

## Countering Forensic Violence: Philip Scheffner's *Revision*

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Philip Scheffner's *Revision* (2012) is a film about a relatively obscure case of two killings that would have remained in the shadows if not for the efforts of the filmmaker, spurred on by the chance reporting of a tenacious journalist. Scheffner's film revisits the fatal 1992 shooting of Grigore Velcu and Eudache Calderar in a barley field on the German side of the German-Polish border. The two men were undocumented Roma migrant workers from Romania who regularly crossed the border into Germany for work. In what would be their last crossing, they were walking in a group of around twenty people in the early morning when they were shot at by three German men out on a hunting expedition. The hunters claimed that they mistook the border crossers for wild boars, and they were eventually acquitted of all charges. The victims' families were never informed of the outcome of the investigation or the legal proceedings.

The title of the film is the same in German as in English, and it is of course meant to imply reseeing or looking again at the case. But in German, the word *revision* specifically means "appeal," as in appealing a verdict, thus resonating with a secondary definition in English that denotes an alteration of an opinion or judgment, after reconsideration or in light of further evidence. All these meanings and more are at play in Scheffner's film. It performs revisions in both legally legible and legally illegible ways, in the process expiating the myriad wrongs produced by Germany's mishandling of the case. Using all the means at its disposal—involving reseeing, seeing otherwise, and, indeed, rehearing—the film expands the purview of justice well beyond the limited scope permitted by official mechanisms. In this essay, we argue that the film takes a counterforensic approach that simultaneously does and undoes the law.

Following Nicole Wolf's generative insight that *Revision* constitutes a "cinematic tribunal," our reading suggests that the film sets up a common space for testimony and evidence that does not merely attempt to compete with, supplement, or indict the official legal process, but creates its own forum for collective judgment, as well as developing its own methods and instruments for sensemaking.<sup>1</sup> These methods and instruments resignify what counterforensics may be and do beyond turning the forensic gaze on the state.<sup>2</sup> We argue that rather than merely appropriating the weapon of forensics to turn it back on its wielder, Scheffner's strategy in this film allows us to understand the *counter* of counterforensics as a force for undoing: Scheffner draws on and innovates methods and instruments of truth- and sensemaking that counter and attempt to undo the violence of traditional forensic practices and methods, subverting the form from within, and thus propagating the seeds of abolition in the very engagement with legalistic forms and methods.

### JURIDICAL DOCUMENTARIES

Documentary film is no stranger to the practice of law. With or without legal training, documentary filmmakers have frequently taken up the role of self-appointed prosecution or defense counsel, reopening cases where the justice system has faltered or failed, and in the process positioning the viewer as both judge and jury. In this, documentaries attempt to perform a better version of justice than the institutions tasked with the job. The best-known example may be Errol Morris's *The Thin Blue Line* (1988), where the process of filmically investigating a crime that put someone on death row eventually led to a reopening of the case and a reversal of the judgment. Since that

time, scholars have noted the proliferation of the "juridical documentary," whether in the form of the trial film, the police procedural, or the true-crime documentary.<sup>3</sup> These works, too numerous to name, seek to capitalize on the structural, narrative, and rhetorical similarities between these two discursive regimes, the juridical and the cinematic, often making claims of legal consequence, mirroring, amplifying, and even extending the reach of the law.

While juridical documentaries may offer a compelling case for the real-world impact of documentary, including its capacity to contribute to legal reform, in this practice documentary risks turning itself into an arm of the law, gratifying certain law-and-order impulses and buttressing a carceral system that abolitionists see as the deeper problem.<sup>4</sup> Perhaps even more insidiously, juridical documentaries extend law's operations of truth- and sense-making in mimicking these processes and procedures, performing what we may call "documentary legalism."<sup>5</sup> Such uncritical investment in modern law's capacity for achieving truth and justice risks partaking in what legal scholar Alan Norrie has diagnosed as law's "sclerosis of judgment," and thus jettisoning a more capacious set of aesthetic resources for judgment.<sup>6</sup> As commonplace as juridical documentary practice may be, much rarer are examples of documentaries that revisit a legal case (or set of cases), symbolically reopen the proceedings, yet manage to resist documentary legalism.<sup>7</sup>

While at first glance it may appear to be just another juridical documentary, Scheffner's *Revision* presents precisely such an exception. The film revisits a long-closed case of judicial injustice, to be sure, but rather than seeking to merely right the legal wrongs, it more ambitiously aims to expose the structural violence and systemic injustices that subtend and

defend anti-immigrant racism, and in so doing innovates documentary strategies to make justice a matter of common judgment and common sensing. Scheffner's careful, methodical, yet highly idiosyncratic approach serves to deconstruct and refute the state's senseless narrative, while in the process laying bare a broader critique, making sensible the ways in which Germany's ostensibly liberal legal order is made to serve systemic racism.<sup>8</sup>

### BEGINNING AGAIN

*Revision* begins with a close-up of the sunny field now growing maize, with the sound of a combine harvester approaching and then processing the crop, leaving only a stretch of light-blue summer sky in the frame. Philip Scheffner's affectless voiceover proceeds:

Nadrensee, North East Germany, June 29, 1992.  
Two farmers discover something lying in the corn. On closer inspection, they recognize two human bodies. They drive towards the village to look for help. Behind them the field is in flames.

Then the title frame appears: REVISION, in small, white, uniformly nondescript capital letters against a black background, resembling more the unassuming name of a file than that of a film. This is how Scheffner chooses to begin the film.

Then again, if the appearance of a title is meant to signal the start of a film, there are two more moments when the title REVISION recurs, looking just as it did the first time. Each appearance of the title represents a new beginning, the third appearance occurring more than two thirds into the film. Convention would have it that the title of a feature-length film appears only once and comes no more than approximately five minutes into the film, and yet this one appears thrice, at uneven intervals.<sup>9</sup> What this announces, in addition to defiantly breaking the mold, is that in this film,

the act of revision—reviewing, returning, revisiting, revising, coming back to the beginning all over again—is more than a theme; it is a method that structures this entire endeavor. And in fact, what we recount as the beginning of the film up to the first appearance of the title is immediately followed by a second beginning, this one in a different voice: As the title fades to black, we hear the voice of Colorado Velcu, the son of the deceased Grigore Velcu. “This is how I would start,” he announces. “There was a very happy family. A family of us five children and our parents. He was the only one in the family who worked.”

This is also how the film begins, perhaps more conventionally, with the evocation of a happy family. But in the process, convention is upended, indicating that the very idea of where to begin is open for review. Throughout the film we begin again and again, since for each person interviewed, the story begins elsewhere, with the filmmaker apparently posing the question to each participant: “Where and when does this story begin for you?” Each interlocutor's starting point initiates a different telling: A family member of one of the deceased begins the account with the last time they saw their father; a wife remembers the years of toil and happiness together before her husband's death; whereas for the coroner the story begins with the autopsies, and the German prosecutor thinks the story begins with the finding of the bodies. This assembly of beginnings is one key method of revision intended by the film's title. Indeed, as Edward Said reminds us, “beginning is basically an activity which ultimately implies return and repetition rather than simple linear accomplishment.”<sup>10</sup> A story's beginning is always also, in certain tellings, a middle and an end. And where it begins always constitutes a critical assertion of the vested interests of the teller.

Gradually, if fitfully, a relatively clear picture of the incident emerges in this amalgamation of multiple and at times competing beginnings. Despite, or perhaps due to, the recursive structure, the viewer is actively recruited to piece the fragments together into some semblance of a story that the German authorities failed to recognize, let alone tell: The border crossers were walking into Germany through a vast field of barley in the town of Nadrensee in the early hours of that fateful morning, when they were shot at by hunters from a vehicle on the road at the end of the field. The shooters were two guest hunters from out of town led by the local hunter Heinz Katzor, a former policeman who not only knew that people crossed the border there at night, but had taken it upon himself to report the illegalized crossings to the authorities, making several such reports before the incident. Upon being shot at, the border crossers sprang up with their hands in the air, shouting, "Don't shoot!" The hunters drove off. The border crossers fled to avoid capture by police, leaving two injured men behind. About an hour later, the vehicles that picked up the fleeing men were stopped at a traffic checkpoint, and the remaining migrants were arrested. The men immediately informed the police of the shootings and of their injured comrades left behind in the field. At some point, in the several hours between the time of the shooting and when help arrived, the field was set on fire. Paramedics and firemen were alerted to the emergency only when the two local farmers reported finding two bodies in a burning field. The firemen testify in the film that by the time they arrived, one of the men was already dead, but the other was still gasping for breath and died soon after. According to the coroner, the latter must have survived for several hours after being shot.

How or when the fire started was never investigated. The field was never cordoned off. There was no crime-scene investigation. The following day the field was ploughed, thus destroying all remaining evidence. Four days after the bodies were found, and only once the crime scene had been rendered mute, two police officers arrived from the main district. The investigation on the case was prolonged for several years on the pretext of collecting experts' reports. The case was about to be shelved in 1995, when a TV journalist broke the story. In 1996, a trial began with two of the hunters charged with involuntary manslaughter. The families of the deceased and their fellow travelers were not even informed of the fact of the trial, let alone asked to provide testimony.

We learn from the film that the evidence presented on the first day of hearings was patchy and inconclusive: Testimonies of key witnesses, such as the border crossers present for the incident and the firemen and paramedics who first attended the scene, were not gathered, the court did not conduct a crime-scene investigation, and so on. On a point of material technicality concerning the makeup of the bullet parts seized during the autopsies, a detail somehow not resolved in the four years the experts sat on the case, the court ordered a recess so that a further expert's report could be produced. It took another three years for the proceedings to resume. The second day of trial took place in 1999, with the further report that could not establish a connection between the bullet parts and the hunters' weapons. The hunters were therefore acquitted. The prosecutor's attempt to appeal the judgment was dismissed in 2002. Case closed.

In reopening the case, *Revision* does so in a way that resists the imperative to "provide closure," an imperative that drives legal processes as a matter of

course, also often uncritically taken up by cultural productions and practices, including documentaries, that set out to “do justice” where the system has failed. The film’s rejection of any attempts at closure is explicit: What it offers is not a story, an authoritative account that sets out to settle the matter. Instead it offers a space of inquiry that sustains the many openings that the various voices introduce in proposing their own starting point to the story. This juxtaposition of competing beginnings suggests more than a parallax view where each participant has their own perspective. It effects a critical appraisal of how, as Said says, “beginnings relate generally and specifically to different continuities, and how, paradoxically, an interest in beginnings is often the corollary result of not believing that any beginning can be located.”<sup>11</sup> Scheffner’s interest in beginnings does ultimately indicate a belief that beginnings can be located, but not in the singular. In assembling his interlocutors’ beginnings, Scheffner entertains and exposes the investments of varied starting points. Each assertion of a beginning suggests a different purview; some beginnings expand the field of consideration to include affective back history, family and financial relations, racialization, and political forces in play, while others limit it to the bare minimum of material evidence, which in this case turns out to be the least dependable element of all.

Scheffner thus effectively redistributes the authority of authorship among his interlocutors, rather than opting for the violence of narrowing all possible beginnings to a single one of his own choosing. While Said’s interest was in beginnings related to intellectual endeavors in literature, philosophy, and the sciences, his insight that a beginning contains its own intention and not only creates but also constitutes “its own method” is helpful for

grasping the overall effect of the assemblage of beginnings in *Revision*.<sup>12</sup> It effects a certain leveling of the testimonial field, which is a key element of the cinematic tribunal constituted by this film. And while it lays open questions of narrative and narration, this technique of collecting beginnings does not have the consequence of obfuscating its subject through creating a wilderness of perspectives. To the contrary, it creates the possibility of a telling, of tellings, that had been ruthlessly foreclosed, bringing the case into a narrative sphere it had been previously denied.

The technique further indicates that a broader history needs to be accounted for in order to situate this case in its wider context, a history that every telling in the film points to obliquely, but few identify explicitly. The film’s particular mode of revisioning, returning repeatedly to the site as well as to the story and its mode of telling, has the effect of drawing a number of wider concentric circles around the event. As these widening circles begin to thread together, they form an entangled net that indicates the weblike social and political sinews that ensured that the killings would be no matter, certainly from a legal standpoint. Anti-immigrant racism and the fact that these murders occurred at the border press upon the telling, as do the neo-Nazi attacks on immigrants and refugee centers that had intensified around the time of the incident. These are only partially spoken elements that provide the backstory for the incident and its inability to matter publicly or legally within Germany. Scheffner’s technique of endlessly beginning anew has the effect of exposing the mechanisms of illegibility that begin and end with the dehumanization of those deemed unwelcome. It insists on finding a way in, multiple ways in, to making sense of what happened.

It also reveals that the injustice of

the law lies in its disinterest in telling an adequate story: Two hunters admit to shooting at a group of people, killing two, but the legal process completely loses the plot as it gets derailed in the detail of the material makeup of a bullet. The truncated versions of the story that we hear told by the men of law indicate a kind of insufficiency that allows the affectless noncomprehension and even the dehumanization that occurred to take place: “For me, the story begins with the discovery of the bodies and ends with the legally binding verdict,” says the prosecutor, tellingly ending the story in the same breath as he begins it, a definitive act performed unprompted and with firm, if unconvincing, certainty. In these tellings, the ones that end almost before they begin, the official legal process emerges as a machinery of abandonment that is seemingly fueled by a commitment to noncomprehension, not only of the incident itself but of the lives of Velcu and Calderar *qua* lives, and their deaths *qua* deaths. The judicial process is, in effect, merely bureaucratic, in the manner described by Hannah Arendt: “the rule of an intricate system of bureaus in which no men, neither one nor the best, neither the few nor the many, can be held responsible, and which could be properly called rule by Nobody,” with “no one left who could even be asked to answer for what is being done.”<sup>13</sup>

*Revision* rejects this bureaucratic unaccountability and engages a process by which those who are left are asked to answer, albeit two decades after the event and a decade after the case was declared closed. And while some who are asked in their official capacity attempt to reenact the mechanical noncomprehension of the official process, others do rise to the occasion to attempt a more adequate answer. The head of special services on public safety at the district office, for example, answers:

There were border crossings every night. Back then, I was also in charge of the immigration office. Some hunters learned of this refugee situation and therefore decided, “I can’t reconcile it with my security or hunt behavior. I no longer hunt in this situation.”

This response clearly indicates that the border crossings were known to hunters in the area and certainly to the hunters in question. It reveals how unlikely it was that this shooting was in any way accidental, just as it points to the available ethical stance taken by some hunters from the region, to refrain from hunting in that area precisely to avoid potentially shooting at human beings. Notwithstanding the cruelty of hunting nonhuman animals, the unconcern of the law in this instance shows its collusion with the racist logic that equates migrants with animals, revealing the cruel force of organized abandonment, aiding not the course of justice but its blind noncomprehension.<sup>14</sup>

#### APPROPRIATING AND EXPROPRIATING THE LAW

The film’s appropriative relationship to the law is signaled formally from the very beginning through a certain mimicry of forensic aesthetics: the [place] [date] [event] format with which the initial voiceover begins; the [name] [official title/position] [date of interview] format in which each interviewee’s testimony is presented, as if following official protocols for archiving evidence. But *Revision* is at its most explicitly forensic in a scene where Scheffner conducts an on-site investigation with an astronomer in the field where the shootings occurred. This scene comes approximately midway through the film, after we have already spent a long time, over the course of the film, looking at the field.

In fact, the field comes across as a key interlocutor, repeatedly revisited in long-held shots. There is, in part, the invocation of the classic trope of the landscape as silent witness that cannot testify. It tells, and can tell, no story. It seems to have erased without a trace the event that happened twenty years ago. Then again, we know that the field itself did not swallow the evidence of its own accord. It was actively rendered mute, first by fire, then by plough. Had it been left untouched and investigated properly, it could have been quite articulate in the matter at hand. It could have yielded a tremendous amount of information, had the evidence not been so thoroughly scorched and churned out of existence. The environment has been made to produce a brutal dumbness, thus turned into an accomplice to the crime rather than its witness. In the extended shots of this field, thriving in its illegibility, the viewer has to reckon with what once was a crime scene but is now only a callous agribusiness landscape, neither expressive nor particularly appealing. Until, that is, the film pieces together different bits of information, and the site begins to be made to speak again, becoming what Susan Schuppli has termed a “material witness.”<sup>15</sup>

The investigation that the filmmaker conducts with the astronomer aims to determine the level of visibility at the exact time of the incident to ascertain the credibility of the hunters’ claim that they mistook humans for wild boars. The astronomer calculates the time of the day, nineteen years later, for the exact same level of visibility as at the precise moment of the incident, while the filmmaker calibrates the camera to register the light as it would have been visible to the human eye at that very instant. The field thus testifies in the film that it was light enough for the shooters to have identified that they

were shooting at a group of humans and not a herd of wild animals. We are further reminded of what the farmers said—at the time, it was not maize but winter barley that was in the field, which is shorter and sparser. The testimony of the field is elicited through explicitly forensic methods. The field is persuaded to cease its decades-long complicity with the official apparatus of illegibility. Thus the environment, in this capacious film’s purview, is allowed the space to be seen and to see again (re-vision), testifying most explicitly to the blind spots in the legal procedure. If this maneuver can be seen as a type of appropriation of forensic authority which properly belongs to the law, in its forensic methods the film also performs what we are calling an expropriation, a making common, of the law. Permit us to elaborate.

*Revision* could not correct the failings of the criminal legal process, nor did it necessarily set out to do so, but it did secure monetary compensation for the victims’ families. This is not a detail included in the film, though the issue of compensation is hinted at in a moment when the filmmaker becomes audibly agitated while speaking to an interlocutor. After we’ve heard the prosecutor explain that the families had never been informed about the legal proceedings because “honestly, they don’t play any role in this trial,” the film cuts back to the interview with hunter Katzor’s lawyer. Scheffner asks the lawyer whether his client ever contacted the families. The answer is no. The only thing they did at the time, the lawyer explains, was to notify Katzor’s insurance company *in case* the families made a claim for “damage and maintenance”; the lawyer then adds, “We had no reason to contact the people.” The hunter was covered, and the insurance would have paid compensation to the families who had lost their breadwinners, but

the families were never informed of this possibility, let alone informed of how and by whom their loved ones were killed. In the brief moment of silence it takes for the filmmaker to digest this information, the lawyer intervenes, seemingly in an attempt to disavow the enormity of their ethical failing in neglecting to reach out to the families:

WEHAGE: That's how our legal system works. It can only fulfill demands when someone files a claim. That is, seen from a legal perspective. It's possibly difficult for you to relate to—

SCHEFFNER: It is difficult to relate to. Legally or not.

That the filmmaker then involved a lawyer who was eventually successful in obtaining compensation for both families is a point excluded from the film, and for the better. But notably, as explained by the filmmaker and the producer in an interview, the claim for compensation was what allowed the filmmakers into the casefile archives, which they could never have accessed otherwise.<sup>16</sup> In this, the film's relationship to the law can be understood as *expropriative* more than supplementary or merely appropriative: It leverages the law of tort and damages to gain entry into the otherwise inaccessible files of the criminal investigation, looting the legal archive and commoning it for the purposes of a filmic counterinvestigation.

Thus, there is more to *Revision* than what is currently practiced under the banner of counterforensics and what often suffices for appropriating the legally legible techniques of truth production, which doesn't necessarily entail countering the edifice of legal legibility itself. *Revision* challenges this edifice by revealing the ways in which it operates to exclude certain lives and losses from the sphere of legibility. In other words, the film may be parasitic on the law, but it takes care not to turn into the beast itself.

It is in this vein that we may explore the particularities of the cinematic tribunal that the film creates. Here, legal and media scholar Cornelia Vismann's distinction between a courtroom trial and a tribunal as two entirely different genres may be worth revisiting. Vismann writes that, in the courtroom trial, truth "is a matter of form that is beholden to legal procedure . . . a semantic game with little relevance outside the criminal justice system; ultimately it proves nothing."<sup>17</sup> Operating in its hermetically sealed procedural form, the legal system has a propensity to deny its own mediality, to forget the fact that it too mediates by positing "the frame within which a speechless and unrepresentable act is captured in words and in which the immeasurable suffering of the victims is converted into money."<sup>18</sup> The failure of the official legal process concerning the deaths of Velcu and Calderar, as represented in *Revision*, can be read precisely as a failure of the court to avow its own medial function. Instead of striving toward an adequate capture of the incident, the criminal justice process opts to derail its sensemaking capacity in a habitual practice of evidential detailism.<sup>19</sup> It makes no sense and it says nothing.

The genre of the tribunal, on the other hand, can encompass a wide range of proceedings, including parliamentary hearings, public inquiries, truth and reconciliation commissions, people's tribunals, and so on. In contrast to the "orderly and hermetic world of the court," Vismann argues, tribunals break the closed circuit of legal procedure both by borrowing techniques and strategies from other fields and disciplines, and more importantly, by playing to an audience which "becomes part of the tribunal."<sup>20</sup> Vismann's appraisal of the tribunal as a genre is somewhat slanted by the specific example she discusses (the televised political spectacle of the Army-McCarthy

hearings at the US Senate), so that her account takes on moralistic hues with regard to the impurity of the tribunal genre and its destabilization of the distinction between inside and outside, “the very distinction that is most essential to judicial performance.”<sup>21</sup> Yet her insight that the tribunal as a genre always avows its medial function, precisely because its primary aim is to make common the space of judgment, is very generative for understanding what *Revision* achieves in reopening this case. Where the legal process fails to mediate, *Revision* turns itself into a cine-tribunal, expropriating legal archives and techniques to create a common space of hearing, one that is keenly attentive to its own medial role and mediating techniques.

#### REHEARING

Chief among those mediating techniques is the way in which the film solicits and holds testimonies. As many documentary film scholars have attested, testimony and the act of witnessing is often as central to the task of documentary as it is to the courtroom, and in this Scheffner’s project is no different. But he introduces a formal innovation that is less a *revision* than a *rehearing*. The filmmaker plays back the audio of each person’s interview, soon after it has been recorded. We watch the interviewees listen keenly to their own voices as if listening to another’s, doubling not only the interview process but the interviewee themselves. They are given the option to stop the narration, amend, or comment further.<sup>22</sup> Some are satisfied with what they have just said, others tellingly less so. “I can’t even express myself properly,” says Amelica Velcu, widow of Grigore, after listening to herself speak of their life together, “It was lovely. He loved me and I loved him. I never wanted to talk about it, certainly not in a film. I never wanted to talk about it.” In rehearing her

own words, she expresses her frustration with what she perceives as her own inadequacy with words, perhaps as someone not equipped with the education or elocution to speak with the necessary mastery. But this scene of rehearing also captures the inadequacy of words themselves and the injustice of having to speak them, having to speak of happiness with a loved one in the past tense, having to wrestle with the impossible task of putting that loss into words, and having to do so for an audience—“I never wanted to talk about it, certainly not in a film.”

Thus, early on, we are warned that for all the promise that these techniques of revision hold for capturing the event in its full weight and significance, the stakes for its participants are unequal; and despite the uniquely powerful space of testimony that these filmic techniques create, they can only go so far in leveling the field.<sup>23</sup> What this rehearing technique achieves is the amplification of the multiply reverberant space of testimony, allowing the profusion of resonances to register in all their complexity. Rather than reducing statements to their strictly instrumental purpose as in a legal process, Scheffner’s counterforensic approach equips the audiovisual frame with the instruments to address the conditions of its making: The frame is made to contain the critique of its framing. For instance, Amelica’s audit and reconsideration of her own words opens up a vast cultural space to consider the effects of gender, class, race, education, entitlement, and so much more in the operations of testimony.

Scheffner’s work here joins with a venerable handful of filmmakers from around the world who attempt to wrest the talking head from its forthright fixity, reinventing the act of testimony as something more than a coerced engagement imbued with hierarchical interpellations (the one chance to speak truth to power in a one-way articulation), and thus making

the testifier something more than a static specimen, a butterfly—albeit a loquacious one—pinned by its wings. In fact, it is those filmmakers most concerned with staging an alternative form or mode of justice—again, Errol Morris, but also Claude Lanzmann, Susana de Sousa Dias, Byun Young-joo, and others—who have most actively sought creative alternatives to the stiff forthrightness of the traditional interview.

For example, in her arresting film *48* (2009), about the forty-eight years of the Salazar dictatorship in Portugal, Susana de Sousa Dias eschews the visual element of the interview, edging close to the auditory prominence given in *Revision*. While we look at near-static mug shots of those detained during the fascist regime, we hear the person's recollection in an audio recording that lives, breathes, sighs, and stutters, the emotive affect of the voice gaining priority over the "information" promised by testimonials, and in the process yielding far more information about the lived experience of state violence than any direct account could provide. De Sousa Dias prompts us to hear beyond the words of the interviews and in effect to "listen haptically," to use Irina Leimbacher's evocative phrase. The emphasis is not just on the auditory per se, but on hearing or "listening otherwise."<sup>24</sup> Yet even the simple reversal of cinematic priority, from seeing to hearing, is noteworthy. One effect of this powerful inversion from the visual to the auditory is to contrast the mute stillness of the body under fascism, as seen in the prison mug shots, with the animated irrepressibility of the human voice. It speaks as if the repressed can return to full life, not as some sort of revenant or shadow self, but with the full humanity of timbre in all of its registers, linguistic and extralinguistic. It is a film that, like *Revision*, gives a full "hearing" to the words. In de

Sousa Dias's film, justice is done not by addressing the state crimes directly, but by bringing incontrovertible evidence that it is possible to have outlived them. This was not an option for Scheffner, whose direct victims lived neither to tell the tale nor to express its effects. But Scheffner does wish to address the crime directly, and he wishes to do so not simply to tell of this one incident but to hold a mirror to all of Europe, and to hold that mirror collectively, in tandem with those most affected by these studied blind/deaf spots. European racism and xenophobia is on trial in this film, which uses this one, but not sole, example of the machinations at play at the level of the state and the justice system in Germany to expose precisely the ways this violently exclusionary system is permitted—indeed designed—to operate with impunity.

In *Revision* the opportunity offered to interlocutors to rehear their testimony has the effect of what we might call a commoning of testimony. Snatching the words away from their speaker and running off with them is something at which both legal experts and documentary practitioners excel, ostensibly as a means to obtain the truth. *Revision* displays a distinctly nonextractivist concern for the humans it engages in the telling. Rather than stealing the testimonies from their mouths in the service of a higher truth, the film opts for the explicitly contrary technique of offering the utterances back to their utterers for an opportunity to revise, to confirm, to rehear, and, in the case of those in positions of authority, to own up. As such, the space of hearing—and importantly, rehearing—created in the film goes some way to expose, if not entirely mitigate, the power relations in which an act of testifying is steeped. The film makes a clear and conscious attempt to refrain from repeating or reiterating the violent

operations of official forensic processes. Further, the men of law are interviewed in the same way, as witnesses who are allowed to revise their testimony, thus stripping them of their unique authority to determine how the case will be framed and told. In this film, their words hold no more weight than the others', and all words are offered now in the service of a common project that attempts an adequate judgment of the injustice of these deaths.

The collaborative commoning of testimony is also a gesture toward, if not eradicating, at least alleviating the power imbalances between filmmaker and subject, a process also at the heart of the work of many politically conscientious filmmakers, notably Trinh T. Minh-ha, who developed the by now well-known method of "speaking nearby," rather than speaking for, her subjects.<sup>25</sup> One key moment in this regard comes early on in *Revision*, in the interview with the family of Calderar. Maria Calderar, Eudache's widow, indicates that she too has questions, if the filmmaker is finished asking his. Her son intervenes with a little laugh: "He only just started." But soon the camera is turned on the filmmaker and his translator in what is their only in-frame appearance in the film. First the widow and then her children fire questions at the filmmaker, who listens, nods, and says OK, just before we cut to the second appearance of the title of the film—REVISION—indicating that Scheffner has taken instructions, that he too will attempt to answer questions in this film, not just his interlocutors.

This kind of attempt to realign the dynamics of the talking head and testimony may be rare in documentary, but is certainly not unheard of. Imperfect as the attempts may be, the need to question testimony and reinvent the methods by which it is achieved persists. In addition

to the reflexive techniques developed by ethnographic filmmakers such as David and Judith MacDougall, there have been even more convincing shared authorial relations, such as those developed by Korean filmmaker Byun Young-joo in her *Murmuring* trilogy about "comfort women," where the protagonists who begin as subjects in the first film transform into collaborators by the third film, notably taking over directorial control of the camera at points and conducting peer-to-peer interviews; these interviews have a decidedly different texture of knowing than even the sympathetic filmmaker-filmed relations can admit, in the process transforming historical victims into active agents of history and historiography.<sup>26</sup> In such cases, the filmmakers generally operate outside of any legalistic considerations, instead attempting to correct the record of history. Some films, such as de Sousa Dias's discussed above, succeed in altering the presentation of words and how they are heard; others, such as Byun's, address the imbalances of power that the eliciting of those words creates. Scheffner's film attempts to do both, employing both rehearing and reseeing as a method of defamiliarization and deauthorization that presents anew not just the facts but how they may be perceived and received.

#### CONCLUSION, OR REVISION AS FORESTORY

*Revision* exposes the inadequacies both of the law and of traditional documentary storytelling—particularly in its legalistic modes—with their narrow linearity, drive toward closure, and extractive techniques. Where the two forms frequently work in tandem—depending on some quite similar expository elements and achieving often quite similar effects, though in different courts: the first of law,

the second of public opinion—Scheffner performs a kind of dissection, turning these highly codified formal processes, legal and filmic, inside out to reveal their inner workings, their hidden logics. The film ultimately achieves a much more complexly layered story, one that authorities would have preferred never to have been told. We learn that we need all of our senses, not just vision, to “see” better, and we are made to “listen otherwise,” as it is not just in the retelling but in the rehearing that the necessary nuances of a story can emerge. This may make for awkward viewing, but it is precisely in the rupture of the smooth telling, in the stutters and the repetitions, where the erasures are brought back into view. Expressions of understanding verbalized in language tend to revert to the visual—even the title of the film does so—but it is in the embrace of multisensory (re)perception, in this case mainly also of audition, that this film enables its sensorial cognition, a deeper recognition of the dehumanizing operations of abandonment and the systems that maintain it. With its focus on process and its attention to the overlooked, unseen, reheard, *Revision* engages methods of expropriative counterforensics to render legible the elisions and ellipses the legal system

is engineered to occlude. In staging a cine-tribunal, the film makes common the legal archive, witness testimony, as well as the space of judgment.

At the same time, the film serves as a forestory of what is to come, as the intervening years have only brought a brutal reinforcement of the border regime, with its violence inconceivably intensified and unleashed on an ever-growing population of illegalized migrants. In the years since the film was made, the already cruel border-enforcement techniques have been fatally fine-tuned across Europe; the weaponization of “natural” elements (fire, water) and the complicity of the environment (land, sea) has been optimized; the bureaucratic-administrative schemes of illegibility that ensure that certain lives cannot and will not matter have only been fortified. Looking and listening both backward to an untended, nay, abandoned past event, and ahead to forecast even crueler control mechanisms yet to come, *Revision* reminds us of documentary’s capacity (perhaps too rarely engaged) to see and hear beyond what the state and its entrenched institutional racism would want us to perceive, and even to begin to foresee potential future injustices that system may yet produce.

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## Endnotes

- 1 Nicole Wolf, "Resonance," available at <https://www.filmgalerie451.de/en/films/revision>, under "Additional Texts."
- 2 The neologism *counterforensics* was first coined and used by Allan Sekula in a 1993 essay to refer to the work of forensic anthropologists working on illuminating the fate of the victims of enforced disappearances in various postauthoritarian contexts. Allan Sekula, "Photography and the Limits of National Identity," *Culturefront* 2, no. 3 (Fall 1993): 54–55. Thomas Keenan salvaged the term to describe the adoption of forensic techniques by researchers and cultural producers more generally as part of political struggles against state violence and corporate crimes. Thomas Keenan, "Counter-forensics and Photography," *Grey Room*, no. 55 (Spring 2014): 58–77. The term in this particular sense (it is also widely used to refer to techniques for evading the forensic gaze of the state) has been given substance most prominently by the research agency Forensic Architecture, to describe their practice of conducting multidisciplinary investigations and producing legally legible evidence in cases concerning human rights violations.
- 3 We borrow the term *juridical documentary* from Kristen Fuhs, "The Legal Trial and/in Documentary Film," *Cultural Studies* 28, nos. 5–6 (2014): 783. For more on documentary's relationship to the true-crime genre, see Pooja Rangan and Brett Story, "Four Propositions on True Crime and Abolition," *World Records Journal* 5 (2021), <https://worldrecordsjournal.org/four-propositions-on-true-crime-and-abolition/>; and Sean Maher and Susan Cake, "Innovation in True Crime: Generic Transformation in Documentary Series," *Studies in Australasian Cinema* 17, nos. 1–2 (2023): 95–109.
- 4 Rangan and Story, "Four Propositions."
- 5 Here we follow Judith Shklar's definition of "legalism" as a liberal ideology that, in championing the primacy of the rule of law and the ideal of the autonomy of law, is oblivious to the ways in which law is shaped by and shapes social and political life. Judith N. Shklar, *Legalism: Law, Morals and Political Trials* (Harvard University Press, 1964).
- 6 Alan Norrie, *Law and the Beautiful Soul* (Glasshouse, 2005), 53–73.
- 7 This is not to say that such documentaries are nonexistent, though the examples by no means follow any uniform structure or approach. Documentaries that reopen a legal case or address the legal and/or carceral system but expand the aesthetic and rhetorical resources and thus resist becoming merely an extension of the law, might include *The Law in These Parts* (Ra'anana Alexandrowicz, 2011); *Capturing the Friedmans* (Andrew Jarecki, 2003); *Dreams of a Life* (Carol Morley, 2011); and *The Prison in Twelve Landscapes* (Brett Story, 2016), among others.
- 8 Philip Scheffner's two prior films, *The Halfmoon Files: A Ghost Story* (2007) and *The Day of the Sparrow* (2010), already give attentive viewers an inclination of this filmmaker's penchant for tracing the outlines of a faintly perceived event in order to explore the contours of systemic injustices. Both films may also alert us to his extraordinary attention to, and his ingenious use of, sound in his films. For more on *The Halfmoon Files: A Ghost Story* see Nicole Wolf, "To Be Haunted: *The Halfmoon Files*," in *Catalogue for the 37th International Forum of New Cinema, Berlin Film Festival* (Berlinale, 2006); Avery Gordon, "'I'm already in a sort of tomb': A Reply to Philip Scheffner's *The Halfmoon Files*," *South Atlantic Quarterly* 110, no. 1 (2011): 121–54; Olivia Landry, "Searching for a Storyteller, Remediating the Archive: Philip Scheffner's *Halfmoon Files*," *New German Critique* 46, no. 3 (2019): 103–24; and Nida Ghouse, "The Making of *The Making of . . .*," *World Records Journal* 8 (2023), <https://worldrecordsjournal.org/the-making-of-the-making-of>. For more on *The Day of the Sparrow* see Alisa Lebow, "The Unwar Film," in *A Companion to Contemporary Documentary Film*, ed. Alisa Lebow and Alexandra Juhasz (Wiley-Blackwell, 2015). To learn more about Scheffner's work, visit his production company's website: <https://pong-berlin.de/en>.
- 9 The first two instances of the title's appearance occur within the first sixteen minutes, the last close to the end, at ninety-one minutes in.
- 10 Edward W. Said, *Beginnings: Intention and Method* (Granta, 1997), xxiii.

- 11 Said, *Beginnings*, 5.
- 12 As Said notes in his reflections on beginnings, "In choosing a beginning [one] confers upon it a certain status based on its ability to intend the whole of what follows from it" (50).
- 13 Hannah Arendt, *On Violence* (Harvest/HBJ, 1970), 38–39.
- 14 We borrow the term *organized abandonment* from Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (University of California Press, 2007), 178. It is a term she returns to time and again. In rewatching *Revision*, it is difficult to resist the bleak recognition that we may be witnessing an early factual counterpart to the fictional nightmarish imaginary presented to us in the Brazilian blockbuster *Bacurau* (Kleber Mendonça Filho and Juliano Dornelles, 2019): a human safari, where hunters hunt those whose lives do not matter except as fair game.
- 15 Susan Schuppli, *Material Witness: Media, Forensics, Evidence* (MIT Press, 2020). Schuppli resignifies the notion of "material witness" away from its American criminal legal sense—of a human person whose testimony constitutes evidence of high significance for a particular case—to instead discuss the myriad ways in which *matter* can testify.
- 16 Merle Kröger et al., "Dokumentarische Praxis als Radikale Strukturbefragung," in *Grenzfälle: dokumentarische Praxis zwischen Film und Literatur bei Merle Kröger und Philip Scheffner*, ed. Nicole Wolf (Vorwerk 8, 2021), 278.
- 17 Cornelia Vismann, "Tele-Tribunals: Anatomy of a Medium," trans. Sara Ogger, *Grey Room*, no. 10 (Winter 2003): 12.
- 18 Vismann, "Tele-Tribunals," 15.
- 19 See Piyel Haldar, "Law and the Evidential Image," *Law, Culture and Humanities* 4, no. 2 (June 2008): 139–55.
- 20 Vismann, "Tele-Tribunals," 9.
- 21 Vismann, 9.
- 22 Philip Scheffner, "Statement of the Director," available at <https://www.filmgalerie451.de/en/films/revision>, under "Additional Texts."
- 23 For a more thoroughgoing discussion of the limits of what Pooja Rangan calls the "humanitarian impulse" driving these techniques, see Rangan's book *Immediations: The Humanitarian Impulse in Documentary* (Duke University Press, 2017).
- 24 Irina Leimbacher, "Hearing Voice(s): Experiments with Documentary Listening," *Discourse* 39, no. 1 (Fall 2017): 292–318. Leimbacher borrows the phrase "listening otherwise" from Lisbeth Lipari. For a more recent exploration into the "listening otherwise" that some documentaries afford, see Pooja Rangan, *The Documentary Audit: Listening and the Limits of Accountability* (Columbia University Press, 2025).
- 25 Nancy N. Chen, "'Speaking Nearby': A Conversation with Trinh T. Minh-ha," *Visual Anthropology Review* 8, no. 1 (Spring 1992): 82–91.
- 26 The films comprising Byun Young-joo's trilogy are *The Murmuring* (1995), *Habitual Sadness* (1997), and *My Own Breathing* (1999). For more on these films and the methodology of the filmmaker, see Hye Jean Chung, "Reclamation of Voice: The Joint Authorship of Testimony in the *Murmuring* Trilogy," in *Documentary Testimonies: Global Archives of Suffering*, ed. Bhaskar Sarkar and Janet Walker (Routledge; AFI, 2010). Although recent criticism has taken issue with especially participatory documentary techniques (see in particular Rangan's *Immediations*), it is still nonetheless important to consider some of the more radical attempts by filmmakers to undermine these embedded power relations, efforts not motivated by liberal humanitarianism but guided by a commitment to solidarity in the process of reimagining justice.