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Melbourne Festival 2017: why Hamlet had better hope the judge isn't peckish

A groundbreaking blend of theatre and justice will interrogate Victoria's legal system.

John Bailey

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The old joke is that justice is what the judge ate for breakfast, but there have been studies suggesting that legal outcomes do indeed correlate to how hungry a judge is come verdict-time. An upcoming Melbourne Festival production puts the legal system itself in the dock, and while the case on trial might be fiction, that's where the play-acting ends. Pray that the judge stocks up on pre-show canapes.

Please Continue (Hamlet) is about as authentic as a murder trial can get without having to wheel in the corpse. Three actors embody the accused and his witnesses, but when it comes time to take the stand, the judges, lawyers, stenographers and psychologists are the real deal, and all will treat their roles as seriously as they would in life. There are no rehearsals. The legal line-up changes every night.

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Please Continue (Hamlet) pairs real-life legal figures with actors accused of murder. Photo: Magali Girardin

Three weeks before the court hearing, the show's creators – Dutch performer Yan Duyvendak and Spanish director Roger Bernat – draw out a map of the crime scene on the floor and have their actors physically enact everything said and done on the night in question. It's important that they do this, says Duyvendak, so that the events are etched into their very muscles. "They have to have it in their body. It has to be a memory, not something that somebody has told them."

The result is an experience its creators describe as hyperrealistic. "One of the psychiatrists we had once on the show said it becomes hyperrealistic at the very moment when the judge hushes the audience to stay quiet, not to laugh, because they're in a courthouse. You know that you're not in a court but you still obey the judge."



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Co-creator Yan Duyvendak says *Please Continue (Hamlet)* shows that arguments, not facts, determine the fate of the accused. Photo: Magali Girardin

The hyperrealistic effect is heightened by the audience's foreknowledge that a jury will eventually be drawn randomly from their ranks. Some viewers become so involved in the unfolding case that they're itching to extend their own argument, but many "are afraid of having to judge a character even if they know it's fake. That's when it really works well."

The work's probing of the justice system began in a very different place. Duyvendak and Bernat began working with transcripts of the Guantanamo Trials, but early experiments in translating those hearings into a theatrical context felt "obscene", says Duyvendak. "It was as if we were exposing something that was very private." They sought other ways of opening up the justice system to artistic investigation – sitting in on trials, studying cases – but three months out from their premiere they realised they were floundering.

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"Everything that we had tried to do didn't work," Duyvendak says.

"With try-out audiences it was really, really f---ed. We were desperate. And we thought maybe what we were trying to do was wrong. We were trying to bring the real world into the theatre. Maybe it's interesting to bring the theatre into the justice world."



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After all, he says, the court system is already its own kind of theatre, complete with sets and costumes and rituals. Mock trials are common, so there's already a tradition of make-believe. All Duyvendak and Bernat needed now was a fictional case to inject into that environment.

Shakespeare came up immediately. Othello was the first choice, "because in every country in Europe the people who judge are white and the people who are judged are black or Arabic". The legal workers they spoke to objected that the Moor's case was too complicated to fit into an evening, but noted that Hamlet's murder of Polonius might work. That killing had resonances with one of the real-life trials they'd already come across in their research, and so the social dimensions of an actual court case were grafted onto the familiar figures of Shakespeare's play.

The result is a hybrid case that is simultaneously a credible contemporary crime and a more timeless drama. It's not Shakespeare's Hamlet who is on trial here. And yet. Theatre types who see the work are much more likely to want the young accused set free at its conclusion. If that sounds like an intriguing prejudice, Duyvendak points out that it's the kind of in-group bias that affects the outcomes of real trials. "People have preconceived ideas because he's white, or because he's from a specific class that is your own. It's exactly the same as in real life. This is why people are judged wrongly.

"During the piece you immediately understand if the judge is in favour or against the accused. You see how haphazard everything is, and how much it depends on what people do and say and not so much

on any kind of truth. So it really depends on how people are being convinced by a few arguments, but they're arguments, not facts."

Unexamined prejudices, argumentative ability and the contents of a judge's stomach – if all of this threatens to unsteady your faith in a system that determines the fate of so many, Duyvendak is down with that. *Please Continue (Hamlet)* "shows the complexity of justice, it's not propaganda for the justice system. And indeed most people come out going 'oh my god, I don't want to have any contact with justice at all, it's f---ed up'. I really like that the people from the justice system understand this, they know that I'm going to tell all the other outcomes from all of the other trials from before the evening we're doing."

There have been 152 performances of the work around the world, and while Duyvendak doesn't want to spoil the outcomes of those other trials, he describes them off the record. I can confirm that the degree of variation in verdict and sentencing is unsettling. "Then you really understand how relative it is and indeed how relative justice is."

What surprised him most was how these variations weren't just due to individual instances of bias or random factors, but were often tied to the differing local legal systems. In northern Europe, for instance, documents and recorded evidence play a larger role in determining the case, whereas in southern climes there's a greater emphasis on the physicality of a witness in the courtroom – how their words are spoken is as important as the content of their statements. "It's a whole different way of perceiving justice and this I didn't know before we started the project."

For a long time Duyvendak and Bernat detected an inexplicable logic whereby northern countries – but also the northern parts of countries – would be more forgiving of the accused, while southern counterparts would be more harsh. "But this has been totally thrown out by Denmark, his own country for god's sake, where he was convicted very heavily."

The work's creators are excited to see what idiosyncrasies the Victorian legal system throws their way, but are already crestfallen over one loss. "I was like 'yeah, first time with wigs!' " says Duyvendak. "I was so disappointed when I found out there are no more wigs."

***Please Continue (Hamlet)* is at Fairfax Studio, Arts Centre Melbourne, October 5-9, as part of the Melbourne Festival.**
festival.melbourne

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