“unter dem Vorwand eines Prozesses eine ‚Schweiz‘ zusammenzubauen, die in dieser Verdichtung unmöglich ist, die nicht existiert”[1]

Milo Rau‘s *Die Zürcher Prozesse*

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In May 2013 Milo Rau staged *Die Zürcher Prozesse [The Zurich Trials]* at the Theater Neumarkt in Zurich**.** In the “Trial Show” with open ending, the bi-weekly journal *Die Weltwoche* was accused of racism. This paper analyzes *Die Zürcher Prozesse* through an approach that perceives the staging as an experiment, that fictitiously plays out the possible consequences of political (non- and in-)action, interventions and agency on stage rendering them thus visible, and opening a space for reflections. Additionally, I will focus on the concept of propaganda, as Rau highlights it time and again as fundamentally important for his work. The triangulation of a) trial show, b) experiment and c) propaganda makes it possible to tease out the paradoxes and ambivalences of the genre of the courtroom drama / trial show at large and more specific in the staging of *Die Zürcher Prozesse,* and allows me to inquire what (if any) the political aspirations and dimensions of Rau’s trial show / courtroom drama can be.

Keywords: Die Zürcher Prozesse, Propaganda, Experiment, Utopian, Trial Show

Introduction

In May 2013, Milo Rau staged *Die Zürcher Prozesse* [*The Zurich Trials*] at the Theater Neumarkt in Zurich. Unlike *Das Kongo Tribunal* [*The Congo Tribunal*] (2015) or *Die Moskauer Prozesse* [*The Moscow Trials*] (2013), *Die Zürcher Prozesse* has not received much critical and / or academic attention so far.[2] In the following pages, I am not interested in why the attention centered more often on the other two trial shows; instead, this paper investigates the aesthetic form of the trial show / courtroom drama as a pre-enactment that positions itself as political engagement. I follow Friederike Oberkrome's and Verena Straub's definition of pre-enactments. They describe "the individual components of a theory of preenactment"

> as actualizations of the past (re-), realizations of possible futures (pre-) as well as their intersection in actions and practices (enact). In its literal sense, 'to enact' means to make a bill into a law or to bring something into force. Thus, it not only entails every-day acts of playing social roles that constantly need to be reenacted and actualized and whose effects reach into the future. Enactments also relate to judicial and political practices and contain a powerful dimension that can have both emancipatory as well as stabilizing or even regressive effects. (Oberkrome and Straub 2019, 10).

I will analyze *Die Zürcher Prozesse* through an approach that perceives the staging as an experiment that fictitiously plays out the possible consequences of political (non- and in-)action, interventions and agency on stage, rendering them thus visible, and opening a space for reflections. Additionally, I will focus on the concept of propaganda, because Rau highlights it time and again as fundamentally important for his work. The triangulation of a) trial show, b) experiment and c) propaganda enables me to tease out the paradoxes and ambivalences of the genre of the courtroom drama / trial show at large and more specific in the staging of *Die Zürcher Prozesse*, and allows me to inquire what (if any) the political aspirations and dimensions of the trial show / courtroom drama can be.

Milo Rau and his Oeuvre

The Swiss multimedia artist, director, author and filmmaker Milo Rau has been one of the favorite artists of the German language Feuilleton for more than 15 years; his reputation is either described as that of a scandalous director or as a praiseworthy political artist. Undoubtedly, he is one of the most important and influential, but also most controversially discussed European theater directors of our time, who is well known outside of the European borders and who intensively collaborates with artists of the global South. In his work he is interested in the past, present and future of socio-political conflicts; he is known for his re-enactments (*Die letzten Tage der Ceausescus* [*The Last Days of the Ceausescus*], *Hate Radio* and *Breiviks Erklärung* [*Breivik's Statement*]), his staged tribunals and processes, that can be interpreted as pre-enactments (*Das Kongo Tribunal, Die Moskauer Prozesse*, and *Die Zürcher Prozesse*), his assemblies (*The General Assembly*), but also his staging of classical theater plays (*Die 120 Tage von Sodom* [The 120 Days of Sodom], *Orest in Mossul* [Orestes in Mosul]) and his film *Das Neue Evangelium* [*The New Gospel*] that premiered in 2020. His work spans multiple continents, cultures, genres, formats and media (theater stage, book, film, internet).

His various performances function via medial pre-, para- and / or epitexts (e.g. the productions *Orest in Mossul*, *Antigone in the Amazon* [*Antigone in the Amazons*], and *Das Neue Evangelium*, but also his re- and pre-enactments), which presuppose that the viewers are able to make the connections between these different texts. Whether blog, Instagram, the golden book series published by the Verbrecher Verlag, poetry lectures and various manifestos, the YouTube channels and homepages for his productions, his numerous interviews, the current books – all these different media formats must be understood as paratexts to the 'actual' works (see Kammer and Krauthausen 2020, 250). Even Rau himself claims – and thus rather raises the question of what functions as 'main text', epi- and peritext in his work – that it is "schwierig … zu sagen, was jeweils der Abkömmling wovon ist, ob etwa der Dokumentarfilm nur die Dokumentation des Theaterprojekts ist"[3] (Kammer and Krauthausen 2020, 250). Or to put it another way: Where does the single text or the individual work begin and end? Rau's paratextual embedment of his productions, performances and films seem to have at least three strategic thrusts: a) he spreads his fame and that of his works and

popularizes his productions, or as Thomas Sprecher formulates it: "geht es dem Regisseur Milo Rau um die Vermarktung von Produkt und Person? Der Cheftrommler seiner selbst hat den Dreh gefunden, wie er sich international bekannt machen konnte"[4] (Sprecher 2016, 110) ; b) his interviews and essays etc. must be seen as "Interpretationsmanuale"[5] (Koch 2022, 109) of his own works, which critics, but also German studies scholars, theater and media scholars are quite happy to take up, thus elevating Rau to a strong authorial position without partially questioning it; c) Rau continues to frame and edit his productions in various media (essays, newspaper commentaries, the homepage of the International Institute for Political Murder [IIPM; his production company], manifestos and films documenting the work) and thus creates an inter- and transmedial network of his various products and productions, which supposedly have a political impact.[6] These three different directions can be brought together under one conceptual 'roof': Milo Rau as influencer, as Helga Kraft shows, who "hopes to influence and programmatically open up the hermetic space of the theater" (Kraft 2021, 44).

In terms of content, his productions focus on urgent global issues such as migration and the so-called refugee crisis (*Empire*, *Rivolte della Dignità* [*The Revolt of Dignity*] and *Das Neue Evangelium*) [The New Gospel], war (*The Dark Ages*, *Orest in Mossul, Mitleid*. *Die Geschichte des Maschinengewehrs* [*Compassion: The History of the Machinegun*], *Hate Radio*), climate change and ecological crises such as the destruction of the Amazon region (*Antigone in the Amazon*), but also individual 'tragedies' such as suicide (*Familie*), murder (*Breiviks Erklärung*) [Breivik's Statement] and abuse (*Five Easy Pieces*). In recent years, he has shaped the theater landscape as artistic director of the Wiener Festwochen since 2024, of the IIPM and, until 2023, of the NTGent (Belgium), with his book series on contemporary global theater and with the "School of Resistance," which brought together artists, activists and humanities scholars to discuss, among other things, theater in times of pandemics, the relation of the posthuman discourse and theater, and the political responsibility of theater.

In contrast to Rau's popularity in the feuilleton, academic publications dealing with his productions are far more critical of his work and his statements that he wants to produce – borrowing the concept from Alexander Kluge – "real theater". The critique, however, does not center so much Rau's 'proclamation' of wanting to produce

real(istic) theater, but rather the centralization of the self in Rau's various articulations as well as his strong author, producer and director concept, which comes to light in his performances and publications and which runs counter to his aspirations to decolonialize and decenter the Western World. What does real(istic) theater then mean to Milo Rau? To begin with, realism is artificial for Rau (Rau 2018b, 35). A concept of realism outlined in this way connects to the theorist Robert Stam, who describes realism as artificial because it is conventional. It conforms "to widely disseminated cultural models of 'believable stories' and 'coherent characters'" and "also correlates *with generic* codes" (Stam 2000, 142). Seemingly independent of this definition, for Rau the central task of realistic art is "to make an unconscious action a conscious one and thus a morally and politically questionable one" (Rau 2018c, 183). In order to achieve this, Rau – and here his concept of realism intersects with Stam's – employs familiar formats, generic codes, genres and stories in order to place them in new contexts and thus awaken a critical awareness. For him, intervening means to "make suggestions that are unacceptable" (Rau 2018c, 183). He aims to create a reality that ought to trigger agitational affects. Accordingly, he understands his various theater productions and 'documentary films' of the performances as projects about politics and as political in themselves, by participating in the "Schaffung symbolischer Formen, symbolischer Praktiken und Solidaritäten" (Rau and Welzer 2017, 12). Describing himself as a political artist and postulating the dysfunctionality of existing societal and state institutions, he strives for new institutional forms through his work. In his own words: "One has to create new, utopian institutions" (Rau, n.d.).

A First Look at Milo Rau's *Zürcher Prozesse* as a Utopian Institution

Milo Rau's *Zürcher Prozesse* was performed at the Theater Neumarkt in Zurich from May 3 to 5, 2013 on three evenings.[7] The stage was set up as a courtroom in front of an audience that observed the trial, which was conducted in the form of a jury trial, a system that has been abolished since 2010 in Switzerland (with one exception, the Canton of Ticino; Sprecher 2016, 116). In the "Trial Show" with an open outcome, as stated on *Zürcher Prozesse's* homepage, the Swiss biweekly journal *Die Weltwoche* was accused of racism. *Die Zürcher*

Prozesse presented in the year 2013 a "Panoptikum der Schweiz der letzten zwanzig Jahre […]. Von der EWR-Abstimmung über die Minarett Initiative"[8] (Bossart n.d.a). One of the charges against *Die Weltwoche* was the violation of the anti-racism law (Bossart n.d.b). To give a brief background: *Die Weltwoche* has divided the opinions; especially since Roger Köppel took over as editor-in-chief in 2001: Some perceive *Die Weltwoche* as a stronghold against leftist mainstream, others judge the journal to be unconstitutional.

The accusation of racism refers in particular to two issues of *Die Weltwoche*. In 2009 the journal published the highly controversial poster of the advertising campaign of the Schweizerische Volkspartei (Swiss People's Party, which supported the in May 2007 initiated initiative against minarets) on its cover intervening thus in the since 2006 ongoing discussion "gegen Baugesuche von Minaretten in Wangen bei Olten (Solothurn), Wil (St. Gallen) und Langenthal (Bern)"[9] (Hildebrand 2017, 312). In 2012 it discriminatorily titled one issue "Die Roma kommen: Raubzüge in der Schweiz. Familienbetriebe des Verbrechens" accompanied by a photo of a young child holding a gun directed at the camera and by extension at the reader / viewer on the title page of *Die Weltwoche*. In June 2012, criminal proceedings were opened against *Die Weltwoche*, but these were dropped because the Zurich public prosecutor's office found that the front page did not defame the Roma as a people (see humanrights.ch 2012). Rau now picked these two articles as "Corpus delicti" (Schöpfer 2013; Sprecher 2016, 112) for his *Zürcher Prozesse* to build his case against *Die Weltwoche*. According to the text on the homepage of the production:

> Theater und Gericht stellen als kathartische Medien die Frage nach der Funktion von Journalismus in einer modernen, westeuropäischen Gesellschaft. Es steht Grundrecht gegen Grundrecht, die Pressefreiheit gegen den Schutz von Minderheiten in einem freiheitlichen Staat wie der Schweiz. Vor einer repräsentativ ausgewählten Jury verhören echte Anwälte echte Zeugen und Experten, im Rückgriff auf reale Straftatsbestände der Schweizer Rechtsordnung. Die Anklage lautet auf Verletzung von Art. 258 (Schreckung der Bevölkerung), Art. 261 bis (Diskriminierung) und Art. 275 (Gefährdung der verfassungsmässigen Ordnung).[10] (Die Zürcher Prozesse)

However, *Die Zürcher Prozesse* is not so much about *Die Weltwoche* per se; it is, as Rolf Bossart, who is responsible for 'theory design' at the IIPM, argues (echoing Rau's self-statements), far more: "Anlass und Ausgangspunkt, um ein politisch-mediales System in einem Zeitalter sich verhärtender ideologischer Fronten und eines wegbrechenden Wertekonsens zu untersuchen"[11] (Bossart 2014, 8).

Die Zürcher Prozesse as Trial Show

Rau uses the juridical form of the trial in *Die Zürcher Prozesse* as a symbolic form (in accordance with his own approach), which ought to be able to realize his repeatedly formulated claim, also published in 2018 in the *Ghent Manifesto*, to artistically / performatively destruct the Western hegemony,[12] initiate a global community of peoples, create symbolic practices and to establish solidarities (actually referring to both: the performance and the performative act, the emergence of something new in action). This puts him in the company of other artists who stage court proceedings on stage. These include, for example, as Steff Nellis shows: "Lara Staal and Yoonis Osman Nuur, Rebekka de Wit and Anoek Nuyens, Christophe Meierhans" (Nellis 2021, 160), but also Terike Happoja, Laura Gustafsson, the *NSU-Tribunal* and the *GLOBALE: Tribunal – A Trial Against the Transgressions of the 20th Century* (2015) at the ZKM. Zentrum für Kunst und Medien. This form of, as Avi Feldman calls it, "judicial-visual activism"[13] (Feldman 2019, 63) can be traced back to the early 1920s *Dada* trial of Maurice Barrès. This trial signifies, as T.J. Demos argues,

> a destabilization of the boundary between the sites and institutional procedures of socio-legal discourse and artistic practice. This erosion of categories between art and life represented the extremely experimental aspect of the trial. … joining aesthetic to ethical judgement and reinforcing it with (pretend) legal authority. (Demos 2009, 143)

Two of the points Demos mentions will be important for the further argumentation in this article: the experimental aspect and the pretended legal authority. However, before I focus on these topics, I want to briefly write about the format of the trial show, the court proceedings shown on stage. As Lily Climenhaga rightfully points out:

> Trials and tribunals automatically employ an agonistic structure, with disagreement throughout and ending with a decision that is upheld but not always agreed with. Therefore, conflict is already built into the trial structure and, thus, the underlying dramaturgy of productions as well. Participants are already aware of the rules of court (which follow the same rules and regulations of legitimated judicial institutions), so they are predisposed to accept the reactment's illegitimate trial and verdict. (Climenhaga 2021, 235)

From the perspective of speech act theory, as Steff Nellis argues, the staging of a trial on stage is ambivalent insofar as language functions performatively in the courtroom (a verdict is spoken, language thus has the power to change something), whereas language in the theater does not have precisely this power to change reality (Nellis 2021, 160). In the courtroom, language has, as he further points out,

> the pragmatic impact of declaring a binding verdict, whilst in a theatre, on the contrary, language lacks this specific power of enforcement. … If a theatrical performance lacks state legitimacy and hence the power to declare a verdict, then its enforceability cannot be guaranteed by theatrical language. (Nellis 2021, 164)

The difference between the legal and theatrical use of language, as Nellis further argues, can be described as a theatrical paradox: through fictitious court proceedings the artists strive for a reality effect, yet they lack the power or legal/judicial authority to sanction and enforce their verdicts. In other words, whereas in the courtroom judgments are passed on a case, as Marett Leiboff argues, the court proceedings in Milo Rau's *Zürcher Prozesse* but also his *Kongo Tribunal* and *Moskauer Prozesse* aim to put the state, state institutions such as the dispensation of justice itself or democracy to the test (Leiboff 2019, O'Connor 2013). Seen in this light, it can also be argued that the issues that are legally put on trial and negotiated in these productions remain unresolved, because the spoken verdict has no legal power (Climenhaga 2021, 213).

Based on these considerations, it can be said that in *Die Zürcher Prozesse* Rau negotiates racism in Switzerland, "the search for truth", "a utopian law" (his own words; Feldman 2016, 52) and political engagement, identity constructions and exclusions (into an us and them). In this sense, *Die Zürcher Prozesse* is, to borrow a phrase from Julie Carson, "simultaneously a project about politics as much as [they are, T.N.] political" (Carson 2013, 29). However, *Die Zürcher Prozesse* is real and fictitious at the same time. The performance positions the invited experts, witnesses, the prosecution and defense, on stage as part of the trial show (i.e. as part of the performance), participating in decision-making processes that have, however, no effect outside the theater. I want to briefly emphasize that the participants are not actors, but in their daily life lawyers and experts of the issues being negotiated, who have been invited to take part in this performance. They simultaneously experimentally simulate and pre-enact real events in the world, i.e. those that are to take place outside the theater in the future, and their responsibility for and in these events. Even if these actions have no consequences outside the theater situation, they can still demonstrate the socio-political implications of political and social processes in which subjects participate, and thus potentially trigger consequences in the sense of changed behavior. The processes are, in the words of Lily Climenhaga, a "live one-time performance" (Climenhaga 2021, 223) and a pre-enactment at the same time and, according to Adam Czirak, stage "*alternative* or *utopian realities* in order to create an affective drive toward political change" (Czirak 2019, 202).

The form of the trial and the stage set of the courtroom function, however, also as a means of propaganda:[14] Rau is concerned with creating a reality that, as I briefly mentioned earlier, is intended to trigger agitational affects. He understands propaganda to mean that found facts are arranged and placed "in ein tragisches oder auch agitatorisches Spannungsfeld", "so dass ihre im eigentlichsten Wortsinn skandalöse Qualität sichtbar wird"[15] (Rau 2019, 97f). If one takes this conception seriously, it means that Rau uses the accusation of racism and the staged trial in *Die Zürcher Prozesse* as objects or found facts for his interests and his critique of the global world order and right-wing nationalism – by staging them, but also by appropriating them. The second point (the appropriation) becomes clearer when one considers, for example, the use of the photo of Alan Kurdi, which Rau projected in *Mitleid. Die Geschichte des Maschinengewehrs* (2016)

onto the screen at the Schaubühne am Lehniner Platz in Berlin. I briefly include the photo in my reflections because *Die Moskauer* and *Die Zürcher Prozesse* as well as *Das Kongo Tribunal* and the use of the photo in *Mitleid. Die Geschichte des Maschinengewehrs* press charges by similarly functioning as propaganda. To give a brief background: Alan Kurdi was washed up on the beach near Bodrum in 2015, and the photo of his dead body became one of the most prominent images of the so-called refugee crisis, not least because in the same year as Rau projected the photo on the screen in *Mitleid. Die Geschichte des Maschinengewehrs*, Ai Weiwei recreated and reenacted the photo of the dead Alan Kurdi.

Figure 1: *Mitleid. Die Geschichte des Maschinengewehrs* (2016), dir. Milo Rau, © Daniel Seiffert/Berlin Schaubühne

The reactions to Ai Weiwei's photographic restaging and reenactment of the dead body were divided: in part, the debate revolved around the political implications of artistic works that merge reenactment and documentary forms in order to critically question reality and politics in the present day. In part, the debate focused on the question of whether the photograph and its further use was not an appropriation of human suffering. By using the photograph of the dead Alan Kurdi for their criticism of Western societies, both Ai Weiwei and Milo Rau exploit the exploited and thus become part of a system of exploitation. I would like to emphasize that a critical, artistic engagement with the tragedies and injustices of the so-called refugee crisis can certainly mean that the artistic work adopts an uncritical position on the formal level, which counteracts the intention of the work.

But to return to Milo Rau's productions I mentioned above: however different these media (photo, performance and theater play) are and function, Rau utilizes them on the one hand for propaganda purposes, on the other hand his use can also be described as an appropriation, which is problematic from a Critical Race perspective, as an expropriation takes place. To put it bluntly: while it can be argued that Rau presses charges against inhumane, exploitative, capitalist (feel free to add to the list) structures in his diverse projects, he at the same time uses 'found topics and materials' for his interests and 'goals' within a Western context for a mostly European (Western) audience. Additionally, by positioning himself as a strong author-subject, Rau actualizes the imperial gesture on a formal level, which he politically condemns and attempts to reveal in his projects in terms of content. In other words: the questions must be asked as to what is also happening in these propagandistic performances, beyond the accusation(s) that Rau brings to the stage and symbolically takes to court? What added value does it have to have Rau so centralized in the accusation he is levelling? Why does it need to come from Milo Rau himself and not simply from the court he has staged and constructed?

Die Zürcher Prozesse as Experiment

Rau's *Zürcher Prozesse* stages investigative forms of knowledge production and truth-finding, while at the same time revealing how these are embedded in politics and discourses that depend on information(flows) and the access to or availability of it, and which not only shape our understanding of the 'world' and present situations, but can also influence the future of our world. In Jacques Rancière's terms, *Die Zürcher Prozesse* can be understood as the comprehensible staging of reality as storytelling, as an amalgamation of politics and fiction (Rancierè 2004; also Kleesattel 2018, 21).[16] As processes on stage, however, the trial can also be understood as experiment, as trial (pun intended) carried out by Rau. In the trial (in the double meaning of experiment and process) that is performed on stage, the possible consequences of political (non-)actions and interventions are fictitiously played out and thus made visible and tangible, and the space for reflection is opened up. While it has been argued that rehearsals can be understood as experiments generating knowledge and aiming for a 'perfect' result of the performance (Berg 2019, Hruschka 2012), and theater generally can be perceived as laboratory (in the words of Heiner Müller[17]) that experiments with human behavior and thus with the community itself (Primavesi 2012), I am interested in a different aspect of the experiment: the experience. From an etymological point of view, experimentation derives from Latin. The Latin word experimentare initially means to try, to test, to bring to experience, and is a noun formation of the Latin verb experīrī (to try, to taste). In Middle High German, the word experimenten then means to prove something through experience (Experiment, n.d.). In focusing on the experience being made in an experiment, I conceptualize it as an exploration of the world that is open to the future, to borrow a formulation from Hans-Jörg Rheinberger (Rheinberger 2012, 11). He rightfully points out that an experiment, or, to be more precise, an experimental system,[18] in the sciences or in the arts needs to be understood as a production process "mit ungewissem Ausgang, an dessen Ende Dinge stehen, die seinen Anfang nicht bestimmt und nicht bedingt haben"[19] (Rheinberger 2019, 27). Potentially, an experiment develops its own logic that can lead to unforeseen, not anticipated results (Klenk 2021, 23) – as the outcome of *Die Zürcher Prozesse* indeed demonstrated.

In its interweaving of fiction (the performance of a court case on stage as an opportunity to stage an alternative reality) and the real involvement of the experts and audience (the observing participation in the process), *Die Zürcher Prozesse* can also be understood as a "Praxis des Fingierens, das heißt der Annahme, Hypothesenbildung, der Modellbildung, der Anordnung von Untersuchungsobjekten zum Zwecke der Beobachtung ihrer Eigenschaften"[20] (Weigel 2004, 185). Understood as experiment, *Die Zürcher Prozesse* is defined by their rules, the set-up of the experimental arrangement and 'laws'. On a basic level it is a hybrid entity – on the one hand it is the place where fiction is staged, on the other it is already intervening in a reality that is shared by the members of the community (the audience). As Rancierè formulates it: "The question of fiction is first a question regarding the distribution of places. From the Platonic point of view, the stage, which is simultaneously a locus of public activity and the exhibition-space for 'fantasies', disturbs the clear partition of identities, activities, and spaces" (Rancierè 2004, 13). Art / theater becomes for him the place where lies are separated from and countered by fiction to be able to establish "a play of [...] knowledge that is carried out in a determined space-time. To pretend is not to put forth illusions but, to elaborate intelligible structures" (Rancierè 2004, 36). Accordingly, it can be argued that the fictious-real *Zürcher Prozesse* takes place under doubly controlled conditions; on the one hand within the laws that make up the constitutional state and a constitutional, judicial procedure, and on the other the rules that Milo Rau lays down for the proceedings on stage, i.e. for his societal experiment – thus in this production a legal understanding of the law intersects with Milo Rau's experimental design. Moreover, a tension arises between Rau's propagandistic stance on the one hand and the ostensibly value-free situation of the trial (experiment and course case) on the other.

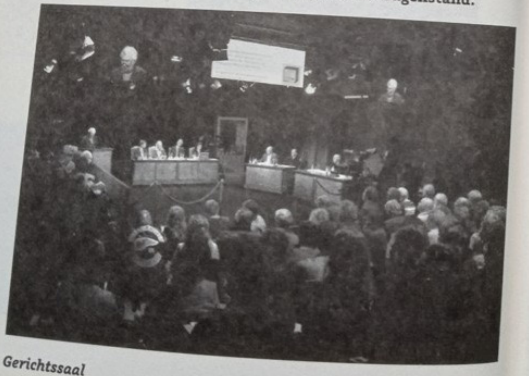
This can be seen more clearly in the published book of *Die Zürcher Prozesse* than in the staging. The performance itself followed the rules of a court case, although the situation was emotionalized on three different levels, (1) in the rhetoric used by all parties, (2) in the commenting interjections of the audience on the three evenings and (3) in the "boshaften, mal selbstironischen Einwürfen" (Schöpfer 2013) of the court clerk (the Swiss film director and screenwriter Güzin Kar) which were were shown "auf einem Bildschirm an der

Bühnendecke" and which were "wenig zuträglich"[21] (ibid.) to the debate. In contrast to the emotionalization that took place during the performance, the book, a subsequent textualization of the performance, aims to emotionalize (in the sense of Rau's propaganda) by shortening the individual speeches of the witnesses and the statements by the prosecution and the defense on the one hand, and by comments from an unidentified first-person instance on the other. Just to give a brief example of how the published text works: the image included here depicts the first page of the text, which meticulously records the course of the opening of the proceedings, then the format of the protocol or record of both, of the juridical trial and the experiment, is abandoned and a commentary is inserted (at the time stamp 19:30) that contains additional information. Neither does the text identify where the information is coming from, nor if it was part of the performance and if it was expressed by someone participating in the performance or being part of the audience. The information is depersonalized in the publication and, in terms of the content, has nothing to do with the proceedings even if it seemingly provides additional information for the proceedings (and thus supports Rau's propaganda purposes). As the text neither names the author of this information nor embeds it further, the insertion becomes a gesture that can certainly be criticized, as the text pretends that it belongs to the protocol, i.e. that it is objective! This criticism can be extended even further since the text also purports to be a transcription of the performance. However, this needs to be questioned since the speeches are not only framed by the inserted comments, but they have been also changed by cuts. Furthermore, Milo Rau's claiming of the authorship in the book publication should be replaced by an authorship of the multitude of people involved, who participated in the processes; the spoken texts, the speeches originated in them.[22]

As a preliminary conclusion, one could say that Milo Rau, by calling himself the author of the book and the performance, undermines the democratic thrust of his project and ultimately stages an (I repeat myself here) imperial position by incorporating the joint authorship, the participation of all in the outcome of the process under his textual control. Either way, what becomes apparent here is that the democratic experiment is not only influenced by Milo Rau and can therefore no longer be meaningful in the sense of an experiment since the outcome is distorted by the whole set up of

TAG 1
ERÖFFNUNGSSITZUNG

19:15 Die Tür des Saales wird geschlossen. Es fängt gleich an.
19:16 Alle warten gespannt.
19:16 Jetzt geht es los. Gerichtsdiener Mathias Riesenhuber spricht einleitende Worte zum Ablauf des Prozesses.
19:17 Es handle sich hier nicht um eine Vorstellung, sondern um einen Prozess, sagt er, und die Sitzungen würden jeweils nicht unterbrochen.
19:18 Richterin Anne Rüffer hat nun das Wort. Sie stellt das Gerichtspersonal vor.
19:20 Nun wird die Anklage vorgestellt. Anwalt ist Marc Spescha. Als ständiger Experte der Anklage ist Robert Misik anwesend.
19:20 Es geht weiter mit der Verteidigung: Valentin Landmann (Anwalt) und Claudio Zanetti (Experte).
19:21 Jürg Ramspeck tritt nun in den Zeugenstand.
19:21 Die Klappe wird geschlagen. Ramspeck spricht im Zeugenstand.



Gerichtssaal

Matthias Riesenhuber (Gerichtsdiener), Anne Rüffer (Richterin)

19:22 Die Erfindung der Weltwoche erfolgte 1933, sagt er, und zwar im Zug.
19:23 Er schildert auf sehr unterhaltsame und informative Weise die Geschichte der Weltwoche. Unterhaltung mit Gehalt ist eindeutig sein Metier.
19:25 Die Weltwoche sei als Prestigeblatt eines Verlages nicht geeignet. Sie funktioniere nur als eigenständige, unabhängige Publikation.
19:25 Es geht nun um den Widerstand der Weltwoche zur Zeit des Zweiten Weltkrieges.
19:27 Die Nachkriegs-Ära wird nun umrissen. Ramspeck, der seinerzeit auch Chefredakteur der Weltwoche war, engagierte Niklaus Meienberg.
19:29 Die Weltwoche war zeitweise in deutschen Besitz übergangen, bis sie wieder mit Frey und Ringier in Schweizer Hände kam.
19:30 Die bewegte Geschichte der Weltwoche, und dass sie sich über so lange Zeit gehalten habe, grenze an ein Wunder.
19:30 Jürg Ramspeck ist übrigens mit der Klatschkolumnistin Hildegard Schwaninger verheiratet, deren Hund am selben Tag Geburtstag feiert wie Roger Köppel.

Figure 2: Scan of *Die Moskauer Prozesse* (Verbrecher Verlag, 2014), pages 28-29, © Tanja Nusser

the trial and the authorial interventions in the book publication.[23] To highlight it once again: the book is not a verbatim transcription of the experimental trial but a 'propaganda version' of it. However, *Die Zürcher Prozesse* also shows that the verdict, even if it does not correspond to Rau's idea (that the symbolic form of the trial brings something new into being), has to be understood as a democratic act that confirms the existing legal system. This means that *Die Zürcher Prozesse* can be interpreted in different directions: on the one hand, it confirms Rau's own statements, which he makes in relation to *Das*

Kongo Tribunal, that the trials create realities "in einem artifiziellen Rahmen, den es vorher als Institution noch nicht gab"[24] (Rau 2018a, 16), but on the other hand, this institution consolidates the existing system and existing realities.

The Political Level of *Die Zürcher Prozesse*

I call this production political because it focuses on the future of our communities and societies, on inclusions and exclusions, on ideologies, but also on the responsibility towards humanity regardless of national origins. Although it cannot be about passing a judgment that is legally valid, it is nevertheless political because it makes it possible, "die Meinungen in ihrer Entfaltung zu zeigen"[25] (Bossart n.d.a). The outcome of the three-day trial, however, was not what Milo Rau had anticipated. The "Wasserträgerin der rechtsnationalen Schweizerischen Volkspartei verschriene *Weltwoche*"[26] (Rau 2013, 6) was found not guilty by the jury. In her closing statement, the jury's spokeswoman argued that it could not be sufficiently proven that *Die Weltwoche*

> mit den Artikeln, die Gegenstand der Anklage bildeten, die Grenzen der Medienfreiheit zum Schaden Dritter und der Zivilgesellschaft überschritten und sich so der Verletzung ihrer gesellschaftlichen Verantwortung schuldig gemacht [hat, T.N.], ja oder nein?' Das Urteil lautet im Stimmenverhältnis 6:1: 'Nein, nicht schuldig'. Begründung der Geschworenen: Die Meinungsfreiheit und Meinungsvielfalt erachten wir als ein sehr wertvolles Gut. Dafür stehen wir ein, und darum sind wir auch hier. Im Fußballjargon passt für uns das Bild: Der Ball hat die Linie berührt, diese aber nicht übertreten. … Die Anklage hat sich teils im selben beklagenswerten Muster wie die Weltwoche verhalten.[27] (Rau 2014, 153f)

While the outcome of the performed trial might be described as unexpected and shocking, inasmuch as *Die Weltwoche* was not convicted on the racism charge, *Die Zürcher Prozesse* nevertheless is able to show how defense and prosecution use similar rhetorical strategies. Both sides use for example stigmatization and arguments based on

believing instead on facts, and invoke affects that target prejudices (for example Rau 2014, 135-143). In this respect, the result, even if it was surprising for Milo Rau, can reveal something else that is not to be found in the individual arguments presented, but is inherent in the structure of the performance. I would like to argue that the performance of the court case represents and stages an answer to the question *Was Tun?* (*What is to Be Done*), which Milo Rau poses in his eponymous essay in the same year when he quotes Vladimir Ilyich Lenin's formulation *Chto delat?* from 1902. What to do in times when the "old struggle", as Mark Fisher argues in *Capitalist Realism*,

> between subversion and incorporation seems to have been played out. What we are dealing with now is not the incorporation of materials that previously seemed to possess subversive potentials, but instead, their precorporation: the pre-emptive formatting and shaping of desires, aspirations and hopes by capitalist culture. (Fisher 2009, 9)

It seems, to give a preliminary answer to the question *Was Tun?* (*What is to Be Done*), that Milo Rau's *Zürcher Prozesse* then actually positions *Die Weltwoche* as a proxy through which the current socio-political-media constellation is examined; not to make a diagnosis, but to obtain in and through the formalized speeches of defense, prosecution, witnesses and jurors a non-homogenous understanding of the present time, in the narrower sense of Switzerland, but also of national and global narratives and identities. As Ines Kleesattel argues,

> Indem Unvernehmbares die Bühne des Vernehmbaren betritt, demonstriert es, dass von einer grundlegenderen Gleichheit als bisher auszugehen ist und dass auf Ungleichheit begründete Herrschaftsansprüche prinzipiell in Frage stehen. … Die politische Fiktion unternimmt also nicht lediglich einen polemischen Bruch mit gängigen Narrativen und dominanten Aufteilungen. Herrschaftskritisch und gleichheitsaffirmativ stellt sie spezifische Relationalitäten her, wo zuvor keine vernehmbar waren, und führt zu einer Komplexitätssteigerung im Vernehmen der gemeinsam-geteilten Welt.[28] (Kleesattel 2018, 23)

If I understand *Die Zürcher Prozesse* as a participant in and witness to the socio-cultural and media conditions of the present (the present of the 2010s; the constellation looks different in 2025), the multitude of voices heard certainly demonstrates that the emotionalization of the discourses and the rhetoric of the various parties seem to make it impossible to draft universally valid guidelines for a global community and a non-racist coexistence of people, albeit playfully on stage. This is different from *Das Kongo Tribunal*, where very clear performative accusations were made and upheld, and thus produced new realities – two Congolese ministers did resign as a consequence. In this sense, *Die Zürcher Prozesse* fails as Milo Rau's utopian project, it fails, to quote the statement once again, at the "Schaffung symbolischer Formen, symbolischer Praktiken und Solidaritäten"[29] (Rau and Welzer 2017, 12). It could be argued that this outcome actually shows the status quo of the Swiss democracy, and holds up a mirror to the citizens of the country. However, this does not create any new realities, and Rau's propagandistic and agitational impetus fizzles out. From a perspective that centers on the experimental structure of this performance, it nevertheless can also be argued that this is the result of an experiment with an open outcome if the prescribed forms of jurisdiction are adhered to.

Yet, something else emerges in the outcome of the performance of the court hearing that is worth mentioning – the basic premise, I would argue, that characterizes Rau's work in the various productions. For him, there seems to exist a "secret or not-so-secret metaphorical complicity between public acting and theatrical acting, between public space and the space of theater" (Marchart 2019, 55). However, as Oliver Marchart points out using the example of the re-enactment of the storming of the Winter Palace by the Bolsheviks in 1920, "every staging of the political comes late, it is always an a posteriori staging of something that has already occurred (or, who knows, could occur again at any point). This 'something' is the true cause of every public: an absent cause to which political representation will then try to give a name" (Marchart 2019, 56). I agree with Marchart that the question of representation and representability is connected with the concept of antagonism (Marchart 2019, 57). If "the public, in the radical sense, is a public established by the event of antagonism, then a mere 'representation' or restaging … will not do the trick … antagonism itself is … simply 'unstageable,' unrepresentable" (Marchart 2019, 63).

What is important for my thoughts about Rau's claim to practice political art is that the antagonism is brought to the stage "in a vain effort of representation" (Marchart 2019, 70), but it will never be, as Marchart argues, the real thing; it "will always be a sublimed, dramatized, representational, second-order version of antagonism" (Marchart 2019, 70). If one follows this line of thought, then *Die Zürcher Prozesse* reveals less the status quo of a society than Milo Rau's basic assumptions about the political potential of his work. Ultimately, if you want to put it poignantly, Rau stages with *Die Zürcher Prozesse* a didactic play (*Lehrstücke* in the Brechtian sense), which is intended to explain the world to the audience through a secured action in order to create political awareness on the one hand and on the other to (seemingly) transform the audience into participants and agents.

Shared Time in *Die Zürcher Prozesse?*

But I don't want to end on this note, because there is something else that interests me about *Die Zürcher Prozesse* that Rau stages and what I see as the (unintended) political potential of the project: the temporality of the performance. It takes its time; a total of 17 hours spread across three evenings to play out the democratic project and to come to a verdict. Theater is to a certain extent always a collective time; the experience of time itself is shaped through relationships with others (Primavesi 2008, 16) in the same space that creates a time of shared perception and experiences. It turns the audience, in the words of Hartmut Rosa, in times of "social acceleration" and desynchronization of society (Rosa 2013), into temporary 'prisoners' of the production to have experiences they would not have otherwise (Rosa 2007, 38). However, Rau's *Zürcher Prozesse* adds another layer to a discussion of time in theater: duration and impact.

Teresa Kovacs shows insightfully how Rau defines himself and his work, in the tradition of the German political theater (Bertold Brecht, Heiner Müller et al.), as being on the threshold between the past and an as yet undefined future, and demonstrates how Rau wants to create collectivity in his theater through action, but ultimately fails in his strive for (radical) change (Kovacs 2025). I am interested in a point she raises while discussing Heiner Müller (in a line of tradition with Brecht): Being in between times might

mean that change is not brought about by action, but by reflection, pausing and non-action (Kovacs forthcoming 2025).[30] In my opinion the intriguing aspect of *Die Zürcher Prozesse* is not that Rau tries to inaugurate action and activism with the trial but that it slows down the (political) discussion, which has shrunk down to standardized formulations and rhetoric on all political sides, in the various media and political groups (as the above quoted verdict demonstrates), in order to give the arguments and positions space and time to unfold. Thus, the process also becomes a practical exercise in political responsibility towards the community and society by fundamentally posing the questions what a (utopian) community should look like and who is part of it. *Die Zürcher Prozesse* are a shared space and a shared, common time (not necessarily of shared positions), which in an emphatic sense are a basis, according to Ole Bouman, "for deliberation, conversation, opinion-forming, collectivity, nation building. Conversely, none of these things can happen in the absence of shared time"[31] (Bouman 2004, 152) but likewise a shared space; it is also a space and time of non- and in-action that allows reflection. It is also a democratic time since the creation of a regulated space for discussion and debate makes it possible to engage with the various arguments and positions presented, as well as one's own prejudices and assumptions. By allowing the different voices and positions to have their say, *Die Zürcher Prozesse* can also be understood as a social space that reacts indirectly to societal and medial structures.

While *Die Zürcher Prozesse* in its deceleration thus becomes a utopian project (and not in the way Milo Rau envisions it), it also positions community, personal interaction (face-to-face), space and time as quintessential factors. I can definitely see the community-building potential of time spent together in a positive light; precisely because it must be considered in the context of larger debates about our times that are influenced by social media and characterized by echo chambers[32] – to briefly allude to the scope in which the considerations on misinformation and emotionalization of political debates that I have only touched on must be situated. However, I would also like to emphasize that this time spent together in *Die Zürcher Prozesse* is potentially conservative, elitist (who can afford the time and money to participate in this project for 17 hours), language-based exclusionist (who speaks the language, large portions are performed in Swiss-German, which is even exclusionary for some German-speaking spectators) and ableist (the duration of the performance itself is

ableist; additionally no live transcriptions were offered), and thus produces institutional exclusions and works against a heterogenization of the community that the audience supports regardless of their own political convictions and the initiation of community.

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Endnotes

1 I would like to thank the reviewers for their careful reading and input, which sharpened the argument of the article!

1 Rau 2018a, 19. "assembling a 'Switzerland' under the pretext of a process; a 'Switzerland' that is impossible in this density, that does not exist." If not indicated otherwise, all translations of German quotes are by the author with the help of www.deepl.com.

2 Notable exceptions are Climenhaga 2023, Sprecher 2016 and Wihstutz 2019.

3 "difficult … to say what is the descendant of what, whether the documentary film, for example, is only the documentation of the theater project."

4 "is director Milo Rau concerned with the marketing of product and person? The chief drummer himself has found the knack of making himself internationally known."

5 "interpretation manuals".

6 I cannot undertake an "audience-centered paratextual" analysis here, which would be necessary in order to understand how his productions generate meaning from a media literacy perspective, and which would be able "to better map and theorize personalized media flows", since "paratextual networks are highly individualized, and media consumers' experience of paratexts is often ephemeral" (Scott 2020, 5).

7 In the following I use the singular grammar for *Die Zürcher Prozesse*. As one of the peer reviewers rightfully pointed out, it is unclear if one should "use singular grammar for *ZP* or plural" since the title is plural. However, *Die Zürcher Prozesse* was one performance that negotiated one case over three evenings. While *Das Kongo Tribunal* happened at two places and *Die Moskauer Prozesse* negotiated three different cases and both were followed by a medial recycling, the same cannot be said about *Die Zürcher Prozesse*.

8 "Panopticon of Switzerland over the last twenty years […]. From the EWR-referendum to the minaret initiative."

9 "against planning applications for minarets in Wangen bei Olten (Solothurn), Wil (St. Gallen) and Langenthal (Bern)."

10 "As cathartic media, theater and court pose the question of the function of journalism in a modern, Western European society. Fundamental right stands against fundamental right, freedom of the press against the protection of minorities in a liberal state like Switzerland. Before a representative jury, real lawyers interrogate real witnesses and experts, with recourse to real criminal offenses in the Swiss legal system. The indictment alleges violations of Art. 258 (scaring or terrorizing the population), Art. 261 bis (discrimination) and Art. 275 (endangering the constitutional order)."

11 "A cause and starting point to examine a political-media system in an age of hardening ideological fronts and a collapsing consensus of values."

12 It needs to be pointed out that Rau's claim to destruct Western hegemony is implemented by using a Western form both of theatre and justice.

13 T.J. Demos points out that visual activism and related "varieties of this notion, moreover, have received pointed criticism in recent years, particularly in relation to political art presented in commercial art galleries, fairs, and magazines – contexts offering no political alliance, and even existing in economic and political

opposition to the displayed work" (Demos 2016, 87f). While Rau's *Zürcher Prozesse* are staged in a non-commercial venue, a theater, I would argue that this critique is valid insofar as the Theater am Neumarkt is financially supported by the city and canton of Zurich. It can be questioned how the 'master's house' can be dismantled using the 'master's tools' when it comes to a theatre subsidized by a city and its government. Demos ends his article quoting Jordan from the Laboratory of Insurrectionary Imagination: "In an age of extreme crisis, the key questions artists, activists and curators need to ask themselves are: can these institutions be machines for amplifying our potential to radically transform the status quo, forms of redistribution of cultural and material capital, or do they simply reframe rebellion into a past tense, an immediate retro refit of revolt? Are museums [or theaters, TN] public spaces that can become alternative common spaces of debate and action planning to reclaim the rights of the city, or are they palaces carefully engineered for us to play the fool in, whilst outside the kings and queens continue to play Russian roulette with our future whilst enriching theirs?" (Demos 2016, 98.)

14 See for the concept of propaganda as a form of realistic art that can reveal the future in the now Rau 2019, 96ff.

15 "into a tragic or even agitational field of tension", "so that their scandalous quality in the most literal sense becomes visible".

16 Fundamentally, art is a hybrid entity – on the one hand, it is the place where fiction is staged; on the other, it intervenes in a reality that is shared by the members of the community.

17 "Dann hat das Theater erst seine eigentliche Funktion: nämlich daß die Leute ihr Leben durchspielen können und Variationen von Situationen. Leute, die hinterher oder vorher etwas ganz anderes machen. Dann hat das Theater eine wirkliche Funktion als Laboratorium. *Als Therapie?* Das sicher auch; aber das ist sekundär. Einfach als Laboratorium, wo Situationen oder überhaupt gesellschaftliche, kollektive Phantasie produktiv gemacht oder auch erst kreiert werden kann" (Müller 1986, 40f.). "Then the theater has its real function: namely that people can act out their lives and variations of situations. People who do something completely different afterwards or beforehand. Then the theater has a real function as a laboratory. As therapy? Certainly, that too; but that's secondary. Simply as a laboratory where situations or in general social, collective imagination can be made productive or even created in the first place."

18 Rheinberger defines as an experimental system "das Integral aller Ingredienzien – Materialien, Forschungstechnologien, Laborumgebung, kollektives Erfahrungswissen –, die dazu nötig sind, einen in der Regel auf ein einzelnes Labor und sein Kollektiv beschrankten Experimentierprozess in Bewegung zu setzen und in Gang zu halten. … Mit dem Begriff des Systems ist hier keine rigide, in sich geschlossene Struktur gemeint. Er erscheint aber insofern gerechtfertigt, als es sich bei Experimentalsystemen doch um so etwas wie die kleinsten funktionsfähigen und damit in einem gewissen Sinne auch selbstgenügsamen Forschungseinheiten handelt, die Materialien sowie Forschungstechnologien umfassen und Forschende als handlungsfähig darstellen" (Rheinberger 2019, 27). "the integral of all ingredients – materials, research technologies, laboratory environment, collective experiential knowledge – that are necessary to set in motion and keep going an experimental process

that is usually limited to a single laboratory and its collective. … The term "system" does not refer to a rigid, self-contained structure. However, it seems justified insofar as experimental systems are something like the smallest functional and thus, in a certain sense, self-sufficient research units that contain materials and research technologies and represent researchers as capable of acting."

19 "with an uncertain outcome, at the end of which things stand that did not determine or condition its beginning".

20 "The practice of 'fabricating', i.e. the assumption, generation of hypothesis, modeling, arrangement of objects of investigation for the purpose of observing their properties".

21 "mischievous, sometimes self-deprecating interjections"; "on a screen on the ceiling of the stage", "not very conducive".

22 The critique can even be extended to Rau's other trial projects and accompanying books, but also his theatre productions where the collective authorship question is not acknowledged. As Doris Pichler points out: "Gemeinsam haben alle drei Prozesse folgendes Format: Milo Rau bestimmt die Anklagepunkte und lädt sowohl juristische als auch andere für das Thema relevante Fachexperten ein; er vergibt die Rollen des Richters, der Anklage, der Verteidigung und setzt eine Jury ein" (Pichler 2017, 88). "All three trials have the following format in common: Milo Rau determines the charges and invites both legal and other experts relevant to the topic; he assigns the roles of judge, prosecution, defense and appoints a jury."

23 I agree with Thomas Sprecher that "Raus Inszenierung unterstand dem auktorialen Prinzip. Der Regisseur spielte Strafprozessgeber, indem er den Akteuren vorgab, nach welchen Regeln sie zu handeln hatten. Er spielte Ankläger, indem er nicht nur die Angeklagte bestimmte, sondern auch die Delikte, derer sie anzuklagen war. Die Anklage stammte also gar nicht von den Anklägern. Diese waren Marionetten von Raus Vorgaben" (Sprecher 2016, 114). "Rau's production was subject to the authorial principle. The director played the prosecutor by telling the actors what rules they had to follow. He played the prosecutor by determining not only the accused, but also the offenses with which she was to be charged. The accusation did not come from the prosecutors. They were marionettes of Rau's instructions." However, the participants of the trial, even if they adhered to this narrowly defined specification, authored their own texts and should therefore be also the authors of the published book.

24 "in an artificial framework that previously did not exist as an institution".

25 "to show opinions as they unfold".

26 "Weltwoche, which is reputed to be the water-carrier of the right-wing nationalist Swiss People's Party."

27 "'with the articles that formed the subject of the indictment, overstepped the boundaries of media freedom to the detriment of third parties and civil society and was thus guilty of violating its social responsibility, yes or no?' The verdict is 6:1: 'No, not guilty'. The jury's reasoning: We consider freedom of speech and diversity of opinion to be a very valuable asset. That's what we stand for, and that's why we're here. In soccer jargon, the image fits for us: the ball touched the line but did not cross it. … The prosecution has behaved in part in the same deplorable pattern as the Weltwoche."

28 "By bringing the imperceptible onto the stage of the perceptible, it demonstrates that a more fundamental equality than before can be assumed and that claims to power based on inequality are fundamentally challenged. … The

political fiction thus does not merely undertake a polemical break with common narratives and dominant divisions."

29 "Creation of symbolic forms, symbolic practices and solidarities"

30 Kovacs builds her argument around the figure of the hero, the melancholic, drama and tragedy, terror, action and non-action to show how these different positions quintessentially undermine Rau's claim for a political theater.

31 It "is all too easy to interpret the unity of time as a nostalgic project, replete with romantic images of wholeness, clarity and security; a 'we'-filled longing for the restauration of family, tribal and blood ties. … A romantic restoration of something that has never existed, an empire against all odds. … Nostalgia is a very limited form of re-synchronization, even when this nostalgia is shared with others. Were it to form the basis for actual policy, propaganda for a *Europe Profonde* or *Das Europäisches* [*sic*] *Heim* would not be far away" (Bouman 2004, 159).

32 As Cailin O'Connor and James Owen Weatherhall state: *"Online social media* such as Facebook and Twitter dramatically increase the amount of social information we receive and the rapidity with which we receive it, giving social effects and extra edge over other sources of knowledge" (O'Connor and Weatherhall 2019, 16).