ibid.

[640] Virag Molnár,' Reframing public space through digital mobilization: Flash mobs and the futility (?) of contemporary urban youth culture' (2010) *Theory, Culture, and Society* accessed online at: http://isites.harvard.edu, 19.

[641] Ibid 9.

[642] Ibid 21.

generally young and technologically savvy, such as university students, who are living in close proximity to one another:

> [T]he high spatial density of digitally networked college student and post-collegiate populations seem to be the key to the success and vitality of flash mobbing in a particular physically bound area …. Flash mobs can really only mobilize people who are in relative physical proximity to each other to be able to make the leap from cyber-space to urban space.[643]

So although the flash mob usually originates in the digital world, it must be played out in 'real' physical space. This public space, however, is likely to be the augmented one of the 'digital native', who continues to rely on and relay information between on and offline spaces in participating in the mob.

Cities, public space and control

The merging of the real and virtual creates anxiety for those seeking to control society, but also provides new opportunities for surveillance. In *The Capsular Civilization,* Lieven de Cauter writes that public spaces are becoming increasingly homogenised, privatised and controlled.[644] Every city space is designed with a purpose in mind, and city planning and architecture encourage us to stick to that purpose. As well as design influences, increasing control and surveillance prevail in many cities. For example, London was reported to have 4.8 million

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[643] Ibid 22.

[644] Lieven De Cauter, *The Capsular Civilization: On the City in the Age of Fear* (Reflect, 2004).

CCTV cameras in 2009.[645] Melbourne currently has few, at 53, however, more are promised by Mayor Robert Doyle if he is re-elected.[646]

Technologies, including mobile technologies, are a part of this web of control. In 'Sentient Cities: Ambient Intelligence and the Politics of Urban Space' Mike Crang and Stephen Graham write that the city has become a 'soft target' - a new battleground in the war on terror.[647] Within this soft target, soldiers and civilians are hard to distinguish, therefore surveillance technologies must be used in order to 'neutralise' the enemy. Although the military dream is complete coverage, this dream may never be realised, as increasing data flows max out abilities to sort and understand them.[648] As Crang and Graham point out, we are being watched by many 'little brothers' rather than one big brother. These observers are just as likely to be commercial interests as governmental or military. The mobile devices that we use are tools in the increased coverage of the city. Phone companies can now access myriad personal data which links our preferences to locational information available through global positioning systems. Crang and Graham assert that: 'Crucial to these emerging surveillance systems is a radically new politics of anticipatory seeing.'[649] These technologies use data collected on our past behaviour to guess what our future actions and desires are, for example, predictive advertisements that pop up on our mobile devices to show us how or where to shop. GPS is making it harder and harder to 'become lost' in the city.[650]

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[645] Paul Lewis, 'Every Step you Take' *The Guardian* Monday 2 March 2009.

[646] Adam Cooper 'Doyle's CCTV Plan Rubbished' The Age October 10, 2012

[647] Michael Crang and Stephen Graham, 'Sentient Cities: Ambient Intelligence and the Politics of Urban Space' (2007) 10 *Information, Communication and Society* 789. Consider also the leaking to the press of mass surveillance programs of the US government by Edward Snowden.

[648] Ibid 799.

[649] Ibid.

[650] See for example the advertising campaign 'Loose Yourself in Melbourne'. Advertising campaigns aimed at 'selling' the city to tourists and locals show Melbourne as a series of laneways and suggest that visitors can 'loose themselves' in this environment. The city is displayed as an authentic, organic object like a forest, and even displays some of Melbourne's famous graffiti. However, the Melbourne displayed is ordered and storybook-like. (Accessed online at: http://www.youtube.com on 19/08/2012)

In this way, hybrid spaces offer increased opportunities not only to view previously hidden aspects of the city, but also to be seen, coded and monitored. Drawing on the work of Michel de Certeau and Michel Foucault, Crang and Graham suggest that mobile technologies draw us further into the panopticon, and into the gaze of authority. As Andrea Mubi Brighenti writes, new media technologies could be seen as an extension of Foucault's concept of "urbanisation of territories", where populations become governed within 'a flexibly controllable space of events'.[651] Michel de Certeau theorised that it is outside of the gaze of control, in the 'haunted' sites of the city, that the tactics of resistance to capitalism flourish. Increasingly, we move toward a vision of perfect administration and surveillance - mobile technologies with their inbuilt GPS systems are another step in this direction, joining with the proliferation of CCTV and military push toward 'visibuilding' technology- transparent urban structures.[652]

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[651] AM Brighenti, 'New Media and Urban Motilities: A Territiologic Point of View' (2012) 49 *Urban Studies* 399.

[652] Michael Crang, Stephen Graham, 'Sentient Cities: Ambient Intelligence and the Politics of Urban Space' (2007) 10 *Information, Communication and Society* 789, 792.

Flash Mobs: Resistance to hyper-surveillance and control via artistic/playful means

Artistic and playful uses of public spaces resist the conventional ways that mobile and surveillance technologies operate within public spaces. As Crang and Graham write, these technologies do not have to turn us into passive consumers; they can also provide spaces where marginalised groups can become visible. Rather than this visibility resulting in what de Certeau would argue was an ossification of resistant tactics which render them ineffective, the technologies can 'allow us to claim and mark our territory … Where once there were official and

dominant memories inscribed on the city now these stories from below can be added'.[653] Via artistic and playful practices, 'a second politics of visibility'[654] becomes apparent. As Crang and Graham argue, artistic practices that use mobile technologies in public spaces draw attention to these technologies and their usage, making the technologies themselves visible. Self-surveillance, or "sousveillance", utilised by some youth cultures in public spaces, draw attention to mobile technologies, thus prompting questioning and critique.

Flash mobs which call attention to mobile technologies are described by Judith Nicholson in 'Flash! Mobs in the Age of Mobile Connectivity'.[655] One of these, in Berlin in 2003, involved people meeting in a crowded street before shouting 'yes, yes!' into their mobile phones, applauding and dispersing.[656] In another, also in August 2003, participants were to meet in a furniture store and call another person on their phone and admire the furniture. Nicholson explains how both of these mobs called our attention to the issue of mobile phone use in public spaces. She asserts that flash mobs were:

> 'not shaped simply by the incorporation of mobile phones [but] also seemed to function as parodies or commentaries on mobile phoning in public spaces. Flash mobbing shaped and was shaped by a worldwide shift in mobile phone use from private communication characterized primarily by mobile phoning in the 1980s and 90s to more collective uses dominated by mobile texting in the late 1990s and early 2000s. This shift was evident in a corresponding change in sentiments and concerns regarding direct one-to-one mobile phone use versus indirect one-to many mobile phone use.'[657]

Flash mobs not only provide parodies and commentaries on the use of mobile devices in public space, but also are ways that young people reclaim these spaces. As De Souza e Silva explains,

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[653] Ibid 808.

[654] Ibid 811.

[655] Judith Nicholson, 'FCJ-030 Flash! Mobs in the Age of Mobile Connectivity' (2005) 6 *The Fibreculture Journal.*

[656] Ibid.

[657] Ibid.

games which use mobile technologies create 'an imaginary playful layer that merges with the city space, connecting people who previously did not know each other…'[658] In this way, augmented environments support playful communities that have a very real and visible presence on the streets of the city.

Molnár also discusses the way flash mobs are a commentary on the commercialisation of public space, and create alternative ways that young people can utilise the city. She writes that:

> '…those who see interactive flash mobs as part of the…"urban playground movement" attribute a strong anti-consumerist element to [them]. They argue that flash mobs combine whim and serious social commentary: they want to create fun but also to "reclaim" public space that is otherwise often choked with tourists and overtaken by commercial uses. They contend that these urban games "arise out of an underlying frustration with consumer culture and simply, a desire to have unabashed childish fun". In a society where choices for social entertainment are largely limited to activities that involve some form of consumption, flash mobs offer free and non-commercial entertainment while "reframing" public space and breaking the mundane routine of urban life.'[659]

Playful performances such as flash mobs encourage onlookers and participants to question the rigidness of laws and norms that govern street behaviour. Why do the activities of the mobsters stand out as unusual or disruptive? Are our streets overly controlled or commercialised? These questions may raise political issues; however, unlike the participants of a protest, the flash mob does not seek to provide answers nor solutions to the questions they raise. They merely throw out a possibility of change.[660]

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[658] Adriana de Souza e Silva, 'From cyber to hybrid: mobile technologies as interfaces of hybrid spaces' (2006) 9 *Space & Culture* 261, 23.

[659] Virag Molnár, 'Reframing public space through digital mobilization: Flash mobs and the futility (?) of contemporary urban youth culture' (2010) *Theory, Culture, and Society* accessed online at: http://isites.harvard.edu 10-13.12

[660] At a traditional protest, the strength lies in a unified voice - flash mobbing does not rely on everyone thinking the same thing, but on simply a non-acceptance of the status quo.

The Melbourne Zombie Shuffle had originally finished outside Crown Casino in the CBD. I asked some participants whether they felt that this was in part political.[661] One informant answered that he thought that the decision to end at the Casino was political, and added 'it just seemed to be the logical place to go…if you're brain dead!' Two informants stated that it would be 'awesome' to see 1000 zombies inside the Casino, playing on the poker machines, 'not doing anything wrong', but causing a general disruption to the space. This form of quasi-political action fits with the newer and more diverse ways that young people in Australia are expressing themselves politically. Although less engaged with politics via formally recognised mechanisms, such as involvement in political parties, this is not the apathy of the gen X or 'grunge' generation. Rather, Australian youth have diversified the ways that they are engaging with political issues, such as the use of public space. As Gelai writes: 'young people are… beginning to embody more autonomous and individualised forms of participation…'[662] Traditional forms of protest, involving chanting a political slogan in a unified voice is unappealing to many young people, who would rather express themselves more individually, and aided by the accessibility of the internet are able to do so with ease. One informant told me that she felt that the zombie shuffle 'definitely had a political slant' although she did not feel that this would be 'the general consensus' on the event. The political content for her was derived from what she saw as the symbolism of zombie imagery:

> '…zombies are a symbol of society's numbness, and its de-sensitivity, and its mindless programming. It can be really sad being on public transport and peak hour and just watching all the people, all the zombies, you know, not talking…being non-human, almost, just being these empty vessels…stuck in their routine…'

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[661] This site has some significance to politically active Melbournians. One of the largest protests in Melbourne's recent history was the three day s11 protest against the World Economic Forum, which was held outside Crown Casino. This protest remains important in the minds of many as definitive because of the violence toward protesters by police.

[662] Haddon Gelai, 'Contextualising the Changes in Young People's Participation in Australia' Youth Affairs Council of Victoria Policy Paper (2011) accessed online at http://yacvic.org.au on 07/05/2013

Conclusion

In this chapter I have discussed flash mobs from the perspective of a participant and observer. I have also conducted unstructured interviews with a number of participants in the Melbourne zombie shuffle. I have provided a detailed description of the phenomenon and contextualised it by engaging in an analysis of changes occurring in urban public spaces since the 9/11 attacks on the World Trade Centre in New York. Further, I have explored ways that mobile technologies are affecting the use of public spaces and asserted that mobile technologies have eroded the real/virtual dichotomy. People, particularly the young and educated, now exist in a reality augmented by mobile technologies, which blurs boundaries between on and offline worlds. Within this augmented reality, new technologies are often taken for granted, or go unnoticed.

In the postmodern city, public space is becoming increasingly privatised, over-regulated and commercialised. This surface-driven, reflective space is less accessible to young people, who may not have the financial resources to legitimately participate within it. Flash mobs provide room for involvement by playfully resisting increasing controls on public space. They draw attention to the technologies of power, upending them, resulting in sousveillance. The empty reflections of the mob paradoxically do not attempt to challenge the hollowness of capitalism, but simply bounce off urban space. They create a temporary, playful urban wildscape that disrupts the order of the city before vanishing into the online world.

Participating in the mob, I become the performer, front and centre in a world that is often marginalising. The dominant city traffic becomes momentarily lost in our chaotic flow, a prop in the mob's play. By joining the mob, I free myself from the shackles of expected behaviour. Ironically, I also respond to a desire to fit in, and realise – *I* am an über-cool, Southside hipster.

Conclusion

Reflections

> 'Flowers in the pavement
> A world that sings
> Studios in every basement
> And girls with wings' [663]

The methodology for this thesis employs a critical ethnography, as discussed in the introduction. This methodology involves, inter alia, self-reflection, and these are some concluding thoughts while reviewing the thesis. As Mats Alvesson and Kaj Sköldberg explain, '[Critical Ethnography] has three major elements: insight, critique and transformative re-definition.' [664] These elements are demonstrated throughout this thesis, and will be explored one-by-one here. Insight 'is about problematizing the self-evident and pointing out that future realities need not be a reproduction of what exists today.' [665] In this thesis, I have problematized the certainties of law and capitalism. I have done this using a spatio-social analysis that calls into question the accepted neutrality of law, and by conveying alternative systems of regulating behaviour. Through looking at the practices in each chapter in this thesis, I can envisage a future world that is more accepting and open to difference. I have looked at existing laws and seen them as at times arbitrary, and wondered whether internal regulation structures protected the practitioners from risk more effectively.

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[663] While writing the Reflections on this thesis, I was listening to an Australian hip-hop group Bliss and Eso, in particular the album *Flowers in the Pavement*. These are lyrics from 'Watchdog Water Dragons.'

[664] Mats Alvesson Kaj Skoldberg *Reflexive Methodologies: New Vistas for Qualitative Research* (2nd ed Sage 2009) 170.

[665] Ibid.

Through critique, I have looked for the reasons behind the way things are: at what Terrence McKenna calls 'the wiring under the board'. Critical ethnographers '… attempt to expose the hidden agendas, challenge oppressive assumptions, describe power relations, and generally critique the taken-for-granted. [Critical ethnographies] are explicitly political and critical… critical ethnographers argue that every attempt at representation has consequences and that there is no neutrality.'[666] I agree with this analysis and have argued in my methodology that neutrality is an impossibility. The representations in this thesis are overtly political, and seek to draw attention to areas where capitalism and hyper consumption underpin legal regulation, and vice-versa, in an interwoven process. For example, urban scavenging is in line with local councils' commitment to recycle. However, in many places, the practice is being highly regulated to protect the profits of corporations that the councils employ to collect the hard waste. This attack on the free exchange of goods on the nature strip is a privileging of capitalist values and consumption. In the chapter on graffiti, the thesis asks: why are certain messages more acceptable in public spaces than others? The power of capital gives its owners the right to be heard, and silences others, as is seen in Kyle Magee's case. Those without financial backing are quickly labelled 'vandals' or 'insane' when they attempt to get their message across.

In the rave chapter I arrive at a conclusion that existing laws that regulate this practice may serve to protect the income stream that governments derive from taxes flowing from alcohol and gambling sales, rather than protecting individuals from 'risky behaviour.' However, when reaching such conclusions, the critical ethnographer must, as always, remain aware of their own positioning in the debate. This is particularly so in this thesis where I am a participant in many of the practices explored. A critical perspective is not neutral and therefore is self-reflexive. My political standpoint is openly anti-capitalist and environmentally aware. My approach to addressing these issues is optimistic and possibly utopian because I believe that through playful practices we can build communities that can find better ways of living.

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[666] Karen O'Reilly *Key Concepts in Ethnography* (Sage 2009)

Critical theory has little to say about methodology, and in particular, empirical material.[667]   This makes it challenging for the ethnographer who chooses to be critical. The critical ethnographer pushes methodological boundaries, walking a fine line between recounting the narrative of the informants and using the data for emancipatory purposes, working at the nexus between theory and practice. 'Critical ethnographers…hope to create a practical, value-laden, science that generates the knowledge needed to foster a democratic society and a critical citizenry.'[668] The gathering of informant voices throughout is a practical, ethnographic method which allows me to explore how regulation affects the embodied experience of the participants. It has given a chance for their marginalised voices to be heard.

Most critical work does not go to the third element, the transformative. This involves 'encouraging alternative ways of constructing…reality.'[669] This thesis looks toward the transformative in looking for alternative ways of theorising and experiencing reality. Through self-reflexivity, I have found that my research focus has shifted. When I began writing, as outlined in my introduction, I was interested in the regulation of public space. Now, as I near completion, I realise that the dichotomy of public/private is inadequate. I also realise that other binaries such as online/offline, legal/illegal, formal/informal, and so on, do not explain the empirical data. The informants do not view the world through a binary lens, but experience fluid identities and boundaries.   Jorgensen's idea that the urban wildscape is a continuum echoes this fluidity, and has influenced my ways of thinking about the city. Building on this concept, I have further expanded Jorgensen et al's concept of the urban wildscape to include not only physical spaces, but those that exist through social interaction. The expanded urban wildscape as social, transgressive space encompasses a vision for an emancipatory future, where binaries and boundaries

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[667] Mats Alvesson Kaj Skoldberg *Reflexive Methodologies: New Vistas for Qualitative Research* (2nd ed Sage 2009) 170.

[668] Douglas E Foley 2002 'Critical Ethnography: The Reflexive Turn' vol 15 no 5 *Qualitative Studies in Education* p472

[669] Mats Alvesson Kaj Skoldberg *Reflexive Methodologies: New Vistas for Qualitative Research* (2nd ed Sage 2009) 170.

give way to a fluid continuum. In the final chapter, on flash mobs, we can see that even the binary of the 'real' and 'cyber' worlds cannot be separated, as social spaces merge into an experiential universe of limitless connections. This, I assert, is transformative.

The process has also been transformative to many of my informants who have advised me that being interviewed for this PhD has inspired an optimism that their practices can be emancipatory beyond members of their group. It has enabled them to see themselves as part of a large community of resistance, building new spaces. Although there may not be revolution, there will always be 'cracks in the pavement', a small wildscape where a new consciousness will flourish.

Epilogue

Melbourne is the quintessential Western postmodern city. Built on the blood and broken bones of the dispossessed Indigenous peoples, on slavery[670] and the often ill-gotten spoils of the gold rush, it manages to disguise these unpalatable aspects of its history beneath a glossy façade of modern spectacles.

In this thesis, I have peeled back the skin of the city, and placed front and centre some of the marginalised, embodied and experiential aspects of life in Melbourne. I have explored the possibilities of various playful activities in the city to present a new discourse of the city – one that does not deny its underbelly. I have examined the production of the urban wildscape by these playful activities. In doing so I question legal and other responses to wild spaces in an attempt to uncover the reasons why they are often considered transgressive or disruptive to the city. Rather than ask participants why they engage in the activities, I ask why does the law often criminalise these activities? I

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[670] Michael Christie *Aborigines in Colonial Victoria 1835-1886* (Sydney University Press, 1979) 179. See 'An Act to Provide for the Protection and Management of the Aboriginal Natives of Victoria' 11 November 1869. The Act stated that the local Guardian of Aborigines had the power to take all money earned. Although slavery was not formally written into law, it was a reality for Indigenous peoples in Australia through the sanctioned practices of government officials.

ask whether their illegality is linked to risk, or whether they may be threatening in their ability to present a possibility beyond capitalism in creating new, if only transient, spaces.

In terms of legal responses, many of these are based upon the doctrines of property law. These laws – ones that support private, individually owned slices of land - only came to be law in late eighteenth century Britain. At this time, the laws of enclosure reversed prevailing ideas about the commons and communal land. Ironically, it was in the same year that these laws were being contested in the English House of Lords, that Australia was 'discovered' by the English. The politically powerful immediately declared Australia British territory ignoring indigenous communal connections to land and the 'whispering in the hearts' of many settlers.[671] The flags of the English declared their ownership, and administrators sought to alter the landscape to mimic as much as possible the land that they had left behind, and remove the traces of their own trespass.

The imposition of British property law in Australia saw the division of land into the 'grid'. In surveying and mapping the land, the colonisers sought to control it. '…techniques of survey were used to delineate and control during the colonial "settlement" that dispossessed previous inhabitants' writes James McRae.[672] Within this mapmaking were efforts to create scientific, legal – "objective" representations of space, ones that denied the brutal realities of dispossession. This 'alienation' of land, writes McRae, makes it 'more conducive to capital markets';[673] it becomes saleable commodity, rather than having a 'use value'.

Nicolas Blomley, a legal geographer, writes that the division of land is a form of 'disciplinary power', reinforced by legal systems:

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[671] See Henry Reynolds who documents the humanity of some settlers who saw the Aboriginal peoples as owners of the land.

[672] James McRae, 'Play City Life: Henri Lefebvre, Urban Exploration and Re-Imagined Possibilities for Urban Life' (Queen's University, 2008) 109.

[673] Ibid.

> 'The grid….is a pervasive form of disciplinary rule, backed by sovereign power…The grid clearly has an instrumental importance to the second nature of property, making possible a capitalist market in parcels of land and facilitating the creation of boundaries that are so vital to the liberal regime.'[674]

On the face of it, Melbourne has given way to these alienating forces – it is a seamless web of roads and bridges, shiny high-rise condominium complexes, and shopping districts. However space exists on many levels, as is discovered by the urban explorer who glances up or below the city, reflecting on its inner workings and history, or the attendee of the dance party, who appropriates the space under the bridge for a site of pure hedonism.

Toward the end of *The Production of Space*, Lefebvre explores the idea of a 'space of difference' or 'differential space'. It is embodied, experiential and outside of language. It is a space of Lefebvre's imagination. This is the space in which change is possible, where there is freedom to transgress the boundaries and barriers established by a capitalist legal system. It is within this space of difference that Lefebvre's utopia can be found, where transgressions of the ordinary are the norm, and the festival reigns. It is the space of the urban wildscape, flourishing beyond the restraints of time, law and expected codes of behaviour.

Within this thesis I have explored ways in which we can come closer to realising Lefebvre's dream of a permanent space set free from the constraints of capitalism, a space no longer commodified and alienated, but one in which connections to fun and nature are re-established. James McRae has explored this possibility, turning to the playful art of urban exploration to support the idea that transformation of urban spaces can happen through game play. 'A city is more than work, consumption and never-

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[674] Nicolas Blomley, 'Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid' (2003) 93 *Annals of the Association of American Geographers* 121, 131.

ending pursuit of monetary wealth' he writes. 'Play must retake its place as a vital component of a fully-lived urban life.'[675]

By investigating urban exploration, graffiti, flash mobs and the other activities studied in this thesis, the tangible possibilities of Lefebvre's utopia are almost close enough to grab. However, many theorists, including Lefebvre, suggest that transgressive activities in the urban environment are by their very nature transient. The 'temporary autonomous zone' of the rave, the midnight transformation of the laneway by the graffiti artist or the smattering of jumbled goods on the nature strip at hard rubbish time only exist in contrast with the ordered spaces around them[676], and attempts to alter the transient into the permanent can destroy a key element of their appeal.

Spontaneity is an important aspect in the creation of the play space, or urban wildscape. According to Deyo, an avid urban explorer, the city is a complex beast, and must be approached accordingly: it is 'too fluid for prepared itineraries' and must be experienced on the fly.[677] Playful activities within the city must take their cues from the organic nature of the city, and not attempt to tie it down to fixed meanings. Graffiti, once it is framed and hung in a gallery, protected by 'anti-graffiti' paint, or covered over by Perspex is 'no longer graffiti' according to one informant. Fixing something in place is part of its taming and transformation into a part of the capitalist system that is based on stability and certainty – capitalism is continually searching for new memes and icons to repackage as 'edgy' saleable items. Spaces themselves can be cast as having a 'grunge' appeal, as increasingly Melbourne's urban hipsters seek out 'cutting edge' real estate, decorated with street art.[678]

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[675] James McRae, 'Play City Life: Henri Lefebvre, Urban Exploration and Re-Imagined Possibilities for Urban Life' (Queen's University, 2008)   134.

[676]   Kevin Lynch, 'The Openness of Open Space' in Trabid Banerjee and Michael Southworth (eds) *City Sense and Design*: *The Writings and Projects of Kevin Lynch* (MIT Press, 1990) 398.

[677]   LB Deyo and David Leibowitz, *Invisible Frontier: Exploring the Tunnels, Ruins, and Rooftops of Hidden New York* (Three Rivers Press, 2003) 111.

[678]   Simon Johanson, 'Home is where the Art is' *The Age* Saturday, April 27th 2013.

However, it is in this transient reappropriation of space that possibilities emerge. As Lefebvre writes, a new society must create its own space, otherwise it will fail. It is only through the examination and diversion of space through playful practices in the city that we can see the glimpses of what a new utopia may be. Rather than map out a design for this new space, and at once fall into the same traps and trappings of the capitalist project, I would rather put in place some suggestions that might assist in moving forward toward a new understanding of space, and a hope for a new, more inclusive society.

I imagine that in order to produce this new space, we, as a society, would have to reconnect with the playful. This is first achieved through the acceptance of playful activities in the city,[679] and then through a recognition that the 'play element in culture' is intrinsic to the essence of humanity. This kind of society might have some elements of communitarian anarchy, and the understanding that communities create their own rules, that humans have moral codes, and need the space to develop them in the context of their own groupings. There would need to be a greater acceptance of difference, and joyfulness. Life should not be centred around work and money making; joy can be found through community and acceptance.

It would involve getting in touch with untold histories, a recognition of our brutal past. We would need to become 'space literate' – to be able to analyse space and see the ways in which it is constructed, in order to decide whether we want to make changes. This cannot happen under a shroud of 'objectivity', and the guise of a uni-dimensional space. As Lefebvre asserts, we must understand all aspects of space as a whole, not simply the visual.

Lastly, but possibly most importantly, we need to become more in tune with the environment, our 'wild spaces' and the protection of the planet, through a recognition of the destruction that has taken place since industrialisation and integrated world capitalism.

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[679] An example of this in action is the acceptance of street art by the City of Melbourne.

My experiences of taking part in the activities described in this thesis have contributed to my understandings of the city. I can no longer walk the streets of Melbourne (or any city) without connecting with space through all of my senses, as an embodied, playful person. I am no longer able to disengage with the multiple layers of meanings presented there. These messages are often complex and contradictory, but it is this intricacy and multifaceted nature of the urban that draws more and more people to city areas.[680]

The complexity of Melbourne and other cities provide opportunities to take part in a wide range of activities, to seek out and enjoy the city with like-minded people. Those activities that do not fit with the capitalist 'order of things' sometimes result in harsh responses from authorities, eager to re-establish the status quo. These activities may only exist for brief flashes of time.   Could these temporary urban wildscapes ever become permanent? Or would permanence lead to an ossification and stagnation that would remove their 'wild' status? Perhaps, as Kevin Lynch, influential urban designer, imagined, wild spaces can only ever be truly enjoyed when contrasted with an ordered one.

The End[681]

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[680]   City populations are increasing in Australia, while regional, rural and remote are shrinking. See: Australian Bureau of Statistics (2006) *Population Projections, Australia, 2004 to 2101*, cat. no. 3222.0, ABS, Canberra

[681] To draw on Margaret Davies in *Asking the Law Question* (3rd ed Lawbook Co 2008) '…there is *no end*…though there is an end to the time I can spend writing and rewriting…' 384.

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