**A Judgment on Judgment: *Milošević On Trial***

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**I**

Michael Christoffersen’s award winning film *Milošević On Trial* (2007), documents the prosecution of Slobodan Milošević at the International court at the Hague for war crimes committed in the course of the conflicts in Bosnia, Croatia, and Kosovo.[[1]](#endnote-1) The most high profile case of its kind since Nuremberg, the trial marked a critical moment in the history of international justice.[[2]](#endnote-2) The charges brought against Milošević, relating to the period of his Presidency of Serbia (1989) and later of Yugoslavia (1997), consisted of three separate indictments conjoined for the purposes of the trial. The charges included: “crimes against humanity involving persecutions on political, racial or religious grounds; extermination; murder; imprisonment; torture; deportation; and inhumane acts (forcible transfers),” grave breaches of the Geneva Conventions of 1949 and the laws and customs of war, including the killing of unarmed civilians, and “genocide and complicity in genocide” (Scharf and Schabas 2002: 56-73, Laughland 2007: 12-15). As Milošević refused to acknowledge the authority of the court, the court filed a plea of not guilty to all sixty-six charges on his behalf.

Unsurprisingly, given the long list of indictments, Milošević’s trial became the longest running in the history of international justice, lasting over four years and ending inconclusively, not with judgment and justice, but with Milošević’s death from cardiac arrest shortly before the prosecution had entered its final stages. Its real significance, however, was that for the first time a sitting elected head of state was indicted to appear before an international court.[[3]](#endnote-3) The case thus signaled a change in the scope and application of international justice: international law would no longer be founded on the principle of state sovereignty as it previously had been. Milošević’s prosecution therefore provided a high-profile test case of the expansion of international law to armed conflicts anywhere. In her opening statements, featured in the film, Chief Prosecutor Carla Del Ponte remarked: “This tribunal, and this trial in particular, give the most powerful demonstration that no one is above the law or beyond the reach of international justice” (Christoffersen 2007). The case was to bring the ICTY to the forefront of attention of the world’s media, aided by a lurid public relations campaign by the prosecuting magistrate Carla del Ponte.

Given the length and intricacy of the proceedings *Milošević on Trial* has become an important historical document of the trial and the judicial process of trying international war crimes. Released to coincide with the fifth anniversary of the trial’s commencement, the film draws on the trial’s immense archive of documentation, including transcripts and over two thousand hours of audio and video recordings of every witness who appeared before the court. But the film is based not only on archival tape recordings of the court proceedings but an additional two hundred and fifty hours of interviews with those involved in the case, including the leading prosecutor in the trial, Sir Geoffrey Nice, and Milošević’s legal advisor, Dragoslav Ognjanovic. The extensive behind-the-scenes footage also includes meetings of lawyers, forensic investigations at massacre sites, media press conferences, as well as contextual footage dealing with contemporary political events in Serbia, where Milošević retained broad political support. Together this footage provides an account both of the public and private face of the trial, documenting not only the trial itself but its convoluted judicial process.

But what kind of record does the film provide of the trial and the events that led to it and what questions does it pose for both the understanding of international justice and the way war crimes trials are documented and re-presented? To what extent can a film adequately or even simply document a trial, particularly one as complex and significant as Milošević’s? The specific nature of the judicial system inevitably places particular restrictions on filmic representation, most immediately in terms of the compression of trial’s process. But the reduction of a trial lasting so many years and consisting of such extensive testimony to a mere seventy minutes necessarily raises questions of judgment about what is selected as representative of the trial, which in turn raises other questions of accuracy and perspective. To pose such issues about Christoffersen’s film is to ask a series of questions about the ethics and appropriateness of particular aesthetic strategies of representation, and the political and ideological purposes such films might serve. Such issues are made more weighty by the fact that *Milošević on Trial* constitutes not only one of the most immediately accessible forms in which the trial has been recorded and disseminated, but implicitly provides an assessment of the fairness of its due process and as such performs a critical role in its justification.[[4]](#endnote-4) We might see such trials and their subsequent representations, therefore, as necessarily involving acts of judgment upon them. As Chief Justice Jackson, in his opening speech at Nuremberg stated: “Courts try cases, but cases also try courts” (Jackson 1945: 290-94). The court’s act of judgment becomes multiplied here through the many representations that are made of the judicial process itself. There is on the one hand the judgment of the court attempting to set judicial precedents and establish laws of civil rights that would have international authority and application, and the judgment of the filmmaker in vigilantly observing the judicial process, examining the scope and terms on which its judgments are made.

The importance of such vigilance takes on special gravity given the nature of international justice, where national sovereignty becomes subject to universal claims of justice. Founded in 1945, the unique position of the International court of justice has made it a powerful instrument for advancing human rights, legislating in areas for which there had not been prior legislation. In doing so the scope and reach of the court has greatly expanded in the past few decades. However, the question of where its authority in practice derives from bears on the compass of the application of the principles of justice and what function it serves in the broader arena of international relations. Defenders of the international courts assert their impartiality and the protection they offer citizens from the violence of nation states (Hampson 1993: 10). However, the charge brought against the international courts by its critics is that in practice their scope and reach has been determined and constrained by political influences and pressures. The application of international justice, it has been argued, has become all too closely associated with the political objectives of NATO and American foreign policy. The contemporary practice of International jurisdiction therefore needs to be seen in the context of the contradiction between the desire to extend human rights beyond national boundaries and the annexing of international legal apparatuses to the new world order politics that emerged as a central plank of American foreign policy in the 1990s.[[5]](#endnote-5)

Given the high stakes of International trials for them to carry any genuine legitimacy requires their due process itself is judged fair and impartial rather than reflecting the will of partisan, political interests. The need for proper scrutiny of such trials is made more urgent by the unique institutional arrangements of such courts and the lack of instruments for reviewing the fairness of their due process (Robinson 1996). [[6]](#endnote-6) The flexible arrangements of the court permit it to set aside restrictions that bind other kinds of legal process, including allowing the prosecution of retrospective laws. The international courts set up by the United Nations (UN) and the permanent International Criminal Court (ICC) (established in 2002) are effectively not subject to any meaningful control (Laughland 2007: 5, 87-109). The UN neither critically analyses the workings of its international courts, nor is criticism from within its ranks welcomed. The flexibility of the court’s procedures as the author of its own rules of evidence and its amalgamation of elements of adversarial and inquisitorial forms of trial mean the odds are stacked against the defense. This situation is even more questionable in the case of the International Criminal Tribunal for the former Yugoslavia (ICTY), whose continually fluctuating rules of procedure are decided by the judges themselves and subject to no exterior legal body. The ICTY had been brought into being by United Nations Security Council Resolution 827 on 25 May 1993 with the express intent of bringing prosecutions against those alleged responsible for war crimes. As the ICTY is essentially a prosecutorial organization, arguably an unacceptable closeness exists in the relationship between the office of the prosecution and the judges.

Consequently, as Geoffrey Nice has himself remarked, in such trials there is a vital need for meticulous, critical, even skeptical observation that weighs each piece of evidence and each principle on which judgments are made (Nice 2010: 25). Representations of such trials potentially serve as an extra-judicial method of critically judging their due process and fairness, providing a necessary form of monitoring, questioning and critical scrutiny that the court itself could not perform. Notwithstanding the initial sensationalism and newsworthiness of the Milošević trial, its protracted and intricate nature meant few international journalists followed the proceedings on a regular basis even in the regions where the alleged crimes were committed. The meticulous scrutiny of the trial Nice saw as integral to the process and legitimacy of international justice was neither met in the subsequent representations of the trial nor, I want to argue, in Christofferson’s film. Under the pretext of providing a balanced account of the proceedings, *Milošević on Trial* ends up covertly offering a particular narrative of the events associated with that which the ICTY sought to articulate through the trial. This narrative is relayed not only by what is shown and the mode in which it is framed and presented, but most crucially by what is excluded from the film’s account. The limits the film imposes on its presentation of the trial, both as a result of its aesthetic form and content, parallel the limits the trial judges imposed on what evidence could and could not be presented. Accordingly, instead of critically scrutinizing the trial in relation to its wider significance and political meanings, Christoffersen’s film might be regarded as an extension of the aims of the commission through filmic discourse. Far from simply documenting the case, the film delivers a judgment the trial itself could not reach.

**II**

*Milošević on Trial* is to all appearances a clinically objective account of the trial, stylistically conforming closely to standard formal conventions of objective documentary filmmaking. There is little narration, though occasional inter-titles provide dates and additional information to clarify the testimony and proceedings and the film advances in chronological order, juxtaposing testimony of the trial itself with footage showing the machinations behind the scenes. Generally assuming the conventional form of a fly on the wall documentary, the film entrenches its own naturalization, by concealing any awareness of the presence of the film crew even during the interviews, leaving the viewer to derive the questions asked from the answers given by the interviewees; the impression is one of letting the protagonists speak for themselves and the trial present itself. In this respect it differs markedly from other documentaries of international trials for war crimes. The proceedings at Nuremberg were the subject of many filmic representations, including two notable fictional ones. Documentaries of the events were commissioned by both the American and Soviet administrations and widely circulated. Despite differences in style and ideological content, both adopted a common approach to commentary, employing a narrator to guide the viewer and unequivocally consolidate the judgment of the court. The convergence of the film’s narration with the judgment at Nuremberg served a powerful, if overtly ideological role, not only in relaying the court’s judgment but also its authority and legitimacy, despite the recognition of the flaws inherent in its process. But how objective, balanced and neutral is Christoffersen’s film?

Though the exclusive footage behind the scenes encourages the viewer to regard the film as both about the trial and the legal process itself, *Milošević on Trial* remains resolutely focused on the adversarial features of the trial at the expense of a more probing investigation of the evidence of the trial and the broader workings of international justice. Consequently, despite its avoidance of any explicit narration, the film is organized around a central agonistic narrative. The film draws the viewer intently into the strategic maneuvers of either side as the trial progresses, dramatizing the trial’s progression. The prosecution team, led by Nice, and Milošević are portrayed as locked in a personal struggle for ascendance, each seeking to define the trial in contrasting fashion. But this agonistic narrative serves to impose a simplification of the trial and its due process. Milošević, a trained lawyer, had chosen to represent himself, conducting his own defense despite poor health, but his continued illness continually interrupted the trial’s progress. The delays caused by Milošević’s ill health are represented by the prosecution team, with no serious counter argument or counter evidence, as simply a delaying tactic, despite Milošević’s death shortly after having been denied the right to receive hospital treatment in Moscow. The decision taken to impose professional counsel on Milošević after his ill health threatened to delay the trial’s progress, a judgment reversed by the court’s own appeals chamber as an abnegation of Milošević’s legal rights, is presented as though Milošević had momentarily triumphed over the judges. Yet, legally this was a significant matter of due process in which the court had self-servingly revised *ad hoc* its own rules (Laughland 2007: 176-191). While concentrating on the delays caused by Milošević’s health, the film elides the fact that the prosecution continually broke the time limits the judges imposed and was itself a major reason for the protracted nature of the trial.

In undeviatingly accommodating itself to the trial’s adversarial form, *Milošević on Tria*l tacitly articulates the intricate case the prosecution sought to build. The political sensitivity of the trial meant that from the outset the prosecution sought to establish a case not against the state apparatus of Serbia, but personally against Milošević. Carla del Ponte, in footage included in the film, opened the prosecution case by making clear that: “No state organization is on trial here today, the accused is brought before you to answer for his own actions and for his personal involvement in the crimes alleged against him” (Christoffersen 2007). Nice, in a passage also shown in the film, chose to portray Milošević as an opportunist, hungry for power, no matter what the consequence: “This trial is about the climb of this accused to power, power that was exercised without accountability, responsibility or morality” (Christoffersen 2007). This narrative focused on personal vilification sought to counter Milošević’s anticipated attempts to broaden the trial and make it an indictment against Serbia and its institutions. Yet, in resting the case on the individual actions of Milošević, the prosecution faced exceptional difficulties in articulating this case. There would be no paper trail linking Milošević directly to the atrocities perpetrated against Bosnian Muslims or Kosovo's Albanians and, as Nice argued, Milošević as head of state was “as remote from the criminal action as any defendant is ever likely to be” (Christoffersen 2007; Vulliamy 1 July 2001).

The film dwells at length on the difficulties and dilemmas faced by the prosecution, some of which were evidently self-inflicted. The large number of charges and the conflation of separately drawn up indictments relating to hostilities in Bosnia, Croatia and Kosovo brought against Milošević resulted in delay and an unwieldy and unduly protracted trial, with filings, exhibits and other submitted evidence comprising over 1.2 million pages (Laughland 2006). The prosecution sought to make the charges reflect the entire history of the wars of former Yugoslavia, but faced problems of limiting consideration of the effect of NATO’s involvement in the conflict (see Chandler in Hammond and Herman 2000: 19-30; Hayden 2000). The indictment of Milošević was hurriedly published on the 24th March 1999, two months after NATO had begun Operation Noble Anvil, its controversial bombing of Yugoslavia, that resulted in approximately the same number of deaths as the ICTY alleged Yugoslav forces were responsible for in Kosovo (Laughland 2007:10-15; Laughland 1999)*.*

The prosecution’s pursuit of a case based on the doctrine of joint criminal enterprise, in which Milošević was held responsible for an alleged official policy of ethnic cleansing aimed at the creation of a centralized Greater Serbian state, meant it had set itself the daunting and, as it proved, elusive task of showing not only the existence of such a plan but Milošević’s command over all the relevant armed groups and police apparently involved in its execution, including those parts of the republic of former Yugoslavia for which he had no constitutional power. Accordingly, as the film documents, the prosecution case did not proceed smoothly. A large body of trial’s testimony consisted of hearsay evidence and submitted statements not subject to cross-examination, much of which was poorly translated and in a number of instances misleading (Laughland 2007: 152-7). The admission of evidence of this kind considerably compromised the prosecution’s case, though this remains unacknowledged in the film. Much weight was placed on statements of Dragan Vasiljković, a founder and captain of the Serbian paramilitary unit, the Knindže, and implicated in the abuse and torture of detainees, soldiers and civilians during 1991-92 in the Knin detention camp during the war with Croatia. In 1991 Vasiljkovićwent to work for Milan Martić, a Serbian politician and former president of the republic of Serbian Krajina, who was also a senior rebel commander of Serbian forces in Croatia during the war of independence and later sentenced by the International Criminal Tribunal for the former Yugoslavia to 35 years in prison for his role in the forcible removal, deportation and killing of Croatians and non-Serbians in Krajina. Prosecutors claimed Vasiljković worked directly under Serbian police auspices, and produced a signed statement implicating Milošević in issuing orders directly to Milan Martić. But under cross-examination Vasiljković denied the paragraph in question was an accurate account of his written statement, insisting he was speaking exclusively of the Service of Krajina, the Police of Krajina or the Army of Krajina or the JNA until the Vance Plan. The prosecution had lost its most valuable evidence. Though in the film this is presented by the prosecution as a case of an unreliable witness (“the best piece of evidence” delivered by “the worst possible witness”), it implicitly points to the problems the prosecution faced in finding reliable witnesses and credible evidence to back their case and was not the only instance where court statements were disputed by prosecution witnesses (Christoffersen 2007).[[7]](#endnote-7)

Despite this, the film studiously avoids pursuing questions of the caliber of evidence brought by the prosecution despite the fact that some of the testimony against Milošević was highly questionable and clearly motivated by political ends (Laughland 2007: 150-70). For example, the film features testimony by US ex-ambassador William Walker on the Racak massacre in which forty-five Kosovo Albanians appear to have been killed by Serbian forces. Walker was head of the Kosovo Verification Mission of The Organization for Security and Co-Operation in Europe (OSCE). Reports of the Racak massacre became a major feature of the publicity used to support NATO’s decision to use force against the Yugoslavian government, even though they and later investigations have offered confusing and contradictory accounts of the events. Walker’s testimony is allowed to stand unquestioned in the film, backed-up by footage of him on the ground inspecting the scene. Yet, Walker, US ambassador in El Salvador during the period in which death squads had carried out atrocities in the country and heavily involved in the ousting of General Noreiga in Panama and the Iran Contra scandal, was hardly an impartial observer. The Kosovan Verification Mission (KVM) was essentially staffed by intelligence officers, mostly British and American, some of whom had close and ongoing connections with the CIA linked private security company Military Professional Resources Incorporated (MRPI) that trained KLA guerillas. Some of its members pursued an agenda of stirring up opposition to Milošević. Speaking of Walker’s role in destabilizing the Milošević regime, Roland Keith, a former KVM member, testified “It appeared to me…powers higher than mine had no real interest in rebuilding stability in Kosovo, but had other political agendas of which this (peace) would not play a role whatsoever” (Trial transcript 14 September 2004: 32760).

Comparable questions arise in respect of the points of view expressed in the film. Though giving the impression of impartiality and balance, the backstage interviews largely follow a particular pattern that is decisive to the film’s overall impression. In the absence of interviews with Milošević himself, Dragoslav Ognjanovic is left to represent his case to the camera, but this amounts to little more than the relaying of a laudatory defense of Milošević’s character and the injustice felt by his supporters that Milošević had been brought to trial. The interviews with Nice, however, provide acute analyses of the issues the trial raises and dilemmas faced by the prosecution. In the absence of any commentary and critical investigation of the facts, or adequate representation of Milošević’s situation, Nice’s elegant dissection of the case serves to substitute for this absence, becoming the conduit through which the viewer comes to see and understand the case.

As a result, though the film appears to aspire to pure observation and objectivity, its point of view converges closely with that of the prosecution. In many respects the problems the film raises in this regard result not just from its judgments of what to show and what to exclude but also from the aesthetic limits of the film’s observational style of presentation, which place severe restrictions on its mode of inquiry. The aesthetic form of the film, ostensibly watching the trial unfold as if it was passively providing a documentary record, cripples its capacity for investigation and critical scrutiny. These restricted terms of reference ultimately render both the history and operations of the trial unintelligible, as much of what is significant about the trial’s rules of procedure are neither immediately visible in the courtroom nor broached in the interviews backstage. Article 53 of the ICTY’s rules of procedure provides for non-disclosure of documents, allowing it to operate without transparency. Against articles 6 and 14 of the International Covenant of Civil and Political Rights of the European Convention of Human Rights’ provisions, the court ruled in favor of allowing witness evidence to be submitted in closed session, as well as testimony from anonymous and protected witnesses, measures used liberally by the prosecution. In all 98 of the prosecution’s 296 witnesses testified anonymously. Accordingly, the trial frequently went in and out of private session. Nice has later raised questions over the unusual circumstances surrounding the evidence, carefully vetted by Washington and referred to as a “notorious lie” by Milošević, given by General Wesley Clark delivered in closed session (Nice 2003: 25). As a result of the trial’s heavy use of closed sessions, the historical record that Nice regarded as an essential feature of the trial’s purpose contains large passages of redacted text.

The film’s restricted framework thus obstructs both a more detailed understanding of the complexities of the Balkan conflagrations and a more far-reaching examination of the trial’s proceedings, and reflects an unwillingness to scrutinize the institutional and political framework in which the court operates. This would necessarily entail going beyond the trial itself to the wider political and institutional nexus in which such trials take place. In addition to putting Milošević on trial, the ICTY, heavily backed both financially and politically by the American government, evidently regarded Milošević’s indictment as an opportunity to provide an official version of the conflict in former Yugoslavia.[[8]](#endnote-8) Hence the prosecution’s case served the role of articulating a narrative framework of the conflict, one predominantly driven by witness testimony. This was already relayed in the massive pre-publicity surrounding the trial in which Carla del Ponte, who refused to consider charges against NATO personnel for alleged war crimes, represented herself as the champion of the victims. Even though five Yugoslav leaders were indicted by the ICTY, media interest exclusively focused on Milošević. Coverage of the case, both prior, during and after the event, predominantly pre-judged the verdict by vilifying Milošević as “the butcher of the Balkans”, a head of state responsible for a systematic nationalist policy of wanton destruction, genocide and “ethnic cleansing.” As Laughland has argued, in many respects both media reporting and the response of the Clinton administration to the Yugoslavian conflict was conditioned by the perception of a growing tide of nationalism in Europe following the fall of communism and a reductive understanding of the conflict as conditioned by “ancient ethnic” factors rather than the economic and political destabilization of the country. (Laughland 2007: 125-49). Press briefings before and during the trial also made extensive and motivated comparisons to Nazi genocide, and the Nuremberg trials were invoked in justifying the actions of the Hague Tribunal, despite the fact that the former were an International Military Tribunal set up to prosecute not war crimes but the preparation and execution of a war of aggression. Judgment at Nuremberg was “the exercise of *sovereign legislative power* by the countries to which the German Reich unconditionally surrendered” (Rabkin 1999: 87, Taylor 1993: 583) whereas the prosecution of Milošević abandoned the principle of national sovereignty as the cornerstone of international law.[[9]](#endnote-9) Nevertheless, Milošević’s trial did share one close connection with the Nuremberg trials, which is the role such trials have played in becoming international political spectacles in which political expediency is given legal authority.

In *Milošević on Trial* the political pressures surrounding the case remain hidden from view. This is consistent with the film’s underlying logic in which the illusion of transparency of its aesthetic mode of presentation paradoxically conceals the making invisible of the more disquieting questions the trial raised. The key strategic decision of the judges to restrict the terms of the trial to curtail any serious consideration of the actions of NATO during the conflict in the former Yugoslavia, finds a parallel in the film’s own restricted range of reference that shows little appetite for exploring the defense’s case, excluding it from view in favour of an affectively monological presentation of the trial. For while Milošević did reply to some specific charges brought against him, his *tu quoque* defense involved a political attack on the institutional legitimacy of the court and the indictments brought against him. Milošević’s defense sought to characterize the trial as an instrument of NATO, and to indict its leaders as the real war criminals. The primary motive of western powers in indicting him, he argued, was to justify NATO’s bombing of Serbia during the Kosovo war, which, combined with the depredations of the brutal and indiscriminate campaign waged by the Kosovo Liberation Army (KLA), had intensified the volatile situation in Kosovo, encouraging a mass exodus (Laughland 2007:23). Milošević unsuccessfully requested the right to question high level political leaders: including former American president Bill Clinton, the former American secretary of state, Madeleine Albright and former British prime minister, Tony Blair, Helmut Kohl, ex-Chancellor of Germany, and the UN General Secretary, Kofi Annan, among others. Though General Wesley Clark and General Rupert Smith, Supreme and Deputy Commander of NATO respectively, appeared as prosecution witnesses, Milošević was neither allowed to question them about the NATO bombing campaign, nor their own responsibility for the resulting civilian deaths.[[10]](#endnote-10) Though the judges’ denial of Milošević’s request is shown in the film, there is little attempt to properly present or critically scrutinize Milošević’s arguments.[[11]](#endnote-11) Moreover, while footage of alleged Serbian atrocities is featured in the film, no mention of the many thousands of estimated victims of the US trained Kosovo Liberation Army, described by Nice as advocating “a campaign of insurgency and violent resistance to Serbian authorities,” is made during the film (Trial transcript 13 February 2002: 140). During the first days of his defense Milošević showed photos of Serbian victims of NATO’s bombing and footage of alleged atrocities against Serbs, yet none of these images are included in the film.[[12]](#endnote-12)

*Milošević on Trial* is thus a film that exists in a state of disavowal. The film parallels the dilemma of the tribunal itself, committed to the idea of an objective investigation of the facts, yet also to assuring a particular outcome, a judgment that in many respects was predetermined from the outset. The operations by which this is achieved are left invisible. The erasure of the filmmaker’s presence may be a welcome antidote to the cult of the celebrity documentary filmmaker so prevalent in recent decades, but serves only to give the mere appearance of objectivity, occluding the decision making processes and mediation of the filmmaker. The trial is presented as if objectively revealing its truth self-evidently, thus concealing the shaping hand of the filmmaker in re-constructing a narrative of the trial. This includes the elision of film footage of the conflict shown at the trial and footage included in the film. The filmmaker’s silent, and only implied presence imitates the role of the trial judges –apparently observing and listening to the evidence, orchestrating the trial, occasionally intervening to clarify a detail or two, but ultimately part of the prosecutional apparatus, a judge whose judgment is never in doubt and never questioned. The filmprovides not a neutral account of the case, but one where judgment is delivered in spite of the absence of any clear conclusion to the trial, a judgment that substitutes itself for the absence of a judgment in the trial itself. This is the judgment on the trial the film delivers.

The film imposes this judgment from the first frame. The opening inter-titles declare: “Slobodan Milošević was President in Serbia during the wars in Croatia, Bosnia and Kosovo in the former Yugoslavia,” followed by a images of Milošević addressing a political rally where his name is being chanted by the crowd, the moment media coverage has indelibly associated with the rise of Milošević to power in an infamous but mistranslated speech said to have stoked the fires of Serbian nationalism (Christoffersen 2007).[[13]](#endnote-13) The inter-titles that immediately follow announce: “About 125,000 people were killed and three million fled.” We are then shown a graveyard filled with masses of white granite tombstones before inter-titles state: “In 2001 Slobodan Milošević was charged with war crimes, crimes against humanity and genocide”, along with footage of Milošević taken handcuffed from a helicopter into custody (Christoffersen 2007). These stark few facts and images, while supposedly contextualizing the film, affectively work to consolidate in advance the conclusion of Milošević’s ultimate culpability for these crimes. The opening segments of the trial re-enforce this affect. After showing Milošević declining counsel and refusing to recognize the authority of the court, the proceeding footage comprises exclusively of the prosecution opening statements, interviews with Nice and the harrowing testimony of Shyrete Berisha, whose four children were allegedly killed by Serbian police, as well as other prosecution witness testimony, without interruption from Milošević or his legal advisors. In these respects the film doggedly follows the pattern of the trial where two days of witness testimony to Serbian atrocities passed before Milošević was given the opportunity to speak, only to find his microphone switched off in mid-sentence by Judge May before he had completed it (Laughland 2007: 163). In the same vein, the film ends by substituting the judgment of one trial onto another, the concluding sub-titles announcing that in 2006 the Supreme Court of Serbia found Milošević guilty of ordering the assassination of former Serbian president Ivan Stambolić (Christoffersen 2007).

III

So far I have been portraying the observational style of *Milošević on Trial* as masking the film’s contrivance, delivering a judgment on the Milošević case in spite of the appearance of neutrality and balance. It is precisely the way judgment seems to impose itself naturally that characterizes the film. Yet, *Milošević on Trial* makes discreet formal allusions to another international war crimes trial that it invites comparison with, Rony Brauman and Eyal Sivan’s *The Specialist* (1999), a film that deals with the Eichmann trial in Jerusalem. The first of these comes at the beginning where blocks of dividing lines appear on screen around the glass dock in which Milošević is seated, which evokes the use in *The Specialist* of framing devices that circumscribe Eichmann in his glass booth and which in the end give way to a drawing of him at his desk. The second, refers to montage sequences in *The Specialist,* where fades and dissolves arbitrarilycombine to synthesize an array of witnesses’ testimony. In *Milošević on Trial* much of the successive testimony is reduced to a fragmentary procession of testimony of Serbian atrocities in Kosovo, combining split screen images of the conflict in Kosovo with brief passing images of the witnesses, sometimes inter-spliced with footage of Milošević listening, apparently unmoved by the testimony. Rather than providing a patient and exacting examination of the testimony, the resulting synthesis reduces the particular accounts of witnesses to one overwhelming, damning indictment, one that effectively elides the question of the examination of the testimony. At the end of this sequence Milošević is again framed by black lines, like prison bars which isolate and enclose him, alluding once more to *The Specialist’*s use of the framing device of the glass booth in which Eichmann sits encased.

It is tempting to see these cursory formal references to *The Specialist* in *Milošević on Trial* as representing the film’s political unconscious, the point at which its discourse temporarily falters and another suppressed logic momentarily breaks through into the film’s essentially monological presentation of events, albeit one that is immediately re-appropriated and rationalized, quickly made over into something else entirely. Yet, these brief references to *The Specialist* serve only to highlight the differences in conception of the two films. Brauman and Sivan’s synthesis of witness testimony does not work to create an impression of weighted accumulation of evidence, but alludes to Arendt’s critique of the privileged role of witnessing in the Eichmann trial film. *The Specialist* avoids the ostensible transparency and observational style of Christoffersen’s engaging instead in a critical and thought provoking account of it. While the latter’s fly-on-the-wall approach places its faith in the trial’s self-disclosure, *The Specialist’s* abiding metaphor is arguably the opacity of the multiple reflections of the trial’s audience on the transparent surface of the glass booth in which Eichmann sits and struggles to see out of. Though based on recovered archival footage of the trial, Brauman and Sivan sought to find a style that gave filmic form to Hannah Arendt’s critique of the proceedings in her book *Eichmann in Jerusalem* (1963), using various formal mechanisms – such as discordant music, interruptions of testimony, combination montage sequences, digital enhancements and distressing of archival footage – to signal their interventions and make the viewer aware of the operations of the filmmaker. These also serve to draw attention to the performative aspects of the trial that Arendt lamented, realizing that far from administering justice what she was witnessing was a macabre kind of pedagogical and political theatre in which the procession of witness testimony took centre stage.

*The Specialist* searches for a filmic form that can be the counterpart to the disquieting problems Arendt’s acute and bitterly ironical analysis poses about the political distortions and manipulations of such trials; the formal disruptiveness of its various interventions paralleling the ultimate arbitrariness of who is judged and held responsible and who is left to their own conscience, and how and on what grounds such judgments can be made. The film’s re-presentation of the trial’s naturalist theatre, filtered through these arbitrary intrusive devices, is made over into a form of self-conscious reflection. *The Specialist* thus opens up a space of irony which serves to encourage unsettling questions about how we make judgments of responsibility, the consequences of those judgments, the limits of legal reason and what role such judgments fulfill. These are questions that Christoffersen’s film singularly fails to pose, but which bear upon the role of the film as a historical document that provides a narrative account of the history it seemingly documents objectively and naturally. For Arendt the significance of Eichmann’s indictment lay in the recognition of the emergence of a new, banal kind of administrative crime tied to the conditions of the modern military industrial complex and its compartmentalized, administrative mechanisms, one which placed the existing imaginative horizons of legal reason under duress. But as Arendt argued the actual trial was first and foremost a forum in which a particular narrative of the Jewish historical experience and the Jewish state was articulated through the traumatic testimony of Holocaust survivors.[[14]](#endnote-14) It was not Eichmann’s guilt that the trial orchestrated, there was no doubt he would be found culpable, but a historically narrated account of contemporary Jewish identity as articulated through the succession of traumatic witness testimony. The provocation of Arendt’s controversial account, as Brauman and Sivan recognized, was to pan away from the witness box where everyone was looking to Eichmann himself, specifically to focus on the language of his testimony with its unreflective mashing together of pedantic, bureaucratic detail and lofty, vacuous idealism. For Arendt, the trial revealed a culture where, language itself had become profoundly disconnected from reflective, critical thought and judgment and thus less and less able to reconnect with reality, qualities reflected not only in Eichmann’s linguistic hybridity, which as Arendt remorselessly shows frequently slips into an almost self-parodying absurd verbiage, and the chief prosecutor’s overly grandiose verbosity which verges on melodrama (Arendt 1994: 287).

Arendt’s initial enthusiasm about the trial which she felt might inaugurate a new legal understanding, and the potential of international justice to safeguard human rights in an age where she felt they were particularly threatened,thus quickly gave way to disillusionment with the reflected prism of its spectacle of distorted political theatre. The Eichmann trial failed the task of finding a mode of judgment adequate to come to terms with the new kind of crime against humanity Arendt saw the trial as representing. Instead, for her, it became a performative arena in which testimony and the suffering of the victims was the primary driver of justice; collective narrative of traumatic memory had become a legal event and political spectacle supplanting the ostensible crime on trial (Stonebridge 2011: 48-9). The sanctification of the harrowing witness testimony substituted itself for the judicial challenge posed by the trial, atonement and redemption ultimately obscuring the question of culpability and judgment.

Despite important and obvious critical differences in the two trials, a comparable situation in this regard pertained at the Milošević trial, Carla del Ponte becoming the self-appointed representative of victim justice, the traumatic testimony of witnesses likewise becoming the driving feature of the case. The political symbolism of the case and the investment in its result meant the trial in the end was less about Milošević than an act of expedient political theatre in which a particular historical narrative of the conflicts of Yugoslavia was given its official legal legitimacy, one which, as I have been arguing, *Milošević on Trial* serves uncritically to relay an absent judgment for. Yet, Arendt’s reflections on the failures inherent in the Eichmann trial, its reduction as she saw it to a morality play, offer an interesting comparison point less for any parallels between the theatricality of two trials than for the reflections on the problem of judgment the trial led her toward, which brings me full circle back to the question of the need for critical scrutiny of the international justice system I started out from.

For Arendt, who remained an advocate of the principle of international justice, the residual problem of what was left unaddressed by Eichmann’s trial was above all the question of how to address the moral, political and ontological conditions that led to the historical situation in the first place, problems that were inherent within the imaginative horizon of the language, politics and thought expressed in the trial. Arendt’s thinking progressive came to the conclusion that a re-conception of the understanding of the relation of legal reason to judgment was required to address these problems; a re-conception that would bind the conception of judgment to questions of freedom and democracy. As Lyndsey Stonebridge has remarked, Arendt’s distrust of the culture of expiation derived from her belief that it could neither form a platform on which to think about justice and culpability properly, nor adequately come to terms with the moral collapse that had led to the holocaust in the first place (Stonebridge 2011: 50). Her skepticism about the extensive use of traumatic testimony in the Eichmann trial was based not simply on the problems associated with judging such testimony as evidence, but on the instrumental use of it for political purposes, a point relevant to Milošević’s trial, driven as it ostensibly was by principles of atonement and retribution for the victims. The trial was also widely and, as it proved, misleadingly described in media coverage as one that would bring an end to the political turmoil of war-torn former Yugoslavia after a decade of bloody conflict and bring about reconciliation.

Much at odds with discussions of trauma that have subsequently dominated post-war justice, Arendt wrote: “Those who one day may feel strong enough to tell the whole story…will realize that story *in itself* can yield nothing but sorrow and despair-least of all, arguments for any specific purpose.” (Arendt 1994b: 200). Arendt’s reflections here, influenced by her existentialism, make uncomfortable reading. In locking suffering out of the political realm, as Stonebridge remarks, Arendt might be accused of “condemning the victims of the crime she sought to understand all her life to voicelessness…” (Stonebridge 2011: 7-8 and Felman 2002: 124). Yet, as Stonebridge continues, Arendt’s concern was to push the trauma of witness memory of the camps into thought, rather than see it become absorbed into a predetermined redemptive political narrative. The objectionable nature of the Eichmann trial, for Arendt, was that it ultimately served such ends, manipulating the “relentless demands of an impossible to reconcile trauma” for political ends (Stonebridge 2011: 59). As such the suffering of victims, it might be said, is all too easily made over into a kind of productive discursive event that ultimately works less in the interests of giving a voice to the traumatized victims than in serving the ideological interests of those who turn their suffering into political spectacle. But what Arendt, ever suspicious of how the historicizing of such events crystallizes the fluid memory of their contents and pushes them into the past, was interested in here was also the question what form of commemoration might be adequate to traumatic memory. To see a trial as a forum that could constitute some sufficient form of remembrance of such events would be to imagine such events could in time be overcome. To push such events into thinking, as Arendt sought to do, was to recognize they could not. It would involve instead an understanding that the only adequate form of remembrance would be the continuous reflection on how such events had irrevocably altered the present and the implications it had brought for thinking. It is only when understood in this way that Arendt’s bitterly ironical tone can be fully comprehended, not only as an expression of anger at the political melodrama she felt she had witnessed in Jerusalem, but as a critical refusal of the political and linguistic terms of the trial’s spectacle and its subsequent reporting.

Much of Arendt’s later writing turned on the question of thinking through the implications of the Eichmann trial and the conditions under which judgment could be meaningfully re-conceptualised in a contemporary setting (Beiner, 1992: 89-156, Benhabib 1988: 29-51 and 2003: 172-92). For Arendt, the question of judgment for the present involves asking the question of what judgment is and what relationship it has to reason and thinking. In Arendt’s thought judgment is distinguished from the narrowly restricted form of legal reason or the positivism of cognitive rationality, both of which she saw as reducing judgment to a restrictive conception of reason in which thought was reduced, on the one hand, to historical precedent and rule or, on the other, to a reductive and ahistorical scientific instrumentalism. Her later work attempts to think of judgment within an expanded framework of reflection on thinking and the role of reason within this. Arendt’s reflections on judgment thus involve a critique of a concept of instrumental reason separated from the self-questioning consciousness of reflection and a static notion of judgment as given or unavailable to challenge or further reflection. Arendt distinguished between her own conception of judgment as necessarily entailing the interrogative questioning of dialogical thought and the cognitive and positivist conception of judgment and the rule bound adherence Arendt associated with Kant’s *determinative judgment*, which, she argued, amounted to the very antithesis of judging, or reification (Arendt 1992: 72). The reduction of judgment to the objective implementation of concepts, precedent or rules, precluded the radically expanded form in which Arendt understood thinking.  For Arendt a cognitive conception of judgment severely reduced thinking to problem solving, thereby constraining thinking to given particular ends, to the already given in advance, and thus to the historically predetermined. To see judgment as the exercise of a pre-determined concept is to reduce it to the instrumentalism of rule-bound compulsion, which for Arendt is not judgment at all.

Judgment, in the expanded reflective sense Arendt wanted to give it, was an activity she saw as necessarily repressed under authoritarian political systems of whatever political hue. Under National Socialism, for instance, monological thought and instrumental reason substituted themselves for the critical thinking she regarded as essential to the act of judgment; legal reason and scientific rationalism provided no means of contestation or resistance to this instrumentalism but indeed were vehicles through which totalitarian ideology found expression. The law failed to provide an adequate framework of protection against the violence of the Nazi state. Eichmann’s trial had encapsulated for Arendt the way totalitarianism in its varied manifestations brought about a corrosion of the basis of judgment and the collapse of conscience, a quality which she associated with the capacity to “think from the standpoint of somebody else” (Arendt 1964: 49; 1971: 417-46). Arendt saw this moral collapse as having a specific historical trajectory, one that she traced through the historical development of imperialism and the erosion of the old nation states, to the political conditions of modern technocratic societies and the staggering of the modern nation state towards forms of supranationalism. As this suggests, Arendt sought a conception of judgment that would act as a defense of democracy and guard against the restriction of freedom as a result of the rise of totalitarianism and its concomitant restriction of freedom of expression and speech, qualities associated not only with the Third Reich and Stalinism, but which she saw as associated with broader political and economic features of modernity. While Arendt’s analysis of the Eichmann trial may seem too historically specific to be of immediate application to the contemporary world of international justice, the thinking about judgment that it gave rise to has renewed relevance in the contemporary political context of new world order politics, the yoking of international courts to its political imperatives and the resurgence of instrumentalist forms of thought. It is precisely Arendt’s recognition that the broader logic of arrested thought within totalitarianism is a constituent feature of the contemporary political and economic system that makes her thought endure.

In her later writings Arendt returned again and again to the problem of judgment, successively developing her thought towards an ethics of judgment, left somewhat incomplete at her death (Arendt 1978, 1999 and 1978). While her later work has often been seen alternately as advocating the pre-eminence of reason or ultimately the renunciation of reason in favor of some nebulous subjectivism, this is to completely misconstrue it. Arendt’s thinking involved a critique of the dualism of western metaphysical divisions between reason and affect and the dichotimization of object/subject relations. For Arendt, thinking necessarily involved simultaneously both a detachment from the world around one and an encounter with the alterity of the other. In this respect Arendt’s thought involved not only a rejection of the monological thought of positivism and cognitivism but also the need to think beyond a western philosophical tradition of metaphysics that she felt had become redundant in the contemporary world. Arendt’s critical return to Kant was integral to her later reflections on this question, but was an engagement left somewhat incomplete. Redefining Kant’s distinction between reason and the intrinsic urge to think *beyond knowledge* (aligned in Kant to the question of faith), Arendt sought an extended understanding of reason within the capacity to imagine the other and to continually reflect on our judgments. Political freedom depended, Arendt argued, not on the rejection of reason, but on the rejection of the reduction of reason to monological thought and instrumentality; the constriction of its potential force as a dialogical form of thinking (Arendt 1971: 415-6, Arendt 1992: 13-17, 72-75 and Beiner 2001: 94-6). Her model here was Socratic thought, regarding its dialogism as an analogical model of the interior dialogue in which the capacity of the mind’s receptiveness to otherness, doubt, perplexity and difference are potentially given full scope. What Socrates brought to philosophy, in Arendt’s words, was not determinative judgment but a warm “wind of thought” of flexible “concepts, virtues and values” capable of unfreezing what is frozen in thinking and make us aware of critically aware of the need to consider self-consciously the terms of our understanding (Arendt 1971: 417).

For the later Arendt, democracy required a concept of freedom residing precisely in the plurality immanent in dialogical thought, the recognition of the necessity of thinking from multiple perspectives instead of the subsuming of the particular under the pre-given, the already thought, or the predetermination of the rule (Zerilli 2011: 120-4). The dialogical here is construed as the active and imaginative relation to otherness, rather than as the mere cognitive recognition of ontological difference. Arendt argues accordingly, the political spaces in which judgments are made, do not precede acts of judgment but are constituted by them, by the values that are given form in acts of judgment. In this way for Arendt, all judgments are political, reflecting the values and ways of thinking of those communities who come together to actualize thought through the faculty of judgment. That is to say judgment, conceived in these terms, thus enables agreements and differences to emerge not *apriori* or preceding an event, but through communal dialogue and reflection on it. At work here in Arendt’s thinking was a distrust of modern specialization and the compartmentalization of knowledge, as well as claims to the pure objective implementation of legal reason. Arendt sought an expanded ideal of a thinking community that again looked back to the example of Socratic philosophy, one in which the act of judgment can facilitate the formation of new expanded democratic communities rather than arrest judgment in the hands of appointed specialists. Hence, Arendt argues, the act of judgment construed as the actualization of dialogical thought would be fundamentally constitutive of the public realm, providing the very conditions of bringing into being communities and opening political spaces, rather than as an exercise in the application of the unveiling of an intrinsic and self-evident truth assimilated by a passive public.

As this all too brief account of Arendt’s thought suggests, her ideas on judgment bear closely upon her critique of philosophy, most especially positivism, and how we conceive of the role of thinking. But her thoughts on this matter also by extension raises questions about the understanding of and mode of discourse of history, specifically in relation to the issues she poses about the critical role of the historian not simply in recording or documenting historical events (a conception which in any case hides the shaping force of the historian), but in actively addressing the events and failures of the historical past. The question of judgment drew Arendt toward an active understanding of the praxis of history whose acts of re-presenting the past should be “not in order to recall or save it, but on the contrary to destroy (it)” (Arendt 1958: 617). This demand for Arendt increasingly turned on the ontological questions that face the historian in writing history: “If judgment is our faculty for dealing with the past, the historian is the inquiring mind who by relating it sits in judgment over it” (Arendt 1971: 216). These words weigh heavily on the representation of the Milošević trial. For Arendt develops a conception of judgment designed to bring the terms of our understanding into the open and thus to provide precisely the kind of vigilant scrutiny and critical reflection that Nice retrospectively felt was missing from the Milošević trial in the lack of coverage of it and the subsequent uncritical reception in the many publications it inspired. The critical scrutiny and even skepticism that Nice saw as so crucial to the authority of legal justice when legislating internationally finds its enactment in Arendt’s thought, but is precisely what is missing, I have argued, from Christoffersen’s film. *Milošević on Trial* delivers its covert judgment as the enactment of a pre-given form, enacting the judgment the trial itself could not as a result of Milošević’s death, as if that judgment arose naturally from the trial itself. In that way it completes and legitimizes an institutionalized narrative that had always already been written.

1. The film won the European Broadcasting Union Golden Link Award (2007), GuldDok Award for best production (2007), Danish Academy Award for Best Documentary (2008) and Human Rights Watch International Film Festival Award (2008). [↑](#endnote-ref-1)
2. On media reporting and NATO briefing of the conflict and the Kosovo crisis in particular see Brock 2005, Knightley 1975 and 20 March 2000 and Hammond, and Herman eds. 2000. [↑](#endnote-ref-2)
3. On the trial and its significance see Laughland 2007, Cigar Williams 2002, Harding 2001: 20, Melikan 2003: 179-194, Stephen 2005, Armatta 2010, Scharf and Schabas 2002. On the history and expansion of the International Criminal Tribunal for the Former Yugoslavia, see Hagan 2010. On the Balkans and Kosovo conflicts see Johnstone 2002, Mandel 2004, Simms 2002, Abrahams 2002. For the official trial transcripts see: <http://www.icty.org/case/slobodan_milosevic/4#trans>.

   For the full video archival footage see: http://hague.bard.edu/project.html. [↑](#endnote-ref-3)
4. The United Nations public archive of the trial is accessible at: <http://hague.bard>.edu/project.html. The importance of documentaries in determining the perception of the events in the former Yugoslavia is highlighted by the extensive use by the prosecution team of the BBC documentary *Death in Yugoslavia* (1995), which is also the name of a book written by Alan Little and Laura Siber to accompany the series and won a BAFTA award in 1996 for Best Factual Series. During the trial Judge Bonomy was prompted to characterize the series as “tendentious”, not least because of the many mistranslations of Serbian in the sub-titles, which re-enforce the narrative of ethno-nationalism central to the series’ explanation of the conflict. [↑](#endnote-ref-4)
5. On the history of the emergence of new world order politics see Laughland 2007: 33-52. On the role of the International Monetary Fund in destabilizing the ailing Yugoslav economy, see Harding 2003:20. [↑](#endnote-ref-5)
6. A similar point is made by a vigorous supporter of international criminal justice, Geoffrey Robinson, in an article written for The Times critical of the contravention of Article 6 of the European Convention of Human Rights by the ICTY. See Robinson 25 June 1996. [↑](#endnote-ref-6)
7. During the cross examination of Mustafa Čavić, a witness for the prosecution, Čavić replying to a quotation from his statement read out by Milošević stated “I don’t know who wrote this.” Trial transcript 11 November 2002: 12798. Under cross-examination anonymous witness B-83 remarked that there were errors in the statement submitted to the court “of such a nature that I couldn’t under any circumstances sign such a statement.” Trial transcript 23 July 2003: 24792. [↑](#endnote-ref-7)
8. Scharf and Schabas’s *Slobodan Milošević on Trial: A Companion* is an example of the use the trial as a mechanism for re-enforcing an official history of the events. The book opens with a Macbeth like portrayal of Milošević. Though the book makes no mention of it, in his capacity as an official at the US State Department, Scharf was instrumental in drafting the terms of the United States Security Resolution 771 (13 August 1992) that led the following year to the creation of the ICTY. However, in Balkan Justice: The Story Behind the First International War Crimes Tribunal since Nuremberg, Scharf boasts of having helped draft the ICTY’s rules of evidence to “minimize the possibility of a charge being dismissed for lack of evidence” Scharf 1997: 67. [↑](#endnote-ref-8)
9. Connections between the events in former Yugoslavia and the Holocaust became an integral part of the rhetoric of western reporting of the conflict and the publicity surrounding the trial. Lawrence Eagleburger, the US Secretary of State, in an opening statement from a news conference in Geneva, en route to Brussels (17 December 1992), said that he was first moved to seek to put Serbian officials on trial after meeting with the author and Holocaust survivor Elie Wiesel. See Scharf and Schabas 1997: 44 and Laughland 2007: 53-68. [↑](#endnote-ref-9)
10. See Laughland, 2007: 15. NATO used cluster bombs during their aerial campaigns and depleted uranium in its bombing in Kosovo. It also attempted to assassinate Milošević in an air strike on his house on 22 April 1999. [↑](#endnote-ref-10)
11. The film persistently avoids presenting dissonant opinions, particularly where they contradicted the prosecution’s case. In this respect see for instance the testimony provided by Zoran Lilić, a senior ranking Serb politician who Milošević succeeded as federal president, which largely corroborated Milošević’s version of events, or Colm Doyle, an Irish Defense Force officer, who served as a UN officer in Bosnia, who stated Milošević had condemned the bombing of Sarajevo and exhorted the Bosnian Serbs to avoid bloodshed. Trial transcript, 18 June 2003: 22679 and 26th August 2003: 25301-5. Borislav Jović, a Serb member of the Federal Yugoslav Presidency, 1989-90, was one of a number of prosecution witnesses who refuted the prosecution’s assertion of a Greater Serbia plan and insisted Milošević neither controlled the Federal Yugoslav Presidency or the Federal Army. Trial transcript, 19 November 2003: 29244-6. Similarly, Lord Owen, who appeared as a court witness testified Milošević had given his full backing to the Vance-Owen peace plan, which involved independence for Bosnia-Herzegovina and rejected the prosecution’s characterization of the defendant as a nationalist. [↑](#endnote-ref-11)
12. Nice attempted to prevent the admission of these photographs as evidence, claiming Milošević was using them to “sensationalize and excite the imagination unnecessarily.” Trial transcript 27 April 2005: 38899. [↑](#endnote-ref-12)
13. As several commentators have noted the translation of Milošević’s speech has generally used the BBC subtitles, which contains a number of mistranslations. This is true for Christoffersen’s film also. [↑](#endnote-ref-13)
14. Arendt’s argument about the irrelevance of Eichmann’s guilt within the expiatory context of his trial was confirmed by Ben Gurion, who stated: “The fate of Eichmann, the person, has no interest to me whatsoever. What matters is the spectacle.” Zertal 2005: 107. [↑](#endnote-ref-14)