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JULIAN BLAUE

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The Trial Against Ourselves, pre-enactment and utopia: imagining alternatives to contemporary global capitalism

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In this essay the author develops a concept for his and Edy Poppy's performance, The Trial Against Ourselves (2021). In their 'utopian' performance they enact alternatives to contemporary global capitalism. Juridical theatre has a tradition of trying to accomplish this: Augusto Boal (Legislative Theatre) and Milo Rau (The Congo Tribunal) attempt to enact similar alternatives through their re-enactments of injustice and pre-enactments of utopias. In The Criminal Complaint Performance (2018), the forerunner of The Trial Against Ourselves, Blaue & Poppy 'enacted' a law against structural violence and 'pressed charges' against themselves.

Keywords: pre-enactment, juridical performance, structural violence, utopia, practice as research

Introduction

The aim of this essay is to present methods of enacting alternatives to global capitalism by means of juridical theatre; and thus, to discuss possible dramaturgical tools for the performance *The Trial Against Ourselves*. This premiered (with two subsequent performances) on April 2021 at Kilden teater in Kristiansand, Norway while the article was still being written: I am lucky to be able to present the thoughts leading up to the performance, and

in the last paragraphs to look back on how the theatre trial was actually staged. The three trials were live-streamed on our self-created channel CourtStageTV via the online video platform YouTube¹. In May 2021 we also performed it physically at Stamsund International Theatre Festival, Norway. It is the third and last performance in a series, previously including *The Criminal Complaint Performance* and *The Interim Report*. In this article, I put the discussion of the performance *The Trial Against Ourselves* in dialogue with Milo Rau's and Augusto Boal's juridical performance projects. It is my hope that my reflections upon the dramaturgical means of our own theatre tribunal will contribute to a wider discourse around artistic strategies for imagining and enacting legislative alternatives to contemporary global capitalism. The point of departure for this essay (and our performance series generally) is an armed assault my partner Edy Poppy and I experienced in Rio de Janeiro. I reflect on the problem of talking about socio-economically deprived and marginalised people in Brazil while I occupy a midde-class² position in Northern Europe. I argue that representing 'the other' is problematic but necessary in this case. Presenting the two performances leading up to *The Trial Against Ourselves*, I explore the notion of structural violence that plays a central role in the performance series. Here, the question of responsibility for structural violence, and juridical methods to combat it are essential. Further, I investigate how Boal and Rau re-enact injustice in performance, at the same time pre-enacting utopias as alternatives to contemporary global capitalism. With reference to José Esteban Muñoz, I ask questions about the potential success and failure in attempts to establish better realities, utopias. This helps me to introduce my dramaturgical concept of 'critically exposing circumstances', which is about showing-doing or even scandalising the very failure of specific utopian blueprints.

The backstory: a reversed crime story?



Julian Blaue after the assault at the Rio Tourist Police Office, Rio de Janeiro, Christmas Eve 2015.

In Rio de Janeiro, Christmas Eve 2015, Edy Poppy, our baby boy Béla and myself, were robbed by two economically underprivileged armed men from a favela (a Brazilian low-income settlement). First, we felt we were victims, but then we began to reflect on the political background of the incident. We asked ourselves an obvious question: was the reason for the assault poverty, and could one define poverty as the unjust distribution of common global goods? Further, we considered the ways that the global upper and middle classes profit from this unjust distribution. According to Paul Farmer 'the world's poor are the chief victims of structural violence' (Farmer, 2009, p.25). Observations like these made us change our perspective, from a focus on our victimhood to centring on the two men's presumed motives for assaulting us. If the men's poverty is caused by structural violence, the ones responsible for acting out this structural violence against them should also be prosecuted. But who are the perpetrators, who are those responsible for structural violence against economically underprivileged people? One could reply: those who profit from the unjust distribution, generally speaking the global upper and middle classes. We, Blaue & Poppy, are a part of the

global middle class, so maybe in reality we perpetrated a structural crime against our assaulters that could be even more severe than the one they acted out against us. If this connection can be drawn in this specific case, should we press charges against ourselves?

Research ethics and the conditions of talking about other cultures and classes

We, Blau & Poppy, are Europeans from the Global North writing, thinking, and making art about an encounter in Brazil and the social conditions leading up to it. Specifically, we are speaking about people within that society whom I have labelled as two 'economically underprivileged' men from a favela in Rio. Speaking from this positionality, it is difficult to avoid a colonial gesture, by which I also refer to the class divide; I perceive this divide to be even more significant than geographic north / south perspective. The middle and upper classes in different parts of the world are homogenized by globalization and 'the other' is now the non-globalized, local underclass (Baumann, 1998, p.92-102). In the case of Rio de Janeiro, one cannot (only) talk about a national-imperialist exploitation, the people of one country exploiting the other. It is the middle and upper classes in Rio, normally from the *asfalto*³ or from abroad that exploit the local underclasses. Badly paid portieres, housemaids, nannies, drivers, factory workers and other relatively poor people, often from favelas, work for *cariocas*⁴ and *gringos*⁵ of the, as one could put it, 'global *asfalto*'. The colonialism I speak about is, in other words, one that describes the uneven power relations between the economically privileged and the economically underprivileged, who also could be termed the subaltern⁶. Accordingly, postcolonial scholar Gayatri Chakravorty Spivak has claimed that 'the subaltern cannot speak' (Spivak, 1988, p.104); for, as soon as the subaltern speaks, and is *heard*, she or he is no longer subaltern. If this is true, that makes it only more important to speak *for* the subaltern, to represent them, even if one is in danger of misrepresentation. Spivak's ideal vision is that the subaltern speaks and thus stops to be subaltern. But

as long as that goal is not achieved, Spivak demands to represent them, fighting against their *assumed* bad political, cultural and economic conditions. She ends her essay, writing:

Representation has not withered away. The female intellectual as intellectual has a circumscribed task which she must not disown with a flourish (Spivak, 1988, p.104).

In our performance series and in this essay, we too can only represent the subaltern, the two men that assaulted us, not only because of the intrinsic impossibility of the subaltern speaking, but also because we were not able to get in touch with the two men to invite them to participate in our trial. We could have invited representatives of their class—but they would still only be, exactly: representatives and not themselves.

Talking about the two men, we assume to be economically underprivileged men, it seems relevant to reflect on the ethics of artistic research on 'other', especially vulnerable people. In the following, I outline the ways in which we as artist researchers are following 'The National Committee for Research Ethics in the Social Sciences and the Humanities' by the Norwegian National Research Ethics Committee (NESH, 2016, p.12-18).

In section 5 the guideline says: 'While research may help promote human dignity, it can also threaten it.' (p.13). Poverty perceived as an effect of structural violence can be understood as a human rights violation, as I substantiate in the next section with reference to Kathleen Ho. The first article of the Universal Declaration of Human Rights defines all humans as being born equal and free in dignity (United Nation's General Assembly, 1948). Describing structural violence in a self-reflexive way thus also means to be critical to the middle class threatening human dignity of the economically

underprivileged (by, for example, forcing somebody into poverty or exploiting somebody's labour power not directly, but structurally). In the theatre tribunal *The Trial Against Ourselves*, Blaue & Poppy, aim to detect our responsibility for and implications in this structural violence, and imagine ways to end these unjust structures on a political level. The victims of this structural violence, for instance the two men in this case study could, at least potentially, be given back structurally enabled dignity.

More specific than this is the demand for confidentiality, explained in section 9 of the research ethics guideline (NESH, 2016, p.17). We are committed to following the demand for de-identifying personal data, that is, not mentioning addresses, real names, or characteristics that would allow anyone to identify the two men. According to the guidelines, one should only present identifiable data with consent from the subject of research (NESH, 2016, p.15). However, there are exceptions, for example when it is not possible to ask for consent. This is the case here, as we were not able to meet the two men again in person after the assault. The data we use in our performance is both de-identified and filtered through public Brazilian institutions themselves following their own ethical guidelines pertaining to personal security.

Regarding the epistemological status of the investigation around the two assaulter's socio-economic situation in Brazil, it is important to underline that this was an artistic exploration as part of our performance series, rather than employing social science research methods.

The performance series

The Trial Against Ourselves gives a jury the possibility to decide if we are guilty or not of having acted out structural violence against the two men in Rio. There are two problems this raises; first, as Kathleen Ho notes, there is no law against structural violence (Ho, 2007,

p.15); second, how are we to detect and measure our personal responsibility for structurally violent acts?



Edy Poppy and Julian Blaue in *The Criminal Complaint Performance*, Sørlandets kunstmuseum, 2018

The Criminal Complaint Performance and The Interim Report: enacting a law against structural violence and detecting personal responsibility

In our 2018 *The Criminal Complaint Performance* at Sørlandets kunstmuseum and *The Interim Report* performance at Kristiansand kunsthall, Teaterfestivalen i Fjaler, the University of Agder and Museu de Arte do Rio we had already tried to present an artistic response to these issues (Blaue & Poppy, 2019a, 2019b, 2019c, 2019d). In the first performance we used the theatrical frame to enact a law against structural violence, without, of course, official legislative effects (2019a, 9:45–10:31). In both performances we tried to detect personal responsibility for structurally violent acts. In the following, I discuss the term structural violence and possibilities to claim accountability for it.

The Norwegian anthropologist Johan Galtung coined the term structural violence and defined it as an 'avoidable impairment of fundamental human needs' (Galtung, 1993, p.106). He underlines that this is an indirect form of violence stating, 'there may not be any person who directly harms another person in the structure. The violence is built into the structure and shows up as unequal power and consequently as unequal life chances' (Galtung, 1969, p.171). Can structures, rather than living creatures, be (held) responsible for violence? German literary scholar and political activist Jan Philipp Reemtsma addresses this criticism of the term structural violence when he says, 'instead of pointing at the hand that is raised to strike, the speaker looks away and talks about "structures"' (Reemtsma, 1991, p.9).

In our performance series, Blaue & Poppy claim that it is both possible to look at the hand that is raised to strike as well as to talk about structures. We cannot rid ourselves of the feeling that the two men in Rio suffered from violent structures leading them to commit the crime, and that we are involved in these structures. According to Reemtsma's critiques against Galtung's notion, structural violence almost excludes the idea of human perpetrators. However, Galtung argues, and I agree, that the two do not exclude each other, but are interdependent. Because we imagine there always being on one hand, individuals who financially profit and on the other individuals who consequently suffer from socio-economic deprivation, we ought to hold profiteers responsible while supporting victims. Galtung points out the exploitative element by stating:

the archetypical violent structure, in my view, has exploitation as a center-piece. This simply means that some, the top dogs, get much more (here measured in needs currency) out of the interaction in the structure than others, the underdogs (Galtung, 1990, p.293).

The fact that Galtung knows about the paradox of personal responsibility for structural violence, does not mean that he explains how one might discover who is accountable. This inability to find those responsible seems to be something like the 'missing link' in the theory of structural violence. For example, Kathleen Ho understands structural violence as human rights violation, and is thus shifting the concept from inequality, as an ethical category, towards the tentative formulation of juridical crimes. (In Norway, where we are performing the theatre tribunal, human rights are part of the legal code, and a breach of them can subsequently be defined as a crime.) For Ho, like Farmer, poverty is a result of structural violence. However, Ho also concludes that ways 'to attribute responsibility for [...] poverty, remains' (2007, p.15). In other words, she too admits the difficulty of detecting the responsible perpetrators of structural violence.

Nevertheless, in our performance series we experimented with possible forms of literally measuring and financially calculating personal responsibility, if not official juridical accountability for structural violence.

We, Blaue & Poppy, literally estimated through calculation the amount of suffering we caused the two assaulters, and the suffering they inflicted upon us. We tried to calculate the guilt-question with 'harm- and profit-points', and thus to present a graspable way to determine responsibility for structural violence. In our calculation we also took into account the paradox that our careers have thrived due to the cultural capital gained by the assault, (including this very publication!). The estimation in *The Interim Report* performance (Blaue & Poppy, 2019d) was as follows: before the assault we imagine having caused harm in the lives of the two men from the favela by supporting the 2014 World Cup in Brazil and watching it on TV. This we estimated being equivalent to 10 profit-points. The sporting event had vastly negative consequences for the economically underprivileged of Rio de Janeiro: favela houses were



Julian Blaue and Edy Poppy on their investigation journey, Rio de Janeiro, 2018

Directly after pressing charges against ourselves in Norway, we went on a journey to Brazil to investigate our estimations further (Blaue & Poppy, 2019a, 55:34-1:03:25). The Rio police officers confirmed that the aforementioned connection between criminality and the 2014 World Cup actually was a reason behind the assault: the two men had tried to rob tourists as a consequence of increased poverty due to the sporting event, which impacted their personal socio-economic situation. Although not being able to meet and speak with the two men in person, we visited the prison, where one of them was once held (he was now on parole) and gained some impressions of the environment he was exposed to. In *The Interim Report* performance, we presented our findings as evidences in fact affirming the calculation.



Julian Blaue and Edy Poppy in front of the prison where one of the assaulters was held, Rio de Janeiro, 2018

The Trial Against Ourselves (2021)

The political realities render *The Trial Against Ourselves* a fiction, while, nonetheless, the tribunal is directed towards a possible future realization, through a dramaturgy of 'pre-enactment'. As I show in the following, dramaturgies of pre-enactment present a powerful artistic strategy to envision juridical alternatives to contemporary global capitalism, whereas the dramaturgical concept of 're-enactment' (Czirak, et al., 2019) is an important means to perform critique of capitalism, as in Boal's theatre projects, for example. 'Re-enactments do not just re-live the past; they re-stage past events as a means to interrogate present and future', in Cavallo's definition (2019, p.183). I add that re-enactments also interrogate the status of the past events in themselves, shed new light on them, give new meaning to them, and re-interpret them. In Boal's Legislative Theatre (theatre that aims to propose laws), artistic re-enactments are used to re-live unjust events and restoring a sense of justice, by negotiating culpabilities for committed crimes. Future-directed, social alternatives are proposed in the form of pre-enactments, which present an 'artistic anticipation of a future political event' (p.130). In the examples I discuss in the following, these

events can be perceived as alternatives to contemporary global forms of capitalism. The core-notion 'enactment' means 'to act something out' Cavallo states (p.182). I make use of the term to describe the realization of the anticipated future political event, the situation in which the pre-enactment is finally enacted, the alternative is manifested, and the utopia previously only imagined in theatre has, if possible, become real outside the theatre.

Legislative Theatre: from re-enactment to pre-enactment

Augusto Boal's Legislative Theatre is an artistic attempt to enact juridical alternatives to, among other things, capitalism. It is built on the central form of Boal's Theatre of the Oppressed, called Forum Theatre (Salvador, 2014). In Forum Theatre, Boal calls the audience 'spect-actors' (1998, p.7) in order to underline their participatory roles as both actors and spectators. They are then presented with the re-enactment of a situation, in which some people oppress other people. Acting out of oppression in the theatre can be a personal rehearsal for conducting in an oppressive reality. But can it do away with it on a structural level, which might be as important if not more urgent? In response to this challenge, Boal changed his dramaturgical approach from this Forum Theatre with a new form: Legislative Theatre.

Recounting a Legislative Theatre session in which he participated in 2010 in Spain Eduardo Salvador illustrates this movement from the personal to the structural (Salvador, 2014). The issue acted out involved the case of a new-born immigrant whose parents wanted to present the baby to their family in Senegal but were not able to leave their adopted home of Spain. Salvador describes that it was impossible to alter the situation with the means of Forum Theatre—'at a certain moment, it became apparent that there was a structural deadlock that could not be solved by changing the actor's attitude. It could only be solved by changing the laws' (p.8). In

Salvador's case the laws for immigrants travelling to their country of origin would have to be transformed. Understanding this crucial point, which corresponds to the genesis of this theatrical genre, Legislative Theatre, the spect-actors are invited to formulate structural, that is, legislative solutions which could change the oppressive situation. They are reformulated as law proposals and then brought to legislators.

In a 2004 Legislative Theatre session by the Canadian company Headlines Theatre, they employed dramaturgical strategies of re-, and pre- enactment, key notions of this investigation and of *The Trial Against Ourselves*. The particular performance I refer to is titled *Practicing Democracy*, and it dealt with the effects of welfare cuts in Vancouver, B.C. in 2004 (Theatre for Living, 2018). The session was broadcast, and both spect-actors and the TV audience could propose new (legislative) solutions to each of the performers' issues. The *Practicing Democracy* performance contains a 24-minute sequence in which protagonists who are suffering from welfare cuts are playing out situations from each other's lives (Theatre for Living, 2018, 05:50–30:00). I read this as a series of re-enactments that follow a bottom-up logic and inductively begin with the individual's lived experience. The protagonists re-enact situations of people who, in a Western democracy and economy of the Global North, are forced into begging, freezing, outdoor sleeping, or other demeaning means of survival. When the same sequence is enacted a second time, the spect-actors may interfere and act out possible solutions, by stepping onto stage and replacing one of the original protagonists. The conflicts of two homeless people wondering where they should sleep is performed, or rather, re-enacted. Subsequently, spect-actors pre-enact together with an original protagonist a possible solution to the situation. In Legislative Theatre, pre-enactments function as imagined projections of new structures, laws, and their positive effects. In the Legislative Theatre session *Practicing Democracy*, a spect-actor interferes in the situation on stage and suggests that homeless folks receive a voucher for a hotel. Those vouchers do not exist in reality (37:20–

40:20). This proposal anticipates a future where those vouchers could exist on the basis of new laws, imagining possible alternatives to Canada's contemporary neoliberal conditions. Consequently, a lawyer theatrically announces that she will propose the idea as new, real legislation and submit it to the council (43:00–43:51). However, the enactment of these legislative proposals was, in reality, impossible as the Vancouver Council did not have the authority to enact them. In Boal's infamous case of Legislative Theatre, he achieved an enactment of an alternative to neoliberal austerity policies in the form of a law demanding geriatric specialists in all hospitals in Rio de Janeiro (Boal, 1998, p.75).

The Congo Tribunal: from pre-enactment to utopia

Legislative Theatre's explicit goal is to enact the law it previously has pre-enacted. If this does not happen, as was the case in Vancouver, the session has, in a sense, failed (a failure here caused by politics rather than by the theatre group itself). This ambition to succeed, I find inspiring for our own theatre tribunal. As I detail in the following, in the case of Milo Rau's *The Congo Tribunal* a utopian alternative to contemporary forms of capitalism is presented to the audience through a dramaturgy of pre-enactment, albeit in a realistic manner. In Rau's theatre tribunal, I identify a juridical drive and idealistic courage, which goes beyond a pragmatic correction of an existing jurisdiction, as is the case in Legislative Theatre. This example helps to imagine similar dramaturgical realism, when staging our own ambitions to think utopian alternatives to contemporary global capitalism in *The Trial Against Ourselves*.

In 2015 Rau staged two tribunals in Eastern Congo and Berlin dealing with representative cases of crimes committed during the civil war in the Democratic Republic of Congo since 1996 (International Institute of Political Murder, 2018; Walter-Jochum, 2019). The

country had no functioning legal system in place (and an official global jurisdiction doesn't exist)—that is why Rau staged the theatre tribunals as realistically as possible: real jurists were part of the theatre tribunal, among them, as chief judge, Jean-Louis Gilissen, a counsellor at the international criminal court, and, as chief prosecutor, the Congolese lawyer Sylvestre Bisimwa. The participants (the accused, witnesses, and complainants) were local citizens and Congolese politicians. In addition, representatives of international companies participated in the theatre tribunal. Their brutal mining practices of coltan and other minerals are significant factors in the conflict. The Bukavu Hearings in Congo concluded on 31 May 2015 with a 'verdict' against the Congolese Government and the multinational raw material conglomerates. The second part of the tribunal took place in Berlin, where some of the foundational conditions of the Congolese conflicts were established as the European colonial powers cruelly defined the borders of their African colonies in the nineteenth century. The Berlin tribunal ended with a second 'verdict' on 29 June 2015, again not by means of legal enforcement, but by morally holding the World Bank and the EU accountable for their crimes in Eastern Congo.

Enactment as utopian institution

Rau's tribunal is a fictional imagining of a potential real tribunal in Congo. Whereas Boal's method has led to the enactment of specific laws, the 'global jurisdiction' Rau tried to invent as a basis for his trial, reacting on globally profiting companies, has not officially been brought to life outside the theatre space. Still, there are attempts to turn the tribunal into an official institution in Congo. Rau's collective, the Institute of Political Murder declares on their website:

Now, the "Congo Tribunal" is the first art project ever to become an institution (...) The aim is to set up and establish an institution in Eastern Congo that will deal with mass and economic crimes in the region using a series of

local civil society Tribunals along the lines of the Congo Tribunal...(International Institute for Political Murder, 2018)

Rau explains to the audience in the documentary of the performance that 'this tribunal will be legitimized in the future.' (*The Congo Tribunal* 2017, 1:32:25-1:33:16) Rau believes in the importance of actually enacting the pre-enactment. However, this is only one of thousands of sentences uttered in *The Congo Tribunal*, and the fact that the pre-enactment has not yet effected real changes in legal institutions is not highlighted in the documentary. The significance of *The Congo Tribunal* lies in taking its dramaturgical realism seriously, to the extent that the Minister of Mining in Eastern-Congo was fired in the aftermath of the performance.

In an interview, Rau expresses his idea of 'utopian institutions' (Rau, 2017). The adjective 'utopian' may here indicate that the institutions are a result of a deductive, top-down logic, beginning with a very idealistic imagination (compared for instance to Boal's more pragmatic inductive reasoning and bottom-up logic), but then potentially become lived reality for people involved in and affected by the theatre performance. Rau defines theatre as a space, where the factual and the imaginary meet (2019, p.8). Following this thought, one could say Rau artistically imagined the potential impact and importance of the tribunal, and driven by that, staged it with an as realistic as possible dramaturgy, based on documentary evidence and including actual lawyers and antagonists.

This 'realism' seems to be an adequate method when staging a utopian juridical reality. Thus, the utopian precedent can, in principle, be taken seriously politically. So, when staging *The Trial Against Ourselves*, which aims to enact a law against structural violence, we should apply Rau's 'juridical realism' in order to give it political weight. But the futurity, an expectation that the tribunal

has to become reality, is not significantly present in Rau's performance (apart from the hope to be legitimized in the future quoted above). In our performance, it is important to combine Rau's realism with Legislative Theatre's strong demand to succeed, as I explain next.

Esteban Muñoz proposes that failure is a potentiality of all artistic utopias (2009, p.147-183). The idea of failing depends on a will to success—only on the background of an imagined success can an actual development be considered a failure. In other words, Muñoz's 'politics of failure' (Muñoz, 2009, p.154) implies that utopian art is a daydream that should succeed in reality. It is this aspect that is interesting for *The Trial Against Ourselves*, having the aim to be enacted also outside the realm of theatre. But let me explore this utopian will to succeed dialectically, learning in more detail from Muñoz's idea of failure, which he links to J.L. Austin's speech act theory. Austin argues that certain utterances do not merely refer to or describe reality but create it. Performative speech acts can succeed or fail in establishing a certain reality. For example, when a priest in a church says, 'I now pronounce you husband and wife,' (or 'husband and husband', 'wife and wife' and so on) this does not just describe a reality; it creates one (the couple being married), or fails to do so, when for instance the priest has no authority to marry the two or when the conditions are not in place for the speech act to become reality. Applied to artistic practices and theatre works striving to be utopian, what matters is, whether the artists succeed or fail in establishing a new, different, idealistic reality.

This focus on the success or failure aspect of utopian art opens up the possibility of asking if a utopian pre-enactment actually succeeds in creating the alternative it proposes, for instance juridical corrections of capitalism, or if it fails to do so—a relevant question for everybody who aims to cross the border of art for art's sake and demand political transformation. The question, whether an artistic idea succeeds or not, also opens up for the possibility of protesting: if a utopian proposal fails to be enacted, one can blame either the artist, or, more

relevantly, the public sphere that does not allow that proposal to succeed. If the utopian idea is just and good (which should be pleonasm) one can and should expect it to succeed.

Looking ahead: dramaturgical ideas for staging *The Trial Against Ourselves*

In the directing process of the theatre tribunal *The Trial Against Ourselves*, we take inspiration from Rau's dramaturgy and succumb to his realism when casting at least one juridically skilled actor, writing the juridical parts of the script, designing the scenography in accordance with official court rooms. Thus, we seek to establish a precedence case, in principle pre-enacting an official law against structural violence. We have a similar ambition to succeed as Boal had, when he actually enacted official laws through Legislative Theatre. Our demand will most likely not be fulfilled but the will to succeed, which we have dialectically trained by looking at Muñoz's 'politics of failure', will hopefully make the gap between our juridical utopia and the existing political reality visible.



State Prosecutor Laura Mitzkus in The Trial Against Ourselves, Kilden teater and CourtStageTV, 2021



Defendants Edy Poppy and Julian Blaue in *The Trial Against Ourselves*,
Kilden teater and CourtStageTV, 2021

Looking back: specific experiences of staging *The Trial Against Ourselves*

Three issues which I have discussed in this essay became especially relevant when actually staging *The Trial Against Ourselves*: 1, the will to succeed in establishing a precedence case; 2, the idea of juridical realism; 3, critically exposing the circumstance that the trial and the law are not officially enacted. Each of the three themes happened to correspond respectively to the strategies of 1, the performers; 2, the actors; 3, the scenographers of *The Trial Against Ourselves*.

On 22 May 2021, at Stamsund International Theatre Festival, during the end of our most recent performance of *The Trial Against Ourselves* so far, we launched a way of performing trials against ourselves in many different contexts. This idea aims in principle to remove the law against structural violence from the realm of art and turn it into an official political-juridical reality; paradoxically this would happen by means of art.

1. *The performers: the will to succeed in being found guilty*

Inspired by Boal's real political achievements and Muñoz's focus on the potentially failing and hopefully succeeding utopia, I have in this essay, argued for the importance of not only having a theatre tribunal, but also enacting an official trial and, as a perspective, an official law against structural violence. That something is unrealistic does not mean that one does not have a right to expect it to become real. The utopian, understood as the ideal perfection, has, per definition, ethical truth on its side. In reality the law against structural violence and a trial against ourselves should have been enacted officially a long time ago. This argumentation, developed in this essay, had a strong effect on my performance in *The Trial Against Ourselves*: it became a driving force for my agitation. Under the impression of poverty in Rio as well as Farmer's, Ho's and Galtung's insistence on somebody—the global middle and upper classes—being responsible for the situation of the economically underprivileged, I was convinced of our guilt when speaking in *The Trial Against Ourselves*. In other words, the work with this essay gave my performance—and also Poppy's performance, as far as we agreed on this—a clear direction, and a reason to fight for something throughout the trial. In addition, only if we were found guilty could *The Trial Against Ourselves*, at least in the utopian logic of this project, be a precedence case for an official enactment of a law against structural violence. This was another reason for us, the performers Blaue & Poppy, fighting for being found guilty. But the same wish for creating a precedence case through *The Trial Against Ourselves* also led us, as directors, to insist on a certain juridical realism, that paradoxically contradicted our one-sided goal to be found guilty, as I explore next.

2. *The actors: juridical realism*

Inspired by Rau's realism in *The Congo Tribunal* we decided to follow juridical rules as much as possible when staging *The Trial Against Ourselves*. That implied hiring a trained jurist, Jacob Jensen, to play the judge, helping us, make the law against structural violence, to a certain degree, valid. But it also meant that we, as the defendants, had to give the actors, representing the defence lawyer and the prosecutor, and especially the actor playing the judge, the power to lead the trial. Even as the directors of the project, we had to give up the control for real: if we wanted it to be a more or less realistic precedent case, we as defendants could not be allowed to lead the trial, which would be against the basic rule of any court. This insight was in conflict with our desire of being found guilty. (A prosecutor has to prove beyond reasonable doubt that defendants are guilty, their own plea of guilty is not enough.) Since we were really convinced of our guilt, we did not only play this conflict—it was a real conflict between us, the defence lawyer and the judge. The tension between us and the jurist-actors, who themselves also had worked on the manuscript in terms of juridical consistency, generated the strongest dramatic conflict in the performance: us arguing for our guilt, the judge-actor asking for patience and objectivity and the defence lawyer-actress having good common sensical arguments—against our will—for us being not guilty.

In the three trial-performances at Kilden teater the audience-jury decided on three different verdicts: not-guilty (Blaue & Poppy, 2021a, 01:29-01:31), guilty (Blaue & Poppy, 2021b, 01:37-01:38:33), and not guilty in count one (being responsible for the two men's poverty as an aftermath to the World Cup 2014 in Rio) and guilty in count two (forcing one of the men into prison after the assault) (Blaue & Poppy, 2021c, 01:15:45-01:16:56). Obviously, being far from easy to decide, the different verdicts illustrate that our case actually was worth trying and reflecting on in terms of structural violence and juridical accountability.

3. The scenography: exposing the circumstances—the law against structural violence is not officially enacted



Defendant Edy Poppy in *The Trial Against Ourselves*,
Kilden teater and CourtStageTV, 2021

Our utopian proposal should be but was, of course, not political reality when staging *The Trial Against Ourselves* (otherwise we would not have to pre-enact it, we could just have gone to a regular courthouse). This contradiction between our ‘political daydream’ and the ‘political reality’ made us, and the scenographers Pelle Brage and Julia Rosa, choose a visual aesthetic which went beyond Rau's juridical realism. Our motto was: “As juridical as possible and as theatrical as necessary!” By that we meant that we, on one side, would follow juridical norms, but on the other side we would critically expose the following: a trial without juridical foundation—the scandalous lack of an official law against structural violence—is only theatre. That was the reason why we asked the scenographers to use explicitly theatrical items as, for example, a backdrop, visible flats and costumes. In order to expose that structural violence, unfortunately, is reality whereas the law against it, unfortunately, is fiction, they worked with a doubling effect. We had real coffee, real fruits, real Kellogg's Corn Flakes and so on, on stage—commodities that are in fact often produced under the condition of structural violence. But we also had replicas of these products, thus somehow underlining

that the unethical commodities in their juridical representation are reduced to fiction—as long as the law against structural violence does not exist.

Live performance at Stamsund International Theatre Festival: a trial conflagration?

In the end of our physical live performance in Stamsund, in protest against the audience-jury not finding us guilty—which implied that the audience did not find themselves guilty either—we set up an improvised courthouse at the harbour. Here we asked people from our audience and others if they, later on, would pre-enact a trial against themselves on the basis of our fictive law against structural violence. Four people agreed. They also promised to find new people who would again pre-enact a trial against themselves etc. If this happens and those trials also end with obliging new audiences to pre-enact trials against themselves and so on and so forth, could trial-conflagrations ignite? All of the juridical processes, at least if ending with a guilty verdict, should collectively demand to be officially enacted trials on the basis of a then also officially enacted law against structural violence.

Conclusion

If Rau's *The Congo Tribunal*—an *artistic* anticipation of an *official* tribunal concerning war crimes in Eastern Congo—is so strong because it is so realistic, and Boal's Legislative Theatre is successful, because of its bottom-up pragmatism, what can our trial possibly contribute to the collective artistic attempt of enacting alternatives to globalised capitalism? Maybe that our pre-enactment explicitly problematizes its unreal status? That the form is protesting against itself, as pointed out when describing the doubling of the scenography and the idea of trial-conflagrations that may anticipate real trials against structurally violent perpetrators in the future?

An official enactment of our pre-enacted law against structural violence would be an alternative to globalised capitalism's ways of functioning. Our law and trial proposal is more utopian than Legislative Theatre's law proposals and even more utopian—in the sense of unrealistic—than *The Congo Tribunal*. That is not a reason to surrender but to hope for 'a utopian dialectic', that 'is unrealistic in a realistic way', to say it with Milo Rau (Walter-Jochum, 2019, p.166). For us that means to continue to scandalize in future trial-performances and to encourage others to scandalize the fact that the pre-enactments are, unfortunately, still mere utopias.

Notes

1. A trailer to *The Trial Against Ourselves* is available at <https://www.youtube.com/watch?v=iVUZhKq8a8Q> The full performance can be viewed at https://www.youtube.com/watch?v=VonM0SZtbm4&ab_channel=Kildenteaterogkonserthus (this is the version from 17 April 2021 at Kilden teater, Norway)^[1]

2. By this I mean members of the world's societies who have an income that is significantly above securing fundamental human needs. By calling these classes global I am underlining that they have many features in common all over the world, for instance the fact that they, in a globalized world, consume goods from distant regions, often not knowing—or ignoring—the local modes of production.^[1]

3. Carioca, Portuguese for inhabitant of Rio de Janeiro.^[1]

4. Gringo, Latin American slang, sometimes pejorative, for a Caucasian foreigner.^[1]

5. Asfalto, a Brazilian expression for the official city in contrast to the favela.^[1]

6. The subaltern is a position with no identity, a position 'where social lines of mobility, being elsewhere, do not permit the formation of a recognizable basis of action' (Spivak, 2005, 475-486). The subaltern does talk but does not achieve the dialogic level of structural utterance.^[1]

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About the author

JULIAN BLAUE (b.1975) is a Norwegian-German award winning performance artist, critic and research fellow. Blaue writes for all major Norwegian cultural newspapers and magazines and was Critic of the Year in 2017. Blaue has performed at prestigious venues around the world including Staatsoper Berlin, Nationaltheatret Oslo and the Rio Art Museum. He is part of the duo Blaue & Poppy who were winners of the 2019 Folk er Folk prize for 'building empathetic bridges between ideological poles' in their performance series about an assault in Rio de Janeiro.