



The people gathered on the wharf 26th november 1942 to watch the boarded Jewish families depart on the ship Donau stood powerless, as were the 529 humans on board. It was not an isolated event. Each such event creates a precedent for another similar event. A sham constitutional power.

In *We have never been modern* (1993) Latour expands the notion of ‘constitution’ to move beyond the legislature, the rule of law and the power of the courts to *conjoint* critique of the modern episteme and natural law. If the material law of modernity moved beyond tradition, it didn’t constitutionally. Hence three major conclusions: we have never been modern, life is an artefact, and life can be guarded. The underlying assignment is based on an inquiry on what basic concepts are—such as being modern—are when they are applied: the work of purification & proliferation.



The place above is Eidsvoll, the time is 1814, May 17th. It is surrounded by a text (the Norwegian Constitution), it is in turn framed by two columns of prominent persons. Compare it to the photo from the Filipstad wharf above. It has no text, no faces shown.

The more natures are separated from societies, the more the work of separation feeds the formation and proliferation of hybrids: society-nature as the accommodated output of what is set in motion: by what is delivered (more than what is argued). In effect, one would have a varieties of outputs: societies-natures across the globe. The dilemma: arguing separation between *concepts*, through protocols of purification, while having to live with the accommodation of the *realities* behind the concepts (leading to hybridisation and its proliferation, as the signature of the life-form). It features the life-cycle of a disordered system.

The life-form hatching from within the “crack” between nature and society. Hence, purifying is *disorder* transposed. Proliferation is *interaction* transposed. This is really to make the point that if Latour turns to constitutionality with *actor-network-theory* (ANT), there is nothing to prevent doing the same with *disordered systems* (DS). Which should do it in order to open for a broader discussion on constitutionality in our time: not only in the sense of a broad democratic processes that have variously underpinned the making of constitutions historically, but the work of basic criteria in the context of their application. The more we separate ourselves from AI the more we will be ready to accommodate AI in our lives.

Example1: one can use the [GTPKit](#) (an AI app) in order to reveal the use of [ChatGTP](#) (the main AI app) in written submissions to exams. But with the task of separating AI (*from us*) then resides the *application* of what is being separated (and its incorporation into what we have *with us* and build on daily). We become *more* focussed on the application *than* its criteria. **Example2:** how could Jewish people—reduced to *estates*—be liable to pay taxes during/after WWII, when stripped of constitutional rights as *citizens*, and so no longer *legal persons*? Or, is it really as simple as that?

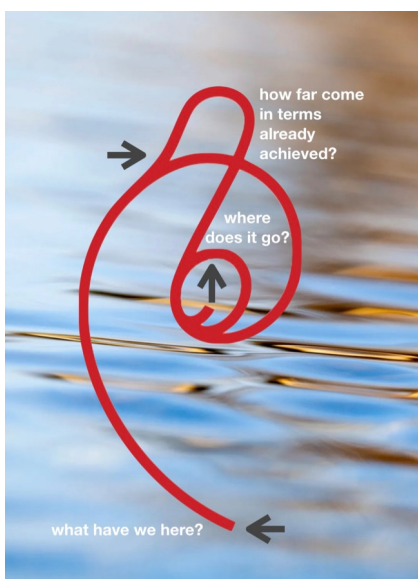
From the last example it appears that the separation of *estates*—from which the physical person *already* has been separated—promulgates a separation of the *citizen* from the *legal person*; and by so doing inadvertently grants *legal* action with *constitutional* powers. In this way, the legality of taxing became constitutional by implication, without even raising the question. And when asking the question, there is typically no answer. This is because, in its application, the constitution is assumed *rather than* assigned. To do the latter it would have had to be put on the table.

Indicating that what indeed is applied first needs to be declared: publicly declared rather than being discretely assumed. And that by the simple act of **1) placing** it before us, **2) study** what is in it and **3) declaring** its contents; then we have **4) assigned** it—and thereby *coded* its constitutionality. We *cannot* do without these 4 steps. In other words, a constitution *cannot* be assumed: a constitution needs to be *assigned* in order to be/work as a constitution. If we do not do this, the ground rules will be *overwritten* by their application, and the constitutional power is in *lateral* drift.

This needs not be *big* as a national constitution, or unfathomably complex as an AI-app, it can simply be a *course description* at this university, or that local art school. So, what we are dealing with here relates to any body of *criteria* based on which the group of people—in each their way—have a sense of what they are doing (and are *neither* acting blindly, *nor* on order). Even as assignments are *defined* and *described* they need to be assigned by the *students*, in dialogue with the teacher, so that it is possible to have an informed opinion on what they submit later is *about*.

The alternative is that whatever the students submit becomes *the* constitutional platform. Is this at all compatible with what was proposed and explored in the handout [Tactics](#)? Well, if the domain of *application* of a national constitution is in the ‘legality of the law’ (whether a law is legal according to the constitution) then there is a similar question about the *connectivity of connection*, as instantiated by the case-discussion of the *Connecting Wool* project. Is it possible to connect the outcome of felting—in its applied phase—to the res. question that was asked in the proposal?

This seems like a straightforward question. From the vantage point of the students it clearly hinges on whether such a proposal was being made: *not* assumed (and made for them) but that the students *themselves* developed this question on their *own* behalf. That is, to declare themselves as part of the project—in terms they would have to come up with—rather than being allowed on board as passengers/stowaways. And also that the more precisely they would have to articulate the backdrop of the project, the more autonomy and originality there are likely to have as participants. How to act and work freely, while having a collective purchase?



The SWIRL-signature is conceptually designed from two opposing arrows, with the lines of the arrows bent and stretch to join, but not close...

The Swirl signature (left) will serve to round up the cycle: starting from the bottom right asking—*what have we here?* continuing with the question “where does it go?” somewhere mid-process, and completing by asking: *how far come in terms of already achieved?* The swirl shows an embodying gesture (or the gesture of embodiment). It is intended to teach a method of embodiment attached to the progress of a logbook. Together they form a learning theatre. The learning theatre is an arena of archival accession of the materials in a logbook. It is therefore with these words that I should like to conclude this handout: the archival accession prepares the documented item to be **1) placed** before us, **2) studied**, **3) declared** and **4) assigned**. There is accordingly a relation of constitutionality between the archive and history. But also between research and creation. Which means that there is nothing—in this specific area—that can be done automatically: *neither* by the force of event *nor* computer.