

# Law of the State, Truth of Art Two Case Studies of Art as Evidence

## Jonas Staal

### The Geert Wilders Works (2005–2008)

The first time I stood in front of a judge was in 2007, when Geert Wilders, leader of the Dutch ultranationalist Freedom Party (PVV), filed charges against me for “threatening a Dutch member of parliament with death.”

In 2005 I had made my first artwork: a series of installations and displays, including photos of Wilders, tacked upon trees, surrounded by candles, teddy bears, and white flowers. Over the course of several weeks I had anonymously realized over twenty of those works in the cities of Rotterdam and The Hague. At the time, I considered anonymity a precondition for challenging the function of art outside the framework of a gallery or museum.

Nowadays, Wilders is a notorious politician, well known even outside of the Netherlands, but at the time, his rise had only just begun. At first, the manifestation of the populist right seemed to have found a sudden end when politician Pim Fortuyn was murdered by an animal rights activist in 2001. But in 2004, filmmaker and polemicist Theo van Gogh was killed by a self-proclaimed Islamic radical, Mohammed Bouyeri, member of what the Dutch state considered the terrorist “Hofstad Group.” Van Gogh had collaborated with liberal-conservative MP Ayaan Hirsi Ali on a film pamphlet entitled *Submission* (2004) criticizing the “subjected” role of women within Islam. Bouyeri had wanted to kill Hirsi Ali, but she was already permanently surrounded by bodyguards. Van Gogh, however, had refused that kind of protection. He considered himself the “village fool,” and was convinced that no one would care to kill the joker of Dutch society. Bouyeri thought otherwise, and used the body of Van Gogh to assault Hirsi Ali’s. Bouyeri shot Van Gogh as he was driving on his bike through Amsterdam and subsequently stabbed a letter to Hirsi Ali on his body with a knife.

The history of ultranationalism in the Netherlands moves from one dead body to another. The slain body of Fortuyn in 2001 related to that of Van Gogh in 2004. Van Gogh had been a friend of Fortuyn, and Fortuyn had asked him to become a minister of culture in his future government. Van Gogh, in his turn, was friends with Hirsi Ali, who sided with Geert Wilders in the same liberal-conservative party. The death of Van Gogh radicalized Wilders and made him leave his party in order to establish his own Freedom Party, which took an extremist stance against what he termed the “Islamization of society.” For him the dead body of Fortuyn, referring to Van Gogh’s, symbolized a substantial and constant threat to the European values, which he considered to be rooted in Judeo-Christian and humanist

Bijlage bij X-pol nummer:

2005137109



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culture. The “barbaric” assault on fortress Europe by cells of Muslims (while noting that Fortuyn, despite his strong stance against Muslims, had actually not been killed by one) in the guise of average citizens, needed to be stopped, resulting in a series of proposals by his party ranging from a ban on the building of mosques, the prohibition of the Quran just like Hitler’s *Mein Kampf*, banning headscarves from public transport, creating a Guantánamo Bay-modeled prison in the Netherlands and pre-emptively bombing Iran. As a result of these proposals, the threats previously made to the body of Van Gogh transposed to Wilders’: from 2004 onward, the politician reported receiving daily death threats and has worked under twenty-four-hour bodyguard protection ever since.

In essence, the politics of Wilders is based on the externalization of an individual threat. Because Wilders feels threatened, he proclaims himself to be the evidence of a threat that concerns the whole of society; the entire European continent even. Because he speaks up for what he considers to be enlightened values and is faced with potential murder, so is the rest of society. Here, the personal becomes political in the most reactionary way possible. The body of an individual is totalized into a collective one: a collective that can only experience this threat through the body of their political leader, not through their own.

Wilders lets no occasion go by without referring to the bodies of Fortuyn and Van Gogh in relation to his own threatened body, and even in live television debates, when he is criticized by oppositional voices, he refers to his bulletproof suit: his body is threatened, and that of the opposition is not. That means that Wilders embodies the truth of the potential decay of Western society, whereas his opponents are merely living a privileged and fragile freedom for which he himself is sacrificed (and not once, but permanently, because he never actually dies). If they dared to see the truth of Islamization, Wilders reasons, then they, too, would turn into bodies evidencing the truth that has been already incarnated into his own: the truth of being a living dead.

As a result, Dutch newspapers by now openly speculate on Wilders’ future death. In essence, his message has become common sense: everyone already considers him a dead man, they just await the moment of its official announcement. But the difficulty of the living martyr Wilders is that he does not actually die, he just keeps on living. This turns him into a zombie-like presence: the one we expect to die but never does, thus becoming a terrifying and haunting figure of our political realm.

My memorial installations in 2005 were an attempt to institute that terrible truth through a work of art. While Wilders saw my installations as memorials that *wished him dead*, I intended them as installations that represent the fact that Wilders *never actually dies*. My truth was that of the living martyr Wilders; Wilders’ truth was that of a left-wing artist that wanted him dead. As a result, he filed a police report against every single one of my installations as a threat to his life, and when I announced the works to be mine, I was immediately arrested.

So here we are dealing with a clash of two truths: the truth of politics versus the truth of art. Then, third, the truth of the law entered into this confrontation, one that took the form of several hundreds of pages of files developed by the Rotterdam and The Hague municipal police based on their investigation of my artworks. Each of my memorial installations had been photographed by a policeman, each flower had been archived, each photo of Wilders, each teddy bear, each candle conserved. My house had been raided by detectives, where even more teddy bears and photos of the politician in question had been found. Statements of Wilders were included in the file as well as statements by the police investigators of my work, which proved unsure whether the person in question had made the memori-

als in *adoration* of Wilders or as a *threat* to him. So this third reality, the legal reality, manifested itself as an ambiguous composed body of documents, statements, and images. It formed the basis for the confrontation between the truth of art and the truth of politics within the arena of the court. A legal reality that, as should be noted, is not evoked by the artist, but by the political actor (and rarely the other way around).

For me, it was clear that if there were an actual work of art at play here, it was not my memorial installations in The Hague and Rotterdam, but rather the very performative and theatrical structure of the trial itself. I sent out invitations that consisted of the police file—the introduction to the case—as well as a description of the actors that would be central to the event of the trial: the artist, the lawyer, the prosecutor, the three judges. In 2007, when the court case finally took place, this resulted in a bizarre combination of friends, colleagues, art world professionals, journalists, and pro-Wilders supporters as the public to this performance. In the courtroom there was a court artist that I had hired to document the trial, as I was not allowed to photograph or videotape the proceedings. I needed *another artist* to document my artwork; the artwork in the form of the trial itself, the space in which truths clash and reality is contested, altered, reinstated (and, perversely, one might argue that it was Wilders himself who co-instituted the trial-as-artwork). The court-drawer in question had also documented the cases against the Hofstad Group; the organization of which Bouyeri, the murderer of Van Gogh, had been a member. My own lawyer was J.P. Plasman, who had defended Bouyeri at the time. The actors were in place, just as they had been before, from one dead body to the next, up until the moment that the body of the living martyr (the politician) clashed with the one portraying him (the artist).

“Did you act out of hate against Geert Wilders?” the first judge asked me.  
“No” I answered, “I consider him my muse.”

Silence entered the courtroom. The truth of art played out. The obvious opposition between the ultranationalist politician and the left-wing artist got interrupted. For my work might be considered as threatening—just as I find the very figure of the living martyr threatening—but its intention, the declared proximity to its subject implied in the term “muse,” did not fit the logical, causal relation between someone who sends and someone who receives a bullet by mail, which is relatively unambiguously coded as a “hateful” gesture. Moreover, according to the popular imagery, the muse is always a woman, not a man. In other words, a dimension of *intimacy* was introduced between Wilders and me. An intimacy that on one hand re-established me as an actual *artist* (only artists have muses), but on the other hand increased the sense of uncanniness surrounding my actions: the muse-subject cannot disconnect from the obsessed creator. A journalist at the end of the trial thus concluded:

When asked about his motivations, the artist repeatedly stated that he considered Wilders his muse. This means that this trial might be over for now, but that Wilders is far from liberated from the artist in question.

I was acquitted of all charges in 2008. Wilders was and remains a living martyr haunting the realm of mediation: how do we tell the story of those that never were truly alive and never died either? The truth of politics is one of permanent representation, while the law of the state is presumed to be an empirical one. Yet there is no possible *evidence* to prove the existence of the living dead: only the truth of art provides for the tools to institute such a new reality.

**New World Summit (2012-ongoing)**

Today, in the context of the War on Terror, we are faced by a *terror instituted by the law* itself. The 2003 invasion of Iraq, causing more than half a million of civilian deaths, was justified as a pre-emptive strike against terror—as a strike against those which would otherwise *escape* the law. This argument allowed for the “empirical” rationale of one of the greatest dangers of our time: global state terror.

When the word terrorism is used, we refer to that which the law cannot contain. The War on Terror operates as a body legalizing state terror on a geopolitical scale in a hysteric response to that which escapes its truth. As a response, the instruments of the War on Terror are employed to render this fundamental opposition stateless. International lists of terrorist organizations, for example, are meant to isolate oppositional forces from the political realm. One’s passport is taken away, a travel ban is imposed and bank accounts are frozen, essentially placing a person or organization “outside” of democracy; outside of the state; outside of the law. The terrorist represents that which cannot be encoded in the realm of legal democracy; being one implies a revolt, an insurgency, against its very internal structures. Democracy’s law, exported in decades of colonization and imperialist politics, is





recognized as part of a politics of coercion. Its human rights are the rights of an oppressor, of the documented, of those coded within a legal, administrative sphere of governance. The ungovernable are the stateless, or those who, through the use of terrorist blacklists, have to be declared as such.

In the age of the War on Terror, the body of the terrorist is essentially a form of *evidence* that the law of the state needs to reject in order to maintain its hegemony. It embodies a truth that its structures cannot contain. It is a truth that relates to the past, when it concerns those who are rooted in histories of anti-colonial resistance and liberation movements, ranging from revolutionary movements in the Philippines, Kurdistan, or Tamil Eelam. Or, in many cases, it embodies a truth of former state interests: the American proxy wars waged through jihadist organizations today known as Al-Qa'ida or the Islamic State. Terrorism, although rooted in conflicting histories—the Kurds currently fighting their courageous battle against the Islamic State is one of many examples—is a word with which the state fights its own guilty consciousness. The ones waving their black flags today have bank accounts filled with American oil-dollars and their fingers rest on triggers of weapons manufactured by Empire itself. To declare them terrorist, to bomb them, to forget them by destroying the very evidence of their bodies, is part of a revisionist operation that aims at continuously rewriting history. Proxy armies gone rogue are, for a substantial part, the product of deep state politics; and in order to erase the memory of its own mistakes, a *deep history* is needed: a history continuously rewriting itself in the present through drone warfare and pre-emptive strikes against the bodies that would demand of us to *remember*; remember that the law of the state, under the name of democracy and human rights, bred its own monsters, which it fights again today.

What is called terrorism in the form of non-state actors is essentially an ongoing *trial* against this very history of state terror. But it is a *trial without a space to perform itself*. It is a trial without a court, without its own parliament. When in 2012 I founded the artistic and political organization *New World Summit*, the stated goal of this organization was to establish exactly such a space: a space where the other side of the “justice” of the War on Terror waged in our name could manifest itself, contest, articulate its historiographies, and begin to dismantle, to decolonize the structures of our politics of exclusion. To dismantle the law of the state that today enforces the “limits of democracy,” and to establish, through the exceptional space that is art, a space and practice of emancipatory, limitless democracy.

The *New World Summit* has come to exist as a fifteen-member group, whose first members came from the fields of art, design, architecture, diplomacy, and philosophy. To establish our organization, we occupied for two days the space of the Sophiensaele Theater in Berlin where we created our first “alternative parliament”: a circular architectural construction, doubling the space of the conventional parliament to allow for shifting relations between speaker and public. Surrounding the parliament were flags of organizations blacklisted in the War on Terror, organized by color: an abstract color prism that revealed its aesthetic and pictorial specificity only upon closer approach. It was a space we constructed in order to establish a different “state of exception” than the one shaped by the War on Terror, which is essentially nothing but the imposition of martial law. Our state of exception, on the other hand, is the *state of exception of art itself*. Not a state in terms of a governmental structure, but a state in terms of an existential condition; and a space exceptional due to its very ambiguity in the domain of the law; as I discussed in regard to *The Geert Wilders Works*.

The ambiguity of art in the space of the law is a direct consequence of the ambiguity that resides in the very notion of art, for art is that which questions its own conditions of presence while being present at the same time. The truth of Wilders, that he is dead and alive at the very same time, is a truth of radical ambiguity that touches exactly on art's state of exception. This does not mean that art cannot be forced into the law, for example by pressure of authorities, threats, or sheer violence. When attempting to mount the third *New World Summit* in Kochi, India, for example, three members of my organization were charged with giving "material support to terrorist organizations." But this material reality in which the *artist* operates does not necessarily undermine the ambiguity that lies in the fact that a parliament—an artwork—meant to be used to construct speech and evidence by political groups dealing with political exclusion through blacklisting is *itself blacklisted*. The blacklisted parliament, in and of itself, evokes images of groups that would in a later stage contribute to the *New World Summit*, such as the Provisional Government of West Papua in exile, which, in its turn, is a *blacklisted government*.

In our first parliament in Berlin appeared Louie Jalandoni of the revolutionary Maoist National Democratic Front of the Philippines; Jon Andoni Lekue, of the Basque Independence Movement; Moussa Ag Assarid of the National Liberation Movement of Azawad in northern Mali, and Fadile Yıldırım of the Kurdish Women's Movement in North and West Kurdistan: all groups that domestically or internationally have been confronted with the politics of blacklisting. All groups with a liberational, anti-colonial heritage, as well as long standing histories in developing alternative models of popular democratic (self-governance). What these speakers bring to the court of the *New World Summit* is essentially a charge against the ruling conception of democracy as such in the age of State Terror. What is on trial are fundamentally competing models of *justice*: between a democracy maintained in the sphere of State Terror, which has to exclude fundamentally contesting voices in order to enforce its legitimacy, and democratic practices *too democratic* to be encoded within the latter. What is on trial is essentially the very possibility of democracy, the possibility of genuine difference and political transformation.

The state of exception of art is one we need to politicize as a space which we can attempt not just to reflect upon, but in which we can *alter* the very mechanisms through which we define and enact representation.

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In 2007, the goal of the public prosecutor was to bring me to trial. What I brought to trial was a representation of politics as such; a truth in the form of a living martyr yet un-coded within the law of the state. The evidence of this truth was established through an artwork.

The *New World Summit* attempts to bring the *law itself* to trial as an instrument of state terror. An artwork provided the missing courtroom needed for the accusation and the missing parliament where this accusation translates to concrete, competing practices of democracy and justice. The evidence came in the form of those un-coded within the law of the state, as they reject its very premise all together.

As such, beyond the law of the state, the truth of art emerges.

*This essay is the result of different conversations on the relation between art and law. Amongst others with Avi Feldman, in relation to his exhibition "Imagine Law" at FKSE Galeria, Budapest (2012); with co-founder of the Center for Terrorism and Counter-Terrorism in the Netherlands, Beatrice de Graaf, who in preparation of the 2<sup>nd</sup> New World Summit in Leiden (2012) proposed the notion of the "terrorist" trial as one of "competing notions of justice"; with curator Andrea Liu during her conference "Counter hegemony: Think Laboratory" at CAC in Vilnius (2014); and finally with curator Vivian Zihlerl in preparation of our lecture "Happy Separatist: Mutant Feminism" during the conference "Muse, powerful totem or harmless object" at the Frans Hals Museum in Haarlem (2015), where I was able for the first time to expand the notion of the living martyr Geert Wilders as a "muse." The title was first used for a lecture as part of the program "Phantasm and Politics #10: The Right of Art" at the HAU Theatre in Berlin (2015).*

### Captions

**1** *The Geert Wilders Works 2005–2008, 2005–2008, Jonas Staal, Image: Drawing by court artist Jan Hensema Description: From left to right Officer of justice D. Van der Heem, Judge M. van Boven, suspect J. Staal and suspect's lawyer R. van den Boogert*

**2** *The Geert Wilders Works, 2005-2008, Jonas Staal, Photo: Police photograph, OPS file number 2005137109*

**3** *New World Summit - Berlin, 2012, Jonas Staal, Photo: Lidia Rossner. Description: The alternative parliament of the New World Summit in Sophien-saele, Berlin, DE, surrounded by flags of organizations faced with blacklisting*

**4** *New World Summit - Berlin, 2012, Jonas Staal Photo: Lidia Rossner. Description: From left to right Jon Andoni Lekue (Basque Independence Movement), chairman Robert Kluijver, Fadile Yildirim (Kurdish Women's Movement), Louie Jalandoni (National Democratic Front of the Philippines), translator Meral Cicek, Moussa Ag Assarid (National Liberation of Azawad) and translator Ernst van den Hemel*

**5** *New World Summit - Brussels, 2014, Jonas Staal Photo: Ernie Buts. Description: Adem Uzun, representative of the Kurdish National Congress (KNK) who presents his lecture "From Terrorist Organization to Freedom Fighters: The Geopolitical Turn on the PKK"*

**6** *New World Summit - Brussels, 2014, Jonas Staal, Photo: Ernie Buts Description: Moussa Ag Assarid, writer and representative of the National Liberation. Movement of Azawad (MNLA) on the left debates his lecture "Revolution without Frontiers: The 21st Century will be that of Peoples, not of States" with Shigut Geleta of the Oromo Liberation Front (OLF)*

**7** *New World Summit - Brussels, 2014, Jonas Staal Photo: Ernie Buts Description: Overview of the parliament of the 4th New World Summit in the Royal Flemish Theater (KVS), showing several large scale maps of unacknowledged states participating in the summit*

**Jonas Staal** (born 1981, lives and works in Rotterdam, NL) has studied monumental art in Enschede NL, and in Boston, USA. He is currently working on his PhD research project entitled "Art and Propaganda in the 21st Century" at the PhD Arts program of the University of Leiden, the Netherlands. Staal is the founder of the artistic and political organization **New World Summit** that develops alternative parliaments for stateless organizations banned from democratic discourse, and together with BAK, basis voor actuele kunst, Utrecht, of the **New World Academy**, that connects stateless political organizations to artists and students.

