

Manuscript Title

Forensic Architecture in the Theatre and the Gallery -

A Reflection on Counter-Hegemonic Potentials and Pitfalls of Art Institutions

Abstract

This article examines the status of counter-hegemonic knowledge in art institutions – such as the theatre and the gallery – by analysing Forensic Architecture’s investigation into the murder of Halit Yozgat in Germany. We argue for paying close attention to claims about art institutions’ inherent counter-hegemonic potential. As evidence, we present a critical experiential account of our visit to Forensic Architecture’s gallery exhibition *Counter Investigation* at the ICA in London. Following this, we discuss how the investigation was presented at the civic tribunal Tribunal NSU-Komplex auflösen, whose organizers took over and reassembled the municipal theatre Schauspiel Köln in Germany (2017). Drawing on an expert interview, we explore how the tribunal actively positioned itself against the potentially violent structure of the theatre space.

Ultimately, our discussion considers the requirements for supportive and effective political alliances by art institutions and thus it contributes to the performance studies’ debate on institutional critique.

Keywords: Forensic Architecture, institutional critique, NSU Complex, civic tribunal, hegemonic knowledge

Introduction

In this article, we examine the work of the 2018 Turner Prize-nominated research agency Forensic Architecture (FA), an independent organization which works closely with human rights lawyers and experts from various other fields and actively establishes alliances with art institutions as platforms for their investigative findings. More specifically, we will analyse FA's counter-investigation into the racially-motivated murder of Halit Yozgat in Kassel, Germany, in 2006 by the terrorist organization NSU (Nationalist Socialist Underground) and its presentation in the ICA gallery in London in 2018 and at the people's tribunal Tribunal NSU-Komplex auflösen (Tribunal unravelling the NSU-Komplex) held at Schauspiel Köln in 2017.

While there have been discussions of FA in architecture, contemporary art and art education research,¹ their work has been discussed less from an international performance studies perspective.² In addition, there has been international attention towards the relations between performance, the Left and rising fascism.³ However, the NSU Komplex in Germany has not been analysed in performance studies, except for Azadeh Sharifi's discussion of institutional racism in German theatre in the edited volume *Urteile* (judgements), which centres on the eponymous German documentary theatre production *Urteile* about the NSU.⁴

Our contribution to these discussions proposes to critically engage with FA's claims about art institutions' inherent counter-hegemonic potential. In this way, our article considers the requirements for supportive and effective political alliances by art institutions with marginalized communities (such as those affected by the NSU murders). Thus it contributes to the wider performance studies' debate on institutional critique which encompasses discussions of the value and authorship of arts institutions,

their structural make-up as well as their artistic forms and narratives. In this, questions of equality, diversity, representation, and accessibility are key as well as a critical intersectional awareness that stretches from the content and personnel of art productions, artists and their positionality to policy making and structural change.⁵ In this article, we are specifically interested in the relationship between counter-hegemonic research, the positionality of the researchers, and the art institutions that offer themselves up as allied spaces.

We will first introduce FA and explain how FA researchers aim to uncover facts about state violence, which confound the stories narrated by legislative, executive and judiciary authorities. As the concept of forensic aesthetics is crucial for the interdisciplinary methodology of FA and the international attention they gain from art critics and scholars, we will then detail the concept of forensic aesthetics. In a third step, we will discuss our own gallery experience of FA's exhibition *Counter Investigations*. Subsequently, we juxtapose this discussion of the gallery experience with the people's tribunal Tribunal NSU-Komplex auflösen held at the municipal theatre Schauspiel Köln. We will discuss FA's investigation and how they worked as an ally for the civic community invested in the case and how they contributed to the commemoration of those lost to hate crimes. We will then analyse the tribunal in the context of ongoing discourse around hegemonic and marginalized forms of knowledge, the ethics, and the interventionist opportunities afforded by a critically positioned investigation into such power dynamics. Drawing on a research interview with Ayşe Güleç, one of the co-organizers of the tribunal, we will turn towards the theatre institution, where the tribunal took place. With her, we will question certain hegemonic logics inscribed in the theatre auditorium and its proscenium stage. Ultimately, we will find that FA examines and tackles structural violence by working

in service of violated communities. However, the forms of presenting their results in different art spaces – such as the gallery and the theatre – each need careful and specific consideration to avoid (re)producing potentially violent modes of exhibition and/or an obfuscation of necessary positioning.

In the spirit of a serious reflection on the implications of researchers into their chosen field of inquiry, we would like to introduce our position: We are two German researchers, currently living and working abroad in Denmark and the UK/Switzerland, following political and artistic developments in Germany mostly from a geographical distance but feeling deeply implicated in the ongoing project of institutional reform and the emerging field of civic activism-driven research practices in the arts in Germany. As German-born, white, cisgender female individuals, we are committed to an allyship ethics in our research that seeks to use the academic dissemination platforms available to us to advance the debate about systemic racism and right-wing terrorism in Germany in tandem with theatre research. Therefore, we approach the work of FA about the NSU Complex with a particular motivation to counter long-term academic neglect of pervasive racism in post-War Germany. It is necessary to recognize, acknowledge and affirm the embodied and affective knowledge about racism and structural discrimination by marginalized communities in Germany's postmigrant⁶ society.⁷ Consequently, we begin by dedicating the article to the victims of the NSU murders committed between 2000 and 2006:

Enver Şimşek

Abdurrahim Özüdoğru

Süleyman Taşköprü

Habil Kılıç

Mehmet Turgut

İsmail Yaşar

Theodoros Boulgarides

Mehmet Kubaşık

Halit Yozgat

Michèle Kiesewetter

Forensic Architecture

Forensic Architecture (FA) is a non-governmental organization (NGO) which ‘undertakes advanced research on behalf of international prosecutors, human rights organizations, as well as political and environmental justice groups’.⁸ It was founded in 2010 at the Centre for Research Architecture at Goldsmiths College in London. The combination of forensic architecture as a research methodology and FA as a research agency situates it at the intersection between UK higher education, international state-funded cultural institutions and political organizations and movements within the third sector.⁹

Alongside the founding member Eyal Weizman, the team includes experts from various disciplines: architects, artists, designers, programmers, activists, lawyers, writers and scientists. Typically, FA investigators research a specific case and carefully select and categorize the data pertaining to this investigation. In this process, they search the web for open-source photographs, videos and reams of metadata related to the events under investigation. Equally, metadata of phone calls and phone-camera videos, meteorological data, eyewitness accounts, and model reconstructions are all part of their tool box for crime reconstruction. They also use computer programs and digital animation software that can, for example, model building shapes to

reconstitute bombed-out ruins, identify debris patterns from drone strikes and document tragedies like the Grenfell Tower fire that killed 72 people in London in 2017.¹⁰

It is a crucial element of FA's work that the investigating team then aestheticizes data and uses artistic practices (e.g. visualization, re-enactment and sound work) and contexts (such as galleries and theatres) to present legal evidence in high-profile human rights investigations. Data mapping as well as the architectural practice of drawing can introduce complex narratives, scales, and multiple agents into each project. In doing so, they expose political, ecological and social violence and present the findings to the wider public as well as legislative, executive, judiciary, and capitalist authorities.¹¹ In this way, FA claims, its researchers are able to make serious contributions to political decision-making and legal processes. However, national and global legal institutions such as the International Court of Justice are often limited in access, investigations and judgements take a long time, and sensitive evidence is not usually available to the public. For all of these reasons, it is necessary for FA to maintain creative alliances with cultural institutions, which allow the agency to present evidence through aesthetic public forums, in which discussion, dialogue and questions are an inherent part of the encounter with each other and the negotiation of political violence. They disseminate their findings through collaborations with institutions such as the Institute of Contemporary Arts in London, Manchester International Festival, the infamous international art exhibition documenta, the Berlin-based art centre Haus der Kulturen der Welt, as well as state-funded theatre bodies such as the Maxim Gorki Theater in Berlin and the Schauspiel Köln.¹²

FA therefore collaborates on artistic projects, stages exhibitions, and offers talks and seminars at various academic, artistic and public institutions all over the world. In

Germany alone, FA presented their different works in various cultural spaces: 2017 they exhibited *Resisting Images* at the Biennale for contemporary photography in Heidelberg, Germany; in 2017/18 they presented *Change the System* at the Museum Boijmans van Beuningen in Rotterdam; and in 2018 the exhibition *Affect Me* ran at the KAI 10 in Düsseldorf. Between 2019-2020 alone, they exhibited at eleven different galleries and art museums throughout Germany, including, among others, *The Destruction of Yazidi Heritage* at Schafhof. Current exhibition contributions include *We Never Sleep* at the Schirn Kunsthalle in Frankfurt (2020/21) and *Beyond States - The Boundaries of Statehood* at the Zeppelin Museum in Friedrichshafen (2021). These titles make evident the counter-hegemonic and truth finding claims and objectives FA presents to visitors and audiences.

What specific forms these works and their presentations can take will be shown later in the article through a description and subsequent critical discussion of FA's exhibition of the work *77sqm_9:26min* at the Institute of Contemporary Arts in London between April and May 2018 and their previous work for the Tribunal NSU-Komplex auflösen (2017).

Forensic Research and Forensic Aesthetics

Through combining forensic and creative research and presentation, FA's work can be understood within the wider context of the forensic turn in the arts.¹³ The term forensic 'refers to the application of theoretical knowledge and technological means to investigate and establish facts in a court of law. It encompasses a set of highly standardized practices of collecting, preserving, analysing and presenting evidence, instrumental in the detection of crime and admissible in legal contexts.'¹⁴ In the book *Mengele's Skull: The Advent of a Forensic Aesthetics*, FA founder Eyal Weizman

acknowledges the considerable impact that the turn towards forensics had on wider cultural and political landscapes.¹⁵ Together with his co-author, literary scholar Thomas Keenan, he comprehensively examines the implications of a forensic turn for practical, but also conceptual, political and artistic engagements with mass political violence.

FA too explores forensics as a political and aesthetic tool by investigating human rights violations and developing creative ways of exhibiting their findings. So far, sound and visual artists, coders, lawyers, architects and theatre makers have worked on a variety of such investigations: They analysed gunshot sounds for a murder investigation (*The Killing of Nadeem Nawara and Mohammed Abu Daher*, 2014)¹⁶; they translated the acoustic memories of torture survivors into visuals of the respective site of torture (*Torture in Saydnaya Prison*, 2011-ongoing)¹⁷; or they listened to voices on a wire-tapped phone recording and determined the identity of the person speaking (*The Murder of Pavlov Fyssas*, 2018).¹⁸ Occupying the roles of both technical specialist and artist, FA investigators expand the traditional means, purposes and audiences of forensic work by using audiovisual installations in museums and galleries as well as presentations in theatre spaces and performances.

FA's investigative work is in alliance with social justice causes, in protection and advancement of Human Rights.¹⁹ It targets systemic institutional discriminations with the ultimate goal of changing these shortcomings. To this end, it is important that the forensic and artistic methods used by FA researchers and artists qualify them to be taken seriously as expert witnesses before courts, changing, for example, the outcome of verdicts about deportation in asylum cases.²⁰ Thus, their work can offer alternatives to the practice of international courts of justice where a few guilty individuals are isolated, while the socio-political and economic hierarchies responsible for

institutional violence remain unquestioned.

Of course, forensics also has an affective dimension – for both the communities that are victimized by political and systemic violence and potentially the audiences learning about incidents of human suffering. Going through as well as witnessing transformative dynamics of memory and grief can elicit strong emotional responses. Forensic reconstructions of chains of events can potentially foster identification and empathy or hostility towards perpetrators and victims. Ultimately, forensic investigation processes can even cultivate history and memory-making in the aftermath of political violence and help conceptualize the politics and agency of the dead.

But, as Zuzanna Dziuban argues, forensics here does not only function ‘in relation to past but also to unfolding [and future] realities of violence.’²¹ This futurity of forensics, i.e. the potential to prevent future violence or at least reduce the likelihood of it, is supported by FA’s alliance with creative forms of exhibition and platforms and, hence, the public audiences made possible by them. Tracing and exposing causes for violence and injustices ideally enables their audiences to see the need for a fundamental reconfiguration of the material basis in a given political context.

It emerges that their political creative practice makes FA helpful or, indeed, ideal allies to activist projects that aim at subverting or talking back at authorities through an emphasis on individual voices and stories that do not have an official platform or seek to increase their reach to powerful institutions. The tools that FA employs can lend factual credence to the felt knowledge and personal stories that marginalized people and communities are fighting to get heard. In the following, we focus on the context of FA’s investigation into the murder of Halit Yozgat that was presented both in a gallery and a theatre space. We will first describe the details of the investigation and

then analyse the different contexts in which the findings were presented. This structure serves to critically engage with FA's assumptions about the inherent counter-hegemonic potential of these artistic spaces.

77sqm_9:26min

The NSU (Nationalist Socialist Underground) used to be a clandestine terrorist unit, which is accused of having committed a series of crimes between 1999 and 2010, including ten attempted murders of postmigrants, three bombings and 15 bank robberies. At the time of the crimes, state authorities blamed the deaths and bombings on ethnic mafias or family quarrels and police dismissed the possibility of hate crimes.²² The NSU was exposed when two of its members died in a fire and the third turned herself in, leading to one of the most-watched trials in postwar Germany. In the case of a murder in an internet café in Kassel, a state-informant, Andreas Temme, was present at that very café at the time of the murder. His case was cleared by judicial authorities. However, his unlikely story left victims' families and activists in Germany dissatisfied and sparked debates about his testimony and a potential cover-up of the murder.

With video documentation, computer simulation, sound analysis and virtual reality technology, the team of FA captured the bullet's trajectory and movement of the witnesses. During the investigation, which was commissioned by the Society of the Friends of Halit, a team of FA created a precise digital reconstruction of the events – using floor plans of the three-room space, stills taken from YouTube videos, witness testimony, thousands of pages of official investigation material, and 1 minute, 18 seconds of leaked police video of Temme retracing his steps during his testimony. All material that is used by FA is open source – what they effectively do in their forensic

process is to ‘look again’, to go back to material and take a long and extensive look at material that is available in public. They then cross-reference bits of data in a slow process of research. In this specific investigation, the NSU case received the full attention of six people working over six months focusing exclusively on the 9 minutes and 77 square meters in which the crime took place. *77sqm_9:26min* was also the very title of their exhibition at documenta 2017, which was nominated for the Turner Prize in 2018.

As the virtual reconstruction of the crime scene was not enough, their investigation process also included the building of a life-sized internet-café room (see Fig. 1). They applied specialized eye-tracking software to show what Temme was able to see as he moved through the space. An accurate digital reconstruction allowed the agency to test dozens of different scenarios: Could a gunshot have been heard in the café’s back room? Did Temme have an obstructed view of the front door, or of the shooter? How long would it have taken for the smell of gunpowder to dissipate after the two shots were fired? ‘We need to see if he was a witness—an eyewitness, an earwitness, or a smell witness,’ Weizman says. ‘Is there enough information, in other words, to show that Temme was lying?’²³ FA succeeded in showing that Temme could not possibly have failed to hear, smell and see the crime happening at the café. However, their findings were not admissible as legal evidence in the proceedings.

On 11 July 2018, the court announced its verdict, which indicted NSU member Beate Zschäpe, among four others as accomplices in nine murders and several attacks. Both the victims’ relatives and the German crime justice journalist Annette Ramelsberger expressed disappointment in the verdict and proceedings. She criticized that the ruling did not engage at all with the complicity of the intelligence services, nor mention the joint plaintiffs, the victims and their hurt families.²⁴ Nonetheless, she characterized

this court proceeding in the German newspaper *Süddeutsche Zeitung* as ‘deep drilling into German society’, a ‘look into the abyss’, revealing the shortcomings and mistakes during in the post-Wall era, the period since the German reunification. Ultimately, it lay open the neglect to take seriously the apparent racism and systematic underground forming of neo-fascist networks, which continue until today.²⁵ In 2020, in light of the murder of politician Walter Lübcke in Kassel, public criticism rose against German intelligence services and called for the public disclosure of all NSU documents produced about informants such as Temme – albeit unsuccessfully.

The description of FA’s investigation into the murder of Halit Yozgat and the investigation’s subsequent contested status prompt a problematising of the systemic operation of knowledge-production and admission in state institutions such as courts and parliaments. In particular, FA’s counter-hegemonic investigations on behalf of victimized and marginalized communities blur the boundaries between scientific research, activism and, as we will discuss shortly, art and culture contexts. Therefore, their work offers a complex perspective on the power dynamics present in the wider institutional legitimization of what constitutes knowledge in the first place and what makes it powerful and/or ‘just’. This in turn provides both, the basis for what counts as legitimate evidence to cast moral, political and legal judgements, and which cultural practices societies deem legitimate to produce ‘the truth’.²⁶ Acknowledging and valuing the embodied knowledge of the public and in particular, marginalized communities, FA’s work poses the question of whose knowledge is recognized by legitimizing authorities and institutions and who embodies and performs this knowledge accordingly: Who counts as an expert and who is able to assume a position of power?²⁷

Weizman has responded to these systemic institutional entanglements in his

presentation at the tribunal at the theatre in 2018 and he stated that the grassroots tribunal and the arts institutions are therefore even more important as a counter platform. The forum as the third element of FA's counter forensics – after the field and the lab – becomes essential.

Given the importance of the dissemination of FA's research findings to a wider public and the substantial part that art institutions play in the politics and power structures of the dissemination process, we will take a closer look at two of these specific contexts – a gallery and a theatre space. What are the inherent power structures associated with these spaces and what forms of performance and status is expected and assumed from the performers, the exhibited works and their audiences?

Investigations in the Gallery

Upon visiting the exhibition *Counter Investigations* on 27 April 2018 at the Institute of Contemporary Arts: ICA (ICA) in London, it became evident to us that FA begin their work when official state-sanctioned processes of crime investigation and prosecution fail. Their counter-forensic strategies are an attempt to contest the advantage of states (which can be any state, since their remit is global) in the field, the laboratory environment and, crucially, the civic forum. This is where their work arguably gains civic legitimization and, ultimately, power. Their investigations and evidence reveal the disturbing shortcomings of legislative and executive institutional bodies. Through their specific focus on, and empathy for, the needs and desires of witnesses and audiences, FA's work has the potential to show that the status of stateless citizens, for example, is taken more seriously in the arts than in other institutional contexts. As we are interested in a closer examination of these claims, we will now reflect on the experience of our exhibition visit within the gallery context.

Entering the exhibition space at ICA, we saw on the left hand side a long, white wall with exhibition text: three large columns that meticulously described FA's methodology. We were presented with claims about what the art gallery can do differently as a public forum in contrast to international courtrooms: namely, to reflect on the political and cultural context of their work. On the right hand side, a few marble steps inviting visitors to sit or walk down opened into the first exhibited artwork we encountered: *77sqm_9:26min*. We found ourselves on a black carpet with white 1:1-scale outlines of the internet café's architectural floor plan. Three screens next to another, installed at eye level showed a looped video. It presented both the 1:1-scale physical model and the digital simulation of the crime scene in the family-run internet café, including the timelines of Halit Yozgat, the assumed perpetrator and other witnesses. Behind the screens we could see a huge, white mural (approx. 10x3m), whose graphic and visualized data seemed overwhelming at first (see Fig. 2). From a distance, we could see an elaborate maze of crisscrossing red and grey lines, which reminded us of a network plan. It required visitors to step closer and spend time to understand what was shown here. The graphics represented the different actors, timelines and stories interwoven in the NSU Complex. It started with Yozgat's murder in April 2006, the subsequent migrant communities' protest marches in Kassel and Dortmund *Kein 10. Opfer* (No tenth victim) (See Fig. 3), and closed with his father Ismael Yozgat's testimony before a parliamentary inquiry in Hesse in December 2017. While FA's exhibition video re-investigated the testimony video and focused on the activities during the 9 minutes 26 seconds at the crime scene only, this mural captured the temporal, social and political complexity of the wider story at stake. The mural included the trial in Munich, national parliamentary inquiries, civil society including commemoration ceremonies, protest marches, antiracist activism against police

discrimination and the Tribunal NSU-Komplex auflösen. Cultural institutions such as documenta, and media reports with their discriminatory framing of the case's victims and relatives were also part of it.

The exhibition required us to take time and sit quietly with each investigation, considering timelines, places, visual and sonic reconstructions as well as written statements. Aesthetically considered choices were made to assemble and exhibit the materials and we were at all times aware of being a visitor in a gallery. However, the time and effort spent to both intellectually and empathetically grasp each investigation also led us to imagine ourselves as being in the shoes of someone with the legal authority to make judgements on the respective crimes committed. The combination of the gallery visit experience and the process of imagining together with the factual evidence presented created a quality of politically-implicated aesthetic experience that was new to us. Crucially, the exhibition prompted us to feel like gaining authorial capacity to cast judgements on various legal cases and human rights violations much like a gallery visitor is prompted to cast judgements on the quality and merit of artworks.

This affective-aesthetic strategy bears political potential as it can mobilize political awareness and commitment on the part of the visitors. However, there are also risks and pitfalls to consider that are produced through the logic of the gallery institution itself. The exhibition overall seemed to put on central display FA researchers' labour of data visualization. However, FA researchers themselves were shown little if at all. Most of the time, we only heard their voice over, and only in one case, we saw an investigator conducting a witness interview on screen. Largely, as it is often the case in art exhibitions, the works spoke for themselves and on their own to us. In contrast to the field work and live presentation by Weizmann and Christina Varvia at the

Tribunal NSU-Komplex auflösen and its commemoration march, the exhibition thus portrayed FA rather as an disembodied institution. The ethical negotiations of who was investigating whom and what was being proven and to whom became obfuscated. While the political motivation of FA researchers is clear, and while Weizmann has become a prominent figure speaking out in solidarity with oppressed people, the ethical negotiations within the painstaking investigations did not enter the exhibition space and remained behind closed-doors. Some of these were revealed only when we as researchers of this article invested time in listening to off-record interviews and personal conversations with FA researchers, or when visitors of the exhibition met FA researchers in specific seminars and workshops offered during the exhibition's run. In hindsight, this disembodiment of FA in the exhibition space, created discomfort about FA researchers' lack of positionality vis-à-vis the trauma and affected communities within the investigation processes. There is a problematic connection between the exhibition's effect of presenting a disembodied objective gaze onto the data and what the exhibition prompted us as visitors to imagine: i.e. to be in the shoes of someone with the legal authority to make judgements on the respective crimes committed. Therein, the exhibition misses the opportunity to equally prompt us to position ourselves politically and imagine this legal authority as embodied person with a certain political positionality and power also.

Additionally, as the exhibition assembled exemplary investigations by FA researchers, the focus was not on one case of political violence in one specific cultural context alone. Instead, as visitor at ICA in London, we could engage with political atrocities in Germany, Syria, Naqab desert, Mexico, Pakistan, Occupied Palestinian Territories, and the Mediterranean Sea. Each investigation was spatially presented at ICA in a way that felt vast and left us space to immerse ourselves fully in its methodological, cultural

and political complexities. Yet, while the ICA space gave room enough to transition with time from one to the next investigation, the case of the NSU murder nonetheless sat next to other investigations. Thus, in this exhibition, *77sqm_9:26min* became only one investigation case among equally important others, and significantly, it gained the status of a *closed* case.

The FA website however shows that the issue is far from being closed, by listing the political inquiries, legal decisions and civic activism dating far beyond Ismael Yozgat's appearance at court. However, in the exhibition space as well as in other exhibitions since, *77sqm_9:26min* seemed more detached from the continuous socio-political and cultural work of the civic community, which commissioned the investigation in the first place. The Society of the Friends of Halit remained one among a plethora of data points, which only silently pointed to the *ongoing* embodied and emotional labour of antiracist activists around the globe.

Investigations in the Theatre

The people's tribunal Tribunal NSU-Komplex auflösen was neither a reenactment nor a designated dramatic work but a symbolic and emotive gathering in a theatre over five days in May 2017.²⁸ With the efforts of major state-funded theatre institutions and an organizational period of more than two years, this tribunal offered a platform for the relatives of victims of murders committed by extremist right-wing terror. It explored possibilities of how to collectively deal with the aftermath of the crimes and the complicity of various societal actors. Around 600 participants contributed to and participated in the tribunal, including workshops, panels, exhibitions but also theatre performances about structural racism and the violence it fuels. The tribunal was hosted by the Schauspiel Köln, who collaborated with the Maxim Gorki Theater and the HAU

in Berlin, the Münchner Kammerspiele, the Rosa-Luxemburg-Stiftung, and the Akademie der Künste der Welt in Cologne.²⁹ The project was funded both by private donations as well as public money.³⁰

The organising committee of the tribunal, The Society of Friends of Halit, commissioned FA to re-investigate the case of Temme, the federal homeland security agent, who was indeed present at the crime scene, where Halit Yozgat was murdered in 2006. As Weizmann explained at the tribunal, FA were denied the opportunity to present their findings at the Munich court that had been in session for several months between 2013 and 2018 to make a legal judgement on the NSU murder because it was just ‘art’ and was therefore not admissible as legal evidence.³¹

The title of the case, chosen by the organizers, ‘NSU Komplex auflösen’ is telling insofar as it points to the connection between neo-Nazi terror and long-term institutional and structural racism in Germany, i.e. it frames the case as part of more complex and compounded histories of racism, rather than a mere singular event. It appears that it is in this counter-hegemonic position, where the theatre as an institution with a long history of holding forums and ‘looking again’ can assist these counter narratives and counterpublics.

The Tribunal NSU-Komplex auflösen was held by a specific community that preceded the event (see Fig. 3) and represented itself in the theatre. This act of self-representation in the theatre could be read as an insistence on the enduring status and value of theatre in Germany that is regarded as an institution imbued with the civic power to hold tribunals. These tribunals might not have juridical power, however, in their longevity and aftermath, they can have a political impact – one that is qualitatively different from the documentary performances and narrative-based stage dramaturgies, which have dealt with and sought to represent the NSU proceedings and

history since.³²

However, in our interview with researcher-activist and educator Ayşe Güleç, a more complicated relationship between the tribunal and the theatre emerges.³³ In our discussion, she explains that the choice to use the space of the Schauspiel Köln was pragmatically motivated by its proximity to the Keupstraße and the generous offer by the Schauspiel's artistic director to do whatever they wanted with the space. In addition, the historical factory buildings that the Schauspiel Köln was using at the time formed a meaningful connection with the descendants of former Turkish guest workers who came to Germany in the 1960s. Güleç emphasized that they did not use the Schauspiel Köln as a theatrical space with a clear separation between auditorium and stage and that they actively worked against the architectural hierarchization of the theatre space. This decision derived from the activists' conceptualization of the space as a community-supported space from which different members of the grieving community could speak without being exposed, focused on and thus isolated as single individuals on a public stage. Therefore, the grieving testimonies were given from within the rows of participants – members of the community were surrounded by and supported by their family members and friends. This use of space was deliberately designed as counter concept to the spatial configuration of the courtroom in Munich, in which members of the affected community were experiencing harmful isolation and encountered disbelief in their witness testimonies during the legal trial.

With this comparison to the courtroom, Güleç's description of the activist's occupation of the theatre space provokes a problematization of the theatrical logic of exhibition and representation in relation to testimonies of trauma and grief. The theatron, through its configuration as a *viewing space*, thus reveals an inherently violent potential that is at odds with the needs of a community requiring a shared space to grieve. Rather than

voicing grief in singular performances on stage, the community in the tribunal was collectively working through a mourning process. According to Güleç, the dissolution of the stage-auditorium divide was instrumental to showing a network of connected voices calling for justice.

Consequently, this problematization of the theatre as a suitable space for a critical engagement with hegemonic practices of state institutions in silencing minoritized voices is also complicating FA's allyship with state-funded art institutions and their exhibition practices. This allyship should ideally serve to decentre the institutions themselves but at the same time, it is never completely devoid of self-interest, as, indeed, institutions such as German municipal and state theatres are in need of institutional reform and reinvention. The analysis of the interview shows that demands for civic participation and representation by previously and/or still marginalized groups in the German public sphere require a reconceptualization, if not, deconstruction of hegemonic institutional frameworks. The assumption that cultural institutions such as the theatre or the gallery inherently offer themselves up as counter-hegemonic platforms has to be tested in each case specifically. As the case of the tribunal has shown, the space needed an active reworking and conscious reconfiguration by the activists to function in the way that Weizman assumes cultural platforms can.

Conclusion

While FA has moved on to investigate among others the case of the Grenfell Tower fire, the tribunal community itself has continued their work on structural racism through activism, demonstrations, exhibitions, social media, public talks and discussions, publications, education material, and with the engagement of the theatre

(including presentations at the festival Politik im Freien Theater in 2018). In 2018, they held a second tribunal in Mannheim, as a tribute to and lamentation of the 1992 murders of Yeliz Arslan, Ayşe Yılmaz and Bahinde Arslan, who were killed in 1992 in Mölln. A third tribunal was held in Chemnitz and Zwickau in 2019, in response to hate crimes and mobs against postmigrant communities by fascist right-wing groups. The Tribunal NSU-Komplex auflösen also published their own indictment of the court proceedings in Munich³⁴ and have been organising several anti-fascist demonstrations and marches across Germany, including lamentations of the NSU victims and other victims of hate crimes.

Projects like the Tribunal NSU-Komplex auflösen painfully show the systemic crisis of legislative and executive institutional bodies. The case was rife with political entanglements, compromising links between the homeland security agent in question and the ruling political party CDU and questionable procedural mistakes that obfuscated evidence. Through the specific focus on and empathy for the needs and desires of the participants and audiences at the tribunal, FA's work contributed to taking their status as citizens with agency more seriously in that theatre space, than in other institutional contexts. The methodology FA researchers employed in the field took seriously and communicated the affective and embodied knowledge by marginalized communities. In this instance, their approach was to work together with the communities in order to visualize their knowledge as data, which was then presented to the civic society in an adequate and sensitive format.

FA's visualization and narrativization of violence, racism and institutional shortcomings of political, legal and media forums with tools such as data evidence and scholarly rigour is unique. What often remains oblique and silenced though are the

violence, racism and institutional shortcomings of academia and cultural spaces, where FA researchers operate from. These particular counter-hegemonic investigations into their own positionality, ethics and shortcomings happen in the discussed cases in closed-doors spaces and outside public forums.

While FA tackles structural violence by working in service of violated communities, art institutions have to be challenged and should question their own inherently violent modes of exhibition if they want to be self-aware allies to grass-roots marginalized communities. We conclude that the co-production of counter-hegemonic knowledges and spaces to present it need to become part of a wider strategy to deal with the question of how art institutions can react to the pressing need for their own institutional reform. They can do this by taking a crucial step towards engaging with counterpublics, grassroots and civic political movements and responding to their demand for solidarity and their suggestions for rethinking their modes of operation.

Lastly, we contend that the Tribunal NSU-Komplex auflösen not only calls for an intellectual, emotional, and political reckoning with racism in Germany, but it moreover calls theatre scholars and practitioners for a reckoning with the institutional violence found in theatre and art spaces and their (re)presentational logics. In performance studies in particular, we as researchers – us included – have a tendency to investigate violence through analysing singular stories, cases and stagings, rather than paying attention to structural violence. However, we propose that a careful engagement with institutional violence found in theatre and art spaces, necessitates an anti-racist methodology, an intersectional positioning of researchers and theatre makers, artists and cultural workers and a sensitivity towards power dynamics in scholarly modes of producing knowledge.

Figure Captions

Fig. 1: Aerial view of the digital model of the Yozgats' internet café, including the locations of individuals at the time Halit Yozgat was murdered. Courtesy Forensic Architecture, 2021.

Fig. 2: Forensic Architecture's investigation into Halit Yozgat's murder, exhibited at London's Institute for Contemporary Arts in 2018. Courtesy Forensic Architecture, 2021.

Fig. 3: Following the murder of Halit Yozgat, and the murder just days before of Mehmet Kubaşık, immigrant communities in Kassel and Dortmund organized protest marches under the banner 'Kein 10. Opfer' - 'no tenth victim'. Courtesy Forensic Architecture, 2021.

References

¹ See e.g. Eyal Weizman and Thomas Keenan, *Mengele's Skull: The Advent of a Forensic Aesthetics* (Berlin: Sternberg Press, 2012), Anselm Franke and Eyal Weizman, eds., *Forensis: The Architecture of Public Truth* (Berlin: Sternberg Press, 2014), Juliane Karakayali, Cagri Kahveci, Doris Liebscher and Carl Melchers, eds., *NSU-Komplex analysieren* (Bielefeld: Transcript, 2016), Ayşe Güleç, 'Vermittlung von Realitäten: *The Society of Friends of Halit*', *Art Education Research*, 8, 14 (2018), p. 3, https://sfkp.ch/resources/files/2018/03/n%C2%B014_Ayşe_Gulec_DE.pdf accessed 27 January 2022.

² See e.g. James Frieze, *Theatrical Performance and the Forensic Turn: Naked Truth* (London: Routledge, 2014), Tunay Önder, Christine Umpfenbach and Azar Martazavi, eds., *Urteile. Ein dokumentarisches Theaterstück über die Opfer des*

NSU. *Mit Texten über alltäglichen und strukturellen Rassismus* (Münster: Unrast, 2016), Onur Suzan Nobrega, Matthias Quent and Jonas Zipf, eds, *Rassismus. Macht. Vergessen. Von München über den NSU bis Hanau: Symbolische und materielle Kämpfe entlang rechten Terrors* (Bielefeld: Transcript, 2021).

³ See e.g. Silvija Jestrovic and Ameet Parameswaran, eds, *Studies in Theatre and Performance: Performing Worksites of the Left*, 39, 3 (2019).

⁴ Azadeh Sharifi, 'Institutioneller und struktureller Rassismus im Theater', in Tunay Önder, Christine Umpfenbach and Azar Martazavi, eds., *Urteile. Ein dokumentarisches Theaterstück über die Opfer des NSU. Mit Texten über alltäglichen und strukturellen Rassismus* (Münster: Unrast, 2016), pp. 66-85.

⁵ This heated debate about the need for German theatre's institutional change and redefinition can be traced since 2007 on the online reviewing platform *Nachtkritik*. See *Nachtkritik*, 'Dossier zur Stadttheaterdebatte. Die Zukunft des Stadttheaters', 2020,

https://www.nachtkritik.de/index.php?option=com_content&view=article&id=9735:dossier-zur-stadttheaterdebatte&catid=101&Itemid=84, accessed 27 January 2022. A useful collection of articles on institutional critique in the theatre sector can be found in: Elke Van Campenhout and Lilia Mestre, eds., *Turn, Turtle! Reenacting the Institute, Performing Urgency #2*, (Berlin: Alexander Verlag, 2016). See further: Elisa Liepsch, Julian Warner and Mathias Pees, eds, *Allianzen: Kritische Praxis an weißen Institutionen* (Bielefeld: Transcript, 2018); Christopher Balme and Tony Fisher, eds, *Theatre Institutions in Crisis: European Perspectives* (Abingdon/New York: Routledge, 2021); Sophie Diesselhorst, Christiane Hütter, Elena Philipp and Christian Römer, eds, *Theater und Macht. Beobachtungen und Übergang* (Berlin: Heinrich-Böll-Stiftung, 2021).

⁶ According to German researcher Naika Fouroutan, there are three aspects that are typical of a postmigrant society: a) The change into a heterogeneous, or ‘immigration’ society is officially politically accepted. b) Emigration and immigration are societally influential phenomena. They are irreversible but subject to discursive negotiations and regulations. c) Institutional structures are being adapted to the requirements of a postmigrant society to allow for equality of opportunity and social mobility. See Naika Fouroutan, ‘Die postmigrantische Gesellschaft’, *Bundeszentrale für politische Bildung* (2015), <https://www.bpb.de/gesellschaft/migration/kurzdossiers/205190/die-postmigrantische-gesellschaft>, accessed 27 January 2022. See also: Naika Fouroutan, *Die postmigrantische Gesellschaft. Ein Versprechen der pluralen Demokratie*, (Bielefeld: Transcript, 2019). For a discussion on theatre in postmigrant Germany, see: Azadeh Sharifi, ‘Postmigrantisches Theater. Eine neue Agenda für die deutschen Bühnen’, in Wolfgang Schneider, ed., *Theater und Migration* (Bielefeld: Transcript, 2014), pp. 35-46.

⁷ Grada Kilomba, ‘Wissen sollte gefühlt werden’, *Hinterland Magazin*, 31 (2016), <http://www.hinterland-magazin.de/wp-content/uploads/2016/07/hinterland-magazin-31-75-wissen-sollte-gefuehlt-werden.pdf>, accessed 27 January 2022; Fiona Schmidt and Isabella Greif, ‘Die Perspektive der Betroffenen und die staatsanwaltschaftliche Praxis im NSU-Prozess’, *Bulletin Texte* 45 (Berlin: Zentrum für transdisziplinäre Geschlechterstudien, Humboldt-Universität, 2019), pp. 67-96, <https://www.gender.hu-berlin.de/de/publikationen/gender-bulletin-broschueren/bulletin-texte/texte-45/bulletin-texte-45-gesamt-neu.pdf>, accessed 27 January 2022.

⁸ Forensic Architecture, <https://www.forensic-architecture.org/project/>, accessed 27

January 2022.

⁹ It is being funded through the European Research Council (2011–21) and several major charity foundations: the David and Elaine Potter Foundation (2015–18), the Oak Foundation (2016–19), Open Society Foundations (2018–21) and the Sigrid Rausing Trust (2016–23). Other funding comes from commissions by various organizations and groups on a project basis: from museums that exhibit the agency’s work, or from NGOs that the agency partners with, such as Amnesty International, Human Rights Watch and the European Centre for Constitutional and Human Rights.

¹⁰ Cf. Forensic Architecture, ‘Investigations’, <https://forensic-architecture.org/investigation/the-grenfell-tower-fire>, accessed 27 January 2022.

¹¹ In 2014, Forensic Architecture published the first anthology of their work. Cf. Anselm Franke and Eyal Weizman, eds., *Forensis: The Architecture of Public Truth* (Berlin: Sternberg Press, 2014).

¹² Eyal Weizman, interviewed by Ellen Marca de Wachter, ‘I’d Rather Lose Prizes and Win Cases: an Interview With Eyal Weizman of Turner Prize-Nominated Forensic Architecture’, *Frieze*, 2 May, 2018, <https://frieze.com/article/id-rather-lose-prizes-and-win-cases-interview-eyal-weizman-turner-prize-nominated-forensic> accessed 27 January 2022.

¹³ The notion of the forensic has been applied, for example, in the field of theatre and performance; especially with a strengthened focus on documentary and verbatim formats in the UK theatre landscape since the beginning of the twenty-first century. While acknowledging the differences between production and creative processes, this particular field broadly shares a dramaturgical structure, which employs multiple points of view through collages of multiple voices, anchored in a central storyline or issue. Here, the hyperrealistic mode of verbatim functions as a source of critical

reflection, an alternative to other mass-mediated forms of reportage. On the one hand, answers or solutions are often deferred, as spectators contemplate the manifold views and possible solutions to the issue or story at hand. On the other hand, as Janelle Reinelt has explicated in the case of *The Colour of Justice*, such theatrical experience equally brings about catharsis and ‘closure’ in the spectators and Jill Dolan describes this ‘use of performance as a forum for rehearsing the practice of politics’. Jill Dolan, *Utopia in Performance: Finding Hope at the Theater* (Michigan: University of Michigan Press, 2005), p. 113. Janelle Reinelt, ‘Toward a Poetics of Theatre and Public Events: In the Case of Stephen Lawrence’, *TDR: The Drama Review*, 50, 3, (2006): pp. 69-87, p. 80. See also: James Frieze, *Theatrical Performance and the Forensic Turn: Naked Truth* (London: Routledge, 2014); Rebecca Scott Bray, ‘Rotten Prettiness? The Forensic Aesthetic and Crime as Art’, *Australian Feminist Law Journal*, 40, 1 (2014), pp. 69-95.

¹⁴ Zuzanna Dziuban, ed., ‘Introduction: Forensics in the Expanded Field’ in *Mapping the Forensic Turn: Engagements with Materialities of Mass Death in Holocaust Studies and Beyond* (Vienna: New Academic Press, 2017), pp. 7-37, p. 10.

¹⁵ Eyal Weizman and Thomas Keenan, *Mengele’s Skull: The Advent of a Forensic Aesthetics* (Berlin: Sternberg Press, 2012).

¹⁶ Cf. Forensic Architecture, ‘Investigations’, <https://forensic-architecture.org/investigation/the-killing-of-nadeem-nawara-and-mohammed-abu-daher>, accessed 27 January 2022.

¹⁷ Cf. Forensic Architecture, ‘Investigations’, <https://forensic-architecture.org/investigation/saydnaya>, accessed 27 January 2022.

¹⁸ Cf. Forensic Architecture, ‘Investigations’, <https://forensic-architecture.org/investigation/the-murder-of-pavlos-fyssas>, accessed 27 January

2022.

¹⁹ As the question of human rights takes centre stage in FA's work, the UK's departure from the EU and consequently, the European Human Rights Act, poses new challenges for the agency's geopolitical positioning in the coming decades. However, it is noteworthy that the UK will remain a signatory of the European Court of Human Rights, despite its departure from the EU.

²⁰ Cf. Anika Marschall, 'To speak the truth, the whole truth and nothing but the truth: About Political Performances of Listening', *Platform*, 11, 1 (2017), pp. 67-87; *Performing Human Rights: Artistic Interventions into European Asylum* (London: Routledge, forthcoming).

²¹ Dziuban (2017), p. 12.

²² Ayşe Güleç, 'Vermittlung von Realitäten: *The Society of Friends of Halit*', *Art Education Research*, 8, 14 (2018), p. 3, https://sfkp.ch/resources/files/2018/03/n%C2%B014_Ayse_Gulec_DE.pdf accessed 27 January 2022.

²³ Cf. Eyal Weizmann, Lecture given at the Tribunal NSU-Komplex auflösen, Schauspiel Köln, 18 May 2017, <https://www.youtube.com/watch?v=dMWxEG65oWk>, accessed 27 January 2022.

²⁴ Annette Ramelsberger, 'Wir waren ihnen kein Wort wert', *Süddeutsche Zeitung*, 30 April, 2020, <https://www.sueddeutsche.de/politik/nsu-rechtsextremismus-terror-urteil-kritik-1.4893697>, accessed 27 January 2022.

²⁵ Kaveh Kooroshy, 'Blick in den Abgrund: Fünf Jahre NSU-Prozess', *NDR*, 16 May, 2018, <https://www.ndr.de/fernsehen/sendungen/zapp/Blick-in-den-Abgrund-Fuenf-Jahre-NSU-Prozess,nsuprozess144.html>, accessed 27 January 2022.

²⁶ Cf. Juliane Karakayali, Cagri Kahveci, Doris Liebscher and Carl Melchers, eds.,

NSU-Komplex analysieren (Bielefeld: Transcript, 2016); Juliane Karakayali and Bernd Kasperek, 'Der NSU-Komplex und das Prozess-Ende im Kontext aktueller Migrationspolitiken', *Movements*, 4, 2 (2018). <https://movements-journal.org/issues/07.open-call/01.karakayali,kasperek--der-nsu-komplex-und-das-prozess-ende-im-kontext-aktueller-migrationspolitiken.pdf> accessed 27 January 2022.

²⁷ Schmidt and Greif analyse the victims' intersectional perspective from within the NSU trial, who were denied their own ways of telling their stories and lived experience of being discriminated against and racialized. Instead, they were marginalized yet again in court, despite understanding themselves as experts. Cf. Schmidt and Greif, (2019), p. 78.

²⁸ Tribunal NSU-Komplex auflösen, <http://www.nsu-tribunal.de/#newsmodal>, accessed 27 January 2022.

²⁹ A brief description of the funders helps to situate the institutional support of the tribunal further: The HAU is an independent theatre in Germany, which has a long and outspoken history of supporting socio-political theatre. The Gorki Theater and Münchner Kammerspiele are state-funded state and municipal theatres. The former is known internationally as a postmigrant theatre (see also endnote 6) and thus, it seems to have a particular institutional interest in supporting the Tribunal NSU-Komplex auflösen, while the latter as the city theatre in Munich is implicated in the trial qua its cultural and geographic proximity to the court. The Rosa-Luxemburg Stiftung is a German "parteinahe" foundation, which means that its socialist politics and ideology is linked to the Left party Die Linke. Its name references one of the leading political figures of the international workers' movement. The Akademie der Künste der Welt in Cologne is a foundation, which finances intercultural contemporary art and culture

in the city and one of its particular aims is to support best-practice projects in the field of migration. The foundation was initiated by Bernd M. Scherer, who has been institutionally supporting FA's work in Germany and works with them to open a new branch and location of FA in Germany in the wake of Brexit.

³⁰ In the programme of the Tribunal NSU-Komplex auflösen, the organizers thank in addition to the named ones above, the following funders: Berliner Senatsverwaltung für Kultur und Europa, Stadt Köln, Heinrich-Böll Stiftung, Kommunales Integrationszentrum Köln, Amadeu Antonio Stiftung, Antidiskriminierungsstelle des Bundes, AWO Bezirksverband Mittelrhein e.V., GLS Treuhand, ADBs für NRW!. Cf. Tribunal NSU-Komplex auflösen, Programmheft (2017), p. 27, http://www.nsu-tribunal.de/wp-content/uploads/2017/05/Tribunal_NSU-Komplex_aufloesen_Programm_web-1.pdf, accessed 27 January 2022.

³¹ Cf. Eyal Weizmann, Lecture given at the Tribunal NSU-Komplex auflösen, Schauspiel Köln, 18 May, 2017, <https://www.youtube.com/watch?v=dMWxEG65oWk>, accessed 27 January 2022.

³² To name but a few: *Unter Drei* directed by Mareike Mikat at the Staatstheater Braunschweig (2013), *Der weiße Wolf* directed by Lothar Kittstein at the Schauspiel Frankfurt (2013), *Rechtsmalerei* directed by Jan-Christoph Gockel at the Staatstheater Karlsruhe (2014), *Die Lücke* directed by Nuran David Kalis at the Schauspiel Köln (2014), Elfriede Jelinek's play *Rein Gold* (2014), *Beate Uwe Uwe Selfie Klick* directed by Laura Linnenbaum at the Theater Chemnitz (2016), *Das Erbe* directed by Ersan Mondtag at the Kammerspiele München (2017), *Die NSU Monologe* directed by Michael Ruf for the theatre collective Bühne für Menschenrechte (2018); *Der NSU Prozess. Die Protokolle*, performed at the Staatstheater Kassel (2020); *Takdir. Die Anerkennung* directed by Ülkü Süngün for

Impulse Theater Festival (2021). In 2021, the theatre project *Kein Schlussstrich!* connected 18 German municipal and state theatres, festivals, charities, which produced around 70 public events, performances and exhibitions.

³³ Cf. Ayşe Güleç (6-8pm GMT, 19 May 2021, online interview with the authors; notation is held in the private archive of the authors).

³⁴ Tribunal NSU-Komplex auflösen, *Wir klagen an!* (2017), http://www.nsu-tribunal.de/wp-content/uploads/2017/10/NSU-Tribunal_Anklageschrift_DE_V3.pdf, accessed 27 January 2022.