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Abstract
Since the mid-1990s the term 'witness' has gained increasing currency in theatre and performance studies. Within theatre studies in particular the term has been associated with the resurrection of documentary and verbatim theatre and the reinvigorated discourse on these practices. Indeed, some scholars have renamed the genre the 'theatre of witness' (Schaefer 2003) or the 'theatre of testimony' (Salz 1996) while others have described it in terms of 'performing testimony' (Salverson 1996). In these accounts the witness is typically a character (often based on an actual person) who testifies to a personal, social or historical trauma. However, the term 'witness' has also been used to describe the spectator of these plays, which is to say the subject who listens to these characters and their testimonies. Hence, scholars have started to examine what Karine Schaefer calls 'the intersection of the spectator-as-witness phenomenon and … the "character-as-witness" play, or the testimonial drama' (2003: 7).

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Caveat Spectator: Juridical, Political and Ontological False Witnessing in *CMI (A Certain Maritime Incident)*

Caroline Wake

> The question is how to respond to these false witnesses in a way that reopens the possibility of witnessing, of responsibility (Oliver 2001: 108).

Since the mid-1990s the term 'witness' has gained increasing currency in theatre and performance studies. Within theatre studies in particular the term has been associated with the resurrection of documentary and verbatim theatre and the reinvigorated discourse on these practices. Indeed, some scholars have renamed the genre the 'theatre of witness' (Schaefer 2003) or the 'theatre of testimony' (Salz 1996) while others have described it in terms of 'performing testimony' (Salverson 1996). In these accounts the witness is typically a character (often based on an actual person) who testifies to a personal, social or historical trauma. However, the term 'witness' has also been used to describe the spectator of these plays, which is to say the subject who listens to these characters and their testimonies. Hence, scholars have started to examine what Karine Schaefer calls 'the intersection of the spectator-as-witness phenomenon and … the "character-as-witness" play, or the testimonial drama' (2003: 7).

Though one might assume that the presence of a character-as-witness would produce a spectator-as-witness, Schaefer in fact argues

the opposite. Indeed, in her analysis of the verbatim play *Binlids*, she suggests that when a performance presents a character-as-witness on stage, it is paradoxically *less* likely to produce a spectator-as-witness because the character leaves little interpretive room for the spectator, thus foreclosing the range of their responses (Schaefer 2003:17-18). Like Schaefer, I too am interested in the relationship between witnesses on stage and off as well as those moments of 'misfire', where a performance may or may not produce the spectator as a witness or, if it does so, may facilitate witnessing in an unusual or unexpected way. However, rather than analysing the problem of autoperformance (where a witness appears on stage as him- or herself), as Schaefer does, I am more interested in pursuing the problem of false witnessing, both as a form of mis-seeing and of mis-speaking.

Intriguingly, despite the huge amount of work done in the area of performance and witnessing, hardly any has been done on the problematic relationship between performance and *false* witnessing, perhaps because it would jeopardise claims that theatre has a particular ability to both witness and produce others as witnesses.[1] The closest we have come to examining the issue is through the work of Freddie Rokem who, although he does not deal with false witnessing per se, discusses issues of obscured vision in what he calls 'screen-scenes'. Screen-scenes occur, according to Rokem, when 'one of the fictional characters [on stage] is secretly spying on one or several of the other characters', for example, in the so-called closet scene in *Hamlet* (Rokem 2000: 203). Since the character cannot see everything, they invariably misinterpret what they are seeing and hearing and, because 'the audience in the auditorium also knows about this arrangement, it creates an obvious dramatic irony' (Rokem 2000: 203). Such screen-scenes, then, tend to position the character as a sort of 'false' witness and the spectator as a sort of 'true' witness or even as an all-seeing meta-witness.

While Rokem deals with witnessing as a mode of mis-seeing, he does not consider the possibility of a witness who mis-speaks, perjures or in some way provides false testimony. Indeed, all of the witnesses analysed by Rokem are assumed to be honest. To be fair, this is a habit of

the testimonial theatre discourse generally, which is deeply (and rightly) concerned with the ethics of engagement and hence tends to err on the side of generosity when dealing with witnesses, thus giving them the benefit of the doubt. Yet surely, any nuanced account of theatrical witnessing must come to terms with the ambivalent affiliations of acting and lying, of rehearsal, perjury and performance. What happens, we might ask, when perjury is depicted on stage? Moreover, what happens when we watch this depiction? Do spectators recognise perjury as perjury or does something else happen? In this moment of recognition (or not), do we become witnesses (or not)? If so, what sort of witnesses do we become?

In order to think through these issues, this paper examines version 1.0 theatre company's recent tribunal play *CMI (A Certain Maritime Incident)*. In doing so, I am attempting to think *through* and *with* the play as well as *about* it. To put it another way, this paper does not so much ask 'How might theories of witnessing illuminate this performance?' but rather 'How might this performance illuminate theories of witnessing?' In answering this question, I argue that *CMI* illuminates or suggests not one but three forms of false witnessing, which I term *juridical*, *political* and *ontological*. Beyond offering a more precise vocabulary, these terms also offer a way to distinguish between what we might call structural, ideological and accidental misrepresentations of traumatic history.

A Certain Maritime Incident

Ugly as it is, the phrase 'a certain maritime incident' has now entered the national lexicon in Australia, functioning as a sort of shorthand for a series of events that occurred during the Federal election campaign in October 2001. The incident — also referred to as the 'children overboard affair' — involved Government ministers falsely claiming that asylum seekers aboard the boat, the SIEV 4 (Suspected Illegal Entry Vessel 4), had thrown their children overboard in order to force a maritime rescue. In an interview aired around the country, the then Minister for Immigration, Philip Ruddock, stated that 'a number of people have been thrown overboard … with the intention of putting us

under duress. I regard these as some of the most disturbing practices that I have come across in the time that I have been involved in public life' (Marr and Wilkinson 2004: 247). For his part, the Prime Minister John Howard added, 'I want to make that very clear, we are a humane nation but we're not a nation that's going to be intimidated by this kind of behaviour' (248). In interviews over the next few days, he would say things such as 'I don't want people like that in Australia. Genuine refugees don't do that … They hang onto their children' (251).

When doubts were raised about the veracity of the reports, the Minister for Defence, Peter Reith, released photographs which, he claimed, proved that children had been thrown into the water. Still, doubts persisted and the navy began checking the facts immediately. Within three days the commander of the ship involved in the incident concluded that no children had been thrown overboard, but this advice apparently failed to reach the Government in time for it to correct the public record before the Federal election. In November 2001, the conservative government won a third term in office.

By the following year, 2002, it had become increasingly clear that no children had been thrown overboard. For the public, this meant the issue then became, in Kelly Oliver's words, 'how to respond to these false witnesses in a way that reopen[ed] the possibility of witnessing, of responsibility' (2001: 108). For the Parliament, one response was to establish the euphemistically named *Senate Select Committee Inquiry into A Certain Maritime Incident* (possible only because the minority parties still held the balance of power in the Senate and were able to force the Government's hand). The committee sat for 15 days, roughly 140 hours in total, over a period of four months from 25 March until 30 July 2002. Fifty-six witnesses appeared, the Hansard runs to more than 2200 pages, and there is a 391 page report. The report states that: (1) no child had been thrown overboard; (2) the photographs which purported to represent children being thrown overboard on 7 October were actually taken while the SIEV 4 was sinking on the following day, 8 October; and (3) while the initial misinformation had reached the Government within minutes, the correction did not

reach the Government for months. In addition, the committee noted there were a number of unusual aspects about the case, including the reporting arrangements, the leaking of the interception, and a 'heated' conversation between the Prime Minister's Chief of Staff and the Chief of the Defence Force, which 'all point to the likelihood that the Government had decided to make an example of SIEV 4' (xxv).[2]

For theatre practitioners seeking to respond to and represent the children overboard affair, or certain maritime incident, the issue becomes how to respond to the inquiry as well as the incident itself. In other words, it becomes a matter of how to respond to the witnesses who were themselves responding to false witnesses. Often, when faced with such trials, theatre companies such as Tricycle Theatre opt for what Janelle Reinelt calls a '[c]areful verisimilitude' (82). Writing about their production, *Justifying War*, based on the Hutton Inquiry into the death of David Kelly, she states that their 'scrupulous reproduction of surface reality … attempts to guarantee that the artists have not "sexed up" the performance in the same way that the government was "sexing up" the critical dossier' (16). In contrast, when version 1.0 set out to make *CMI (A Certain Maritime Incident)*, the company dramaturg stated that they decided they 'would make a piece of performance based on verbatim transcripts … but this would not be a straightforward piece of documentary drama' (Dwyer 2006a: 131). Rather than pursuing a careful verisimilitude, they would pursue the 'strategies of post-Brechtian, postmodern performance works such as those of Forced Entertainment or the Wooster Group' (131). In their cutting, pasting and pastiche, version 1.0 trimmed the transcripts down to five witnesses and 23 pages, organised it into four acts and produced a show that ran for approximately 90 minutes.

When *CMI* premiered at Sydney's Performance Space in March 2004, and then toured to Canberra in October, spectators seemed to appreciate the show's playfulness. Linda Jaivin, for instance, recognised that the play was 'break[ing] the mould of verbatim theatre's typically earnest style' (Jaivin 2004). Likewise, John McCallum described it as a 'mock-verbatim piece' in which the 'actions keep subverting the

"authenticity" of [the] testimony' (2006: 138). In a slightly different take, Bryoni Trezise suggested, 'If performance can "do" politics, [then] creating a world in which Senators play their own witnesses is surely how it should be done' (2004: 6). In other words, both producers and spectators understood the play as having a particularly self-conscious, reflexive and resistant relationship to witnessing. This makes *CMI* a particularly rich and suggestive 'object' through which to examine the problem of witnessing and performance in general, and the problem of false witnessing in particular.

Prologue to Perjury: Performing Juridical False Witness

CMI begins with bodies.

Figure 1 version 1.0's *CMI (A Certain Maritime Incident)* Photograph by Heidrun Löhr

In order to enter the theatre, members of the audience have to pick our way over five naked performers who lie with their arms crossed over their chests, their toes tied and tagged as if bound for the morgue. They are strange, still and silent, uncanny and for the time

being unreadable. When we finally take our seats, we see a small child standing on a narrow forestage, backed by a large glossy Australian flag and accompanied by an adult minder. The minder (Stephen Klinder) addresses the child as Mr Reith and appears to be interviewing him while also testing him on a lie detector. The scene unfolds like this:

> INTERVIEWER: Come on, Mr Reith. Mr Reith, this is the lie detector. I'll just turn that on for you. Do you want to just talk into the microphone and say 'Hello, I'm Mr Reith'?
>
> MR REITH: Hello, I'm Mr Reith (version 1.0 2006: 145).

This raises a laugh from the audience who can see all too clearly that this five year-old boy (or girl on some nights) is not Mr Peter Reith, the former Minister for Defence. The interview continues as the child reads from a laminated piece of paper:

> INTERVIEWER: Very good. Now Mr Reith, you have something to say don't you?
>
> MR REITH: Yes. Well, it did happen. The fact is the children were thrown into the water. We got that report within hours of that happening. Given that there are people who weren't there of course, you know, claiming all sorts of, making all sorts of exaggerated claims.
>
> INTERVIEWER (VIRGINIA TRIOLI): Mr Reith, there's nothing in this photo that indicates these people either jumped or were thrown.
>
> MR REITH: No, well you are now questioning the veracity of what has been said. Those photos are produced as evidence of the fact that there were people in the water. You're questioning whether it even happened, that's the first point and I just want to answer that by saying that these photos show absolutely without question whatsoever that there were children in the water. Now we have a number of people, obviously RAN [Royal Australian Navy] people who were there who reported the children were thrown into the water. Now you may want to question the veracity of reports of the Royal Australian Navy. I don't and I didn't either but I have subsequently been told that they have also got film. That film is apparently on HMAS *Adelaide*. I have not seen it myself and apparently the quality of it is not very good, and

> it's infrared or something but I am told that someone has looked at it and it is an absolute fact, children were thrown into the water. So do you still question it?
>
> INTERVIEWER: Thank you Minister Reith. That was much better than you did last time. See you later Mr Reith. (*The small child exits.*) Unfortunately, Mr Reith wasn't able to stay with us for the inquiry, as he had to catch a flight to London (145-46).

Once again, the audience laughs as the child walks off the stage. In staging an actor playing a character who appears to be rehearsing false testimony (words which most spectators recognise as lies), this opening scene inaugurates the first of the play's many investigations into what it is to bear false witness. Initially, and most obviously, the scene stages the relationship between rehearsal and perjury which, arguably, is the most commonly understood form of false witness. Of course, 'any witness can make a mistake in good faith; he can have limited, false perception, one that in any number of ways is misleading about what he is speaking about' (Derrida 2005: 78). However, as Augustine Brannigan and Michael Lynch point out:

> In law, perjury is a very special construction of error. Unlike inadvertent memory distortions, observational impediments, witness anxiety, or fatigue, it is culpable deception and is defined as wilfully misleading the court by not telling the truth under oath (Brannigan and Lynch 1987: 118).

In other words, perjury is defined by intent, specifically the intent to deceive. Or, as Paul Ricoeur puts it, '*false testimony* cannot at all be reduced to an error in the account of things seen: false testimony is a lie in the heart of the witness' (1980: 128). Unfortunately, as Brannigan and Lynch explain, intent is notoriously difficult to prove. In their analysis of a trial for perjury, they argue that without corroborating evidence or a confession (which raises its own set of problems), the witness's intent is judged not only by what they say but also by the way in which they say it. The judge is more likely to convict witnesses of perjury when they give delayed or qualified responses, express apparent confusion about the questions put to them and agree with the prosecution in a

hypothetical or minimal way.

CMI's prologue attempts to prove Reith's perjury, or his intention to deceive, in two ways. First, it defamiliarises his testimony by having a small child read it in a slightly sing-song voice. Through this defamiliarisation, we recognise more clearly the indicators of perjury: the rejection of the premise of the question (' … well you are now questioning the veracity of what has been said ... You're questioning whether it even happened'); the qualified response ('these photos show absolutely without question whatsoever that there were children in the water'); and the minimal agreements (agrees with Trioli that *some* evidence is less conclusive, 'I have not seen it myself and apparently the quality of it is not very good, and it's infrared or something'). Once again, we hear the witness's rejections, prevarications, equivocations, and ellipses. Then, at the end of the scene, what appears to be a lie detector test is revealed as a rehearsal: 'Thank you Minister Reith. That was much better than you did last time' (145-6). Thus, rather than showing the witness in the act of perjuring, the scene actually shows the witness in the act of *planning* to perjure. That is, the scene clearly demonstrates his *intent*.

While the scene may be read as the prologue to perjury, it also suggests a broader theory of false witnessing which is not limited to lying under oath. In showing Reith rehearsing his lie, *CMI* also shows him coming to terms with it, even coming to believe it. This recalls Primo Levi's argument that the line between witnessing in good and bad faith is blurry. In his analysis of the confessions, depositions, and admissions of Nazis and Nazi collaborators, Levi suggests that:

> The substitution may begin in full awareness, with an invented scenario, mendacious, restored, but less painful than the real one; in repeating its description to others but also to themselves, the distinction between true and false progressively loses its contours, and man ends by fully believing the story he has told so many times and still continues to tell, polishing and retouching here and there the details which are least credible or incongruous or incompatible with the acquired picture of historically accepted events: initial bad faith has become good faith. The silent transition from falsehood to

> self-deception is useful: anyone who lies in good faith is better off, he recites his part better, is more easily believed by the judge, the historian, the reader, his wife and his children (Levi 1988: 14).

Levi adds that such witnesses are 'most certainly false, but we are unable to detect whether the subject does or does not know he is lying' (1988: 17). Here, then, is another form of false witness, which we might call *juridical false witness*, where the blind spot of the witness becomes the blind spot of the justice system itself. There is no way in which we can judge the intentions of such witnesses. Though we may be able to confirm their actions — by checking with other witnesses, documents, corpus delicti, and historically accepted contexts — we cannot confirm their intent. The legal system cannot account for the witness who believes their own lie and, as a result, cannot convict them of perjury.

Intriguingly, Levi employs the language of acting in order to articulate his argument. There are hints of it in the passage above, where the witness starts with 'an invented scenario' and, through repetition, comes to 'recit[e] his part better' so that he is 'more easily believed' by his audience. This language becomes even more explicit when Levi states: 'Supposing, absurdly, that the liar should for one instant become truthful, he himself would not know how to answer the dilemma; in the act of lying he is an actor totally fused with his part, he is no longer distinguishable from it' (1988: 17). When Levi's argument is placed alongside that of Derrida and Ricoeur, both of whom argue that the false witness must be aware of what they are doing, they begin to bear more than a passing resemblance to theories of acting. More specifically, they replicate 'the classical "paradox" of the actor or comedian who may be seen either as entirely "into" or identified with their role or as playing it in a distant, aloof manner (or both in some obscure or oscillating manner)' (LaCapra 2004: 87). The problem that remains for the actual actor is: Is one type of witness, or one type actor, 'truer' than the other? Can one sort of false witness be 'better' than the other? This, of course, leads us back to the small actor on the stage before us.

From the point of view of the spectator, all actors in verbatim,

documentary and tribunal plays are false witnesses since they repeat testimony that is not theirs (with the exception of those who are cast as themselves). Indeed, they not only repeat it, they rehearse it. The difference between these actors lies in how they deal with their falsity: on the one hand, the mimetic witness attempts to minimise the gap between the original witness and themselves through the aesthetic strategies of likeness and closeness; and on the other, the epic witness embraces the gap, even emphasises it, as in this opening scene where a small child plays a senior Government minister. In this way, epic actors acknowledge their own falsity, even flaunt it. Paradoxically, this may make them seem more 'truthful' than mimetic actors. This appears to be what Claude Schumacher is suggesting in his discussion of Holocaust drama, where the actor is inevitably an 'imposter' and where, in order for the audience to accept this imposter, the play cannot 'try to create an illusion of reality' but must instead 'affor[d] the spectator of a heightened experience [that is] "liberated from the lie of being the truth"' (1998: 4).[3]

In presenting itself as being 'liberated from the lie of being the truth,' *CMI*'s opening scene suggests it is going to liberate other lies disguised as truths and also signals the intentions of the show at large: 'to respond', in Oliver's words, 'to these false witnesses in a way that reopens the possibility of witnessing, of responsibility' (2001: 108). In addition, the scene addresses the spectator as a 'true' witness, a tertiary witness who sees the false witnessing of both the actor (the secondary witness) and the character (the primary witness). In this sense, the spectator becomes an omniscient meta-witness. Yet, in another sense, the spectator is actually a false witness. In his introduction to the published play, John McCallum explains that:

> The lie detector software used was real — a program, apparently developed for the Israeli army, that analyses digitised voice for pauses and other indicators of lying. The irony, not clear to the audience, is that the software almost always returns a 'truth' reading for actors performing texts, because they are not, of course, actually lying; they are simply telling a truth that is not their own (2006: 139-40).

McCallum's explanation is apparently based on a personal communication with Williams who, in turn, confirms that '[t]he child is found to be telling the truth, and the words, being verbatim are "true", despite the statement being known to be a lie' (2008: 202).

This information leads to the belated realisation that the scene resembles one of Rokem's screen-scenes except that it is the *spectator*, and not the *character,* who is misconstruing what they are seeing. In this way the scene produces the spectator as a sort of false witness since they think they are reading the scene in its entirety when, in fact, they can only partially see what is happening — rather incredibly, a false witness repeating false testimony has registered a 'true' reading on a lie detector. Yet even this rereading depends on another piece of testimony, since there is now no way of confirming this information — the show has finished and the version that remains on DVD does not reveal this secret, despite many viewings.[4] In the end we can only take Williams' word for it. In this sense, Williams' testimony resembles the problematic confession of the former perjurer who promises that, although he has lied previously, *this time* he is telling the truth.

While the opening scene is the play's earliest reference to the problem of perjury, and juridical false witnessing more broadly, its most explicit reference comes at the beginning of the third act. Klinder, who plays the interviewer earlier in the play, but is by now playing the Chair, Senator Peter Cook, states:

> CHAIR: I declare open this meeting of the Senate Select Committee on a Certain Maritime Incident. ... Witnesses are reminded that the evidence given to the committee is protected by parliamentary privilege. It is important for witnesses to be aware that the giving of false or misleading evidence to the committee may constitute a contempt of the Senate. The committee is obligated to draw to the attention of a person any evidence, which in the committee's view, reflects adversely on that person, and to offer that person an opportunity to respond (157).

When we hear such an oath in the theatre, we are witness to the oath 'misfiring' or becoming 'infelicitous' in J L Austin's terms (1962: 14).

Indeed, he writes that 'a performative utterance will ... be *in a peculiar way* hollow or void if said by an actor on the stage' (Austin 1962: 22). This peculiar void gives us pause for thought about the way in which the original oath may have misfired.

Once again, further research reveals that the original oath misfired in two related ways. In the first instance, the Committee did not compel Reith to give evidence despite the fact that he 'was not entitled to immunity from this inquiry as he was no longer a serving member of the House of Representatives' (Cth 2002: xv). However, as Senator Cook notes in his Chair's Foreword, 'bolstered by an opinion from the Clerk of the House of Representatives, he [Reith] rejected three formal requests to appear' (Cth 2002: xv). While the Clerk of the Senate disagreed with the Clerk of the House of Representatives, and advised the Committee that Reith had no grounds for immunity, the Committee eventually decided that any summons to Reith 'would be contested in the courts with the taxpayer having to foot the bill and with the inquiry having to mark time until the issue was settled' (Cth 2002: xv). This failure is actually referred to in the play's prologue when Klinder remarks, 'Unfortunately, Mr Reith wasn't able to stay with us for inquiry, as he had to catch a flight to London' (146). In this way, what appeared to be a test is in fact a rehearsal and what appeared to be a rehearsal is a performance, a radio interview, that is somehow supposed to substitute for an appearance before the Senate.

While the Committee failed to compel some witnesses to testify, such as Reith and various ministerial advisors, it also failed to offer protection to those who wished to do so. For example, it failed to extend parliamentary privilege to the asylum seekers involved in the SIEV 4 incident who were, by this time, being held in detention centres on Manus Island, Papua New Guinea. Though the Committee invited the asylum seekers to give testimony via radiotelephone, it also noted that 'The Committee's jurisdiction is limited to Australia and its territories. ... This meant that their evidence could not be heard under privilege, nor could the usual protections be extended to them should they be adversely treated as a consequence of what they may have said' (Cth

2002: xv).

In addition, the Department of Immigration advised that 'if something was said on the link-up that might relate to an application for asylum, then there was no legal way that information could be prevented from being used in an assessment of an individual's eligibility' (Cth 2002: xvi). In the absence of a guarantee that their testimony would not adversely affect their claims for protection, the asylum seekers involved — not surprisingly — declined to testify. This fact is also referred to in the play's third act when Senator Andrew Barlett (Danielle Antaki) says:

> SENATOR BARTLETT: Mr Chair, you mentioned before that people named adversely would be given the opportunity to respond. Can I clarify that that means the people on the various boats will get an opportunity to answer the allegations that were outlined today and the assertions that were made about their being evil people who engage in child abuse, moral blackmail and the like? It is a bit difficult when they are all locked away in a foreign land somewhere (161).

To which the Chair replies, 'Outside of our jurisdiction — it is a bit difficult but ... that is a relevant line of inquiry and we should apply our minds to how we conduct it' (161). Once more *CMI* reminds us that juridical false witnessing cannot be defined solely in terms of perjury or lying under oath. For juridical false witnessing is not simply a matter of what is said, or how it is said, or the witness's intent while under oath, it is also a matter of what is *not* said, who is *not* there, who remains absent and who cannot or will not take the oath.

The Fog of War: Performing Political False Witness

If the first form of false witnessing we find in *CMI* is juridical false witnessing, then the second is what I have come to call *political false witnessing*. The earliest example of this occurs shortly after the prologue when the child has departed from the stage, the flag has fallen to the floor, and the Committee members have installed themselves behind

a bench downstage. While they are settling, a performer (Antaki) walks to the overhead projector and places a transparency on it which reads 'Vice Admiral Shackleton, Chief of the Royal Australian Navy,' before walking downstage to the microphone to deliver Shackleton's testimony.

Figure 2 Daneille Antaki as Vice Admiral Shackleton (foreground) with actors Nikki Heywood, David Williams, Stephen Klinder, Deborah Pollard and Chris Ryan (background, left to right) in version 1.0's *CMI* Performance Space Sydney 2004 Photograph by Heidrun Löhr

She offers a brief description of Shackleton's visit to the ships, HMAS *Kanimbla* and HMAS *Adelaide*, before saying:

> VICE ADM. SHACKLETON: This brings me back to the evidence I gave to the Senate on the 20th of February 2002, when I was asked about the 'fog of war'. My answer was:
>
> *She pulls out a brightly coloured beer coaster from her pocket, and reads from it. Her voice deepens and slows. The music volume increases.*
>
> It is related to the reality that everything is real but it is not real. You are trying to pull threads and strands from many miscellaneous and sometimes disconnected information flows. You are trying to build a puzzle from many disconnected pieces. Sometimes the pieces fit accurately, sometimes they do not. You are dealing with millions

> of shades of grey and it is only as events start to get to a point of culmination that they start to form up into a real pattern, and then sometimes it disintegrates again as the events change. This is constantly moving and going up and down all the time. The commanding officer has to make hypotheses, judgments and calls based on what he sees at the time. It is never absolutely right; it is never absolutely wrong. *The music cuts abruptly*. This is what I call 'the fog of war' (147-8).

The moment is genuinely flummoxing for several reasons. For a start, the scene resembles the previous scene where Reith was reading his testimony in order to rehearse it. Has Shackleton also rehearsed his testimony? Rather than a rehearsal, however, this appears to be a repeat performance. But why would he read his testimony? Is he nervous? Or was he so pleased with his 'original' performance that he wants to reproduce it as faithfully as possible?

Initially I read this passage as a riff on the ontology of testimony but given its context in both the inquiry and the play it seemed unlikely. Upon further reflection I began to see it as an instance of political false witnessing. Here I am drawing on the work of Dominick LaCapra who defines the false witness as someone who misappropriates the subject position of Holocaust survivor. He writes, 'Certain statements or even entire orientations may seem appropriate for someone in a given subject-position but not in others. (It would, for example, be ridiculous if I tried to assume the voice of Elie Wiesel or of Saul Friedlander. There is a sense in which I have no right to these voices.)' (1994: 46). More recently, Kelly Oliver has expanded on LaCapra in order to argue that false witnessing involves not only the misappropriation of a subject position, but also the misappropriation of the rhetoric of subjection. For instance, she analyses a court case in which two white students who were not admitted to the University of Austin, Texas, took the university to court for 'reverse discrimination' (2001: 107-32). She argues that the notion of 'reverse discrimination' is a form of false witnessing that misreads or misrecognises affirmative action policies as somehow similar to or on par with the structural discrimination that has affected minority communities for centuries (2001: 112). In other words, for Oliver — like LaCapra — false witnessing involves

misreading a particular historical, political and social context and misrepresenting one's subject position within that context.

In this scene, then, Shackleton misappropriates the subject position of war combatant when the notion that the 'fog of war' could descend — when a guided missile frigate (the HMAS *Adelaide*) is confronted by a sinking fishing boat (the SIEV 4) — is patently absurd. Indeed, the very word 'war' indicates a misapprehension of the situation and gives lie to another fact that Australia had just declared, or was about to declare, war against the countries from which the refugees were fleeing. This false witnessing is underscored by the false witnessing of another Navy employee, Rear Admiral Geoffrey Smith Maritime Commander of the Royal Australian Navy (played by Deborah Pollard), who testifies that:

> The use of children as a means of intimidating the boarding parties — the sailors and the soldiers — is one of the techniques being used by these people in an attempt to achieve their aim. Children were used by some people ... as a means of applying moral pressure on our people. That was designed to appeal to our moral values (157).

With this statement, Smith goes even further than Shackleton — who merely misappropriated the subject position of the combatant — to suggest that he and the Navy were the *victims* of this operation. Taken together, Smith and Shackleton remind us, as Sara Knox does, that '"false witness[ing]" is discursive, not solely a property of persons but a productive property of cultures — an engine of history, not its consequence' (2001: Para 21).

Finally the false witnessing of these characters is underlined by the fact that the two performers are enacting their own rather joyous appropriation of inappropriate subject positions. Though they take slightly different approaches, both Antaki and Pollard maintain a knowing distance between themselves and the person they are playing. With Shackleton, Antaki maintains her distance through parody and play; with Smith, Pollard maintains her distance by using a deadpan voice and a blank expression. This self-consciousness is further encouraged by an overhead projection, which reads:

> WE KNOW THAT YOU KNOW WE ARE NOT REALLY THE SENATORS WHO TOOK PART IN THE CMI SENATE INQUIRY. STEPHEN IS A LOT SHORTER THAN SENATOR COOK AND DEBORAH WHO PLAYS SENATOR FAULKNER IS ACTUALLY A WOMAN. WE FOUND THAT OUT AFTER THE AUDITION (149).

This in turn functions at a meta-theatrical level, serving to remind spectators that we are watching an inquiry into an inquiry, and that we too are dealing with 'millions of shades of grey', trying to assemble meaning. Moreover, we are dealing with version 1.0's assemblage as well as our own. Caveat spectator, in other words: we might be presenting you with the testimony, but we ain't the real deal, and neither are you.

This caveat is even more necessary for the third act, where the show itself starts to go overboard, slipping loose from its moorings in reality and heading into the realm of fantasy. The act starts with a series of imaginary phone calls, each of which becomes slightly more ludicrous than the last: performers call themselves on their phones, harried bureaucrats call home, mothers arrange swimming lessons, sailors try to organise shore leave. Still other phone calls are between Commander Banks and his superior, Silverstone, before Banks reappears with a towel perched atop his head explaining how he came to brief Channel 10 by accident — 'I thought she said she was a staff researcher. She might have said she was a staff reporter' (166). He is then interrupted by a sobbing Pollard who is in turn interrupted by Nikki Heywood, who plays Jane Halton, Chair of the People Smuggling Taskforce, Department of the Prime Minister and Cabinet. Heywood leads the cast in a series of increasingly suggestive aerobic moves while yelling, 'Straddle to the left! Lift those legs! Going to go for a run now, running for office, running from the press! Communicate! Work the phones! Now I heard it on the grapevine! You're just about to lose your job baby! So you better shred! And while you're at it, do a bit of photocopying! Step it out! And squeeze, squeeze! And turn and cover!'[5]

When the music stops the scene briefly recovers its balance, as Halton relates a rather absurd parable about a blind man and an

elephant, before it descends into chaos once again. To the tune of Serge Gainsbourg's 'Je t'aime' the Senators crack open the champagne, toast their professionalism and indulge in some dancing. Building on Halton's parable, motifs of blindness pervade the scene: Chris Ryan is blindfolded and spun around on a chair, Klinder has his head in the loudhailer, and the screen at the back of the stage starts to swivel as if even the 'objective observer' of the situation has finally come unhinged. The scene provides a welcome respite for the spectator who has been trying to be a responsible and true witness, but this respite is short-lived when the scene screeches to a halt and the fourth and final act begins.

Witnessing Degree Zero: Performing Ontological False Witness

In the final act, the play embraces what I call *ontological false witnessing*. Less preoccupied with the juridical and political aspects of false witnessing, this act examines the essential 'impossibility and necessity' of witnessing itself (Oliver 2001: 85-106). In contrast to the preceding chaos, this act is aesthetically restrained, with Williams describing it as 'get[ting] down to a representational degree zero' (2006b). From this aesthetic shift we insinuate that while *CMI* has treated the false witnesses falsely, it will now treat the true witnesses truly and truthfully.

The act starts with the testimony of Tony Kevin, a former diplomat who investigated the sinking of the SIEV X (so-called because it never received a number), a boat that left Indonesia shortly after the SIEV 4. The SIEV X never made it to Australia and 353 of its passengers drowned. Kevin's testimony is calm but relentless and the Senators become increasingly discomfited by its implications. Soon their table starts to turn and it is used as a kind of battering ram to shunt Kevin (Chris Ryan) off the stage. From here, the show starts to shed any reference to the matrices of time, place or space. The actors take off their jackets, as if to remove the last traces of the characters they have been playing, and start cleaning the stage. Klinder strips and lies on a table where Pollard wipes his body with a cloth and Ryan plugs his

ears, nose and anus, and ties up his jaw. Then Pollard places his hands across his chest and binds and tags his toes before leaving the stage. On the large screen above Klinder there is a view of the sea, shot as if we, the audience, are bobbing up and down in the water. White words, apparently the testimony of a SIEV X survivor, scroll across the screen as they are read aloud by the computerised voice of 'Vicki'.

Figure 3 Deborah Pollard and Stephen Klinder in version 1.0's *CMI* Performance Space Sydney 2004 Photograph by Heidrun Löhr

Immediately, Klinder's body, now lying like a corpse beneath the screen, takes us back to the bodies we were compelled to step over when first taking our seats in the theatre — these are the true witnesses. Slowly, and more profoundly, the scene emerges as an excruciatingly literal staging of Primo Levi's 'true witnesses'. In his book *The Drowned and the Saved*, Levi writes that:

> … we, the survivors, are not the true witnesses. ... We survivors are not only an exiguous but also an anomalous minority: we are those who by their prevarications or abilities or good luck did not touch bottom. Those who did so, those who saw Gorgon, have not returned to tell about it or have returned mute, but they are the 'Muslims,' the submerged, the complete witnesses, the ones whose deposition would have a general significance. They are the rule, we are the exception. ... We speak in their stead, by proxy (1988: 63-64).

Hovering beneath the lurching screen/sea (enough to induce sea sickness in some spectators), the body now seems to literally 'touch bottom.' In doing so, the scene reminds the spectator of the ontological impossibility of witnessing: every survivor is a false witness and the subject who not only survives but also testifies is arguably doubly false. In the words of Agamben, who draws heavily on Levi, 'the witness, the ethical subject, is the subject who bears witness to desubjectification' (2002: 151). Since it is impossible for the subject to testify to their own desubjectification, even the primary witness — the survivor witness — is necessarily false.

Yet, as the testimony continues to scroll across the screen and the dehumanised voice (Vicki) drones on, the scene also seems to insist on the need for, and necessity of, false witnessing. That is, it insists that false witnesses have to witness for the true witnesses, otherwise they will be lost to history once again. The problem for the false witness then becomes how to interpret and enact this *for*. In his reading of Paul Celan's poem, Derrida suggests that *for* can mean 'on behalf of', 'in place of' and 'for the benefit of' (2005: 88-9). In this scene, *CMI* enacts all three *for*s: Klinder's body seems to sit in place of the true witness; the testimony seems to witness on behalf of the true witness; and the scene itself seems to be for our benefit.

For the spectator, this scene is complex. When we watch the body it is as if we are the false witnesses to the extinction of the true witness. Yet we also recognise that this is a false identification: we are not survivors and we are doubly false for identifying with the false witness. In addition, we are also implicated in Klinder's ordeal. However, rather than identifying as survivors, as we do through the body and the screen, when we watch Klinder we identify as bystanders or worse, as participants in, even perpetrators of, his humiliation. Like the 'witness-actress' Rokem describes, who tattoos a number on her forearm, strips and wrenches a piece of bread from her vagina during the course of her performance, Klinder dissolves the boundary between character and actor and in doing so 'transforms the spectators of the performance itself into the witnesses of human suffering' (Rokem 2000:

74). Finally, we are witnesses to the white words that are scrolling across the screen. Though Vicki's computerised recitation of this testimony works to complicate our response, it is hard to suppress the feeling that we are, at long last, becoming true witnesses — arguably all the more so because we recognise our own false identifications and our implication in the scenario.

However there is an important sense in which spectators become, once again, false witnesses. When I saw the show I assumed the projected and recited testimony belonged to a single witness, as did at least five reviewers.[6] In fact, what we are watching is a compilation of five survivor statements, as McCallum indicates in his introduction to the published play (2006: 140) and Williams confirms in his two articles on the production (2006a: 126; 2008: 203). These misreadings were apparently a source of bewilderment for the dramaturg Dwyer, who said at a Sydney symposium that version 1.0 felt that they had done everything possible to indicate that the testimony was not from a single source, including inserting 'identifiable breaks' on the screen. To be fair to the spectator, however, this is not at all clear and closer inspection reveals that the breaks are not at all consistent: sometimes they indicate a new paragraph and sometimes they indicate a new person. Thus, despite the fact that there are five accounts collated, there are in fact seven text breaks, which would in turn suggest eight separate accounts. Even if audiences were to read these breaks as Dwyer suggests they should, then they may still have come away with a slightly mistaken impression.

In one sense, this final scene represents yet another instance of false witnessing — in attempting to respond to the false witnessing of the political and juridical witnesses, version 1.0 have themselves inadvertently created another sort of 'screen-scene' where the spectator cannot properly comprehend what they are seeing. Worse still, they have accidentally reproduced the singular figure of 'the asylum seeker'. In another sense, however, perhaps this false witnessing is immaterial. Writing about Reagan's false claim to have witnessed the death camps of the Second World War (it turns out he had seen and edited footage

for newsreels, but nothing more), Peggy Phelan suggests that we see his empathic response as nonetheless productive. For Phelan, Reagan's response invites us to elaborate 'an ethics whose first allegiance may not be to the empirically true, an ethics that requires a radical conception of what it means to remain "alive to" the event, even when the wire service, the original source of information, has ceased' (Phelan 1999: 119). Here, then, *CMI* might betray the empirically true version of events but it nevertheless remains alive to them and, more significantly, it helps its spectators to remain alive. To put it another way, *CMI* might perform false witness but in doing so it creates a problematic, paradoxical and ultimately productive space in which spectators can become witnesses who are ontologically false, but affectively and effectively true.

Collision as Conclusion

Though this paper has treated juridical, political and ontological false witnessing separately, in its totality *CMI* reveals just how entangled these three forms of false witnessing are. Indeed, they collide dangerously in the work of so-called revisionist historians such as Robert Faurisson who writes: 'I have analyzed thousands of documents. I have tirelessly pursued specialists and historians with my questions. I have tried in vain to find a single deportee capable of proving to me that he had really seen, with his own eyes, a gas chamber' (Faurisson in Lyotard 1984: 3). Here he reads the inability of the zero-degree witness to bear witness, not as evidence that the witness did not survive the traumatic event, but as evidence that the *event* did not take place at all. Yet, even if a survivor somehow emerged, one suspects that Faurisson would dismiss them as false, not because he comprehends the finer points of ontological false witnessing but because his own political false witnessing depends on it.

In the case of *CMI*, these three forms collide in a slightly different, though no less devastating way. Chronologically, it is arguable that it was the ontologically false witnesses — the survivors of the SIEV 4 and SIEV X disasters — who produced the political and juridical processes that followed. Ideologically, however, it is arguable that it

was the political false witnesses — busy claiming to be 'victims' of boats of asylum seekers — who produced these disasters, and their witnesses, in the first place. When the political process set in place to investigate these events could not interview the true witnesses, nor indeed many of the ontological false witnesses (survivors) or the political false witnesses (such as former ministers, staffers), then it too become part of the cycle of false witnessing and the Senate becomes a scene of juridical false witness. Clearly, Oliver's problem of 'how to respond to … false witnesses in a way that reopens the possibility of witnessing, of responsibility' is not easily solved (2001: 108).

Yet *CMI* attempts to forge such a solution through performance and, in doing so, it reveals that while the processes of juridical, political and ontological false witnessing are deeply entangled with each other, they are also profoundly implicated in performance. Indeed, the play demonstrates that juridical false witnessing depends on rehearsal as well as acting; that political false witnessing also resembles acting in the sense that it involves assuming a subject position that is not one's own; and that ontological false witnessing involves performing for (in place of, on behalf of) the true witnesses as well as for (the benefit of) other potential false witnesses.

Since false witnessing is so entangled with performance, a performance about false witnessing — such as *CMI* — is bound to become particularly slippery, suggestive and elusive. For this reason, it is impossible to come to rest on one tidy conclusion about *CMI* or even through it. In essence, *CMI* performs false witness not only so we can hear the voices of the voiceless, but also so we can consider how such voicelessness is produced in the first place and the speech acts and actors that do so. In the silent and shameful reflection that follows, it becomes clear that *CMI* performs false witness so that we can hear ourselves and recognise, albeit briefly, our ongoing false witnessing.

Notes

1 For a summary of these claims and the discourse on witnessing within theatre and performance studies more generally see Caroline Wake (2009).

2 This is a necessarily brief account of these events. For a more detailed account, see David Marr and Marian Wilkinson (2003) and Patrick Weller (2002).

3 This claim recalls Jonathan Kalb's statement that, 'Ours is an era obsessed with witnessing, and an effective *Verfremdung* is nothing less than a reason to consider one sort of witnessing more persuasive than another' (2001: 28). Similarly, Julie Salverson calls for testimonial theatres to reject 'the lie of the literal' (1996) and Timothy Raphael appeals for them to 'break the naturalist habit' (1999).

4 In fact, the DVD itself is a problematic 'witness' because it is does not actually show a single performance but rather two separate performances cut together. I discovered this when I noticed that the DVD did not include a date for the performance it had recorded. When I asked Williams to confirm the date he explained what had happened.

5 This passage does not appear in the published script; what appears here has been transcribed from the DVD of the performance.

6 Reviewers who made the same mistake include Andrew Filmer (2004), John McCallum (2004), Colin Rose (2004), Bryoni Trezise (2004) and Joe Woodward (2004).

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