

Essay Essentials Forensic Expertise. About the Ideal of an NFI - Handbook on Forensic Expertise



“Alfa-Bèta-Circle”, Ills. Hans Jakobs, 2020

Introduction

This essay [1] is an unorthodox attempt to write a *handbook on forensic expertise* [2]. My intention is to bring about a real improvement of understanding for all criminal justice professionals, the “users of forensic expertise” in criminal procedure; in my opinion a timeless and very useful ideal.

In the light of my recent attendance at trials of 24 Dutch criminal cases it has become clear to me that, in almost every criminal case, a greater understanding and clearer explanation is desirable of natural sciences as practiced in technical laboratory research and executed on traces within the Netherlands Forensic Institute (NFI) in the truth-finding process in criminal law. The name for this kind of research into traces as part of the criminal process is Criminalistics.

Criminalistics is the natural scientific aspect of the forensic sciences. It focuses

on natural scientific research on evidence on behalf of truth-finding in criminal law. And It is directed towards the significance of the results of such research for that truth-finding. [3]

The explanation of an expert in court (art. 339, paragraph 1, sub 4), and the expert's report, the written documents (art. 339, paragraph 1, sub 5) are the two different kinds of legal evidence, regarding the expert. Limited to these and combined with the judge's own observations, the declarations of the suspect, and the declarations of a witness (art.339, paragraph 1, sub 1, 2, and 3), these five constitute the - limited - means of legal evidence as recognized in the Dutch Code of Criminal Procedure.

Even though forensic research is also carried out by other authorities, such as the Police, (semi) private institutes, - laboratories, - individuals and Universities, I have decided to take the NFI as my starting-point, for two reasons:

1. In 2020 the lion's share of the forensic research concerning traces in connection with criminal offences in the Netherlands is still executed - on a high scientific level - by the NFI.

This research is commissioned by the Public Prosecution Office at the stage of investigation and prosecution, at the request of the examining magistrate / inquiry judge, the judge and, in some cases, also at the request of the defence.



2. In 1995 I had the privilege of being allowed to initiate and draw up a book of reference [4] about forensic expertise as practiced then by the predecessors of the NFI, called '*The Forensic Laboratories*'. I distinguished at the time 31 areas of expertise, and in close cooperation with 31 experts a powerful source of

knowledge was created at the service of the sitting and standing magistracy, and recommended as literature for the Police Academy.

After 25 years, in my view, it is now the right time to redefine the current conditions for a better understanding of the forensic kinds of expertise in the shape of:

[A Blueprint, describing the essentials of background-knowledge, theory, practice and science, for each field of expertise.](#)

In order to illustrate the importance of a systematic composition of a reference book and a textbook about forensic expertise, I have arranged the arguments into four groups.

- A. Why? Finding reasons,
- B. What? Table of contents, strengthening the beta-sciences and techniques,
- C. How? Method, describing essentials in the connecting [Blueprint](#),
- D. What for? Improving the understanding of the target audiences and thus enlighten the criminal procedure.

A. Why? Finding reasons.

Signals from the Dutch criminal trials 2014-2019

From the end of 2014 to 2020 Ir. Huub Hardy [5] and myself were present at 24 heavy criminal cases in Dutch courts and tribunals [6] [[Appendix 1 Dutch Criminal Cases](#)]. We made an inventory, a close analysis and minutes of the cases. These criminal cases were selected on the basis of the role of the experts in the proceeding. In such trials, more often than not, the judicial experts were physically present and made declarations in court.

[My focus in these cases was on the communication, i.e. the dialogues between experts and lawyers, as I heard them in court and saw them with my own eyes. I made notes from which lawyers' needs in practice were found and from which lawyers' wishes could be distilled.](#)

In 9 of the 24 criminal trials (almost 38 %) judges, public prosecutors and barristers asked clearer literal explanations from the experts, specifically linguistic, such as: 'no jargon please', 'clearer terminology', 'layman language please', 'what is the meaning of', 'report is hard to read', 'what precisely do you mean', 'closer explanation please'.

In 17 of the 24 criminal trials (almost 71 %) experts turned up in court. Judges, public prosecutors and barristers asked them intensively, not only about their use of language, but also, at length, about the significance of working methods and skills, and about the professional background and experience of the expert.

The lawyers, usually alpha-trained, put many probing questions to the forensic experts (who had usually been trained in beta science or in technique) such as:

- * what is the background-science of this expertise?
- * how do the various methods of expertise / research operate?
- * how do the underlying instruments and apparatus function in this expertise?
- * can you explain the difference in research on the source-level [7] and on the activity-level [8] ?
- * what is the meaning of contamination [9] and secondary transfer [10] ?
- * what is the background-science of this expertise ?
- * explanation new - recently developed- forensic techniques?
- * explanation of Bayes Theorem [11] with the use of hypotheses, formulated in the conclusions of the forensic reports,
- * what is the training, the experience, the background and the CV of the expert?

What it all comes down to, is that I personally observed a clear need of a more intensive insight into the practice and the theory of forensic expertise within the courtrooms.

From this we may conclude that the classical "alfa-beta-gap" needs a better bridging and that this fascinating paradox - in 2020 - deserves closer attention than it is getting at the moment.

Since 2010 I have been developing a so-called Blueprint, which is intended to raise to a higher level the understanding between alpha and beta. This Blueprint will offer a chronological, systematic survey of the basic ideas that underpin each field of expertise.

This uniform will describe the essential characteristics of the expertise. Its contents is to be formulated in close cooperation with the forensic experts.

In this way, a structured explanation of matters which are often hard to understand, will be offered to the lawyer in criminal procedure; of forensic expertise, being a piece of evidence.

Truth-finding can be lifted to a higher level [12] if forensic expertise will be

understood more closely and more critically. Improving the understanding of the forensic sciences and their applied forensic expertises on the lawyer's side, will establish a positive impact on three crucial parts of the criminal trial:

1. The communication, the dialogue between lawyers and experts,
2. The interpretation of the forensic expertise by the lawyer,
3. The truth-finding.

Signals of the ministerial improvement process regarding the future of the NFI, anno 2019

In his vision of forensic research the Minister of Justice and Security [13] shares his view of the future for the NFI with the House of Commons [Second Chamber].

Some interesting points from this vision:

1. *A system of steady provision of information* is crucial if one is to come to a better and more efficient collaboration in the chain.
2. Contemporary investigation demands that forensic expertise will be available right at the start of the process; *a complete and prompt offer of forensic expertise* should be accelerated and enlarged.
3. *The NFI-Catalogue of available services* is not merely a static device. There should be a *permanent recalibration of "sourcing"* - *who delivers what?* - by NFI, or by Police- and (semi) private labs, and this needs constant attention.

These three political recommendations all are relating to the delivery of the many types of forensic research of traces within the chain of criminal procedure, with the NFI as a main addressee. Next to them there are more available suppliers, depending on special experience and knowledge, also seen logistically [Police] and scientifically [Universities].

And this is exactly what the pivot of my plan is; to produce a forensic book of reference from all Dutch available forensic expertise, with all "knowledge and science held by the NFI" taken as a starting point. Together with all other Dutch available expertises, next to the NFI, be described in a uniform and carefully worded book, and - thus reinforced as insightful and dynamic information - will be put at the disposal of all the partners in the chain.

Viewed objectively the various NFI-expertises can be considered an essential link in the criminal chain of evidence, in which it serves as a scientific and supportive

element.

A well-founded arrangement and selection ['trriage'] of applicable forensic expertise, based on insight and understanding, must be found right in the beginning of the process- quick and playfully - by all chain partners. Together with the above mentioned personal and political signals, this objective circumstance is a sufficient reassuring reasoning on top, for the meaningfulness of a systematic way of editing a Handbook on Forensic Expertise.

B. What? The table of Contents; strengthening of the beta-sciences

The intended forensic reference book will cover the following:

1. All fields of forensic expertise practiced within the Netherlands Forensic Institute [14]; from forensic anthropology to wildlife forensics [[Appendix 2 Forensic Research Netherlands Forensic Institute](#)] will be the starting point of the content of the handbook to be edited.

The NFI laboratory research is based on a variety of beta knowledge, including technical sciences and biology, chemistry, medicine, mathematics and natural sciences. It will all be described - in collaboration with the experts - as completely, systematically and transparent as necessary to be essential.

[All NFI-expertise - mostly beta-information, knowledge and science - are described carefully in essentials and thus serves, reinforced, all lawyers, mostly alpha-users. The constant dynamic factor is that scientific standards and norms keep growing together with the development of the fields of expertise \[15\] .](#)

2. The forensic applications of expertise which are executed by the Police, (semi) private institutes and private individuals, must also be summarized.

3. The various Universities in our country who are offering possibilities, where solid and impartial forensic research is executed, must be summarized .

For example, The Maastricht Forensic Institute (TMFI) and the Forensic Leiden DNA-Research Institute (FLDO) [16] . They all play an important role within the development of forensic sciences - and are as such indispensable for the defence - as a second opinion of equal weight. Such counter-expertise will ensure a fair trial with equality of arms. [17]

4. Newly developed forensic techniques: recently discovered and often still being under construction, scientific techniques with promising forensic application, are

important to mention. Many of them were presented at the University of Amsterdam [18] between 2014 and 2020. [[Appendix 3 New forensic techniques](#)].

A very recent example of this is the drastic reduction of the time scheme round the Post-Mortem Interval (PMI) [19]. In a case of a committed crime it is now reduced to an average of 45 minutes; this used to be a few hours.

The new method, which can reduce the circle of suspects considerably, is being developed by researchers of the Amsterdam-based University Medical Centre, the University of Amsterdam and the NFI. The new PMI-method works with a thermic camera or a censor taped on the body. More factors play a role, such as the question: was the body left behind fully dressed? Was it found lying in water?

This specialism is to be mentioned within the field of forensic pathology.

5. Juridical background information.

For each field of expertise a clear image should be sketched of the legal context in which the forensic research is situated, for the benefit of the forensic expert himself.

Forensic expertise takes place against the background of legislation, jurisprudence / case-law and against professional literature and magazines. Where possible, a linking-text with "Text and Comment" of the Code of Criminal Procedure must be realised. Also, for each field of expertise a worked-out legal model of such a case should be presented.

In this way the whole range of specialized skills will give shape to an intensive inventory of the available forensic expertise in the Netherlands. At the same time it will all be a part of the table of contents of the on-line forensic book of reference to be created.

C. How? The Method; [the connecting Blueprint](#)

The existing professional NFI-appendices are now very diverse and described in a non-homogeneous style. They differ in terms of description order, layout, photos, graphics, drawings, length, naming and design.

[In 2010 I made a start in developing a so-called Blueprint; a forensic "informative infra-structure" consisting of 12 sections. A description of background-knowledge and science, theory and practice per field of expertise, built up according to a fixed structure.](#)

Together with two forensic experts, who were practicing in 2010, I have written

Two Concepts of Blueprints in English [20] :

1. With Professor George Maat (LUMC, NFI): 'Forensic Anthropology'.
2. With Drs. Will Fagel (NFI): ' Forensic Handwriting Expertise'.

From 2014 to 2020, by making notes of registered needs and wishes, I amassed a detailed knowledge of the lawyers' demand-side. On realizing the diversity of the needs for these I expanded further the existing Blueprint, under compassion with the lawyers' wishes, and add some 9 items, to reach an amount of 21 sections, as a total in the Blueprint anno 2020, for the time being.

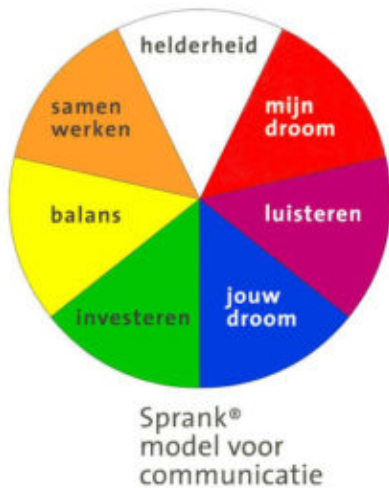
The "Blueprint 2020" aims at a transparent and uniform structure, a simple chronological lay-out, a differentiated survey and a scientific and scholarly insight into all practical, theoretical and legal aspects per field of expertise. To manufacture in an atmosphere of mutual coordination and close cooperation with the NFI-experts, the Blueprint will function as the constructive core of this Essay.

The Blueprint insight is provided into the practice of the forensic experts' supply side of both the NFI-expertises possible and of its limitations. By means of a description that is permanently kept up to date, an all encompassing source of information and knowledge in each field of expertise will come into existence.

It informs the reader of the actual state of the background and the limits in each field of expertise. Also, it provides insight into instruments and apparatus used, it explains research analyses and methods and how conclusions [21] are drawn. And it gives insight into professional literature as well as into legal and scientific background and available laws and case-law for each field of expertise.

Thus the practical needs are met for 'detailed knowledge of, on the one hand, the diversity of the demand-side and, on the other, of the possibilities and the restrictions of the (forensic) supply-side' [22] . All these elements are deemed necessary in the discussion of a more equitable division between the demand and the supply of forensic expertise.

It is the ideal of the Blueprint to bring about an optimal bridge-connection between the beta's supply of forensic expertise (NFI) and the alpha-lawyers' demand of forensic expertise, to be used in the chain of evidence.



*Note 23 - Spank Model for
Communication*

In the final [Blueprint](#) the actual needs and proposals of the NFI-experts will have to be incorporated, so that the final contents will be an all-encompassing clear source of shared information and knowledge.

[Within this framework my Blueprint-proposal will have to be discussed with the NFI, by listening to the NFI-needs and -wishes of the experts, investing time in this process and thereafter to take stock and work together towards the aimed essential clearness as the final purpose of the Blueprint.](#)

As science, technique, and insights move forward continuously a paper version of a book will be soon out of date, and an on-line version of a Blueprint-bundling of all practised fields of expertise within the NFI might be the preferred format. The future of each [Blueprint](#) will be a dynamic process, in which forensic applications will be deleted, replaced and added on a regular basis. [A uniform explanation of the essentials of the various expertises will be realised under the slogan 'unity in diversity'.](#)

The famous Dutch pathologist-anatomist Dr. Jan Zeldenrust [24] pointed out already in the twentieth-century, that great value should be attached to the fact that a physician as expert 'should be a speaker of Dutch so that the medical layman will understand what he has to say.' This is a valid point when it comes to the medical expert, but it is still equally relevant for all other kinds of forensic experts.

Written in lay-language on an academic level, the Blueprint is meant for all lawyers and everyone else involved professionally with forensic expertise. It will be edited in a way to reach clearness in every field of expertise so that the “difficult stuff” will be understood optimally.

[\[Appendix 4 Blueprint Per Area of Expertise.\]](#) .

D. What for? Improving the understanding of the target audiences

A book of reference will be a collection of all Blueprints together, filled with information on all different sorts of forensic expertise. It is intended to provide a uniform insight into the practice of all forensic expertise and will create the possibility of equitable communication between the partners in the chain of custody.

Thus a Handbook of Forensic Expertise may function as a strategic instrument to optimize the connection between the several chain-partners within the criminal procedure.

In this way in future also the bond between the lawyers themselves may improve. By creating a better understanding of forensic expertise, a clearer and more critical dialogue between the lawyers themselves will be possible. Future assignments of research, including wishes, directed to the NFI [25] , will have to be shared by the public prosecutor with the defence, as actually prescribed by the New Code of Criminal Procedure. A greater understanding - prior to the application - will result in a sharper joint formulation of the investigation assignment to the NFI.

The existence of a current “state-of-the-art” survey of forensic expertise, may possibly serve as the solution of cold cases [26] [27] [28] and possible judicial errors [29] within criminal law and may even be suitable to avoid these errors.

A different category of individuals who would be interested in a forensic book of reference are the NFI-experts themselves. They too ought to be well informed of both the level of the expertise of their colleagues - related to the Inter Disciplinary Forensic Research [IDFO] [30] - but also of the legal background of the criminal trial, in which context their expertise will serve.

A Handbook of Forensic Expertise will give insight into the complete range

of multidisciplinary forensic research; this runs from Crime Scene to the final verdict.

This covers the demand of the Council of the Judiciary, which means that the level of forensic knowledge of the judges must be high enough for them to be able to approach contributions of the experts critically. This requires all judges to be familiar with the most important methods of research. [31]

A Handbook of Forensic Expertise in a Dutch and in an English version, can serve the following purposes;

1. It will be a book of reference for all lawyers in the legal process [32] ; judges, public prosecutors and barristers,
2. It will be a book of reference for NFI-experts, a peer NFI-insight, particularly when it concerns interdisciplinary forensic research [IDFO],
3. It will serve as a book of reference, including the practice aspects, of the forensic and technical police, [33]
4. Students at the Police Academy will use it,
5. Students of Criminalistics and Criminology at academic institutions and post-academic studies will study it,
6. The lawyers at the International Criminal Court [34] will need and use it as book of reference,
7. As a complementary service it will be useful for the NRGD [35] .

The NRGD in Utrecht offers forensic experts the possibility of standardization and regulation in their field of practised expertise. Thus the NRGD offers a possibility to deal with certification and admission to the NRGD-list, which grants the individual expert a quality in criminal law.

The description by the NRGD of the ten areas of expertise, already accredited, can be used, (partially) to fill out the relevant Blueprints. Also, future Blueprints will be at the service of the NRGD, thus achieving an obvious process of Dutch cross-fertilization from which both the NFI and the NRGD will profit by unifying and clarifying national 'forensica'.

In this context the Forensic Science Regulator [36] , a governmental organisation in Birmingham, England (founded in 2008), can be compared with the NRGD.

By means of 'Codes of Practice and Conduct' it demands from the forensic experts that they live up to the high and uniform standards of conduct for the quality of

individual behaviour and of professional methods in its organisations. It demands solid, effective and transparent reporting in criminal courts.

The Forensic Science Regulator aims at uniformity of individual behaviour and of the forensic process of research, within the world of forensic expertise, within the UK.

The NRGD aims at this by setting uniform expert-certifications in each area of expertise, in The Netherlands. While the proposed Blueprint tries to achieve a uniform way of describing the essentials per field of forensic expertise

In combination above mentioned 'uniformities' aim at a subject I wrote about in 2000, the so called 'double transparency' in the [European] forensic expertise:

- 1) transparency of available qualified experts,
- 2) transparency of available methods of forensic research.

With the manufacturing of [the Blueprint-bundling](#), a uniform transparency of expertise-essentials will be created; reason why a better understanding and a better interpretation of the forensic reports by criminal lawyers will be enabled.

[37]



"Alfa-Bèta-Circle", Ills. Hans Jakobs, 2020

Conclusion

With the editing of a clearly written Handbook containing all NFI Forensic Expertise, a positive impulse may be given to the attitude of the NFI, known as a

little customer-friendly attitude [38] . Of course with the passage of time more professional forensic data have become available.

Now it will be a matter of arranging and systematizing the already existing NFI-information per field of expertise, to pour that information into the uniform of the pivotal, definitive version of the Blueprint, in close collaboration with the experts concerned.

As an actual source of consistent information the NFI-Catalogue of forensic expertise will be the focus for the outside world, particularly where it concerns the chain of evidence. [39]

At the same time “the need of an explanatory mechanism and knowledge” [40] will be fulfilled, with regard to the so-often consulted NFI-forensic expertise areas. An important purpose formulated in the “Law Expert in Criminal Cases’ (2010) will be honoured: the improvement of the communication [41] between expert and jurisdiction.

An additional positive aspect is that also the insight into Criminalistics will increase.

All essentials on forensic expertise will come together in the Blueprints by way of a logical and systematically described process. It will serve its purpose as an educational tool and may be helpful in the future of the university study ‘Criminalistics’, that will be insightfully safeguarded.

An NFI-reference book, edited by collecting all the Blueprints that describe essentials per field of expertise, thus basically is a sum of simple ideas [42] . It will achieve as its end-result a well-structured Handbook Forensic Expertise; the realisation of a timeless and useful Ideal.

Voorschoten, November 12th, 2020

Recommended Background Literature

Aben, Diederik and Meulenbroek, Lex, *A Haystack filled with Needles, The use of genealogical DNA-data-banks, in tracing and identification*, Publisher Paris, December 2019

Broeders, Ton, *Developments in Criminalistics, From Fingertrace to DNA-profile, from certainty to probability*, Oration on the occasion of his appointment as

Special Professor in Criminalistics, Leiden University, 19 November 2004.
Eco, Umberto, *The Enchantment of Lists*, Publishing House Bert Bakker, 2009
Fresco, Louise, *Cross-fertilization*, Prometheus, Bert Bakker, Amsterdam, 2014
Groeneveld, Robert, *The art of investigation and science, Instruments for the intelligent criminal judge*. Farewell Lecture as a Professor Criminalistics, Leyden University, 7 December 1999
de Keijser, J.W., Elffers, H., Kok, R.M., Sjerps, M.J., *Almost understood?* Boom Legal Publishers, The Hague, 2009
van Koppen, Peter, *Convincing Proof*, New Amsterdam Publishers, 2011
Bernard - Robertson / G.A. Vignaux / Charles Berger, *Interpreting Evidence, Evaluating Forensic Science in the Courtroom*, Second Edition, John Wiley & Sons Ltd, Oxford, UK, 2016. de Spinoza, Baruch / Benedict, *Ethics* (1663 - 1675), Publishing House Bert Bakker, Amsterdam, 2004
Thorwald, Jurgen, *Das Jahrhundert der Detektive*, Droemer Knaur, Zurich, 1973
Uges, Donald, *Perfect as murderer or toxicologist, A matter of the dose or the teaching*, Oration at the acceptance of the Professorship in clinical and forensic toxicology, State University of Groningen, 2 June 1998
Van de Voorde, Wim, *Handbook Forensic Medicine*, die Keure, Bruges, Belgium, 2010
Yasar Iscan, Mehmet & Steyn, Maryna, *The Human Skeleton in Forensic Medicine*, Third Edition, Thomas Publisher Ltd, Illinois, 2013

[By way of finding what alpha-lawyers need, beta-sciences will be able to gather strength, by describing the forensic essentials in the connecting Blueprint, the understanding of the target audiences will be enhanced and criminal proceedings are lightened.](#)

Notes

[1] An essay is a contemplative text in prose in which a personal view is given on a contemporary issue. The term is derived from the French 'essai', an attempt or probe. The creator of this literary genre is Michel de Montaigne, whose first edition of "*Essais*" appeared in France in 1580.

[2] Forensic expertise: expertise = research by experts, forensic = at the service of the 'Forum' / the Court in old Rome.

[3] Prof. Dr. Ir. Charles Berger, *Truth-finding to a Higher Level*. Inaugural Address delivered by Charles E.H. Berger at the acceptance of the renewed appointment as extraordinary professor Criminalistics at Leyden University, on

behalf of the Foundation Criminalistics, on Friday 3 February 2017, p.3

[4] *Focus on Forensic Laboratories, An acquaintance with practised expertises*, Livia Jakobs, Ed., Wolters Noordhoff, Groningen, 1995. A special incident is, on May 10th 1995, during the Symposium "Focus on Forensic Laboratories", on the occasion of the 50th anniversary, this book was presented to the then Minister of Justice, Mrs. W. Sorgdrager; see Note 39)

[5] Ir. H.J.J. Hardy, former coordinator Research & Development NFI and Teacher Forensic Science, University of Amsterdam

[6] H. Hardy and I are grateful for the attentive mediation of Forensic Staff Members: Anique Henderson MSC Courts Utrecht and Arnhem]; Michelle Claushuis MSC [Courts of Appeal Amsterdam and Leeuwarden]; Wanda Remijn MSC [Courts Lelystad and Rotterdam].

[7] Research on source-level: What is the origin, the source of the trace?

[8] Research on activity-level; In which activity did the trace originate?

[9] Contamination: any substance inadvertently introduced into or onto an item of evidence after its recognition by a responsible party. Keith Inman, M.Crim., Norah Rudin, Ph.D., *Principles and Practice of Criminalistics, The profession of Forensic Science*, CRC Press, London, 2001, p.211

[10] Secondary transfer: this refers to a fragment transferred from its source A to target B, and then transferred from target B to target C. Detecting the fragment from source A on target C leads to the inference of contact between A and C, when in fact no such contact has been made; Keith Inman, M.Crim., Norah Rudin Ph.D., *Principles and Practice of Criminalistics, The Profession of Forensic Science*, CRC Press, London, 2001, p.96

[11] Thomas Bayes (1702-1761) English statistician / philosopher. The Theorem of Bayes in the shape of odds [the hypotheses are part of this] is as follows: Posterior odds = Prior odds X likelihood ratio. In other words: the expert decides, on the basis of his research, the diagnostic value of his observation = the likelihood ratio = LR = the evidential value. The "new" odds / the posterior odds follows from the "old" odds / prior odds multiplied by the likelihood ratio / LR / the evidential value.

[12] Professor Dr, Ir. Charles Berger, *Truth-finding to a higher level*, Oration Leiden University, February 3, 2017.

[13] Minister of Justice & Security Mr. Ferdinand Grapperhaus in his letter to the House of Commons, Second Chamber, July 1, 2019. <https://zoek.officielebekendmakingen.nl/kst-33628-63.pdf>

[14] Zie www.nfi.nl

- [15] Prof. Dr. Mr. Hans [J.F.] Nijboer, *Forensic Expertise*, 4th edition, Gouda Quint, Deventer, 2009, p. 36
- [16] Since 1994 run by Prof. Dr. P. de Knijff, professor of population and evolutionary genetics at the department of human genetics of the Leiden University Medical Centre, LUMC.
- [17] Article 6, European Convention for Human Rights [ECHR], *Treaty of Rome*, 1950.
- [18] Series of Lectures: Frontiers of Forensic Science, University of Amsterdam, and Forensic Symposia of the Co van Ledde Hulsebos Centre (CLHC) Amsterdam, Amsterdam Centre for Forensic Science and Medicine. Teamleaders: Prof. Dr. Maurice Aalders and Prof. Dr. Arian van Asten, with thanks to both for their hospitality we enjoyed at the University of Amsterdam, mostly in 'The Science Park'.
- <https://www.clhc.nl/shared-content/news/news/2020/09/1st-ffs-session-in-new-academic-year-2020-221.html?origin=Bz1gpBgwThqTdnLkMIFl%2FQ>
- [19] Prof. Dr. Maurice Aalders et al., Reconstructing the time since death using noninvasive thermometry of the human body and numerical analysis, *Science Advances*, American Association for the Advancement of Sciences, Washington DC, 29 May 2020 <https://advances.sciencemag.org/content/6/22/eaba4243.full>
- [20] Both Concepts of [Blueprints](#) are for your perusal at the author
- [21] Mr. Paul Acda, *NFI Digital Magazine* 6, 2019; Comment on readability of NFI-reports
- [22] Prof. Dr. Amade A. M'charek, Second Triannual Signalling for Forensic Research, executed and commissioned by the Ministry of Justice and Security, June 24, 2019, p.23 <https://zoek.officielebekendmakingen.nl/blg-892793>
- [23] The Sprankmodel is developed by Katri Schweitzer and Roeland Schweitzer, Schworks, 2002
- [24] Dr. J. Zeldenrust, *Murder analyzed*, Stubeg, Hoogezand, 1988, Introduction J. Zeldenrust.
- [25] *Trouw*, de Verdieping, p.1,2 en 3, 12 november 2020, In that article the future plans for a revision of the present Code of Criminal Procedure (1926) are described. Under the guidance of the Rector Magnificus of Maastricht University, Rianne Letschert and in consultation with the Minister of Justice and Security Ferd Grapperhaus. Among other, there is a tendency towards a greater attention for the suspect, to the extent that 'the public prosecutor must more readily share with the defence the assignments for research, for instance the assignments to the NFI to analyse certain traces more closely. In this way the defence can

participate in the NFI-research assignment and possibly make suggestions for adaptations.'

[26] Prof. Peter J. van Koppen, Leader of the Project 'Reasonable Doubt' by students of the Free University of Amsterdam.

[27] Lex Meulenbroek and Diederik Aben, *A haystack full of pins*, Editor Paris, December 2019, in which the use of genealogic DNA-databanks is described, after American example.[pending legal regulation in The Netherlands].

[28] Carina van Leeuwen, forensic - cold case - detective at the Amsterdam Police, hopes to solve cold cases by using public DNA-databanks, in the future.

[29] Prof. Gert-Jan Knoops, Plenary Lecture November 13, 2017, Leiden University, "The Knoops Innocence Project" as Dutch part of the International Innocence Network of the Cardozo School of Law, New York, 2012.

[30] Drs. Jan A. de Koeijer, Forensic Expert, Interdisciplinary Forensic Research, NFI.

[31] Mr. Dr. R.A. Hoving, *Expert Evidence in Criminal law*, Dissertation State University Groningen, June, 1, 2017, p. 67.

https://www.rug.nl/research/portal/files/42081819/Complete_thesis.pdf

[32] Mr. H.W.J. de Groot, former counselor of the Amsterdam Court, From Practice. A robbery during a drugsdeal and a burglary; twice a judgement on quicksand?, *Expertise en Recht*, 2020,4, pp. 141-147. Page 147: "that research shows that legal professionals often have a poor understanding of forensic reports". This statement supports, once again, the sum of conclusions from our research into criminal cases 2014-2020, on which one of the motivations for the [Blueprint](#) lies.

[33] Prof. Dr. Christianne de Poot, *The reconstruction of criminal facts*, Oration to Professor Criminalistics by special appointment, Free University of Amsterdam, 4th October 2017.

[34] Mr. Christina Ribeiro, Public Prosecutor International Criminal Court (ICC), "*Forensic science at the ICC*", Lecture Frontiers in Forensics, Amsterdam University, 18 September 2019; In her lecture she asks herself: if the solid and reliable NFI-forensic expertise-reporting is understood for a 100 % by all judges?

[35] Mr. Michel Smithuis, medical doctor, n.p., director and founder of the 'Nederlands Register Gerechtig Deskundigen', 2010. The NRGD is responsible for the accreditation and the certification of forensic experts in order to achieve excellence in areas of expertise to serve in Dutch criminal trials. Meanwhile accreditation is possible in 10 fields of forensic expertise.

<https://www.nrgd.nl/zoek-ee-deskundige/grenzen-per-deskundigheidsgebied.asp>

[x](#)

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B. Traven - Brief aan de Spaanse arbeiders



Rozenberg Quarterly publiceerde onlangs [een biografische schets van de Duitse revolutionair Ret Marut](#), later bekend geworden als de mysterieuze auteur B. Traven. Traven was vooral bekend als auteur van een serie romans over een indianenopstand in Mexico. Incidenteel liet hij zich echter ook uit over actuele politieke kwesties, zoals de Spaanse

Burgeroorlog. In 1938 schreef hij een nauwelijks bekend geworden brief aan de arbeidersbevolking in Spanje ter ondersteuning van hun strijd.

In 1926 verscheen de roman *Das Totenschiff* van B. Traven bij de Berlijnse uitgeverij Büchergilde Gutenberg. Niet lang daarna ontving het Duitse anarchistische tijdschrift *Der Syndikalist* een brief van B. Traven uit Mexico, waarin deze vroeg of de redactie hem een uitgever in Zweden kon aanraden. De Duitse anarchist Augustin Souchy (1892-1984) was in de jaren twintig redacteur van *Der Syndikalist* en had tijdens de Eerste Wereldoorlog enige tijd in Zweden doorgebracht. Hij gaf Traven het advies contact op te nemen met de uitgever die in die jaren een aantal publicaties van Souchy had uitgegeven. Tussen deze uitgever Holmström en Traven ontstond vervolgens - per brief - een vriendschappelijke band. Holmström gaf het werk van Traven in het Zweeds uit,

blijkbaar zo tot tevredenheid van Traven dat deze de uitgever zelfs uitnodigde hem in Mexico te komen opzoeken. Helaas heeft Holmström aan de uitnodiging nooit gehoor gegeven.

Sociale revolutie

Ruim twaalf jaar later, tijdens de Spaanse Burgeroorlog, vervulde Augustin Souchy een belangrijke functie bij de informatiedienst van de Spaanse anarchistische vakbond CNT, de Confederación Nacional del Trabajo. Souchy behoorde tot een grote groep Duitse intellectuelen en arbeiders die na de fascistische machtsovername in Duitsland het land hadden verlaten en bij het uitbreken van de sociale revolutie in Catalonië naar Spanje waren gereisd.



In een artikel over Traven schrijft Souchy dat hij tijdens de Spaanse Burgeroorlog Traven een brief schreef in verband met Spaanse vertalingen van de romans van Traven en met de vraag of Traven een bijdrage wilde leveren voor het tijdschrift *Timón*, het theoretisch anarchistische orgaan van de CNT. [1] Ook Pedro Herrera, redacteur van *Timón* en goede kameraad van Souchy, stuurde een brief aan Traven, maar dan met een uitnodiging naar Spanje te komen. Een uitnodiging die ongetwijfeld was ingegeven door de populariteit van Travens werk in Spanje en onder degenen die aan de republikeinse zijde tegen Franco

vochten. Waarschijnlijk verwachtte men dat de aanwezigheid van Traven in Spanje de strijdende arbeiders een morele steun in de rug zou kunnen geven.

De antwoordbrief van Traven verscheen op 28 mei 1938 in *Solidaridad Obrera*, het dagblad van de CNT en is gericht aan Herrera, niet aan Souchy. Traven schrijft dat de brief van Herrera de eerste is die hem vanuit Spanje bereikt. Mogelijk haalt Souchy dus in zijn herinneringen aan Traven enige feiten door elkaar. Herrera schreef zijn brief namens de SIA, de Solidarité Internationale Antifasciste. Deze organisatie werd in 1937 opgericht door Spaanse anarchisten om hulp en steun te kunnen bieden aan vrouwen en kinderen die getroffen waren door het oorlogsgeweld. Bovendien hoopte men door middel van de SIA internationaal steun te kunnen verwerven voor de sociale revolutie.

Spanish Earth

Heel waarschijnlijk is dat de uitnodiging van Herrera aan Traven ook is ingegeven door de aanwezigheid in Spanje van gerenommeerde buitenlandse schrijvers die van de oorlog verslag deden en de republikeinse zijde steunden, zoals Ernest Hemingway, John Dos Passos en André Malraux. Bovendien deden veel buitenlandse journalisten vanuit het republikeinse Spanje verslag van de oorlog. Sommigen steunden openlijk de republiek. Hemingway en Dos Passos werkten ook mee aan de documentaire *Spanish Earth* van de Nederlandse filmmaker Joris Ivens, evenals Orson Welles en de Franse regisseur Jean Renoir. Dankzij de bemiddeling van journaliste Martha Gellhorn, konden Hemingway en Dos Passos de film in het Witte Huis vertonen aan President Roosevelt. Eerder had Roosevelt besloten de republiek niet met wapens te steunen. De vertoning bracht de president echter niet op andere gedachten.



Actualiteit

De brief van Traven is een uniek en opmerkelijk document omdat het een van de weinige keren is dat hij zich heeft uitgelaten over een actuele politieke situatie. In zijn romans zijn soms verwijzingen te vinden naar de actuele situatie in de jaren dertig in Duitsland, en naar de arbeidsomstandigheden van arbeiders in bijvoorbeeld de Verenigde Staten. Maar meestal is zijn kritiek - met een cynische ondertoon - dan nogal algemeen en niet toegespitst op de actuele gebeurtenissen.

De brief is ook opmerkelijk omdat Traven als auteur niet naar buiten wilde treden. Zijn identiteit is jarenlang een mysterie is gebleven en doelwit van vele speculaties. [2] Sommige Travenvorschers zien in zijn *'Caobacyclus'* - zijn zes romans over een indianenrevolutie in Mexico - zelfs een metafoor voor de situatie in nazi-Duitsland. Uit de brief blijkt duidelijk dat de sympathie van Traven bij de Spaanse revolutionairen ligt. Hij staat ondubbelzinnig achter de strijd tegen het fascisme. Het liefst zou hij de revolutionaire arbeiders willen bijstaan, vergelijkbaar met de wijze waarop de paus steun geeft aan 'Pancho uit Salamanca' (Franco).



Populariteit

De brief verscheen in Nederlandse vertaling in *De Syndicalist* van 9 juli 1938. *De Syndicalist* was het weekblad van het NSV, het Nederlands Syndicalistisch Vakverbond. Redacteur was Albert de Jong (1891-1970). Wie de vertaling van de brief maakte, is niet bekend. Over de brief van B. Traven is in de Nederlandse literatuur over Traven nooit aandacht besteed.

In *De Syndicalist* werd gedurende de jaren van de Spaanse Burgeroorlog uitvoerig verslag gedaan over de strijd en de revolutionaire ontwikkelingen in Catalonië.

Behalve veel nieuwsberichten, bevatte de krant ook periodieke analyses van Albert de Jong over de situatie aldaar. Augustin Souchy en Rudolf Rocker leverden beschouwingen vanuit anarchistisch perspectief en veelvuldig werden oproepen gedaan voor inzameling van kleding en voedsel voor de bevolking in Spanje.

De publicatie van de brief door *De Syndicalist*, bevestigt de populariteit van de romans van Traven in die jaren, niet alleen onder leden van het NSV, maar in bredere zin bij de Nederlandse arbeidersbevolking. Uitgegeven door De Arbeiderspers en verspreid via een netwerk van Arbeiderspers-boekwinkels en wederverkopers, vonden de boeken hun weg naar veelal SDAP-leden in het land, maar ook naar arbeiders van andere politieke richtingen. De anarchistische uitgeverij De Roode Bibliotheek van uitgever Gerhard Rijnders - ook uitgever van het tijdschrift *De Vrije Socialist* - publiceerde twee titels van Traven, helaas stevig bewerkt en ingekort.

Voornaam

Niet alleen de brief in *De Syndicalist*, maar ook enkele in het Nederlands gepubliceerde romans van Traven, verschenen onder de naam Ben Traven. Dat de B voor Ben zou staan is niet van Traven zelf afkomstig. Mogelijk vond de uitgever dat een schrijver een voornaam diende te hebben en werd van de B Ben gemaakt. Helaas is de voornaam daarna een eigen leven gaan leiden. Traven heeft altijd

ontkend dat de B voor Ben, Benno of Bruno zou staan.



Brief

De brief wordt hieronder gepubliceerd in de oorspronkelijke Nederlandse - niet altijd soepel lopende - vertaling, in het toenmalige taalgebruik. De spelling is aangepast aan de huidige schrijfwijze en enkele zetfouten zijn gecorrigeerd.

Waarde kameraad Herrera, ik groet u.

Ik groet u en alle arbeiders, arbeidersvrouwen, boeren en republikeinse soldaten die zo heldhaftig in Spanje tegen het fascistisch beest vechten. Ik groet de grote mannen en vrouwen die Spanje in de perioden van strijd heeft voortgebracht en de Naamlozen, de onbekende soldaten, die met hun leven een nieuwe menselijke historie schrijven. Uw brief, kameraad Herrera, is de eerste die uit uw land in mijn handen is gekomen. Uwe uitnodiging, naar Spanje te komen, voor welke ik alle kameraden van de SIA dankbaar ben, is het grootste eerbetoon, wat mij tot

heden ten deel gevallen is. Jammer echter, dat het mij niet mogelijk is, aan die eervolle invitatie te voldoen, om redenen, die u onbekend moeten zijn geweest, toen u mij dit aanbod deed. Mijn bekendheid met de Duitse taal is nog veel minder dan die van de Spaanse, die niet groot is, zoals u trouwens uit dit schrijven wel ontdekt zult hebben. Ik heb overvloedig in Duitse tijdschriften doen bekend maken, dat ik in afstamming, in ras, noch in den bloede, Duitser ben. Een enkele keer ben ik in Duitsland geweest, en dat nog voor de wereldoorlog. Zodat ik het land en de taal te weinig ken om literair werk van Duitsers te kunnen beoordelen. Ik ben geboren in Noord-Amerika en mijn moedertaal is Engels. Wat het beoordelen van Engelse literatuur betreft, zijn er in Engeland mannen genoeg die grotere bekendheid en talent bezitten dan ik. Ongerekend nog de bezwaren, die liggen in de afstand, die mij van de Spaanse kameraden scheidt, die elke vlotte samenwerking tussen ons in de weg staan. Niettemin ben ik u, vrienden ten zeerste dankbaar voor uw uitnodiging. Als iemand mij, onder de schoonste voorwaarden en met volledige garantie voor mijn veiligheid en daarboven nog een geldelijk voordeel, verzocht naar Duitsland te komen, ik zou dat weigeren, daar kunt u zeker van zijn. Zo gering is mijn lust, dit land te zien onder de druk der slavernij, zoals het zich nu bevindt. Hetzelfde oordeel heb ik over het Italiaanse imperium, dat dagelijks meer vordert. Deed echter de Spaanse regering mij een dergelijk voorstel, ik zou het zeer gaarne accepteren, want groot is mijn verlangen Spanje te bezoeken tijdens zijn glorieuze strijd.



Doch neen kameraden, ik zou toch niet gaan. Ik kocht voor het geld, kleding, gecondenseerde melk, koffie en tabak en zond dat, in plaats van mijn persoon. Want net zo groot als mijn lust u te bezoeken, is de zekerheid, dat gij deze artikelen nodig hebt, om stelliger de strijd te winnen, terwijl mijn aanwezigheid nog helpen zal de kamp te winnen, noch nodig is u van goede raad te voorzien. Gij weet zelf zeer goed, wat gij nodig hebt en wat gij wilt. Een schrijver is niet van node, u te vertellen, hoe gij uw positie kunt verbeteren, ook staat hij met hart en ziel aan de zijde van het voor rechtvaardigheid strijdende proletariaat.

Er zijn er reeds veel te veel geweest die u goede raad gaven. Als men u, in plaats van de miljoenen woorden, die men toezendt, voor elk miljoen een driemotorig vliegtuig stuurde en voor elke honderd een mitrailleur plus munitie, dan had gij

reeds meer dan een jaar geleden de vrede bevochten en de vrijheid verzekerd. Kameraden, ieder overbodig woord is voor u een verloren patroon.

Ik wens zeer u te helpen. Ofschoon mijn boeken in zeventien talen worden gedrukt, ben ik nu nog zonder tehuis en zonder middelen. Ik spreek slechts van mijn huidige armoede, omdat ik het betreur u niet te kunnen bijstaan zoals de paus de onverzadigbare Pancho in Salamanca.

Toch ik bezit iets. En dat stel ik met het grootste genoegen tot uw beschikking. Ik heb een bibliotheek, ze is niet groot noch luxueus. Wat moet ik daarmee, als de Spaanse kameraden haar misschien nodig hebben. Een deel ervan bestaat uit Engelse en Spaanse tijdschriften. Als alles wat ik aan boeken en tijdschriften bezit, u nodig schijnt, geeft mij het adres, de verzending is voor mijn rekening. Alles is nuttig voor onderricht in scholen, kazernes, loopgraven en ziekenhuizen. Wat ik bezit, is voor u. Ik zeg niet, dat ik van ganser harte uw zegepraal wens, omdat ik weet, dat de arbeiders uit de industrie en van het land, en de milicianos de volledige overwinning zullen behalen, al zouden Duitsland en Italië nog 50.000 van hun arme slaven zenden opdat zij als ziek vee de dood ingaan, om de miljoenen aan marken en lires terug te ontvangen, die beide landen in Spanje reeds verspild hebben. Ik denk dat gij vóór december de strijd gewonnen zult hebben. Ben ik te optimistisch? Geen nood, dure hij, zolang hij duurt, de overwinning zal aan u zijn, kameraden. Doch meer dan met de wapenen, zult gij winnen door uw gezonde en vooruitstrevende ideeën: De republiek van 1931 was er één op papier, ja van papier, en daarom niet levensvatbaar. De samenleving, die gij zult stichten, wordt echter gegrondvest door het vergoten arbeidersbloed, het onuitsprekelijke leed, de bovenmenselijke offers en een heldenmoed, die in de historie zijn weerga niet vindt. Daarom zal de republiek sterk zijn, zo sterk, dat zij nimmer door de vijanden der beschaving, vooruitgang en humaniteit meer zal worden aangevallen.

Spaanse kameraden. Ik heb gesproken en ik dank u voor uw attentie. Salud.

Ben Traven

Noten:

1. Johannes Beck, Klaus Bergmann, Heiner Boehncke (Hrgs), *Das B. Traven Buch*. Rowolt, Hamburg 1976.

2. Zie *Martin Smit - Utopie in de jungle*: <http://rozenbergquarterly.com/utopie-in-de-jungle-zoektocht-naar-de-geheimzinnige-b-traven/>

Joris Ivens - Spanish Earth

This documentary film uses footage of war and glimpses of rural Spanish life in its portrayal of the struggle of the Spanish Republican government against a rebellion by right-wing forces led by General Francisco Franco and backed by Nazi Germany and fascist Italy. The film was written by Ernest Hemingway and John Dos Passos (among others) and was narrated by Hemingway.

Leïla Slimani - De duivel zit in de details



Leïla Slimani. Ills.: Joseph Sassoon Semah

‘Literatuur is harder nodig dan ooit, omdat die een enorme ruimte aan vrijheid biedt waarin alles gezegd kan worden, waar je het kwaad kunt aanroeren, het gruwelijke kunt vertellen en kunt breken met de regels van moraal en fatsoen. Literatuur brengt complexiteit en ambivalentie terug in een wereld die dat verwerpt.’

In de recent verschenen, kleine essaybundel *De duivel zit in de details* spreekt

de Marokkaans/Franse schrijver Leïla Slimani zich in zes verhalende essays uit tegen moslimterrorisme dat de wereld heeft veranderd.

In *De Duivel zit in de details* is de door iedereen gerespecteerde en geliefde hoogleraar Amine Moussa de hoofdpersoon. Hij is bang en somber geworden, en wordt getergd door angstaanvallen en slapeloosheid ten gevolge van de fundamentalistische islambeweging die steeds meer vat krijgt op de samenleving. Zo wordt er in de wijk een 'brigade ter bevordering van deugd en voorkoming van ondeugd' ingesteld en hebben moslimfundamentalisten een groep jongeren doodgeslagen omdat ze 's avonds uitgingen en niet meededen aan het gebed, of omdat ze alcohol dronken. Tijdens de laatste dagen van de ramadan staat Moussa in de rij bij de bakkerij Nour om gevulde crêpes voor zijn vrouw te kopen. Een moslima beticht hem van roken tijdens de ramadan. Beledigingen volgen, er wordt geschermd met God. "Iemand trekt aan zijn jasje. Dan rent hij weg."

In één van de essays, *Een leger van pennen*, beschrijft Leïla Slimani hoe zij, op verzoek, in het hoofd kroop van een van de jonge daders van de moordpartij bij Charlie Hebdo en een fictieve tekst probeert te schrijven. Het lukt haar niet iets op papier te krijgen, niet omdat ze te laf is, maar domweg dat ze zich niet kon overgeven aan zo'n exercitie een paar dagen na de aanslag op 7 januari 2015. Ook miste ze op dit moment, teveel aangeslagen, de onweerstaanbare, innerlijke drang het essay te schrijven.

Bijna een jaar later, op 14 november 2015, schrijft zij 'Fundamentalisten, ik haat jullie' en heeft ze genoeg afstand genomen om te kunnen reflecteren op het bloedbad in haar geboortestad Parijs, waarna ze eerst nauwelijks haar mening durfde te ventileren uit angst domme dingen te zeggen in 'een wereld die al bezwijkt onder onwetendheid en haat.' Maar wat Leïla Slimani wel weet is dat we moeten strijden voor onze vrijheid, strijden tegen de weerzinwekkende ideologie van deze moordenaars. 'Tegen barbaren, terroristen en fundamentalisten uit welke hoek dan ook heb ik maar één ding te zeggen: Ik haat jullie.' We moeten ons niet verschuilen achter een zogenaamd respect voor culturen, ze gaat over haar nek van hun sharia.

Leïla Slimani (1981) wordt door de fundamentalistische islam gezien als een ongelovige vrouw uit de Magreb die haar ziel heeft verkocht aan het Westen, en een misdaad heeft begaan door een roman te schrijven. Ondertussen is ze wel een van de meest spraakmakende auteurs van dit moment. Ze won de Prix Goncourt

met *Een zachte hand*. Ze is geboren in Marokko en werd tweetalig opgevoed: Marokkaans en Frans. Ze studeerde in Frankrijk politicologie en handelswetenschappen.

Leïla Slimani - *De duivel zit in de details*. ISBN 9789046823231. Uitgeverij Nieuw Amsterdam, Amsterdam, 2021

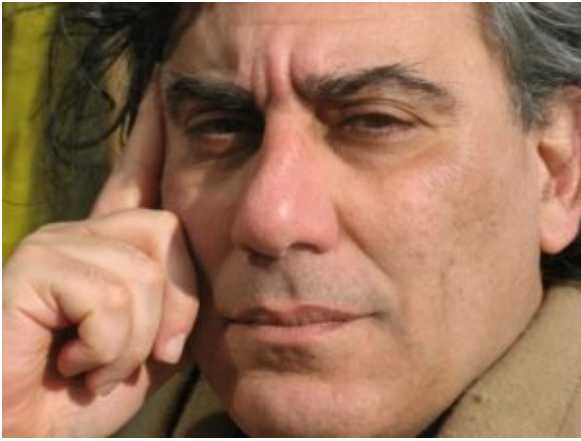
Zie interview met Margot Dijkgraaf over haar boek haar boek 'Mathilde':

Crossing Border. On Tuesday the 16th of June, we welcomed bestselling author Leila Slimani (*The Perfect Nanny*, *Adèle*) for a free online BorderKitchen. She was interviewed by Margot Dijkgraaf about her new book, *Mathilde*. At the end of the interview, viewers had the opportunity to ask questions to the author and human rights activist.

About *Mathilde*: 1946. The young, French, Mathilde falls head over heels for Amine, a Moroccan officer of the French army. They get married and leave for a secluded family farm, hours from Rabat. How can their love, which is constantly being tested, stand the test of time? *Mathilde* is the first part of the '*The Land of the Others*'-trilogy. The story was based on her family history and entered the French bestseller charts at number one. Leila Slimani (Morocco, 1981) is the bestselling author of *The Perfect Nanny*, winner of the Prix Goncourt, and *Adèle*, for which she won the La Mamounia Prize. Thank you to Uitgeverij Nieuw Amsterdam.

Linda Bouws - St. Metropool Internationale Kunstprojecten

Mati Shemoelof - Wie man einem toten Künstler die Hasenjagd



Joseph Sassoon Semah. The artist was born into a Jewish community in Baghdad, Iraq. Together with his parents, he emigrated to Israel in 1950. In the mid-1970s Semah decided to leave Israel. He lived and worked in London, Berlin, Paris and Amsterdam and regards himself as a “guest” in the Western world. His oeuvre consists of drawings, paintings, sculptures, installations, performances and texts. Photo: Linda Bouws

2021 marks the 100th anniversary of Joseph Beuys’ birth. Jewish artist Joseph Sassoon Semah explains his critical stance on the giant of postwar German art.

Berliner Zeitung 8.1.2021. Berlin/Amsterdam.

This year Germany will celebrate 100 years since the birth of Joseph Beuys, one of the most influential artists of the 20th century. Beuys was considered the healer and shaman of postwar Germany.

The Amsterdam-based, Jewish artist Joseph Sassoon Semah was not invited to the celebration, despite his rich artistic dialogue with Beuys’ art.

Semah, the grandchild of the last rabbi from Baghdad, who emigrated to Israel and later to the Netherlands, argues that even if he had applied to participate in the 100-year celebration of Beuys, he believes he would have been rejected. He decided, instead, to create alternative artistic events in several German and

Dutch institutions.

On 26 November 1965, Beuys conducted a performance in a gallery holding a dead rabbit in his arms. He named the performance: "How to Explain Pictures to a Dead Hare". Beuys died on January 23, 1986. And on 24 February 1986, Semah created his own performative answer to Beuys with the installation: "How to Explain Hare Hunting to a Dead German Artist".

In our conversation, Semah states: "Well, they are not going to criticise him when they celebrate these 100 years. That's why we talked with Arie Hartog, director of the Gerhard Marcks Haus museum in Bremen. We decided to answer with an art project that will be presented in the Gerhard Marcks Haus, the University of Amsterdam, the Jewish Museum of Amsterdam and Goethe Institute of Holland. The event will be showing different critical points, mainly from my perspective not only as an artist that has been inspired by his work. I will elaborate on my experience of his work as a Jew."

Mati Shemoelof: For those who do not know, "hare hunting" was a euphemism for killing Jews by the Gestapo during the Holocaust. Your performance in 1986 was part of an exhibition in the Gerhard Marcks Haus, in Bremen, that once belonged to the Gestapo headquarters.

Joseph Beuys died on 23 January 1986 and my birthday took place about a month after his death. Now, because he died, I could transfer the title "How to Explain Pictures to a Dead Hare" to the title of my performance: "How to Explain Hare Hunting to a Dead German Artist". Germany was not the Germany of today. Beuys was busy with reconstruction of "Germania" and holding us, the Jews, as a dead hare. The question should be different. In my opinion, Beuys only cared about his own wounds.

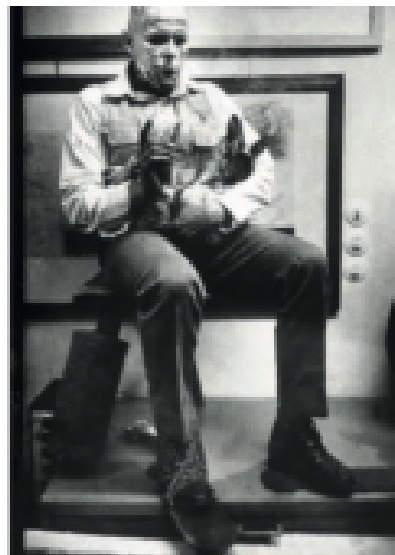
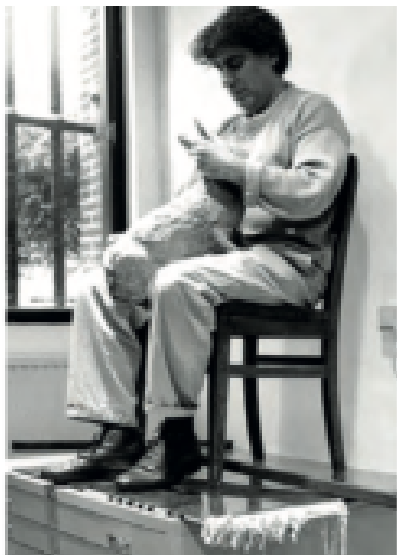
You did a public confession for your actions as an Israeli soldier in Amsterdam but Beuys never confessed to his Nazi past. In your eyes, why didn't he?

It surprised me that Joseph Beuys didn't do a confession about his involvement with the Nazi army. I wanted to criticise that. In 1936, Beuys was a member of the Hitler Youth. I know that it was compulsory. But actually, later on, in 1941, Beuys volunteered for the *Luftwaffe* (air force). In 1942, Beuys was stationed in Crimea and was a member of various combat bomber units. He actually volunteered. Nobody asked him. He dropped bombs on innocent people. In his

brilliant way, Beuys transformed his subjectivity to the suffering of the German soldier in the Second World War. In that odd way, Beuys became a victim.

One of the famous phrases of Beuys is “every man is an artist”. Beuys was part of the Düsseldorf art school where he demanded that the school open its door to anyone who wanted to be an artist. The art school kicked him out because of his radical demands. Can you elaborate more about your artistic answer to Beuys?

I created a similar environment in my performance in Amsterdam. I sat on an aluminum office cabinet with a chair that belonged to a Gestapo waiting room in Berlin. I had a wine glass on the window. A neon light under my chair. In between copper plates I had a Talit (a Jewish prayer shawl). I was holding a hare which I cast from bronze. One of the code words of the Nazi Wehrmacht was “*jagt den Hasen*” (“hunt the rabbits”). And they meant: we are going to hunt the Jews. Beuys could have chosen any other animal. But of course, he chose the hare. He walked with the dead rabbit into the gallery, where he did the performance and explained to him the paintings that he did with his own blood in a language that nobody understood. I concluded that he tried to speak with the hare in Hebrew.



Joseph Sassoon Semah created the performance “How to Explain Hare Hunting to a Dead German Artist” (left), answering Joseph Beuys’ “How to Explain Pictures to a Dead Hare” (right).

The art historian and curator Gideon Ofrat wrote that you converted Beuys to Judaism. In one hand, you were holding the rabbit and the other was placed on

your forehead to symbolise pain and at the same time deep thinking. There was a neon light on the wall, symbolising God's eternal light that answers the cross that was underneath the chair and the wine glass - symbolising the crucifixion of Jesus Christ. Have you met Beuys?

I met him twice. Once in Berlin, at the National Gallery. He was a kind man. He invited me to his home but I didn't go. We met again, also in Berlin, just before I left for Amsterdam at the beginning of the 1980s, and talked for half an hour. Yes, he was aware of my work, but he was the clean, pure face of Germany after the Second World War - and I was just a young artist.

It sounds like you have a love-hate relationship with him. On one hand, so many of your artworks are in dialogue with his art. On the other hand, you can't stand the position that he took as a victimiser in German and European art. And so, I have to ask you, why didn't you go to his house?

Maybe I wasn't really occupied with him at that time. Maybe postwar Germany wasn't really in my focus. Around 1982, I left Berlin and it was easier for me to work in Amsterdam. In 1982, I wrote a letter to Albrecht Dürer [German painter, 1471-1528] and explained to him my thoughts on Luther and Beuys.

If Beuys was alive, how do you imagine his reaction to the Jewish performance you created in reaction to him?

In his ironic way, he would have rejected me. He did already with the hare - holding me, a dead Jew - in his hands.

Hans Peter Reiegel, one of Beuys' biographers, mentioned that many of Beuys' patrons and friends hid their Nazi past. From Beuys' incident in the Luftwaffe - his plane was shot down - Beuys fashioned the myth that he was rescued by nomadic Tatar tribesmen, who wrapped his broken body in animal fat and nursed him back to health. According to his version, they told him: "Nje nemiecky, du Tatar" - "You are not a German, you are a Tatar". Records state that Beuys was conscious, that he was recovered by a German search commando, and there were no Tatars in the village at that time. But people still believe his version of the story and that Beuys could transform German society. Do you believe in the power of Beuys' transformation?

Beuys was a soldier who returned from war and starting to create through his

personal pain. He transformed himself from a victimiser to a victim. I don't really trust this social order he created.

Beuys had an enormous influence on Israeli art in the 1970s when it comes to healing - especially when it comes to selected works of Tamar Getter, David Ginaton, Moshe Mizrahi and others. In 1973, David Ginaton went to Josef Beuys' home in Düsseldorf, after not finding him at the academy. He knelt in front of the artist's house as if he was a god.

When Ginaton kneeled in front of the house of Beuys, I found it so sad to see. I guess it should be the other way around. And you can see the power of symbols. I don't know why he did it. Ginaton was an Israeli soldier who was in Germany. Maybe the fascination of soldiers was connecting them.

Why do you take a different perspective to that of the European Israeli artist? Do you connect it to your Baghdad origins? Is the entering of the Nazi ideology into Iraq connected in some underlying way to your criticism of Beuys' work? You were born in Baghdad in 1948. Your grandfather, Hacham Sassoon Kadoorie, was the chief rabbi of Baghdad's Jewish community until his passing in 1971, even after they had all emigrated to Israel.

Of course. It is not only about the Germans. It is about Western ideology. And it affects the whole cultural world, including the works of Beuys. And of course, indirectly, it affects the life of Jews in the Arab world. The word "antisemitism" can't be taken seriously in the Arab lands because they are also semitic. Well, I am a Babylonian Jew and I don't succumb to all of the construction of silence around Beuys. I am free from it. I can read it in a totally new way. It took me time.

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Chomsky And Pollin: A Global Green New Deal Is The Only Way To Avert Disaster



Robert Pollin

Global warming is the biggest challenge facing humanity today. Yet, climate change has yet to become our number one priority even though, as the World Meteorological Organization warned back in March 2020, “[time is fast running out](#)” on averting an acute environmental catastrophe.

In this context, a comprehensive Green New Deal is urgently needed to be put into action. A Global Green New Deal. And, hopefully, the incoming Biden administration will not squander the opportunity to have the U.S. take the lead on climate emergency now that the Senate is under Democratic control.

In the interview that follows, Noam Chomsky and Robert Pollin explain the urgency of undertaking ambitious efforts to respond globally to the existential crisis of climate change within the context of a just transition to a green economy. Chomsky and Pollin are joint recipients of the 2020 Climate Courage Award granted by the Climate Change Leadership Institute for their book *Climate Crisis and the Global Green New Deal* and its articulation of “a global solution that is not only bold and viable but also replete with the need for a just transition.”

C.J. Polychroniou: Noam, the outgoing Trump administration was the worst thing that could have happened for the environment. Trump rolled out dozens of deregulation policies. His administration reversed the Obama-rule on methane emissions, even though methane, the natural ingredient in natural gas, is 84 times more potent than carbon dioxide. Meanwhile he denied the science of climate change and withdrew the United States from the Paris climate agreement. What can we expect from the Biden administration on climate emergency, especially now that the Senate is under Democratic control, and why is it so important that the U.S. should rejoin the Paris Agreement?



Noam Chomsky

Noam Chomsky: Rejoining the Paris Agreement is imperative, but only a bare beginning. The Agreement was an important step forward. It is, however, very weak, not even close to what has to be done. It also has no teeth: it is voluntary, no binding commitments. The primary reason for the weakness is the U.S. Republican Party, which would not permit anything that went much beyond symbolism. The Party is still there. In fact, it just achieved overwhelming success in the November 2020 elections, winning at every level except for the White House, where distaste for Trump's antics prevailed. That victory is quite astonishing if only in light of the fact that the Party's leaders were responsible for killing tens if not hundreds of thousands of Americans in the preceding months — not to speak of racing to the abyss of environmental catastrophe, a fact that scarcely registered.

The Party is still there, a dominating force, poised to ensure that the country is ungovernable, a specialty of Senate Republican leader Mitch McConnell as he proclaimed with pride during the Obama years and demonstrated with considerable success.

And Trump is not gone, far from it. A large majority of the Republican voting base regards him as their leader, if not savior. They can be whipped up to threaten any Republican office holder who dares to depart from Trump-McConnell malevolence, much as the Tea Party was organized and used for that purpose, with plenty of funding from powerful concentrations of capital. It may be recalled that as recently as 2008, during the McCain campaign, Republicans were willing to entertain the thought that there might be some problem about destroying the climate that sustains life. With virtual unanimity, they succumbed to a juggernaut launched by David Koch to extirpate that heresy, a victory that remains in place. With Trump setting himself up as the “true victor” in the elections, stirring up poisons in the ways he masters very well, there will be serious barriers to returning the country to a moderately civilized course.

How serious the barriers are we saw right before our eyes on January 6, a fateful day.

Ever since he gained office, Trump has been working hard to turn the country into a tin-pot dictatorship under his rule, a process we have been discussing regularly in this forum as it has unfolded.

To repeat briefly, there have been three prongs to the assault against the world by this miserable creature:

1. Destroying the environment that sustains life
2. Sharply increasing the threat of terminal nuclear war;
3. Dismantling formal democracy.

The first one alone suffices to establish him as arguably the most dangerous political figure in human history, a truism that has been hard for many to contemplate.

Right now we are witnessing the next step in his dedication to destroy American democracy. He has been bragging for years about the “Tough Guys for Trump” — his Black and Brown Shirts.

On January 6, he unleashed them, encouraging their violence and destruction as they broke into the Capitol Building to prevent formal ratification of his electoral defeat, which, it seems, he will never acknowledge no matter how much destruction is caused by his malevolence.

In his disgraceful performance calling on his tough guys to go home — for now — he could not refrain from stirring up more poisons with brazen lies about how his “landslide victory” was stolen by evil forces, doing what he can to ensure maximum damage to the country to which he intends to return triumphantly to complete the wreckage.

That is only one force the Biden administration will have to overcome to save the country, and the world, from environmental catastrophe. Another is the Democratic National Committee (DNC) — Clintonite, neoliberal, oriented to Wall Street and the donor class. The intraparty conflict began to emerge even before the election. One central element was global warming. Under significant popular pressure, the Biden-Harris environmental program moved in a fairly progressive direction; insufficient, but a considerable step beyond predecessors. As we’ve discussed before, the DNC reacted by cutting it back.

The impediments to the urgently needed policy are extreme, but there are also popular forces that cannot be ignored. They are imposing what the powerful call “reputational risks” that have to be dealt with, sometimes in meaningful ways. And power does not make those who wield it totally impervious to human concerns. Whatever the mix of factors may be, there are changes taking place within the institutions that dominate the society. European-based fossil fuel companies are shifting toward sustainable energy. Bank of America, the last holdout, joined other major banks in refusing to join Trump’s last-ditch effort to destroy the Arctic nature reserve. Popular activism can influence those who own the country... And it can influence the government as well, despite the impediments over a spectrum from the DNC to the far right.

The outcome of this struggle for survival will determine what we can expect from the Biden administration.

Polychroniou: Bob, you have made a strong case that any Green New Deal must be global in nature and scope if we are serious about addressing the climate emergency. How do you envision such an undertaking taking place, and what should be done with the less developed countries that don’t have the resources to embark on a transition to clean and renewable energy systems?

Robert Pollin: The Green New Deal must be global in scope, whether we like it or not. This is the only possible way to have a chance of bringing global carbon

dioxide (CO₂) emissions down to zero by 2050, which is the goal that the Intergovernmental Panel on Climate Change (IPCC) has set as the requirement for moving onto a climate stabilization path.

The evidence on current global CO₂ emissions makes this clear. Thus, China and the U.S. are by far the biggest sources of emissions, with China at 27 percent and the U.S. at 15 percent. So adding emissions from China and the U.S. alone gets us to 42 percent of the global total. But we can also look at this same statistic from the opposite direction: even after combining the emissions levels for China and the U.S., we still haven't accounted for fully 58 percent of the global total. We can also push the individual country emissions figures a bit further, and include all 27 countries of the European Union (EU) along with the United States and China. This adds another 10 percent to current total emissions, getting us to 52 percent of global emissions with China, the United States and the 27 EU countries combined. Therefore, if we only pay attention to China, the U.S. and all EU countries, we still are neglecting the countries responsible for generating nearly half of current total global emissions. The point is that every place does matter if we really are going to hit the target of net zero global emissions by no later than 2050. Zero emissions does mean *zero*, everywhere. If we let some small countries, or low-income countries, off the hook, then where do we draw the line and still get to the zero emissions goal?

This is especially true if we are also serious about raising mass living standards in low-income countries. In areas such as rural Africa and India, roughly half of the population has no access to electricity at present. Raising living standards in low-income countries will entail providing affordable energy, for people to light and heat their homes, for cooking and to improve transportation systems. It will also mean that, especially in rural areas of the developing world, women will be able to stop spending hours every day gathering wood to burn for cooking and heating. The energy supply that will deliver this rise in mass living standards will need to be renewable energy, provided at high efficiency levels — solar and wind energy primarily, but also some geothermal, small-scale hydro and low-emissions bioenergy.

Developing countries therefore need large-scale investments to build clean energy infrastructures. By my estimates, this will cost about 2 to 3 percent of overall spending (GDP) in these economies every year between now and 2050. That is not an overwhelming amount of money; it means that 97 percent of the

economy's overall spending can be devoted to other things, like growing food in abundance, creating good-quality housing, transportation, education, health care, as well as producing some local manufactured goods. Still, that 3 percent of total spending needs to come from somewhere. As a basic standard of fairness, most of the funds should be provided by the high-income countries. This is because the high-income countries, starting with the U.S. but also including Canada, Western Europe, Japan and Australia are primarily responsible for loading up the atmosphere with greenhouse gases and causing climate change. There are straightforward ways for the high-income countries to raise these investment funds, including cutting military spending, eliminating fossil fuel subsidies and having the major central banks, starting with the U.S. Federal Reserve and the European Central Bank, purchase Green Bonds from the governments of low-income countries at zero- or near-zero interest rates.

That said, it should also be clear that in the low-income countries, as well as the high-income countries, clean energy investments will pay for themselves over time. This is because investing in dramatically raising energy efficiency levels will mean that people will be able to, for example, heat and light their homes with much less energy. In addition, investments in renewable energy will mean lower prices for the energy you do have to buy. It is already the case that, in both low- and high-income economies, average prices for renewable energy are comparable to or lower than those for fossil fuels and nuclear power, and these renewable energy costs are also falling.

Polychroniou: The Global Green New Deal that you have proposed makes top priority a just transition for the workforce employed in the fossil fuel economy. Can you talk a bit about this issue?

Pollin: Investments to build a clean energy economy will be a major source of job creation in all regions of the world. Countries at all levels of development will experience significant gains in job creation relative to maintaining their existing fossil fuel infrastructures. Research that I have conducted with co-workers has found this relationship to hold in Brazil, China, Germany, Greece, India, Indonesia, Puerto Rico, South Africa, South Korea, Spain and the United States. As a rough approximation, I estimate the increase in employment worldwide would be in the range of 160 million jobs per year on average between 2021 and 2030.

At the same time, workers and communities throughout the world whose livelihoods depend on people consuming oil, coal and natural gas will lose out in the clean energy transition. It is only a modest exaggeration to say that the fate of the planet depends on whether we can put in place just transition policies for these workers and communities that will be negatively impacted by the decline and shuttering of the fossil fuel industry. Just transition policies are certainly justified according to any standard of fairness. But they are also a matter of strategic politics. In the absence of such adjustment assistance programs operating at a major scale, the workers and communities facing retrenchment from the clean energy investment project will, predictably and understandably, fight to defend their communities and livelihoods. This in turn will create unacceptable delays in proceeding with effective climate stabilization policies.

Considering the U.S. economy, co-workers and I have estimated that a rough high-end figure for such a program would average less than \$1 billion per year over 2021 to 2030 — that is, well below one one-hundredth of 1 percent of U.S. GDP. This level of funding would provide strong support in two areas: (1) income, retraining and relocation support for workers facing retrenchments; and (2) guaranteeing the pensions for workers in the affected industries. Comparable programs will of course need to be implemented in other country settings. The proportional costs as a share of GDP in all other economies is not likely to be much higher than the U.S. figure. In short, generous just transition policies for workers and communities that are currently dependent on the fossil fuel industry need to be included as a centerpiece of all Green New Deal programs throughout the world.

Polychroniou: Noam, it is generally agreed that labor must play a leading role in tackling the existential crisis of global warming. What are the arguments that climate emergency is a labor issue?

Chomsky: To begin with, the climate emergency is a human emergency — in fact, an emergency for almost all living things. We are not just racing to destroy ourselves, a careening course accelerated by an array of villainous masters of the private economy and the state, but also the animal kingdom and much of the rest of the organic world. Human destructiveness, culminating in the Anthropocene, reaches levels of depravity that can hardly be captured in words, at least mine. Nor can words capture the failure to comprehend what is happening before our eyes.

Working people are humans, in fact the large majority of the species. A human emergency is an issue for labor by definition. More specifically, overcoming this emergency will require great changes in the kinds of work that people do, over a very broad range. One obvious case is fossil fuel workers. They will have to be helped in the transition to a new economy — one in which they can have better lives and work, a topic that Bob has studied in detail. If Democratic party leaders had cared enough about working people, they would have been organizing in oil-producing areas instead of conceding them to the Republicans with their easy and cynical tales of how Biden’s goal is to take away their jobs and destroy their communities with some liberal hoax about climate. Another clear case is agricultural practices, which will have to be radically changed if we hope to survive. Constructing a new and much better society — and one that can survive — should open up a vast array of new and much better employment opportunities in manufacturing, construction, education, health, in fact, every area of life.

Throughout modern history, organized labor and labor activists have been in the lead in creating a better world. Reagan and Thatcher, and those behind them, knew very well what they were doing when they launched the neoliberal assault on global society by targeting unions, the main line of defense for working people in the bitter class war that they sharply accelerated. Labor has also been in the lead in the areas of our current concern. One of the earliest and most far-sighted environmentalists was the great labor leader Tony Mazzocchi, a high official of the Oil, Chemical and Atomic Workers International Union (OCAW), workers on the front line in enduring the effects of the industrial pollution that is destroying the planet. Reviving his Labor party initiative is not an idle dream. Along with badly needed revival of the labor movement, it might be one prong in the broad effort that is imperative if we are to escape from the catastrophe we are creating and move on to a better life.

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