Would you like to play on the seesaw?

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1 Introduction

I am a performance artist and a social justice lawyer. From 2014 to 2017, I developed a performance and installation series entitled *Counterbalance*, which involved a seesaw. The first phase of the series occurred at a law school and the second phase at a courthouse. In this essay, I explore how the *Counterbalance* series revealed the potential for traditional legal institutions to open up to a wider range of performances. I start by describing each project phase. Comparing these phases, I then move to what the *Counterbalance* series highlights about different legal spaces, their meaning and normative power. Finally, I explore strategies for further developing our understanding of performativity and capacity to deploy its potential within legal spaces.

Before describing my project, I would like to note that I am using the term performativity throughout this essay. My understanding of performativity comes from different sources, including the work of Judith Butler (1999) on gender, my performance art practice, and daily performative experience. I would summarise performativity as a state that is somewhere between being and doing. It is a powerful capacity that we have to assert our identity through action or to situate ourselves within a normative framework while affirming, modifying, or challenging this framework through our actions. I see performativity as an embodied mode of communication that includes verbal and non-

verbal language. I believe performativity is an inherent aspect of human beings that can be more consciously acknowledged and deployed in our interactions. For me, performance art explores and exploits this human characteristic in creative ways through practices such as physical presence, listening, and an emphasis on non-verbal language, practices that could also be further developed in the legal field.

2 A seesaw at a law school

In 2014-2015, I completed an artist residency at Osgoode Hall Law School at York University in Toronto, Canada (Osgoode Digital Commons 2015). Unlike many law schools, this particular law school had an interest in engaging with the arts.[2] The law school created an arts residency (Osgoode Hall Law School nd). It put out a call for proposals to which I responded twice. On my second try, the law school selected my project and invited me, along with another artist, to participate in the 2014-2015 residency.

During that year, I developed a performance and installation project entitled *Counterbalance*. I was interested in questions of balance and imbalance in life and justice. I explored the scales as a symbol of justice and produced my own version of this symbol: a seesaw.[3] Choosing a seesaw as an image of justice was a way for me to express something positive, playful and hopeful about justice, intertwined with the notion of (im)balance and the challenges this balancing act poses within the justice system. I also created a seesaw to allow people to have a concrete embodied experience of the work, as a reminder that justice deals with real life and not simply ideas. I wanted the audience to take their own and others' bodies into account in reflecting on balance in justice. I installed the seesaw in the lobby of the law school, for all to use, and I presented two performances. For the performances, I wrote and recorded a short audio narrative. I then created a series of movements and actions that I performed in connection with the seesaw, as the audio narrative was playing.

When designing the seesaw, I had to have the design and installation plan approved by the university's risk assessment department. The

university had concerns regarding risks associated with putting a seesaw in the law school building, and the liability that could fall on the university should someone hurt themselves while engaging with the piece. While I was expecting that institutional approvals would be required, I was surprised by the level of risk averseness on the part of the university, which contrasted with the openness of the law school to the project. The university's risk assessment department was fully on the case and this experience became quite intense for me. I decided that I would integrate this experience in the piece's audio narrative by telling the story of the fear of liability:

> from … December 22nd to December 24th, I participated in an e-mail exchange with the law school, the risk assessment department of the university, and an engineering firm, which lasted 48 hours and involved 25 e-mails. The discussion revolved around the type of insurance needed by the engineering firm that was going to certify my seesaw design (Lassonde 2015).

I also decided to embrace the question of risk and liability by researching perceived risks associated with seesaws in history.

A beautiful book on the history of playgrounds provided insights into changes in normativity related to playgrounds in the United States of America (Biondo 2014). Through this book, which included images of playgrounds throughout the 20th century, I realised how risk averse our society has gradually become. Looking at images of playgrounds from the 1920s to the 1970s, it becomes apparent that kids at the time were playing in what now appears as dangerous swings and seesaws that their parents thought were perfectly normal as they pushed them on these swings. But gradually, as a result of accidents, injuries, lawsuits and the development of safer equipment, playgrounds changed and became focused on safety and limiting risk. Eventually, seesaws as I knew them in my childhood, almost completely disappeared because they were deemed too risky. This is what led me to write this other part of my performance's narrative:

> Some seesaws remain but have been modified and equipped with large and ugly springs. These springs reduce the height of the seesaw

> and absorb shocks. Sadly, they also encourage kids to play on their own, as opposed to the older versions, which could only be used with a friend (Lassonde 2015).

Since then, every time I see the rare old-style seesaw in a playground somewhere, I feel nostalgic.

While the university shared the seesaw safety concern, it finally gave in and let me install it, as long as I locked the seesaw between 4:30pm and 8:30am and as long as I put up a highly visible warning and waiver of liability sign, and employed other safety measures such as installing the seesaw on a large rubber surface. I agreed and worked within these constraints. This was phase one of the *Counterbalance* project.

3 A seesaw at a courthouse

My original intention was to create a *Counterbalance* series and bring the seesaw to different legal spaces. Following the residency, I reflected on where I would like to take the seesaw next. I decided that I wanted to work on judgment. Although there are many settings in which the exercise of judgment occurs, I thought that courthouses were key venues within the legal system where judges engage in this exercise. I started approaching courthouses. The first one I engaged with was Canada's top court, the Supreme Court of Canada in Ottawa. In 2016, I wrote to the court, explaining that I was interested in doing a second phase of this project in the court lobby or another available space in that building.

I had a phone conversation about the project with a court staff member.[4] While the court did not reject the idea out of hand, I immediately felt resistance, which I expected but not necessarily in all the forms it took. The court had concerns about the use of its limited space. I learned that the lobby is often used for receptions and the presence of a seesaw would reduce available space.

I also learned that the court was planning renovations, that one of the two rooms of the building that are respectively used by the Federal Court and the Federal Court of Appeal, would eventually be potentially

turned into a small exhibit space (Government of Canada 2019). This room would present historical objects related to the Supreme Court of Canada. The staff member indicated that he would see if there was a 'private' space available and contact me if it was the case, but that it was unlikely to be the case. Another staff member later confirmed that there was no 'private' space available, which put an end to my exploration of that space. At the time, I thought that a private space was the opposite of what I wanted because the court is a public space, and my project is intended to be open to the public. Now that I think about it, a private playground for judges and court staff, away from the public, could have been an interesting art infiltration into the private quarters of our highest court.

Although my communication with the court was by email and telephone, it reminded me of my visit to the court, a few years ago, when a clerk gave me a tour of the building. I remembered finding the exterior aspect of the building imposing.[5] I also recall feeling privileged to have a glance at private spaces, as we passed by judges' offices during the tour. I had felt then that the courthouse was open to my visit.

What I found most interesting in terms of the resistance to my new proposed visit through the *Counterbalance* project, was another aspect of the court's response. I was told that the court did not want to set a precedent by having this artwork exhibited in its lobby. This led me to a discussion with the court about the fact that there was already art in the building and that the building itself was an artwork. Staff acknowledged that judges had paintings in their offices. I also noticed that the courthouse had paintings and busts of judges, photographs of which are displayed on the 'art gallery' part of its website.[6] I explained to the staff member that the visual arts included not only paintings, sculptures, installations, but also performances. For the court staff, however, my proposal of a seesaw and a performance could be distinguished from the visual arts that the court displayed, with the performance aspect of the work appearing to produce most discomfort. My sense was that part of this discomfort was due to the unpredictability of the performance, compared to the predictability a

painting that court staff could see ahead of time would offer. I also concluded that the concern about setting a precedent was not about art in general, but rather about allowing performances in the lobby of the court.

There are multiple levels of irony in this response. First, many involved at the court seem to regularly engage in performative roles: lawyers who plead in front of the court, judges who hear cases, clerks who ensure that the proper rituals of court administration are followed. How many movies have we seen depicting the theatrical aspect of courthouses? Performance seems to have always been part of law, but within clear boundaries that have been reaffirmed for centuries. My proposed performance of art and law might break these norms, which is the precedent that the court seemed keen to avoid. The second level of irony about my interaction with the court is that it is precisely the role of the Supreme Court of Canada to set precedents for the entire country to follow.

In this context, it would be reasonable to expect the court to be well equipped to engage in the exercise of setting precedents. However, I acknowledge that, as part of its role, the court carefully chooses what it considers worthy of hearing and therefore on what matters it wants to set precedent. As part of its practice, the court routinely grants or denies leaves to appeal. My interaction with the court and rejection of my project was another iteration of that process. This brings me to the third level of irony in the court's response, which is that whether the court wanted it or not, the court did set a precedent of not allowing performance art in its lobby, under the disguise of not wanting to set precedent. Happily, no court precedent is ever entirely settled – and I take comfort in the fact that the court staff still left the door open and said that perhaps in future when a museum is created in the building, the court may revisit my proposal.

After digesting this first rejection, and fully aware of the possibility of a second rejection, I picked another courthouse space, partly for its aesthetics and partly for my connection with it: the Court of Appeal of Quebec in Montreal.[7] Interestingly, this courthouse building was

designed and constructed from 1921 to 1926 by the same architect who later created the Supreme Court of Canada building, Ernest Cormier (Culture et communications Québec nd). Following extensive restoration and upgrades, the Court of Appeal of Quebec moved there in 2004 (Culture et communications Québec nd). As a first step in my process, I visited the courthouse in person to start imagining what the performance and installation would look and feel like in this space.

As I approached the building, I was struck by its grandeur and intimidating effect.[8] Not unexpectedly, as it was designed by the same architect, it was a similar feeling to the one I had had when visiting the Supreme Court. As I stood in front of the building, I had to double-check that I was at the right place. The entry to the building is a grand and austere set of exterior stairs. No one was present. The front of the building seemed to scream 'you little person of insignificance, are you sure this is where you are supposed to go?' When I opened the door, I was greeted by security staff and barricades. After going through security, I asked if photography was permitted and I was surprised to be told that it was. I walked around the lobby and took a few photos. With its high ceilings and beautiful luxurious art deco architecture, and with the intense echo of my voice speaking softly to security, I felt once more very small in a grandiose space.[9]

These feelings are difficult to reconcile with the fact that the court is a public space. As a general rule, sittings of the court, trials and court files are all public (*Quebec Charter of Human Rights and Freedoms 1975* s 23; *Code of Civil Procedure 2014* s 11). Except for private rooms, such as judge's offices, the courthouse is a public space. When I was standing there, the architecture of the building seemed to defy this principle. I wondered who would dare enter this public space. I learned later that, as it turns out, quite a few tourists do!

With all of this in mind, I thought that it would be interesting to activate this space with a performance and installation. The size and shape of the lobby allowed for it. Following this visit, I decided to email one of the judges who had previously been my professor, to discuss the project. The judge referred me to a staff lawyer who agreed to meet

with me. This meeting was fruitful. I showed images of the seesaw previously installed at the law school and explained the project I had in mind for the courthouse. Based on the image, the staff lawyer agreed that the seesaw would look great in the space. The seesaw is made of beautiful reclaimed Douglas fir wood and a dark grey steel base on a rectangular black surface, which would be installed on light grey tile surface of the court lobby. I started having some degree of confidence, until he asked me whether it would be possible to see the performance that I was going present. I explained to him that my understanding of performance art is that it is never fully created until it actually happens. I said that I would therefore not be able to show him documentation of the performance ahead of time. I mentioned that I was planning on working on the connection between embodiment and judgment. I noticed that the lack of predictability of the performance aspect of the work made him nervous.

This was an indication that the court had understandable concerns about its image, the public perception of its neutrality, and its need to keep a distance with the exterior world. The court was looking for predictability and reassurance regarding what I would present. My status as an artist was no longer sufficient. I had to resort to my status as a lawyer. I alluded to my professional obligation as a lawyer, not to bring the justice system into disrepute (*Code of Professional Conduct of Lawyers 2015* r 3.1; *Rules of Professional Conduct* s 5.6-1). I made a variety of arguments to try to persuade the staff lawyer that this was an acceptable project. At the end of the conversation, he agreed to talk to the chief justice about the project and see what she would say. I left the building still hanging onto hope after muddling through an explanation about the nature of performance and my reliability as a lawyer-artist performer.

In the end, I was told that the chief justice agreed to welcome the project in the courthouse lobby. The fact that this court, unlike the previous one, took the risk of having performance art in its lobby was amazing news. The next step was to rent the space from the relevant government agency. The proposed contract with the agency included

a clause by which I would take on all liability related to the project. In negotiating the terms of the contract, I felt that the government agency was sitting at the bottom of the seesaw with me hanging in the air. However, thanks to an arts insurer for whom my project was just one in a million projects that did not present significant risk, I was able to obtain affordable insurance and sign the contract.

Although the court embraced the project, it established a clear distance with it and insisted that I present it as an independent project from the court. This came as no surprise. It was a delicate balancing act of proximity and distance. I welcomed this challenge. At that point, I was still happily surprised that I had obtained permission to put the seesaw in that space and that the courthouse was open to artistic performance. I started thinking about the range of performances that occur at that courthouse, inside and outside hearing rooms, including at security checks, and in corridors and offices of this institution. I was hoping that the presence of the seesaw in the lobby would bring attention to other performances than traditional hearing room ones. While I had planned to work on a new performance for the opening of the exhibit, I felt somehow that the most important performance had already taken place. Looking back on this project, I consider that the main performance involved was the interaction with the court to obtain permission to do the project and the process of moving the seesaw in and out of the space. This is when various levels of comfort with the project were expressed and the ultimate decision to embrace it crystallised. Although I worked hard on it, the performance I ended up creating and performing at the opening of the exhibit was secondary. Having gone through the important stage of acceptance of the project, I maintained the required distance with the court and proceeded with the next steps.

In fall 2017, I installed the seesaw in the lobby of the Court of Appeal of Quebec in Montreal. My performance and installation entitled *Counterbalance #2: Physicality of Judgment* became the second work of my *Counterbalance* series. The piece involved the seesaw available for all to use and an audio narrative accessible through a

quick response code placed by the seesaw. In this narrative I tell the fictitious story of a female judge's beginning of the day, up to a break from her morning hearing. The story focuses on the embodied actions of that judge, walking to court, and on her thoughts and emotions related to her hearing. I explore how thoughts and feelings about her personal life cross her mind as she analyses the case in front of her, as the following excerpt illustrates:

> I order a break. I go to the bathroom and then to my office. After two minutes, I realise that I am looking through the window without seeing anything, absorbed by my thoughts. The case makes me think of the tragedy that my brother went through. The phone rings. It's him! How can this type of coincidence happen? (Lassonde 2017).

In addition, I designed a live movement performance capturing the different states through which I go when exercising judgment in daily life. The performance is accompanied by an audio narrative telling the story of when I failed at exercising my judgment in the context of a friendship. As with the first phase, the second phase of the project was rewarding in terms of providing insight into the meaning and normative power of different legal spaces.

4 What the seesaw revealed about the difference between a law school and a courthouse

When I compared the two phases of my *Counterbalance* series at Osgoode Hall Law School in Toronto and at the Court of Appeal of Quebec in Montreal, I saw how differently the two legal spaces related to the project. I also gained insights into the difference in normative framework and relationship to performativity between a law school and a court. In this section, I share some of these insights, based on my artistic process.

A Inviting versus responding to performances

My first observation is that the law school and the court seem to be organised to actively invite certain performances and not others. As explained above, before I even began the project, the law school already had two layers of interest in my project: a general interest in

art that led it to create an artist residency program and a specific one in my project, which was selected for a residency.

The court's relationship with art was different. It had moved into a heritage building that was important to preserve. The judge who facilitated my communication with the court mentioned that he was involved in developing the art collection of the court and gave me a tour of the collection. This collection consisted mainly of paintings and sculptures displayed in its corridors, including a great selection of contemporary art as opposed to purely portraits of judges. The court therefore demonstrated an interest in art but gave me the impression that it had not anticipated a request such as mine, i.e. to have a temporary exhibit involving an installation and performance art in its lobby. In addition, instead of responding to a call for proposals, I had had to approach the court without an invitation.

That said, while one space invited my project and the other one responded to it, both legal spaces accepted it.

B Different fears

Despite the promising law school context, as I explained above, phase one of my project did not unfold without obstacles. Interestingly, these obstacles did not come from the law school itself but rather from the larger institution that it inhabits: the university. It was the university's risk assessment department that hesitated to approve my project out of a fear of liability. At the court, the fear associated with the project was different. As explained above, my perception was that the court's true fear was proximity with my project. Court staff worried that the project could negatively affect the image of the court, public perception of its neutrality and its capacity to keep a distance with the public. Ultimately, both the university and the court overcame these fears.

C Uneven levels of engagement

At the law school, after the risk management and negotiation phase was over, I was able to focus on developing the work and installing it in the law school lobby. Once the seesaw was in the lobby, the law school community, other members of the university community and the public spontaneously embraced the piece. Audience members

were the performers in this piece. Students, professors, staff members and members of the public all tried the seesaw without me having to prompt them to do so. Some walked by as if the installation did not exist, stepping on the protective surface around it with winter boots, without any consciousness that the piece was there. However, many stopped, read the sign, looked, touched, sat on the seesaw with a friend or with multiple friends, commented and laughed. What I received from this space and its community was curiosity, engagement and warmth.

At the court, after the main 'performance' of getting through the door with a 1.2-ton installation,[10] my focus shifted to observing the dynamics within the space of the courthouse. I had many opportunities to observe its lobby activities. In addition to prior visits to develop the project, I spent a full day in the lobby, installing the seesaw. I spent some time rehearsing for the opening performance with the seesaw in the lobby. I came back a few times to ensure that everything was working properly, and I worked another full day on site, de-installing the seesaw.

The first thing that struck me while installing the piece was that very few people other than security staff spend time in the courthouse lobby. People who do are a mix of lawyers, parties to litigation, court staff and members of the public – mainly tourists visiting the beautiful building. From my observation, tourists' visits usually consist of getting through the door, staying within the small space before crossing security, looking around including at the high ceiling, taking a photo and leaving. Lawyers walk through the lobby to go plead or attend professional development sessions in courtrooms. Some court staff work in offices near the lobby, in a separate space. Judges work in the building but must enter and leave through different doors because I did not see any judges in the lobby. Judges seem to mostly spend time in their offices, at the back and on higher floors of the building. Interestingly, in busier first instance courthouses, I have seen judges walking around wearing their gown in corridors, in addition to occupying the mysterious spaces of these buildings that are not accessible to the public.

Not surprisingly given that few people pass by, I found that few people engaged with the installation. During the times when I was

present, I believe only one former judge of a different court – who happened to be female – sat on the seesaw. Perhaps other judges did so while I was not there. I am not sure. At the opening, one judge kindly attended – but did not try out the seesaw.

At different moments of the exhibit, I managed to convince a staff lawyer at the court and a self-represented litigant to sit on it. I also convinced a few members of the public to go through security and try the seesaw, including tourists. One Montrealer engaged with me extensively when I had just finished installing the piece. She tried the seesaw and had a conversation with me about its meaning. She then came back to the opening to see the performance, and later sent me a long email sharing her interpretation of the piece. This was an unusual and heart-warming engagement with the piece. In short, a significant number of people still saw my piece during the exhibit, but few physically engaged with it. Phase two of the project revealed that the court was a beautiful space, accessible to artists, but was somewhat more distant compared to my prior experience with the law school. These experiences led me to think about whether this was the right balance of proximity and distance, and if not, what could be done to achieve a better balance.

These observations about proactive or reactive engagement with artistic performances, and the fears surrounding the degree of engagement with the project in particular, made me wonder what would allow for exploring the full potential of performativity within these spaces.

5 Playing on the seesaw

The two phases of the *Counterbalance* project raise questions about how we may benefit from developing our understanding of a wider range of performances that occur in legal spaces. They also invite questions around how we may develop strategies to better deploy our performative potential within these spaces. Classrooms and courtrooms are known to involve performances, such as teaching or pleading, but law school and courthouse performances also include other performances, such as

corridor interactions and anxious moments experienced by people who evolve within these spaces. My experience of this project revealed a few possibilities for exploring these questions.

A Adapting our performances

From an artistic perspective, phase two of the *Counterbalance* project made me rethink how to perform as an artist in spaces that are designed to establish a certain distance with the public. In such spaces, people need encouragement to engage. Perhaps if I were to perform again in similar spaces, I would be present throughout the exhibit to engage with audience members, including court actors. Accompaniment and prolonged presence are demanding roles, but not unheard of in the performance art world. For example, the curator of one of my past performance artworks acted as a cultural mediator throughout the event. She engaged with the public, provided context and information to make our performance artwork more accessible.[11] I have also participated in a durational performance art festival where performers are present for extended periods of time.[12] In my legal practice, I have also seen the need for accompaniment, for example when I work collaboratively with social workers who accompany survivors of violence while I meet with them. Without this accompaniment, engaging with the legal system may not be possible for some.

B Confronting fear

Whether it's a law school or a courthouse, it would not be surprising to enter such space with a level of worry around its norms. What are the norms of this space? What will happen if I fail to follow them? Is it possible to criticise them? I believe that each person's embodied experience of a space, whether a member of the public or the legal world, contains various levels of (un)predictability and potential for reinforcing or shifting norms. What will this person bring? Will it be good or bad change? Different people, with different bodies and lived experiences perform differently within these and other spaces. This reality leads me to wonder: is it in unpredictable or uncomfortable performances that lies potential for changing legal spaces?

But my question assumes that change is a good thing. From a

justice perspective, maintaining certain norms may be desirable. For example, it is comforting to know that if I make a complaint, I can fill in a form and a process will be followed to deal with it. It is helpful to know that, if such and such factors come into play, we can expect a certain result. Predictability can be reassuring. However, we may also sometimes feel that things need to shift and change in order to be fair. Without moments of unpredictability, how could there be room for change? My experience as a performance artist has taught me that cultivating qualities related to performativity, such as presence, listening, improvisation and flexibility, can help get through moments of unpredictability. In fact, I hope for unpredictable things to happen throughout the creation process. I believe that developing the capacity to navigate unpredictability supports us in ensuring that we don't lose our knowledge and judgment when placed in uncomfortable situations. From my perspective, exploring performativity does not mean wanting to change norms at all costs, but rather skillfully questioning and changing norms when necessary for a fairer result. And from my experience with the *Counterbalance* project, one of the skills required to achieve this is to develop the capacity to navigate the emotional landscape of each situation.

In 2011, I participated in a conference on women, arts and law, which was presented at the Université de Montréal Faculty of Law in Montreal. I was invited to respond to the main presentation.[13] I responded verbally and also presented a movement performance on repetition and how each repetition is always different and produces shifts in meaning. A now retired professor who had been my professor at McGill University and was part of the audience, asked discussants, including me, where our spirit of rebellion came from.[14] I find it interesting to think about this question. In hindsight, I believe my frustration comes from the slowness in which change happens in certain areas, such as gender or racial equality. Over the years, it is true that I have had a drive to try to effect change, especially related to intersectional gender issues. I have noticed that in my twenties and thirties, this rebellion or drive was fuelled by anger and outrage. In my forties, I find it harder to sustain this drive because my social

justice work provided me with knowledge of the level of violence and suffering that the lack of change continues to produce. Sadness seems to have taken over anger. Some performances energise us, and others take a toll on us. Therefore, I believe that learning to mindfully attend to our emotional landscape is important to maintain our motivation to strive for social justice.

C Engaging emotionally

When I created phase two of the project at the court, I was reflecting on the body and emotion of the judge, in addition to rationality, as part of the judgment process. As described above, I wrote a fictitious narrative from the perspective of a female judge. During that process, I met with a former female judge who read and commented on the story, which helped me finalise it. This judge also shared with me a fascinating book written by Albie Sachs (2009), former judge of the Constitutional Court of South Africa, which includes the following quote about judgment that I thought fit with the seesaw image that I was building:

> [T]he weighing of the respective interests at stake does not take place on weightless scales of pure logic pivoted on a friction-free fulcrum of abstract rationality. The balancing has to be done in the context of a lived and experienced historical, sociological and imaginative reality (Sachs 2009: 220).

This book was a great find after I had trouble locating anything other than decisions written by judges. If understanding context physically, emotionally and intellectually is important for judges, why focus so much on judges' capacity to keep a distance with the world? What is wrong with a judge sitting on a seesaw to experience what it feels like to be on one side or the other? It may be worth experimenting with how embracing the role of emotion and lived experience can improve the exercise of judgment. And we can start with ourselves in daily life.

D Developing performative skills

Developing the capacity to embrace and manage emotions is just one of the different performative skills that I have found helpful in developing my own performativity and engaging with the performativity of others. Going back to my *Counterbalance* project, no matter how much we enjoy a seesaw ride, we may also occasionally fall off the seesaw, as the university's concerns during phase one of the project illustrates. What would be a constructive way to deal with this risk? Do we only want to rely on insurance to handle this risk or do we prefer preventing falls by developing skills for better engagement? Perhaps acknowledging and understanding how performativity operates can help.

If we accept performativity as a key vehicle for norms, and not ignore this process by simply relying on predictable written rules, fixed images or codes, we may develop an interest in discovering the mechanics and emotional effects of performativity and how to effectively engage with it. While expanding on the mechanics of performativity may be the subject of a different article, this article seeks to acknowledge the performative aspect of our lives as a legitimate part of developing normativity. Perhaps performative methods need to take greater space in legal education. As phase one of my project demonstrated, the fact that law schools are more open to performances than courthouses gives me hope for the future.

Once we acknowledge that performativity has a role to play in our society, we can look at various justice issues and legal mechanisms from a performative perspective and ask various questions: Who are the performers? Where are they performing? How do I feel about these performances? What do they make me think about? What does performative advocacy for social justice look like? We can then develop skills such as presence, listening, improvisation and flexibility to attempt to answer these questions. In this skill development process, experiencing performance art may help connect us with the performative aspect of ourselves. This was part of what I was trying to offer by performing *Counterbalance* in legal spaces.

Drawing from my performance art and social justice practice, I see better understanding performativity in legal spaces combined with acquiring performative skills to engage with it, as having potential for positive change in the normative structure of these spaces.

6 Conclusion

The fact that a law school and a courthouse welcomed *Counterbalance* and were willing to go beyond what they had imagined could occur in their respective spaces comforts me. Some moments remain with me, such as when I was de-installing the seesaw at the law school and a law student came up to me to express how sad she was to see the seesaw go. I have fond memories of seesaw rides in both spaces with different legal academics who then shared that they had found it helpful to refer to *Counterbalance* in their teaching. Seeing two lawyers riding the seesaw wearing their gowns at the court was another memorable moment.

While there were great moments, I am aware that my project involved producing discomfort. As an artist, I cannot control the impact of my pieces and it is not my role to manage my audience's discomfort. That said, it is my role to consider possible responses as I craft my pieces, with intention, integrity and mindfulness of possible hurtful effects. I think this applies to our daily life performativity as well. Whether at the offering or receiving end of performances, I believe it is important to exercise care, but also to develop the skills to sit with discomfort and discover the additional knowledge and potential for positive change this discomfort may bring.

Endnotes

1 Julie Lassonde is a lawyer and researcher based in Canada.

2 Over the years, I have benefitted from law school programs and courses that are open to the arts. Professor Desmond Manderson allowed me to produce a combination of performances and texts for two of his courses at McGill University during my law degree. I was also informally encouraged to pursue an exploration of art and law by late Professor Roderick A. MacDonald at the same university. My Master's thesis supervisor Rebecca Johnson whom I had contacted after being intrigued by the 'leaky woman' personae she created in her 2005 paper, is responsible for giving me the idea of exploring art and law through graduate studies at the University of Victoria. This degree became the basis of my current practice in art and law.

3 As a Francophone, I learned that there was another term in English to refer to a seesaw: a 'teeter-totter.' When I was a child in Montreal, we would use the term 'seesaw' even though we spoke French. The proper French term for a seesaw is 'balançoire à bascule,' which I never used as a child. I have also never used the term 'teeter-totter.' I only learned about these terms when I created *Counterbalance*. Because these other French and English terms do not resonate with me emotionally, I have used the term 'seesaw' for my project. The term 'seesaw' evokes for me the wooden, red-painted seesaws with a grey and slightly rusty base that were in a park my father would take me as a child.

4 I debated whether I should name the people I talk about in this essay and whether I should contact them to ask for permission to do so. As I usually do when I build narratives for my artwork, I have decided to preserve anonymity to avoid producing more discomfort than I already have with the project. My intention is to share my artistic process and what I have learned from it. I believe that naming institutions is sufficient to situate the project and naming individuals would not necessarily add anything to the discussion. I sincerely thank each person who recognises themselves in this essay for their contribution to the project.

5 This building was designed by Montréal architect Ernest Cormier in 1938-1940, see Parks Canada 1988.

6 The website also features statues of Veritas and Ivstitia, which confirmed to me that the court's comfort zone when it comes to art may not have expanded much since its inception (see Supreme Court of Canada 2008).

7 From 1973 to 2000, the court of appeal building housed the music and theatre conservatories (Culture et Communications Québec, nd). When I was a teenager, I had auditioned twice at the Conservatoire d'art dramatique (theatre conservatory), an experience that I found intimidating. The second time, I made it to the second stage of auditions that involved a multiple day test, which I failed. I instead was admitted to another theatre school where I studied for two years. It is interesting to me that after all these years, a Master's degree, and a legal and an art practice, I re-entered this building to exhibit art as a professional. Although I did not return to this building for that reason, the process of engaging with the building brought back memories of young adulthood anxieties.

8 For images of the Ernest Cormier Building, see Société Québécoise des Infrastructures 2015.

9 For images of the interior of the Ernest Cormier Building, Court of Appeal of Quebec, Architectural Features, nd.

10 The seesaw's wooden plank under which is inserted a metal piece weighs about 200 pounds, the two parts forming the steel base another 200 pounds, and each roll of the rubber surface on which it is installed weighs another 200 pounds each, which makes it hard to move.

11 Performance artist Sylvie Tourageau was the curator who engaged in cultural mediation during Orange, a performance art festival that took place in La Pocatière, Quebec, in 2015. She has also been an important performance art teacher for me over the years.

12 I am thinking about the Duration and Dialogue II performance art festival, curated by Natasha Bailey, Dario Del Degan and Johannes Zits, which took place in Toronto in 2017.

13 This main presentation was presented by Professor Norbert Rouland and focused on women, arts and law in France.

14 I am thinking of Professor Jean-Guy Belley.

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