

The Political Trial: Constitutive Crisis, Constitution in Crisis

[abstract for the “Constitutions and Crisis” workshop, October 2012]

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Mike Davis expresses a familiar frustration when he writes that ‘our analogue minds simply cannot solve all the differential equations generated’ by the various aspects and the myriad variables of the crisis that has been unfolding in the heart of global capital (Davis 2011: 5). Nor is it much easier to gauge the near future of the contemporary uprisings, resistances, their constitutional promises and failures. In a sense, with regard to this contrapuntal pair of the theme of this year’s Altona Stiftung workshop, we can speak of a crisis of expertise, in that no amount of specialist knowledge can quite tackle the uncertainties of the globe’s auspicious or apocalyptic near future. Then again, ‘expert’ is one of those antithetical words, meaning both ‘tried, proved by experience ... an authority, a specialist’, but also ‘having no part in... devoid of, free from’ (Phillips 1997: xii). So perhaps ‘irrelevance’ is always already implied by expertise, especially for the contemporary doctoral researcher, disciplined out of intellectual promiscuity, trained into mono diets of the same, and harnessed to produce the same difference.

Risking, as one does, irrelevance, my take on the theme of constitutionalism and crisis has to be from the very limited confines of my own research so as not to deviate from the true path of academic productivity. Taking political trials as, indeed, moments of crisis and constitutionalism, I will propose a theoretical framework for studying such trials, drawing on the productive gaps and overlaps between the notions of ‘performativity’ as a linguistic/philosophical designation, and on the other hand, ‘performance’ as in drama, theater, or more generally, embodied enactment. Beginning from a consideration of the relation between the two terms in various theories of performativity, I will work my way through to a discussion of how this relation might be rethought within and through the context of trials. In other words, the effort here is not a straightforward ‘application’ of theories of performativity and performance to trials, if such was even possible, or possibly straightforward, but rather with a rethinking of these theories within and through trials, and especially those that are deemed to be ‘political trials’, always already understood as on the verge of becoming ‘show trials’.

References

Davis, Mike. 2011. ‘Editorial: Spring Confronts Winter’. *New Left Review* 72 (Nov-Dec): 5-15.

Phillips, Adam. 1997. *Terrors and Experts*. Cambridge, MA: Harvard University Press.