

## Tribunal Theatre: Performativity, Memory, and Symbolic Justice

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**Abstract:** *Tribunal theatre* asserts itself as an engaged artistic form that transcends aesthetics to become an instrument of symbolic justice, civic pedagogy, and social activism. It intervenes where traditional legal systems prove ineffective, inaccessible, or corrupt, providing a space in which injustices are brought before the public and collective traumas are acknowledged. Through participatory methods, based on real documents and staged reconstructions, *spect-actors* become witnesses, jurors, or active participants in processes of moral and social reflection. The function of *tribunal theatre* includes legal education, the democratization of rights-related knowledge, the recovery of collective memory, and the promotion of civic responsibility. Examples such as *The Congo Tribunal*, *The Colour of Justice*, or local projects in Romania illustrate its impact on public consciousness, symbolic reconciliation, and the generation of social change. In post-conflict or post-totalitarian contexts, *tribunal theatre* becomes a versatile instrument: a living archive, a space for ethical repair, an educational forum, and a platform for activism, demonstrating the capacity of art to transform public perception of justice and collective responsibility.

**Keywords:** Tribunal theatre, symbolic justice, cultural activism, civic education, public participation

In a world where justice systems face structural limitations, institutionalized inequities, and at times even blatant dysfunctions, *tribunal theatre* emerges as an alternative space for *reflection, repair, and civic intervention*. This artistic form develops not only as a reaction to the failure or inaccessibility of official justice, but as a necessity to symbolically restore the relationship between truth, responsibility, and community. *Tribunal theatre* is therefore not merely a theatrical genre, but a form of cultural activism that deliberately assumes the role of unsettling, disturbing, and opening essential questions regarding the functioning of society and the meaning of justice.

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As Mariana Starciuc argues in her dissertation dedicated to the phenomenon of documentary theatre, this form of theatre generally does not aim exclusively at an aesthetics of authenticity, but proposes a socio-political efficiency of performance: “The methods of generating material vary, but may include improvisation exercises, interpretation and games, research and discussions. After developing the material, the company selects, structures, edits, and rehearses it, and often presents it in a *work-in-progress* format in order to solicit audience feedback.”<sup>1</sup> In this sense, *tribunal theatre* functions as a catalyst for *symbolic justice* – a performative mechanism through which injustice is publicly voiced, trauma is acknowledged, and the spectator is invited to become an active participant in the process of collective repair. “The constitutive force of legal decisions and the ways in which these decisions shape social practice also operate within the realm of symbolic justice; in cultural representations of the law, theatrical plays, television shows, and novels assert their influence on legal practice and social behaviour.”<sup>2</sup>

In contemporary *tribunal theatre*, the role of the spectator is profoundly transformed. The spectator is no longer a detached observer but a *public conscience* invited to participate, to judge, to reflect, and even to act in society, following a truly Brechtian line of influence. In some cases, the performance involves a *final deliberation, a symbolic vote, or a post-show debate* that imitates the workings of a jury. In this sense, “*Truth Commission* de Chokri Ben Chikha [...] can be seen as a typical case of this principle of pre-interpretation (pre-enacting). This principle is also reflected in the dramaturgy of the *South African Truth and Reconciliation Commissions*, where the specific methods used to confront crime during the performance are deliberately unsettling. In addition to public hearings, other more artistic interventions—such as dance, public discussions about literary works and advertisements accused of racism, and even a memorial ritual—are included in the performance[...]”<sup>3</sup>.

This involvement is not purely aesthetic but seeks a form of legal education, familiarizing the public with judicial procedures and, more importantly, with the moral dilemmas that accompany them. Thus, *tribunal theatre* becomes a pedagogical

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<sup>1</sup> Mariana Starciuc, *Fenomenul teatrului documentar: caracteristici și specific*, Chișinău, Academia de Muzică, Teatru și Arte Plastice, 2021, p. 48.

<sup>2</sup> Sarah Kozinn, *Justice Performed: Courtroom TV Shows and the Theaters of Popular Law*, London, Bloomsbury Methuen Drama, 2015 pp. 187–188.

<sup>3</sup> Steff Nellis, “Enacting Law: The Dramaturgy of the Courtroom on the Contemporary Stage”, *Documenta*, nr. 24, 2021, pp. 9–10, <https://doi.org/10.21825/documenta.90041> (accesat 09.07.2025).

and formative instrument in the deepest sense, activating empathy, reason, and social responsibility. Moreover, the function of tribunal theatre goes beyond the sphere of civic education, entering a profoundly ethical and affective territory: that of collective catharsis. The spectator, confronted with real testimonies, harsh facts, and moments of extreme vulnerability, faces a double challenge—emotional and moral. On the one hand, they witness a painful reconstruction of reality; on the other, they are invited to recognize their own positioning in relation to what they see. In this way, *tribunal theatre* acts as a space for collective trauma processing, offering a platform for expressing pain as well as for embracing a shared memory.

In societies where institutional justice has failed—whether through silence, corruption, or delay—*tribunal theatre* asserts itself as a form of justice, or even a secondary, tertiary press tribunal, yet with a real impact on public conscience.<sup>4</sup> This is the case for many performances that address subjects such as *genocide, racial discrimination, political crimes, or state violence*. Here, theatre does not function merely as a form of representation but as a site of testimony and symbolic reparation. The actor becomes the bearer of a voice that was not heard in court, the stage transforms into a tribunal, and the audience—the community—is called upon to recognize, validate, and remember.

In such a construction, *tribunal theatre* constitutes a bridge between memory and justice. The stage representation of an injustice does not aim merely to inform or shock but to reconstruct an active memory, to restore a space of visibility for those excluded from official discourse. In this sense, it approaches what philosophers have termed the *poetics of memory*—a form of art that, through evocation and restitution, reconstructs not only the past but also the public's consciousness of that past. *It is acknowledged that everything that occurs in this context is part of a process of memory and recollection. Moreover, the intention behind the act and its alignment with the actor's identity become central elements, which entails activating these relationships concretely, without questioning their practical validity.*<sup>5</sup>

This dimension of memory in *tribunal theatre* becomes particularly pronounced in *post-conflict, post-dictatorial, or post-totalitarian* contexts, where formal justice institutions have been compromised or contested. In such situations, *tribunal theatre* assumes an additional function of legitimacy, offering a trusted alternative in a space where public confidence in authorities has been eroded. The

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<sup>4</sup> Sarah Kozinn, 2015, op. cit., p. 75.

<sup>5</sup> Rocío Zamora Sauma, "Performing Institutions: Trials as Part of the Canon of Theatrical Traditions", *Performance Research* 25, nr. 6, 2020, p. 235.

performance does not merely document a reality; it valorizes and reactivates it within a performative process that, in itself, becomes a form of symbolic judgment.<sup>6</sup>

Another essential aspect in defining the role of *tribunal theatre* in contemporary times is its activist function—the capacity to intervene directly in the public sphere, not merely as a mirror of reality but as a transformative agent of it. From this perspective, *tribunal theatre* aligns with forms of political theatre, social intervention, or community theatre, yet it differentiates itself through its procedural specificity and through direct engagement with legal sources, real documents, and concrete cases. “The crucial difference between art and real-world politics is marked by ambivalence: activism and real-world politics are long-term, continuous processes, whereas activist art is temporary and project-based.”<sup>7</sup> While political theatre in the tradition of Augusto Boal proposes an ideology or the deconstruction of one, *tribunal theatre* proposes the same through judgment—be it symbolic, moral, or social.

By its very nature, *tribunal theatre* brings to the stage not only characters but real people, with authentic histories, traumas, and struggles. In this sense, it becomes a space of representation for marginalized voices (though not necessarily oppressed), excluded from the dominant discourse, ignored, or silenced by the formal mechanisms of justice. Thus, the stage functions as a platform of visibility and claim-making, and the artistic act transforms into a political gesture of reclaiming dignity. *Through this process, theatre not only reactivates collective memory but also creates the conditions for civic action: debate, protest, solidarity, and public mobilization.*<sup>8</sup>

This dimension of representing marginalized subjects, situations, and spaces was exemplarily illustrated in Milo Rau’s *The Congo Tribunal*—a project that not only documents the war crimes in the Democratic Republic of Congo but also organizes a real, parallel military tribunal with witnesses, lawyers, victims, and experts. In a context where international institutions failed to respond adequately to the humanitarian tragedy in Congo, Rau’s *tribunal theatre* functioned as an act of restorative justice, a counter-war tribunal. The audience present—and those who watched the recordings—was confronted with a form of justice that was possible,

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<sup>6</sup> Marian Taylor Brown, Hyppolite Ntigurirwa, Gordillo, Andrea & Rose Micah, “From Grassroots to Systems Change: Art for Social Justice”, *The Journal of Arts Management, Law, and Society* 52, nr. 5, 2022, p. 313, <https://doi.org/10.1080/10632921.2022.2120142> (accesat 09.07.2025).

<sup>7</sup> Lily Climenhaga, “P(Re)Forming Justice: Milo Rau’s Trials and Tribunals,” *TDR: The Drama Review* 65, nr. 1, 2021, p. 56, [https://doi.org/10.1162/dram\\_a\\_00957](https://doi.org/10.1162/dram_a_00957) (accesat 09.07.2025).

<sup>8</sup> Augusto Boal, *Theatre of the Oppressed*, traducere Charles A. McBride, London, Pluto Press, 2008, p. 120.

## THEATRICAL COLLOQUIA

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imagined, and artistically performed, yet carried genuine ethical weight. This is perhaps one of the most striking expressions of the activist-judicial function of *tribunal theatre* in contemporary times.

Another significant example is the production *The Colour of Justice* (Tricycle Theatre, 1999), which reconstructs the public inquiry into the death of *Stephen Lawrence*, a young Black British man killed in a racist attack, and the inadequate response of the police. The performance, based on authentic transcripts of the inquiry, exposed to the audience the failures of the British legal system in addressing cases of racial discrimination. The social impact of the production was profound: it influenced discussions in the British Parliament, generated extensive media coverage, and contributed to pressures for reform within the Metropolitan Police. Consequently, it functioned not merely as reflection but as a catalyst for social change, confirming its active, even legislative, potential.

However, this capacity to produce social effects should not be understood solely in terms of measurable or political outcomes. It primarily entails a form of public awareness of systemic dysfunctions—and, above all, a critique of the bureaucracy, rigidity, and impunity that sometimes define judicial systems. In many cases, *tribunal theatre* raises questions about inequitable access to justice, the slowness and opacity of procedures, and the instrumentalization, distortion, or cover-up of legal truth for political or economic interests.<sup>9</sup>

This critique is formulated not in technical language, but through the power of stage representation. The long duration of trials, the abstract language of courts, the distance between victim and institution—all of these are condensed into a theatrical space where truth becomes tangible, and injustice—visible. Here, the actor becomes not only a performer but an intermediary between citizen and system, between individual pain and institutional indifference.

In *tribunal theatre*, bureaucracy is not merely a theme but a performative obstacle. In place of a system where justice is delayed, the performance offers immediate, transparent, and visible judgment. Thus, *tribunal theatre* dismantles the myth of the “neutrality” of legal procedures and proposes instead an ethics of transparency and direct empathy. It constructs a stage where truth is heard and believed not because it is formally proven, but because it is spoken and assumed before a community.

This vision of the act of justice as a collective performative event is also supported by theorists of performativity (legal or otherwise), such as Judith Butler or even Richard Schechner, who have shown that justice is an act of staging with a

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<sup>9</sup> Steff Nellis, 2021, op. cit., p. 18.

performative purpose—and that what matters is not only the content of the verdict, but how it is pronounced, received, and understood by the community. *Tribunal theatre* exploits and emphasizes this *performative dimension of law*, creating a context in which the law is reconsidered not as an *abstract text*, but as a *living relationship* between people. “Unlike the widespread and standard format of reconstruction, which often presents itself as apolitical and ideologically neutral, historical artistic reconstruction seeks to establish a ‘critical review through the strategic balancing of factual rendering and subjective reinterpretation.’”<sup>10</sup>

In this sense, *tribunal theatre* asserts itself as a form of critique of legal language, of the expressed inequality between parties, and of the hierarchy between experts and citizens. By democratizing the act of judgment, the stage becomes a space for contesting the “sacralized” authority of the tribunal, offering alternative models for understanding and articulating justice. *Complementary to its role as a social catalyst and institutional critique, tribunal theatre, together with other forms of socially engaged art, assumes a profound educational function, becoming a form of legal literacy and civic consciousness formation.*<sup>11</sup>

In an era in which notions such as justice, rights, responsibility, and authority are often superficially understood or manipulated in public discourse, *tribunal theatre* offers an accessible, empathetic, direct, and interactive framework through which the public can learn, debate, and internalize the complexity of these concepts. In this way, *tribunal theatre* contributes, in our view, to the democratization of legal knowledge, aiming for free, equitable, and intelligible access for citizens to the information, principles, and processes of the legal system, so that the law does not remain the privilege of an elite (jurists, lawyers, judges) but becomes a resource accessible to everyone. Through plays based on the aforementioned types of authentic documents—transcripts, testimonies, inquiries—the audience is introduced to legal realities that are often inaccessible due to specialized language or institutional distance. The performance functions as a cultural and emotional translator of the act of justice, offering not only information but also context, empathy, and humanization. Instead of a didactic approach, *tribunal theatre* educates through involvement, giving the spectator the role of an informed and responsible witness.

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<sup>10</sup> Ibid., p. 7.

<sup>11</sup> Jenny Hughes, “Doing the Arts Justice: A Review of Research Literature, Practice and Theory”, ed. Andrew Miles și Angus McLewin, *The Unit for the Arts and Offenders/ Centre for Applied Theatre Research*, 2021, p. 60.

This function is particularly important in *post-authoritarian* societies or those with *fragile democracies* (such as Romania), where trust in the legal system is low and legal culture is poorly developed. In such contexts, *tribunal theatre* not only explains citizens' rights but stages them, providing concrete examples of the fight against abuse, the pursuit of justice, and resistance in the face of institutional silence. It thus becomes a space for democratic pedagogy, a forum where legal education is combined with affective and moral education.<sup>12</sup>

A notable example of this secondary educational function of *tribunal theatre* is provided by projects carried out by the Tricycle Theatre in the United Kingdom, where tribunal performances were accompanied by *workshops, discussions, and educational materials for pupils and students*. Similar initiatives have been developed in other European countries, in partnership with civic organizations, local courts, or educational institutions. The aim of these initiatives is not only continuous training and education of participants but also the formation of active citizens, capable of recognizing and responding to injustice.

This educational dimension takes on particular significance in the post-communist Romanian context. After 1989, Romania underwent a complex and often contradictory process of democratization and institutional reconstruction. Justice became a contested field, marked by ambiguities, delays, and political pressures. In this landscape, theatre—and particularly its socially engaged forms—played an important role in maintaining critical awareness and in raising uncomfortable questions. Nevertheless, *tribunal theatre*, as a distinct genre, has manifested only timidly, being more often integrated into documentary or social theatre projects. An emblematic case is the performance *Tipografic Majuscul* (2013),<sup>13</sup> directed by Gianina Cărbunariu, built on the surveillance dossier of the adolescent Mugur Călinescu, an anti-communist dissident. Although it is not a *tribunal theatre* in the strict sense, the performance recovers the verbatim method and the dynamics of surveillance and incrimination processes from the communist period, staging not only the drama of one individual but also the oppressive mechanisms of the totalitarian state. Through this theatrical reconstruction, the audience is confronted with the realities of the recent past, in a format that combines educational and memorial functions, exploring the dimensions and interpretations of the term *tribunal theatre*.

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<sup>12</sup> Gregory Brazeal, "Justice Theater in the Criminal Law Curriculum", *Journal of Criminal Law and Criminology*, 113, nr. 4, 2024, p. 9.

<sup>13</sup> Andreea Vălean, „Gianina Cărbunariu: Nu sunt nici judecător, nici avocat”, *Scena9*, <https://www.scena9.ro/article/carbunariu-jude-tipografic-majuscul> (accesat 13 aprilie 2025).



A similar direction is represented by productions by the Reactor company in Cluj or the ADO Association (Art for Human Rights), which have proposed hybrid formats combining documentary theatre, legal education, and civic activation. For example, projects addressing gender-based violence, minority rights, or the history of communist repression are designed not only to inform but also to stimulate an active social conscience. They are often presented in high schools, penitentiaries, or community spaces, thereby extending the scope of theatre beyond institutional boundaries. In this sense, for instance, Radu Apostol considers that “bringing theatre into schools also means discovering the child-spectator and the child-creator. Too often, the creative dimension is obscured by normative learning, especially in its social dimension. Theatre and dance develop the relational, empathetic person, open to relationships with others, to dialogue, skilled and competent in solving complex existential problems through participation and group strategies. Contemporary education must achieve a balance between the child-spectator and the child-creator, for the benefit of the adult they will become and the society of which they are a part.”<sup>14</sup>.

In the broader Eastern European space, similar initiatives can be found in Poland, the Czech Republic, and Serbia, where tribunal or documentary theatre has been used as a tool for processing the past and educating new generations in a democratic spirit. In Serbia, for example, documentary theatre projects addressing war crimes and the trials at The Hague have functioned as forms of critique of official nationalism and as platforms for acknowledging the suffering of the other. In this way, *tribunal theatre* becomes an exercise in reconciliation, a common territory in which truth is not imposed but collectively negotiated.<sup>15</sup>

In Romania, the absence of a tribunal capable of satisfactorily addressing the general public’s expectations regarding the events of December 1989 or the Mineriads, as well as the prolonged handling of the Revolution case, creates fertile ground for tribunal-type artistic interventions. In the absence of clear legal redress, the theatrical stage can become a space of moral judgment and restitution of truth. This is precisely what this research seeks to argue, analyzing it through concrete artistic means and supporting it with case studies and various theatrical production techniques.

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<sup>14</sup> Radu Apostol, *Teatru social. Perspective asupra rolului teatrului în raport cu societatea*, București, UNATC Press, 2018, pp. 5–6.

<sup>15</sup> Lavinia Stan, Nadya Nedelsky (eds.), *Post-Communist Transitional Justice: Lessons from Twenty-Five Years of Experience*, New York, Cambridge University Press, 2015, pp. 252–255.



## THEATRICAL COLLOQUIA

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Another essential role of *tribunal theatre* relates to the construction, preservation, and activation of history. In post-conflict or post-totalitarian societies, where the past is often fragmented, concealed, or politically reinterpreted, *tribunal theatre* constitutes an alternative space for the recovery of historical memory. It does not merely evoke events but reintroduces them through a living, performative, and participatory form, offering the community the possibility to reconnect with painful yet necessary episodes for the judgment of collective conscience.<sup>16</sup> The stage representation of collective traumas—whether state violence, ethnic persecution, or systemic abuses—creates a framework for symbolic acknowledgment and moral judgment of the past. In this sense, *tribunal theatre* also becomes a form of living archiving, complementing or challenging official memory by bringing marginalized narratives and ignored testimonies to light. It is an act of affective and civic reconstruction of a *major historical tragedy*<sup>17</sup> shared, but often still *unresolved*.

Connected with this dimension of memory is the participatory and reparative function of *tribunal theatre*, especially in vulnerable or institutionally closed contexts such as prisons. Projects carried out in the United Kingdom, Brazil, or Italy have demonstrated how *tribunal theatre* can be used as a tool for rehabilitating inmates, offering them the opportunity to reflect on their own actions, participate in dramatic reconstructions, and become visible again in the eyes of society. In these cases, theatre assumes a therapeutic and restorative function, contributing to the reconstruction of personal and social identity for those involved.

This direction aligns with recent theories of restorative justice, in which the emphasis is no longer placed exclusively on punishment but on repairing relationships and promoting social reintegration. These theories emerge as a response to the limitations of the classical criminal justice system, which focuses almost exclusively on punishment. They propose an approach centered on reparation, dialogue, accountability, and healing, for the victim, the offender, and the community alike. *Among the most well-known models are Victim-Offender Mediation, Restorative Circles, and Family Group Conferencing, successfully applied in diverse contexts, from schools and local communities to the judicial systems of New Zealand, Norway, and Canada. These practices promote the active participation of all involved parties and aim not only at sanctioning but also at taking responsibility and reconstructing*

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<sup>16</sup> Ibid., pp. 163–164.

<sup>17</sup> Minou Arjomand, *Staged: Show Trials, Political Theater, and the Aesthetics of Judgment*, New York, Columbia University Press, 2018, p. 49.

*social bonds affected by antisocial acts.*<sup>18</sup> *Tribunal theatre*, through its symbolic power and its capacity to humanize, becomes a complementary instrument of this approach, bringing together victims, perpetrators, communities, and spectators within a narrative framework in which trauma can be heard and conflict—re-signified.

Thus, summarizing the points presented above, *tribunal theatre* demonstrates its versatility: it can simultaneously serve as a living archive, a form of symbolic justice, a space for civic education, a platform for activism, and a mechanism of ethical reparation. All these functions converge in an artistic practice that is not limited to art, stylization, or stage poetics but has profound implications in the social, legal, and political spheres.

To understand this form of theatre in depth and to clearly delineate its specificity in relation to other forms of socially engaged art, it is necessary to review the principles and characteristics that define *tribunal theatre* as a distinct genre. This endeavor will allow not only a systematization of the elements that compose its formal identity but also a more nuanced understanding of the mechanisms through which it operates as a symbolic tribunal.

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<sup>18</sup> Sen, Amartya, *The Idea of Justice*, Cambridge, MA, Harvard University Press, 2009, p. 81.

## THEATRICAL COLLOQUIA

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