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## The Trial That Never Was: Russian Documentary Theatre and the Pursuit of Justice

Twenty-first-century Russian theatre artists have increasingly taken to using material from real-life events to explore the intricacies of injustice in the civic sphere and its connection to the country's past. In a fifteen-year time span documentary forms have come to the forefront of Russia's theatrical avant-garde. In this article Molly Flynn offers a close reading of one of the most politically charged productions to have emerged from Moscow's booming documentary theatre – *One Hour Eighteen: the Trial that Wasn't but Should Have Been* (2010). The play uses verbatim texts from the prison and medical staff directly involved in the final days before the murder of Russian attorney Sergei Magnitskii in 2009. Setting the piece in a theatrical courtroom, the creators of *One Hour Eighteen* place their work in the context of Russia's judicial history in the previous century, during which the resemblance of trials to theatre has often been uncomfortably close. Molly Flynn is a doctoral candidate in Slavonic Studies at the University of Cambridge. She is currently completing her doctoral thesis on the history and significance of documentary theatre in twenty-first-century Russia.

*Key terms:* *One Hour Eighteen*, post-Soviet performance, Sergei Magnitskii, cultural memory, verbatim theatre.

IN THE DECADE following the dissolution of the Soviet Union, young Russian playwrights revived contemporary drama with an exploration and portrayal of everyday life in post-Soviet Russia. Their pursuit of realistic dialogue soon found a close ally in verbatim theatre, as introduced to Russian playwrights in a series of master classes led by delegates from London's Royal Court Theatre in 1999 and 2000.<sup>1</sup> Since that time verbatim playwriting and documentary methods have become integral to the development of Russian theatre in Moscow and around the country.<sup>2</sup>

The number of venues regularly producing documentary work has proliferated. Documentary plays now comprise a major presence at all of Russia's contemporary theatre festivals. Indeed, verbatim has even come to be included in the curriculum for young actors and directors training at the Moscow Art Theatre, usually considered the most traditional professional theatre training programme. In its short fifteen-year history,

documentary theatre has come to the forefront of experimental theatre practice in Russia.

The 2010 production *One Hour Eighteen: the Trial that Never Was but Should Have Been* is among the most politically charged plays to have emerged from Moscow's thriving documentary theatre repertoire in recent years. The play uses verbatim texts from statements, articles, and interviews to stage an imagined trial of the prison and medical staff directly involved in the days before the death of Russian attorney Sergei Magnitskii. After he had uncovered the biggest tax fraud in Russian history, Sergei Magnitskii was arrested on fabricated charges and held in government custody for over eleven months before he died on 16 November 2009 – eight days before the Russian legal limit of one year's detention without a trial.

The injustice of Magnitskii's arrest, imprisonment, and murder, as well as attempts to cover up the institutional corruption in the handling of his case, were the initial

inspiration for playwright Elena Gremina and director Mikhail Ugarov to begin work on *One Hour Eighteen*, a play whose title denotes the seventy-eight minutes during which Magnitskii was beaten to death by an 'emergency medical team' who were supposedly attending to his critical medical condition behind the closed doors of a prison cell.

Sergei Magnitskii was arrested in November 2008 for having testified against a group of corrupt government officials who initiated and participated in the theft of \$230 million from the Russian government. He was arrested by the very officials he had testified against. It was clear for years from Magnitskii's prison diary that he had been severely mistreated throughout his imprisonment, and the details of this abuse have since been published in a report commissioned in 2012 by Hermitage Capital (the investment company that hired Magnitskii as outside counsel for the case that led to his arrest).<sup>3</sup> The report details the human rights violations that took place in Magnitskii's case, including repeated denial of medical care and beatings by prison staff in the hour preceding his death.

Despite the international outcry from human rights groups, no one has been held legally responsible for Magnitskii's death. In September 2011, two doctors were dismissed from the Butyrka detention centre for having failed to diagnose Magnitskii with diabetes and hepatitis, two illnesses he never had. In April 2012 the charges against the former prison doctor Larisa A. Litvinova were dismissed as 'Russia's top investigative agency quietly ruled . . . that the statute of limitation had run out in the case'.<sup>4</sup> Two years after Magnitskii's death, Russia's Foreign Ministry officially declared that it was in fact Magnitskii himself who had stolen the \$230 million of tax receipts from the government; and, in the summer of 2013, Magnitskii was found posthumously guilty of this theft, thus making Vladimir Putin, in the words of legal historian Sadakat Kadri, 'the first western leader in a thousand years to prosecute a dead man'.<sup>5</sup>

Through a close analysis of the performance of *One Hour Eighteen* by Teatr.doc in

Moscow, this article explores the significance of documentary theatre as a site for the exploration and negotiation of narratives from the recent past in contemporary Russia. It investigates the interdependent nature of re-enacting the past and the performance of justice in Russian documentary theatre and illustrates how the creators of *One Hour Eighteen* appropriate core elements of Soviet judicial methodology in order to address injustice and corruption in the country's legal infrastructure.

By setting their documentary performance of justice in a courtroom, the creators of *One Hour Eighteen* place their work in direct relation to Russia's complex judicial history, in which the relationship between trials and theatre has, throughout the previous century, grown uncomfortably close.

### The Defendants are Called to the Stand

As they enter Teatr.doc's small basement black-box theatre, a space that has become a creative home to many of Russia's most socially engaged theatre artists, each audience member receives a 'briefing on the play'. Included in the briefing are a summary of the events that immediately preceded Magnitskii's death, a note from director Ugarov about why Teatr.doc felt it was important to create a performance on the subject, and a list of the play's 'characters' in order of appearance. The list begins with Magnitskii's mother, followed by the prison and medical staff who were directly involved in her son's last days. They are each identified by name and surname, 'so that', Ugarov writes, 'they can come to the theatre and look at themselves'.<sup>6</sup> While the audience files in, the actors sit casually onstage, waiting, as is later revealed, to be called to the stand.

Once seated, the audience is directed by one of the actors to read the briefing. 'Item one' (*'Punkt pervyi'*), another announces, 'Natalia Nikolaevna Magnitskaia, Mother.' The actress playing Magnitskii's mother stands and steps to the front of the stage. She describes the experience of going to see her son's body in the morgue and how she wondered about the bruises she saw on his

wrists and knuckles. 'Who was he fighting with?' she asks. 'I don't know.'<sup>7</sup> She proceeds to state her accusations against the government officials responsible for her son's arrest, the prison employees liable for his torture, and the medical staff accountable for his final days.

She specifies each person by name, thereby introducing the monologues to follow. Included in the list of defendants are Oleg Silchenko, the head of the criminal proceedings against Magnitskii; Judge Elena Stashina, who ruled to prolong Magnitskii's detention and refuse his request for medical treatment four days before the prisoner's death; and Alexandra Gauss, the doctor in charge of his medical treatment.

Each of the ten monologues that make up the text of *One Hour Eighteen* is presented as testimony. The actors speak directly to the audience with no pretence of a fourth wall, and in this way cast their audiences in the active roles of judge, jury, and prosecutor. The figures represented onstage defend their handling of the case and are quick to declare that they should in no way be held responsible for Magnitskii's death. Each time the testimonies are presented, which is to say each time the play is performed, the audience is presented an opportunity to engage in the active process of judgement and to bear witness to the events under discussion.

Two of the early monologues, for example, are spoken by state employees who were, admittedly, only peripherally involved in the events that led to Magnitskii's death. One such monologue comes from Sasha Feldsher, the young medical attendant at Matrosskaia Tishina Prison. The other is from the girl who was sitting in the front seat of the ambulance that drove Magnitskii, along with two officers from the Butyrka detention centre, back to Matrosskaia Tishina on 16 November 2009, three hours before he died.

In his testimony, Sasha Feldsher tells the audience how he was told to 'take a walk in the hall' when the 'emergency medical team' arrived to attend to Magnitskii's fatal medical condition. Feldsher then paced up and down the hall for one hour and eighteen

minutes before the medical team left their 'patient' dead on the floor of a prison cell. Feldsher emphasizes how little he knows about who Magnitskii was or what happened to him that day, and spends the rest of his monologue discussing the supposed benefits of Samsung versus Nokia phones, an absurdity that gains particular resonance when one remembers that the texts are verbatim.

The girl in the ambulance similarly claims she knows nothing about the case nor about whether or not Magnitskii might have been mistreated by the two officers who escorted him in the ambulance the morning before his death. She responds to an unseen interlocutor when she says:

I have nothing to do with this. Seriously, nothing at all. To tell the truth I don't know why you even called me here. I never once turned around. I turned on the radio, so I didn't hear a thing. So if there's one person who had nothing to do with it, it's me.<sup>8</sup>

As her verbatim testimony reveals, the girl appears to have no understanding of why she is being questioned in connection with the case. She points to having turned up the volume on the radio as evidence of the fact that she has nothing to contribute to the investigation, and no inside perspective on whether Magnitskii was beaten while in transport.

These two testimonies are of particular interest because neither of the defendants took direct action against the victim; and yet their actions, or lack of action, permitted the crimes that led to the prisoner's murder. By including these texts in their presentation of evidence, the creators of *One Hour Eighteen* ask their audiences to consider who exactly ought to be held responsible for Magnitskii's death. Such testimonies indicate how many people were involved, both officially and unofficially, in perpetuating a system of endemic corruption and neglect.

In our consideration of the significance of these testimonies, however, it is important to remember that, although Feldsher and the girl in the ambulance may have spoken the truth about what they experienced or

witnessed, they surely did not think about whether their words would later be called upon to stand in as evidence in Teatr.doc's courtroom performance. The act of appropriating oral testimonies from absent and unsuspecting defendants calls attention to the questionable evidentiary status of verbatim texts as presented in documentary theatre. Moreover, in Russia, anxieties about the authenticity of legal documentation and the sincerity of oral testimony are heightened as a result of the country's long history of corruption in the courtroom. By pulling texts from various published and unpublished sources provided primarily by journalists, and proceeding to present them as evidence, the creators of the play exploit the suspect nature of documentation in contemporary Russian culture and confront the complexity of oral testimony as an instrument of justice.

### Testimony in Judgement and in Theatre

'Testimony,' Jan-Melissa Schramm writes, 'is a richly multivalent term.'<sup>9</sup> Performed 'in the first person by those who seek to bear witness to the role of traumatic events in the formation of larger historical narratives',<sup>10</sup> testimony has come frequently to signify an act of justice in and of itself. In the courtroom it is regarded as one of the most influential forms of evidence. Outside the courtroom, testimony means the practice of confessing one's personal and historical narratives. In both instances, it requires a witness (eye-witness, character witness, material witness, and so on) and a body of judgement (in the courtroom this usually means a judge or jury or both). For justice to be served in the juridical sense or in the historical sense, a testimony must be both spoken and heard.

The necessity for testimony to be both spoken and heard is a feature the practice shares notably with the theatre. As Jerzy Grotowski discovered in the development of his 'poor theatre' model, the essential elements of the theatre are an actor and a spectator. He argued that, while one could strip away all other elements of theatrical performance (design, director, text) and still

call it theatre, without at least one performer and at least one spectator there would be no theatre. 'We can thus define theatre,' he wrote, 'as that which takes place between the actor and the spectator.'<sup>11</sup> That is to say, theatre is created through an exchange between an actor and a spectator, in the relationship and interaction between the two.

In the context of the courtroom, it is as a direct result of the judge or jury's consideration of evidence provided through testimony that the defendant is found either guilty or not guilty. Directly, through shared testimony, a society uses the rituals of the courtroom to define a code of societal ethics. Speaking and hearing testimony, whatever the verdict, enacts a mode of justice. If, to use Grotowski's model, justice is that which takes place between a speaking witness and a listening juror, then how are we to interpret the ambiguity of representation in *One Hour Eighteen's* 'trial that never was'?

In the absence of an official legal trial, the artists of Teatr.doc collected evidence and assembled a jury in order to carry out the judicial proceedings the Russian government never managed to arrange. The actors stand in for the defendants, and the audience members act as surrogates for the jurists. A theatre trial may not carry the legal repercussions of a court trial, but there is no doubt that real testimonies are given and real judgements are made.

The notion that justice can be constituted through the proclamation and reception of testimony sheds new light on the efficacy of Teatr.doc's 'trial that never was' – a trial that is arguably enacted each time the play is performed. The actors of *One Hour Eighteen* present their testimonies for judgement and in this way use their performance to construct the atmosphere of a trial. In another sense, *One Hour Eighteen* actually constructs a trial.

### Reasonable Doubt: the Material Witnesses

As the play unfolds, the remaining testimonies continue to complicate the question of who, or even what, is on trial. Each of the figures called to the stand defends the choices he or she made in the lead-up to

Magnitskii's death. Despite the fact that these defendants are directly implicated in the crimes against Magnitskii, they deny any responsibility for the events that took place. Showing more concern for their own well being than for any idea of justice, they continually point to the corruption of the system as a whole as justification for their actions.

One such monologue is spoken by Dr Gauss who, after diagnosing her patient with acute pancreatitis, called the emergency medical team and then waited in her office for one hour and eighteen minutes, only returning to the cell to verify that the prisoner had died. Here she describes the unhygienic conditions in the prison to justify her rather aloof attitude towards her job:

It's dangerous just to be here at all. So you think all we have is a little dust floating in the air? Hepatitis. And that dirt there, under your feet? Tuberculosis. And bites? Bites, bites! A prisoner bites you, and you get HIV. We've had that happen. And after all that, we still make three times less than civilian doctors.<sup>12</sup>

Gauss adamantly defends her handling of the case and is one of numerous characters represented who cites her salary as a primary factor in her lack of investment in her work.

Investigator Silchenko's testimony also addresses this issue as he blames the wealthy for Magnitskii's death and claims that he and his colleagues in the Foreign Ministry are victims of the corruption of an elite business culture. 'They are the ones who are guilty,' he tells the audience. 'Those in prison, their friends and relatives. . . . You know, he was the lawyer of criminals. . . . You spell it "businessmen" but it's pronounced "thieves".'<sup>13</sup>

Although it may seem simple enough to accuse those who are presented onstage as guilty, the defendants' claims are not inaccurate in that the corruption does extend far beyond the individuals involved in this specific case. Silchenko even implicates the audience members when he asks them: 'So, what's your salary? And yours? Right . . . and mine?'<sup>14</sup> As Silchenko's text indicates, corrupt legal and financial practices have become so deeply ingrained in contemporary Russia life, it can be difficult to parse degrees of responsibility and complicity.



The Judge in the London production of *One Hour Eighteen Minutes* by the Sputnik Theatre Company in November 2012. Photo: Noah Birksted-Breen.

In another monologue, Judge Elena Stashina answers a series of questions that she reads from a document onstage. At first, the questions appear to be completely unrelated to the case. Questions like 'Are you ever late for a hearing?', 'Did your grandfather fight in the war?', 'In the morning, do you have your eggs hard- or soft-boiled?'<sup>15</sup> become increasingly absurd until both the audience and the interviewee begin to realize what is happening. Thus:

Oh, well then, thank you. I understand. But why all these questions? . . . You want to find out if I'm a human being? Well just ask me. . . . No, I'm not a human being. I'm a judge. And in the courtroom judges aren't considered to be human beings. They carry out the will of the state. That's it.<sup>16</sup>

Here Stashina points to one of the fundamental dysfunctions of Russia's judicial system. As in every testimony in the play, she is

essentially claiming that she was simply doing her job, one which is undervalued, and that therefore she cannot be expected to perform with personal commitment or a sense of integrity. This, it is suggested, is a pervasive attitude among many of Russia's civil servants. Nobody involved in *One Hour Eighteen* – not the creators, not the audience, not even the defendants themselves – are claiming that the country's legal practices are just. The question is not whether or not the system is corrupt. The question *One Hour Eighteen* poses is rather: how can people begin to be held responsible for such corruption?

Teatr.doc's pursuit of justice as staged in *One Hour Eighteen* is not limited to the prosecution of those involved in Magnitskii's last days. In addition to passing judgement on those represented onstage, audience members are also asked to re-evaluate their own relationship to corruption. In other words, Gremina and Ugarov create a space in which their audiences gain the opportunity to participate in a judicial process and are thereby asked to confront their own associations with the concept of justice as it has come to be defined throughout recent Russian history.

### **Burden of Proof: Soviet Trial Practices**

The courtroom as a venue for the transmission of cultural narratives has a complex history in twentieth-century Russia, and by setting their performance of justice in a courtroom the creators of *One Hour Eighteen* call upon the country's unusually intimate, and occasionally lethal, association between judicial and theatrical practice. By tracing certain narrative structures and modes of spectatorship as they were developed in the early Soviet mock trials and subsequently transposed on to the very real prosecution and sometimes execution of Soviet citizens in Stalinist show trials, we observe how *One Hour Eighteen* incorporates elements of Soviet judicial practice in order to raise important questions about the nature of justice in twenty-first-century Russia.

The connection between theatre and Russia's troubled legal history dates back to

the early twentieth century with the proliferation of Soviet mock trials directly following the 1917 Revolution. Although the use of mock trials as a tool for education and propaganda was not strictly a Soviet innovation, the early Soviet years saw a marked increase in judicial performance practices.

As both Julie A. Cassiday and Elizabeth A. Wood note in their respective studies of trials and drama in twentieth-century Russia, mock trials became a favorite mode of propaganda immediately following the revolution.<sup>17</sup> Amateur mock trials were staged in every school and town centre. There were trials against farmers who resisted collectivization and trials against peasants who did not maintain appropriate sanitary habits. Mock trials were not only meant to represent the ethical stance of the Communist Party; they were performed for the express purpose of reshaping the public moral consciousness.

As Cassiday writes, 'The theatre and cinema that came into public trials after the revolution were part of a larger modernist movement in which art did not merely reflect or comment upon life but actually helped to reform, to redirect, and ultimately to revolutionize the lives of artists and spectators alike.'<sup>18</sup>

Early Soviet trial organizers believed that the process of judgement enacted by a trial's audience could have a genuine impact on the beliefs and behaviours of their society. As Wood argues,

The new 'soviet' practices were acted out and enacted not so much in the conscious sense of someone 'acting a part' but rather in the more complex sense of a parent who tells his or her child to 'act your age'.

Here Wood articulates a crucial distinction in her assessment of early Soviet theatrical practices. 'To act a part is to act something one knows to be fictional,' she writes. 'To act one's age is to adopt a series of behaviours that one feels are appropriate and correct to the situation.'<sup>19</sup> In other words, through their representation of Revolutionary ideals, the trial plays were intended to construct a society in which such beliefs were held. By playing the roles of upstanding Soviet



Scenes from the London production of *One Hour Eighteen Minutes* by the Sputnik Theatre Company in November 2012. Photos: Noah Birksted-Breen.



citizens, or morally sound spectators, the participants of early Soviet mock trials were learning how to perform new modes of accepted behaviour.

These early amateur Soviet theatrics were thought to be an essential tool in the Communist Party's efforts to enact its socialist ideal. The narrative structure of confession, conversion, and repentance as portrayed in theatrical courtrooms throughout the 1920s became so familiar to early Soviet audiences that it was soon seamlessly transposed on to the very real prosecution of citizens throughout the country in the 1930s. In fact, as early as 1928 in the first Stalinist show trial, the Shakhty affair, trial organizers applied precisely this script of confession and conversion to the prosecution of fifty-three mining engineers accused of treason and charged as enemies of the state.<sup>20</sup>

Of the fifty-three accused, only sixteen performed their confessions of admitted guilt, thirteen equivocated, and the remaining twenty-four pleaded not guilty; nonetheless forty-nine were found guilty and five were executed. The event was thought to be so effective that it was soon replicated in cities throughout the country, although reportedly with less finesse in the provinces.<sup>21</sup> After seeing the confession and repentance of 'criminals' on trial, spectators were thought to be less likely to condone any dissent within the ranks.<sup>22</sup>

As Stalin's show trials became more common during the 1930s, the intimate relationship between trials and theatre in Russia became increasingly ominous. The courtroom was not only a venue for the propaganda of the Bolshevik party, but also a primary setting for the enactment of state terror.

In the case of mock trials, the representation of Soviet justice and Bolshevik courtrooms played an important role in the creation of a new code of socially accepted ethics in which truth and justice were tied to the class struggle against bourgeois enemies of the state. Of course not everyone who participated in these trials as either an artist or a spectator was converted to Bolshevism through their representational practice, but there is no doubt that the post-revolutionary

performance of judicial proceedings and the self-reflection (*samokritika*) such proceedings aimed to 'inspire' contributed to a major shift in the perception of what came to constitute notions of justice in Soviet Russia.

The self-reflection of the early Soviet trials involved a forced prescription of right and wrong. The defendants, regardless of their crime or the evidence, were portrayed as enemies of the state; and only through a process of confession, conversion, and reintegration into society were they able to redeem their moral standing in the Soviet system.

The details of the Magnitskii case, when reviewed in the context of the history of trials in twentieth-century Russia, bring to light an unnerving number of similarities. Although Magnitskii's case was never actually brought to trial, his arrest, imprisonment, and murder sent a very clear signal to people who might otherwise have been inclined to speak out against the corrupt practices of the Russian government. By performing the artifice of their crafted trial, Ugarov and Gremina consciously incorporate and reimagine the theatricality of Russia's twentieth-century courtroom history.

### Mock Trials and *One Hour Eighteen*

As in the early Soviet mock trials, *One Hour Eighteen* seeks to promote an analogous type of self-reflection. It uses the construct of the courtroom to raise fundamental issues of justice and morality in the cultural consciousness. However, whereas the self-reflection of the early Soviet trials left audiences with a compulsory sense of moral superiority, Teatr.doc audiences leave the theatre with a sense of discomfort. The self-reflection of early Soviet mock trials completed a cycle of redemption for their audiences with a clear narrative of who had done what wrong. *One Hour Eighteen* purposefully leaves its audience with questions left unanswered, thereby encouraging each audience member to consider for him or herself how a case like Magnitskii's could have become as common as it has in contemporary Russia.

In one sense, the trial structure of the play achieves its pursuit of justice in that those

who were never legally held accountable for Magnitskii's death are finally called to answer for their actions. In another sense, however, it is the system itself that is submitted to the strictest scrutiny in Teatr.doc's trial. The lack of civic concern expressed by the state employees represented onstage resonates far beyond the chipped and varnished walls of Teatr.doc's underground theatre. In coming together to discuss the country's widespread lack of civic justice, the artists and audiences of *One Hour Eighteen* have created a venue in which to begin a new public dialogue.

The development of Russia's new drama movement since the mid-1990s has made the theatre a dynamic space for the public discussion of history, memory, and social identity in contemporary Russia. Increased interest and experimentation in documentary theatre have been an integral part of that process. Russia and Eastern Europe have, over the course of the last twenty years, proved an especially generative environment for the development of documentary theatre. As I argue here, Russia's growing fascination with documentary theatre is related to the country's conflicted relationship to its past. Reconciling disputed notions of memory and history is integral to addressing the country's widespread issues of corruption and apathy in the civic sphere. In order for Russia to establish a renewed relationship to justice, the country must first begin to reconcile its present circumstances with the memory of its past.

After a century of historical revisionism and restricted access to official archives, Russian theatre artists are using the practice of performing documents in order to stage new cultural narratives. They use the physical practice of performance to find new ways to interpret the relationship between the past and present. Or, as Diana Taylor describes the process in her work on embodied cultural memory, they 'participate in the production and reproduction of knowledge by "being there", being a part of the transmission'.<sup>23</sup> In other words, by engaging in Teatr.doc's staged judicial process, the actors and audiences of *One Hour Eighteen* use the performance to re-inscribe their relation to justice.

In Russia, documentary theatre has developed as an important form through which participants gain uniquely live access to the past through the embodiment of verbatim texts in the present.<sup>24</sup> The artists of Teatr.doc apply the method of reconstruction to make the intricacies of past injustices legible in the present. Moreover, they embody the echo of these injustices in attempting to feel in the present what their historical subjects are thought to have felt in the past. By re-enacting the events surrounding Magnitskii's death, and recalling the country's long history of judicial corruption in the process, the creators of *One Hour Eighteen* use their verbatim texts to create (in the words of Rebecca Schneider) the space for the past and present to *touch*.<sup>25</sup>

### Gesture and Approximation

In the final monologue of the play, Judge Krivoruchko is portrayed as if he had 'appeared on the other side and got what he deserved'.<sup>26</sup> In both of his monologues, the actor playing Krivoruchko portrays the judge as though he himself had been imprisoned and is now in Magnitskii's position, having to bribe and beg for basic amenities such as a cup of hot water. The topic of hot water and the fact that Magnitskii was denied it are themes that run throughout the play. In her opening monologue, Magnitskii's mother refers to her son's having been refused a cup of boiling water as symbolic of the inhumanity of his treatment in prison. And, in his first monologue, the actor representing Krivoruchko reads from Magnitskii's diary citing his fruitless request, day after day, for a cup of hot water.

The original production culminates in Krivoruchko's final, and notably fictional, monologue titled 'boiling water'. Here the judge is represented begging and bribing for his own elusive cup of hot water. Once his bribe has been accepted, and a second actor returns with a steaming kettle, Krivoruchko realizes he has no cup in which to receive the water and nothing left with which to bribe the prison guard. 'I'd give you something else,' he begs. 'But I don't have anything,

I gave you everything. I had a watch, but they took it from me. (*Shouting.*) I don't have anything!<sup>27</sup> He looks at the actor representing the prison guard and holds out his hands in a gesture of hopelessness. The guard pours the water from the steaming kettle into Krivoruchko's bare hands. The lights suddenly go out as the audience hears him scream in pain.

This moment in the play, when the audience bears witness to boiling water pouring over a helpless man's hands, approximates the extreme inhumanity Magnitskii and other victims of the Russian penal system have suffered as a result of the corruption embedded in the country's legal structure. As the Lithuanian-born Russian director Kama Ginkas said, 'There are a great many things you can't grasp with your hands but if you make a poetic gesture around them so to speak, you can see them approximately.'<sup>28</sup>

Although *One Hour Eighteen* may not inspire any immediate institutional change in the Russian legal system, those who witness and participate in 'the trial that wasn't but should have been' are given the opportunity through the practice of theatrical re-enactment to both *touch* and *be touched* by the past.

### Summing Up

While speaking about the production in an interview before the premiere, the director Mikhail Ugarov said he understood that 'a little play in a theatre isn't going to change anything. But,' he added, 'the word will be said.'<sup>29</sup> The significance Ugarov ascribes to 'the word' in this statement is indicative of a central value of verbatim theatre. The repetition of verbatim texts in the performance of documentary theatre provides an alternative mode of interpreting and indexing history. By recording and performing their testimonial evidence, the artists at Teatr.doc give voice to otherwise marginalized members of society. They prioritize the subjectivity of the spoken word in contrast to the industry of state media sources.

The emphasis Ugarov places on the speaking of words, however, is only part of the equation that makes documentary theatre a

viable space for the transformation of cultural narratives. What Ugarov leaves out in this statement is, in addition to the impact of the words being spoken, the necessity that the words be heard. The efficacy of the theatre as a venue for social change lies in precisely this space between the actors' speaking of the words and the audience's reception of the words. It is the fact of their social community and physical proximity that allows the actors and the audiences of *One Hour Eighteen* to enact a uniquely theatrical commemorative practice where the past, present, and future of the memory of Magnitskii's death can be represented and redefined. And as stated earlier, the constitution of justice similarly resides in that space between the speaking and the hearing of testimonies.

In reference to Ugarov's claim that a little play in a theatre is not going to change anything, it is true that the play certainly does not change what happened in the past. As the words of those involved in Magnitskii's last days fill the performance space, *One Hour Eighteen* makes clear the unchangeable consequences of the actions of those represented. While one's perception of and access to the past may be altered through the experience of participating in the trial, one thing that is demonstrated in the performance is that the horrors of the past did indeed happen, and despite any official efforts to cover up the record of Magnitskii's death and the deaths of countless others, their stories will, at least in this venue, still be told.

While Russia's archives may open and close, and documents may be altered or protected, the experience shared between the artists and the audiences in a performance of *One Hour Eighteen* is a memory exclusive to the embodied practice of documentary theatre. The audience sits in the darkness for that brief moment before the lights come up, having witnessed the re-enacted torture of the person before them, and in that space is given the opportunity to begin to feel in the present what those represented are thought to have felt in the past. Although the audience remains fully cognizant of the fact that the actors are merely surrogates, perhaps apparitions, of the original speakers, as Ugarov

said, the word is spoken and the sentiments of those involved in Magnitskii's last days are in all their ephemerality now finally heard.

*One Hour Eighteen* is a very literal example of how Russian theatre artists have taken to using documentary sources to explore the intricacies of injustice in the civic sphere and its correlation with the culture's relationship to the past. Of course, not every documentary play in Russia is as concerned with the pursuit of justice as is *One Hour Eighteen*. However, I would argue that any attempt to re-enact or revive the events of the past in Russia is inherently tied to questions of justice, and, conversely, any attempt at the constitution of justice in contemporary Russia necessitates an acknowledgment of and engagement with the events of the past.

In the case of *One Hour Eighteen*, the artists of Teatr.doc utilize the efficacy of the theatre courtroom to reappropriate a societal process of judgment. Through their shared experience of both speaking and hearing the testimonies provided, the participants of the play negotiate collaboratively a renewed conception of justice and create the space for an important dialogue about the country's complex relationship between the past and the present.

## Notes and References

1. The Royal Court seminars were organized by the playwright Elena Gremina in collaboration with the British Council and produced under the auspices of the Golden Mask festival. The delegates included Stephen Daldry, Elyse Dodgson, Ramin Gray, and James Macdonald

2. In this article, 'documentary theatre' functions as an umbrella term for theatre which makes a distinct claim to being based in real-life material. It includes but is not limited to forms such as verbatim, theatre of fact, tribunal theatre, autobiographical solo shows, *et al.*

3. The report can be accessed in full at <<http://russian-untouchables.com>>, where it is described as a 75-page report with new documentary evidence showing how Sergei Magnitskii was murdered in the Russian Interior Ministry's custody and how the Russian government has consistently lied in public about his false arrest, torture, and death to cover up the criminal liability of the Russian officials involved'.

4. Michael Schwartz, 'In Russia, Charges Are Dropped in Jail Death', *New York Times*, 9 April 2012 <[www.nytimes.com/2012/04/09/world/europe/russia-](http://www.nytimes.com/2012/04/09/world/europe/russia-drops-charges-against-doctor-in-jail-death.html)

[drops-charges-against-doctor-in-jail-death.html](http://www.nytimes.com/2012/04/09/world/europe/russia-drops-charges-against-doctor-in-jail-death.html)>, accessed 9 May 2012.

5. See, Sadakat Kadri, 'Sergei Magnitsky Trial: This is Putin's Kind of Justice', *The Guardian*, 12 July 2013 <[www.guardian.co.uk/commentisfree/2013/jul/12/magnitsky-trial-putin-justice](http://www.guardian.co.uk/commentisfree/2013/jul/12/magnitsky-trial-putin-justice)>, accessed 17 July 2013.

6. As printed in the programme notes to *One Hour Eighteen*, 2010. Translations are my own throughout.

7. All quotations from the play appear by courtesy of the creators, who shared with me an unpublished copy of the script, as well as recordings of both the 2010 production and the 2012 revised version.

8. Elena Gremina, *One Hour Eighteen*, unpublished script, 2010, p. 9.

9. Jan-Melissa Schramm, 'Testimony, Witnessing', in *Law and the Humanities: an Introduction*, ed. Matthew Anderson and Austin Sarat (Cambridge University Press, 2010), p. 478.

10. *Ibid.*

11. Jerzy Grotowski, *Towards a Poor Theatre* (Routledge, 2002), p. 32.

12. Gremina, *op. cit.*, p. 8.

13. *Ibid.*, p. 5.

14. *Ibid.*

15. *Ibid.*, p. 11.

16. *Ibid.*

17. Elizabeth A. Wood, *Performing Justice: Agitation Trials in Early Soviet Russia* (Cornell University Press, 2005); and Julie A. Cassiday, *The Enemy on Trial: Early Soviet Courts on Stage and Screen* (Northern Illinois University Press, 2000).

18. *Enemy on Trial*, p. 5.

19. *Performing Justice*, p. 5.

20. For more details on the specifics of the Shakhty proceedings, see Hiroaki Kuromiya, *Stalin's Industrial Revolution: Politics and Workers, 1928–1932* (Cambridge University Press, 1990); Philip Boobbyer, *The Stalin Era* (Routledge, 2000); and Aleksandr Solzhenitsyn, *The Gulag Archipelago: an Experiment in Literary Investigation*, trans. Thomas P. Whitley (Harper Collins, 2007).

21. Matthew Edward Lenoe, *Closer to the Masses: Stalinist Culture, Social Revolution, and Soviet Newspapers* (Cambridge, MA: Harvard University Press, 2004), p. 94.

22. J. Arch Getty, 'Samokritika Rituals in the Stalinist Central Committee, 1933–38' *Russian Review*, LVIII, No. 1 (Jan. 1999), p. 49–70.

23. Diana Taylor, *The Archive and the Repertoire: Performing Cultural Memory in the Americas* (Duke University Press, 2003), p. 20.

24. For more on the notion of 'live access to the past' through the practice of re-enactment, see Rebecca Schneider, *Performing Remains: Art and War in the Times of Theatrical Re-enactment*. (New York: Routledge, 2011), p. 11.

25. *Performing Remains*, p. 33.

26. Quoted from the 'briefing on the play'.

27. Gremina, *op. cit.*, p. 14.

28. Kama Ginkas and John Freedman, *Provoking Theatre: Kama Ginkas Directs* (Smith and Krauss, 2003), p. 142.

29. Ksenia Larina, 'Kul'turnyi shok: Istoriia Sergeieia Magnitskogo na tsene teatra v spektakle "Chas vosemnadtsat"', *Echo Moskvy*. 6 June 2010 <[www.echo.msk.ru/programs/kulshok/684833-echo/#element-text](http://www.echo.msk.ru/programs/kulshok/684833-echo/#element-text)>, accessed 12 November 2011.