

## **The Trials of Justice; gestures on re-appropriating power through the law**

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How many trials for justice to be indeed just? What remnants of justice can one unsheathe from the bureaucratic, rigid and often impenetrable formats of white, western judicial systems perpetuated and replicated the world over? How to look into the historical injustice of modernity against the Other? Or the environmental injustices of neoliberal state governance committed under the name of progress?

This exhibition aims to look into an archetypal state and supra-state procedure, that of the trial, using it as a paradigm for an enquiry into the notion of the judicial and other relative and adjacent forms of the administration of justice. Aiming to depart from the self-aggrandising position of art as an agent that can fix, reinstate or correct injustices and resisting to claim that the ethics of art surpass the law, this exhibition wants to look at the form of the trial as one that can be appropriated, re-purposed, re-scripted through artistic practices to bring attention to the strenuous judicial realities put to the test and disintegrated by bureaucracy, exclusionary policies and antiquated judiciary notions. The exhibition highlights how court trial patterns and systems, are travelling through time and continents, and how the Western judicial system – so extensively imposed through colonial rule – is now replicated in most non-Western contexts, in all corners of the globe.

*The Trials of Justice* brings to the fore artistic practices that explore the notion of justice and the law, by exploring if art can be useful to re-imagine judicial processes. The exhibition tackles subjects matters that pertain to crimes against individuals or peoples, ecological destruction, failed governance and corruption, nationalisms or hate speech, bringing forward the hindered, incomputable, obsolete and bureaucratic judicial systems of contemporaneity.

The artistic practices presented are working with subject matters that look into the political, social, philosophical but also cultural implications of the trial, through works that include academic research, archival materials, found footage, performance audience participation and objects. The works often delve into real-life examples of justice's failures, glitches, delays and incoherences drawn from historical and contemporary paradigms of individual or collective cases, but they further propose art as a tool for the processes of trials and other legal investigations. By challenging the scripts, architectures, staging and performativities of the law, the exhibition illustrates how artists have aimed to intervene and re-purpose the tools of the judiciary for other means, from exploring the compository models of evidence to legislating ecocide, to re-configuring the notion of public trials, proposing an artistic glossary through which we can re-configure and re-compose a more just future.

There are many characteristics of the judicial -and the trial as one of its easily comprehensible public manifestations- that prevail: the trial as the classic state structure and as the public representation of the law, the trial as a concept reenacted informally especially today through social media -including defaming and shaming-, the trial as a bureaucratic structure an “analog” format of the state apparatus: absurd, Kafka-esque, outdated and the trial as a performative mode of power exchange that can be re-appropriated or re-conceptualized. The questions that are posed through the artworks presented in this exhibition are: what is the role of art in these constructions? Can in fact art activate a different type of justice, even if it is solely in the imaginary? Can art serve the law? Can art act as a component of the law? Can the law – and subsequently the trial- become art? I hope that through this exhibition, the viewer will be able to answer yes to most of these questions, partly out of certainty and partly out of hope.

The attempt here is to de-construct, re-configure, and re-conceive the forms of the judicial through the artworks presented. The narrative for this exhibition, somehow begun through a dialogue between art and trial that I have seen several years ago. The work, a staged trial in an art fair in Madrid in February 2007, was organized by artist Anton Vidokle and curator and theorist Tirdad Zolghadr and is presented here through a film directed by Hila Peleg. Inspired by the mock trials organized by André Breton in the 1920s and '30s, it playfully raises a number of polemical issues in the world of contemporary art: collusion with the "new bourgeoisie," instrumentalization of art and its institutions, the future possibility of artistic agency, as well as other pertinent topics. The trial begins with the assumption that a crime has been committed, yet its nature and evidence are allusive and no victims have come forward. The testimonies and cross-examinations become an attempt by the Judge (Jan Verwoert), the Prosecutors (Vasif Kortun and Chus Martinez), and the Defense Attorney (Charles Esche) to unravel the nature of the puzzling "crime against art." Set as a television courtroom drama and filmed by four camera crews, the film serial presents a condensed 100 minutes version of the trial. The work is interesting not only as a proposition that re-moulds the judicial process into a question of the value of art in contemporaneity, but also in relation to its content, it is a revelatory sample of how much has changed in the artworld in 12 years. The film now highlights the all-increasing precarious existence of cultural workers after the financial crisis, that hit the art market literally during an art fair: Frieze London art fair in 2007. Twelve years later and although the art market has recovered and augmented through speculative capitalist attitudes seeping from Wall Street into the art-world (with sale records that could not even be conceived in 2007 such as the 91 million dollars record sale of Jeff Koons's sculpture "Rabbit", 1986 on May 3rd 2019) the working conditions for artists, curators and critics remain equally if not more uncertain and with zero-hour contracts. In an environment of fierce neo-liberal antagonisms, the dependency of the artworld with the bourgeoisie -or more accurately the 1%-are still intact, revealing the cruel advancement of commodity capitalist structures that are performed on the cadavre of art.

From this work that opens with a taunting and playful dialogue between art and trial, many questions arise in terms of legislations and security nets from the state towards the art workers, and its citizens at large. It is interesting therefore, to look a little closer through Carlos Amoral's work, the legal embodiment and possibly the most substantial and tangible example of the law: the civil code. Carlos Amoral, is looking into the French Civil Code through one of the classical representers of justice, the lawyer. The work of art here is employed as a platform for an informal experiment of trial and error on the judicial: the imaginaries of art operate at their best in unleashing a politized action. The Civil Code was printed with graphite and then given to the lawyers to erase, modify or preserve articles of the law that each one considered fundamental, outdated or unjust. The French Civil Code (for long known as the Napoleonic code), enacted in 1804 and considered a product of the French Revolution, has been highly influential in the development of civil codes in much of Europe, South America, Africa and Asia. It is in a way a footprint of colonialism and the imperialist power of France of previous centuries. "Supprimer, Modifier et Préserver" is a work that deals with and challenges the notion of right as an independent, organic, rational and complete system, as well as how much and to what extent it can be considered an expression of the will of the 'people'. Given that codes and constitutions are important historical documents influencing society and over determining its values, this work encourages re-thinking the judicial systems that govern us, individual responsibility within larger political debates, the importance of a sharp division between public and private law and the making and meaning of such constructs. Further, it clearly shows the reluctance of white Western power through the law; a law that fails to model itself in accordance to its diverse and complex societal fibres. Lastly, it also demon-

strates the absurdity and “Kafkaesque” reality of the systems of the state that fail to upgrade and update themselves, remaining as “analog” machines in a digital era.

This absurdity, is meticulously observed and utilised by artist Vangelis Vlahos -and his long-term research on the bureaucratic aesthetics of the trial- through the transcripts of infamous cases in the local context of Greece, and the wider region of the Balkans. The project “Objects to relate to a trial (3 suitcases, 2 travel bags and a TV carton box) 2014”, references the so-called «Koskotas scandal», a notorious scandal which dominated the Greek political scene in the late 1980’s and early 1990’s and led to the ouster of Greek Prime Minister Andreas Papandreou and his socialist party PASOK, the then ruling political party. The central figure of the scandal was George Koskotas, a Greek-American banker and publishing tycoon accused of embezzling money from the Greek Bank of Crete when he was its owner and funnelling huge amounts of these embezzled sums, to Greek government officials, in return for political favours towards the Bank. The trial began in March 1991. The project is composed by a found photo depicting the luggage that Koskotas brought with him after he was extradited from the US to Greece on June 1, 1991 so as to face charges of embezzlement and testify as the key witness in Papandreou’s trial in the Greek High Court together with a text related to the controversial content of the luggage. The text is based on rumours, reports, testimonies and interviews, attempts to locate the documented evidence that Koskotas supposedly brought with him after his extradition. The second work “Objects to relate to a trial (The Adidas and the Russian Hat), 2015” is the result of extensive research on Ratko Mladic’s complex relationship with hats and the stories surrounding them. These in turn become the basis for the development of a network of events, people and places. A former presidential candidate in the United States, a distinguished Greek lawyer and a veteran British soldier are all part of a narrative that aims to trace out the multiple dimensions and ramifications of a given historical moment. The project “The Adidas hat and the Russian hat” is based on court records and transcripts from Ratko Mladic’s first days in the International Criminal Court in The Hague in June 2011.

Yota Ioannidou’s work “A case of perpetual no”, deals with another infamous trial in Greece, one that stands as an example of the socio-political divisions that occurred in the country during the Second World War, unveiling the imperialist interference of Britain and the US secret services, that had the mission to annihilate the communist surge from Russia down to the Balkans. Simultaneously it exposes the corrupt and unjust operations of a nationalist, right-wing Greek state apparatus. The work focuses on the murder of American CBS journalist George Polk in the city of Thessaloniki, Greece, on May 9th 1948, during the civil war between Greek communists and the Greek right, following the Nazi occupation. Grigoris Staktopoulos – a journalist himself – is the tragic protagonist who was accused and convicted as a murderer, although CIA files published in the 1980s proved he had fallen victim of the Cold War, and the murder he was accused of, was in fact the work of either British or US secret service officers, in a *bras de fer* choreographed on Greek ground. The artistic research follows one of the longest trials in Greek history, lasting from 1958 until 2008. Staktopoulos -and after his death, his family and friends- embarked on a fifty year trial wanting to overturn the initial conviction. The case was closed in 2013, without giving justice to the family of Staktopoulos, although the evidence was clearly demonstrating his innocence and foul play. Staktopoulos, a victim of the vicious political clash of the left and right, as well as the imperialist tactics of the CIA and the British Intelligence Services, remains one of the tragic figures of Greek modern history. The artwork here acts as cultural memory against erasure, as a corrector of a narrative, exposing the trial as a repressive example of statecraft, imposed upon a man, but also can be employed as a paradigm of the collapse of the law, the power of para-state structures and the illegality of clandestine international interference.

Jonas Staal on the other-hand, appropriates and manipulates the law to expose the far-right politics of his native Netherlands. Beginning in 2005, Staal had made a series of interventions in urban spaces, focusing on the ultra nationalist party leader Geert Wilders (of Dutch nationalist and racist political party PVV (Party for Freedom) that is now in Dutch parliament in a coalition government). Twenty-one installations, were realised anonymously on four different days in April 2005. The installations consisted of a collage of photos of the ultranationalist politician attached to trees, accompanied by a framed picture, a teddy bear, candles and white roses. The installations referenced the enormous memorial installations constructed after two murders of white Dutch citizens critics of Islam occurred, namely the conservative-liberal politician Pim Fortuyn (2002) and the polemicist and filmmaker Theo van Gogh (2004). The racist politics of Wilders were developed in the wake of their death, and he lives under permanent police protection as a cause of this, something he constantly references in all his public appearances, to excuse and justify his racist political positions. This is how he is portrayed in the installations: as a living martyr. During the period this work was realised, Wilders reported to the police twice that he felt his life was threatened by those installations and thus sued the unknown perpetrator for threatening his life. Jonas Staal came forward and gave himself to the police. After the works were made public, an immediate arrest and two days in jail followed before the Public Prosecutor decided to bring the case to court. The accusation was that the artist had “threatened a member of parliament with death.” This resulted in the following two works: *The Geert Wilders Works – A Trial I* (Cantonal Court Rotterdam, 2007) and *The Geert Wilders Works – A Trial II* (Court of The Hague, The Hague, 2008), in which the trials were announced as ‘public debates’ and the artist presented two manifests as his defence. Staal regarded all the events following his action and leading to the trial, as well as the trial itself, as part of an ongoing performative artwork. The installation presented here, includes a police photograph of one of the impromptu “shrines” to Wilders, as well as a drawing from the courtroom. The work is particularly important in light of the recent European election results that demonstrate an extreme rise of far-right politicians, reminding us of the elaboration and amplification of their divisive discourse within only a decade. Moreover, the work acts as a call-out of our lack of attention, or our lack of willingness to take such political figures seriously and realise the threats they pose to the democratic process. The trial here operates as the artwork itself, and in its multilayered aspects exposes not only the loopholes of the law that might in fact reluctantly recognise the artwork within its process, but it also asks what happens when art inserts bureaucracy and co-opts it. It finally is an experiment of the infiltration of art into the logics and operations of the law, a re-appropriation of state power (of the law) for the benefit of an artwork, that stands trial and is deemed innocent.

In a similar manner, the project of KHOJ Workshop and Zuleikha Chaudhari is using and co-opting the legislative process to its benefit, art as an act towards justice. The research based work, stages a hearing in India, before a Commission of Inquiry requesting that it consider the recently cleared River Linking Project under the Commissions of Inquiry Act, 1952. Here nature acts a legal person. The matter has been referred to it by a direction of the Lok Sabha pursuant to a petition. The petitioners, Khoj International Artists’ Association and Zuleikha Chaudhari oppose the River Linking Project on the basis of the devastation caused to the environment. This staged hearing before the Commission looked into the merits of an enlightened perception of justice and how to measure loss, premising art as valid evidence and artists as valid witnesses. “I want not land for land but a running brook for a running brook, a sunset for a sunset, and a grove of trees with shade for a grove of trees with shade. So my right to life is a right to my specific civilisation mode of being in the world. And I cannot be rehabilitated or compensated outside a recreation of what life means to me”. In the early 1970’s, legal scholar Dr. Upendra Baxi submitted a preliminary petition against the Narmada

Sardar Sarovar project, as referenced in the above quote, which coaxes us to revisit and reconsider fundamental questions about justice and loss. The project considers reinterpreting the language of the law through art, by positing that contemporary art is capable of inventing creative and critical approaches that analyse, defy, and provide alternatives to reigning political, social, and economic forms of neoliberal globalization. The domains of law and art both assert productions and reproduction of truth and reality, the construction of narratives, a historical frame of reference and the creation and possibilities of alternate conditions and visions for the present. It is this parallel between law and art, that mandates an exploration into how art can fortify jurisprudence and legal mechanisms with truthfulness and function as an integral factor in preserving justice.

Similarly, the artistic process becomes evidence in the process of a trial. One of the most important trials in Greece's contemporaneity, and one of the most crucial examples of the rise of the far-right in the last decade, is the case that research agency Forensic Architecture has taken upon through this work: the murder of Pavlos Fyssas. Shortly after midnight on 18 September 2013, Pavlos Fyssas, a young Greek anti-fascist rapper, was murdered in Athens in his home neighbourhood of Keratsini. Both the killer and others who participated in the attack were members of the neo-Nazi organisation Golden Dawn. Golden Dawn have committed acts of violence against migrants and various political opponents ever since their formation in the 1980s, but their criminal activity has risen in numbers since 2011, when they found new support in disenchanted voters, after the financial crisis which helped in their entry in the Greek parliament. Most of their crimes have gone unpunished as a result of silent support among the ranks of the Greek police, many members of which are aligned to their nationalist and racist cause. Forensic Architecture was commissioned by the family of Pavlos Fyssas, and their legal representatives, to reconstruct the events of the night from the audio and video material made available to the court. Following the murder of Fyssas—a Greek citizen—the national government was finally forced to make a series of arrests. Sixty-nine members of Golden Dawn, including all of their fifteen elected members in Greece's parliament, were arrested. Charges in the trial, relating to events as far back as 2008, allege that even while holding seats in the national parliament, Golden Dawn operated as a criminal organisation. Although the ongoing trial threatens the existence of Golden Dawn as a political party, the Greek courts remain reluctant to investigate the role of the police in covering up these crimes. The investigation established that members of Golden Dawn, including some of the group's most senior officials, acted in a coordinated manner in relation to the murder, and that members of Greece's elite special forces police, known as DIAS, were present at the scene before, during and after the murder, and failed to intervene. The artwork here is literally employed as evidence, but also acts as the whistle-blower on the corruption of state apparatuses such as the police.

Via a different viewpoint, that of art as a tool for the judicial structure and process itself, poet and artist Franck Leibovici and Julien Seroussi a specialist on International Criminal Court proceeding models, embarked on a colossal research for the work *muzungu* ("those who go round and round"), consisting of materials used and gathered during the ICC proceedings on Congo war crimes focusing on one episode of the conflict: the massacre on Bogoro village. A huge mass of texts, such as witness and victims testimonies, court statements, expert opinions, photocopies of documents and pictures etc., was gleaned by Leibovici and Seroussi to visualize the Court's problem with managing tons of information. For the exhibition, Leibovici and Seroussi have used very simple tools. After tagging and marking all materials, it became much easier to find, reconstruct or select each story (e.g. that of a witness) and problems like chains of commands became visible (in a literal sense). *muzungu* shows that the tools which belong to the fields of poetry and visual art could have a very pragmatic use and might be

helpful in cases like this one. Close reading of muzungu can highlight various issues which have been very contentious during the proceedings of the ICC (the Court was required to peruse documents which weren't always reliable), such as common legal framework between different institutions or issues related to differing cultural contexts. The artistic process, the legacies of art and the questions on its usefulness, are addressed here by art becoming an embodied tool, to be used as a method for the facilitation of justice, to use in trials and for assisting in solving legal cases.

On the contrary, the film collective Rojava Film Commune, in lack of tools but also in lack of recognition from the official representatives of state power (Rojava is an experiment of a stateless democracy in Northern Syria that has no legal status of yet as a state) is activating witness testimony and using film to spread the message of injustice. In an effort to represent the values and ideals of the Rojava Revolution, but also to mediate and depict the daily struggles in the Syrian civil war and Rojava's collective attempt to build a new society, the Commune through this film, commissioned by State of Concept Athens in 2018, amplifies the voices of hundreds of Kurdish and Assyrian citizens of the city of Afrin. The film acts as a testimony on the crimes perpetrated against its inhabitants, documenting the devastation of the everyday in the life of the citizens of the city of Afrin after several attacks from the Erdogan regime. It further acts as a replacer of a just and objective judicial system against the oppressive and murderous operations of the Erdogan regime. The poetics that arise from disaster, but further the human stories that develop among the ruins are the backbone of this narrative and counteract, the injustices perpetrated continuously on the Kurdish people, with the consent and the blind eye of the West. For the Commune, speaking about and showing the histories and culture of the people who were undergoing for years the extinguishing and oppression under the Syrian regime, is revolutionary per se. Learning the process and unique values of the Rojava Revolution is crucial to understand the conditions of the collective's work. The grassroots, stateless democracy is based on women's' rights, ecology and equality in all spheres of life. This political project has challenged the patriarchal system, empowered ethnic and religious minorities and inspired the opening of local democratic spaces. Despite facing the most ruthless threats, this population is writing a new page of their history.

In a similar manner, and by activating the concepts of condemnation, public trials and public shaming, with her work *On Witches* artist Sanja Iveković is in fact bringing to memory trials, that have carried the horrors of antifeminism throughout the eons. The artist is examining the concept of witchery, and how in contemporary culture it is connected with negative connotations. She is re-presenting the mechanics of public trials of the Salem Witches, in 1692, occurring during the time of the burning of witches, juxtaposing them with contemporary "public trials" through anti-feminist discourse, shaming, spreading of fake news and online harassment or vilification that women endure today. Today, the oppressive mechanisms of statecraft still restrict and control women. The recent attempts to withdraw abortion laws in the US or Hungary, demonstrate clearly how women are again collectively facing a threat. Anti-feminist hate speech unfolds through the informal enactment of public trials via social media where women are attacked, vilified, condemned, charged, and sentenced in the public conscience. Reflecting on the writings of Sylvia Federici's seminal book, *Caliban and the Witch*, but also her recent one *Witches, Witchhunting and Women*, and her specific mention of the vilification of older women as witches, the artist poses also the issue of ageism on top of antifeminism. Women who were persecuted as witches were in many examples members of older age groups, and above all belonged to the poorest strata of society. In this iteration of the work, Iveković also presents a series of articles that reveal the story of feminist writers and intellectuals accused in mainstream Croatian media of being witches for their outspoken criticism of the nationalist Croatian state in the wake of the collapse of Yugoslavia. The anti-

feminist hate speech they received is juxtaposed to the female voice of resistance as a paradigm of a conceptualisation of the witch as one who embodies the historical and symbolic force against patriarchy and a social system of inequality, repression, propaganda and fear implementation.

The schema of the trial acts in this exhibition as a reference to the injustices perpetrated upon the majority of people. It represents the rigidity of state power structures, their white heteronormative belief systems through which legislation is imposed on all the rest of us, forcing us to abide in a concept of reality and legality that is not reflecting our identities. It shows the disparity between classes and how the complex legal systems, as intricate as spiders webs, favour the affluent and are harsh to the less financially able. As recently discussed with some of my colleagues, justice is inter-dependent to your financial situation: the law is expensive. Additionally, in the art world -a jarring micrography of society at large- this also plays out in equal harshness: art workers against museum boards with huge legal teams, are always on the losing side.

Nonetheless, although we are living and breathing in a European landscape that is full of truly disheartening state power structures, that have the face and form of white heteronormative males that hate migrants, women and all "Others", legislation can be thought of rarely -but still- as a refuge. Neo-nazism and its salutes still remain illegal in the public realm of Germany, racist and discriminatory discourses are chargeable by law in most EU countries. The law system, built carefully after the collapse of the last dictatorship in Europe (that of Greece in 1974) and throughout the years of the 80s, by socialist or socially friendly governments that ruled until the late 90s in the most part of the EU, has slowly been dismantled systematically since the early 2000s, with the acceleration of capitalism and commodity crazed neo-liberalism. The internet also helped. From the TransPacific Deal (TPP) to the genetically modified seeds that we are legally forced to cultivate, or the most recent violence of the French police against students or its attack on the french press both incidents sanctified by Macron's government, the law is overlooked, bended and modified according to the wishes of governments and the 1%. They have both resurrected the monster of fascism within the populations of Europe and beyond, inciting hate in the hearts of populations that in the past celebrated diversity and promoted Europe as the heaven, the sanction of political or economical refugees that wanted a better future. Or was that just a pretence?

Whatever it was, the state structures built around past ideologies that favoured diversity and equality, are collapsing under the fist of neo-fascisms. And you know, it does not need a huge explosion to demolish a house. You can slowly start sawing it down. Micro-fascisms of all kinds have been doing just that for quite some time now. We need to act before it is too late, act by calling out injustice and by utilising the last remnants of justice to our benefit; possibly protecting the last truly just facets of the law is all we have left.