

FORENSIC LISTENING IN  
LAWRENCE ABU HAMDAN’S  
*SAYDNAYA*  
*(THE MISSING 19DB)*  
by James Parker

[HTTPS://DOI.ORG/10.38030/INDEX-JOURNAL.2020.2.7](https://doi.org/10.38030/index-journal.2020.2.7)

## THE RIGHT TO SILENCE

In 2014, Lawrence Abu Hamdan invited me to participate in a day of events he was curating for the Studium Generale at the Rietveld Academie. The wider program, a “conference-festival,” addressed to students and faculty across all fields of art and design, was concerned with voice, but Abu Hamdan’s own focus would be legal, and the day was therefore titled *The Right to Silence*.<sup>1</sup> The “Miranda-style” warnings made famous by American crime dramas were mentioned only once, however, and only as a point of departure. Abu Hamdan’s concerns were much broader. What interested him, he said, were “the forms of listening that govern and control the voice . . . how voices are received, and how they’re also silenced.”<sup>2</sup> So, Anna Kipervaser presented excerpts from her film *Cairo in One Breath* (2015), about the Adhan Unification Project and how, in the name of combatting “noise pollution,” the call to prayer of individual *muezzin* was quickly being replaced by a single voice broadcast throughout the city. Niall Moore told the extraordinary story of the “broadcast ban”: legislation which, from 1988 to 1994, prohibited the voices of members of Sinn Féin and other groups, both republican and loyalist, from being heard on British television and radio, with the perverse outcome that recordings were simply dubbed by actors instead.<sup>3</sup> Tom Rice presented his research on the stethoscope and the dramatic shifts in doctor-patient relations and auditory knowledge it helped bring about.<sup>4</sup> René Laennec’s iconic 1816 invention was a key moment, he said, in medicine’s broader shift towards pathology and modern clinical techniques. For the first time, here was a technology that allowed the body *itself* to speak, often despite and against patients’ own reporting.<sup>5</sup> This was a point that Abu Hamdan had himself deployed to powerful effect in *The Whole Truth* (2012), his documentary on the science and pseudo-science of computational voice analysis in security contexts: about companies like Nemesysco, for instance, that claim to be able to detect everything from whether or not a person is lying, to embarrassment, anxiety, and even a propensity for sex-offending, simply by analysing their speaking voice.<sup>6</sup> Like the stethoscope, such techniques attempt to “pit the subject against itself”: what we say against how we say it. The politics, of course, are very different. What is at stake now, Abu Hamdan says, is the emergence of a

- 1 “Studium Generale Rietveld Academie 2014,” *Voice: Creature of Transition*, 2014, <https://voicecreatureoftransition.rietveldacademie.nl/lecture/thursday-march-20/>.
- 2 Lawrence Abu Hamdan, “Lawrence Abu Hamdan: Introduction,” Studium Generale Rietveld Academie, 2015, YouTube video, 16:33, <https://www.youtube.com/watch?v=B8Uawxoeli8>.
- 3 Niall Moore, “‘Niall Moore: 88–’94’: Silence, Censorship & The Broadcasting Ban,” Studium Generale Rietveld Academie, 2015, YouTube video, 34:54, [https://www.youtube.com/watch?v=w8eeq1-fmVA](https://www.youtube.com/watch?v=w8eeq1-fmVA;).; Francis Welch, “The ‘Broadcast Ban’ on Sinn Fein,” BBC News, April 5, 2005, <http://news.bbc.co.uk/2/hi/4409447.stm>.
- 4 Tom Rice, “Listening to the Corporeal Voice,” Studium Generale Rietveld Academie, 2015, YouTube video, 38:22, <https://www.youtube.com/watch?v=jjxNG8R4JAM>; “Learning to Listen: Auscultation and the Transmission of Auditory Knowledge,” *Journal of the Royal Anthropological Institute* 16, no. 1 (2010): 41–61.
- 5 See also Jonathan Sterne, “Mediate Auscultation, the Stethoscope and the ‘Autopsy of the Living’: Medicine’s Acoustic Culture,” *Journal of Medical Humanities* 2, (June, 2001): 115–36.
- 6 Nemesysco, “Homepage,” n.d., <http://nemesysco.com/>.

new “phrenology of the voice.”<sup>7</sup>

The rest of the day’s program was equally diverse, ranging widely across geography, law and politics. El-Wardany and Maha Maamoun presented work from *The Middle Ear* (2011) and *How to Disappear* (2013), their collections of poetry and short stories on eavesdropping and other forms of illicit listening, and Ali Kaviani gave a performance based on his experience with The Silent University, a solidarity-based knowledge exchange platform developed by and for displaced people unable to use their skills or professional training by virtue of their immigration status. We heard Gregory Whitehead’s astonishing radiophonic work *Pressures of the Unspeakable* (1992), which draws from recordings made for “The Institute for Screamscape Studies,” a “bogus institution” housed briefly at the Australian Broadcasting Corporation in Sydney.<sup>8</sup> Kobe Matthys performed a version of his longstanding project *Agency* (1992–present), focused here on a collection of found “sonic objects” derived from (in)famous intellectual property disputes, like the one involving a Bette Midler “soundalike” in an advertisement for Ford motors.<sup>9</sup> Noah Angell spoke about the violence of the ethnographic ear, as he narrated a series of recordings—of Inuit throat songs, an ‘Are’are panpipe ensemble, Diak flute music—all produced in the name of “preservation” and “national heritage,” but which nevertheless entailed a form of silencing and erasure by virtue of their dramatic excision from the relevant ritual or legal contexts.<sup>10</sup> And I was there, finally, to present some of my work on “acoustic jurisprudence” and the trial of Simon Bikindi, who had been accused by the International Criminal Tribunal for Rwanda of inciting genocide with his songs.<sup>11</sup>

## THE LAWS AND POLITICS OF LISTENING

Here in this catalogue of projects are the outlines of a whole field of enquiry, concerned, as Abu Hamdan suggested, with the laws and politics of listening: how listening governs and is itself governed. In 2014, this was not yet a field that had been well-mapped: by artists or academics, in law or elsewhere. Indeed, much of my own work both before “The Right to Silence” and since, especially in my collaborations with Joel Stern and Liquid Architecture,<sup>12</sup> has been dedicated to making the case for a renewed concern for sound in law,<sup>13</sup>

- 7 Lawrence Abu Hamdan, “Aural Contract—Forensic Listening and the Reorganization of the Speaking Subject,” *Cesura//Acceso* 1 (2014): 200.
- 8 Gregory Whitehead, “Pressures of the Unspeakable: A Nervous System for the City of Sydney,” *Continuum* 6, no. 1 (January 1992): 115–17, <https://doi.org/10.1080/10304319209359386>. Full script: Gregory Whitehead, “Pressures of the Unspeakable,” 1992. <https://gregorywhitehead.files.wordpress.com/2012/10/potuscript.pdf>.
- 9 *Midler v Ford Motor Co*, 849 F.2d 460 (9th Cir. 1988).
- 10 Noah Angell, “Noah Angell,” Studium Generale Rietveld Academie, January 30, 2015, YouTube video, 29:57, <https://youtu.be/kuwB2ZmW9Lo>.
- 11 James E. K. Parker, *Acoustic Jurisprudence: Listening to the Trial of Simon Bikindi* (Oxford: Oxford University Press, 2015).
- 12 See e.g. Liquid Architecture, “Acoustic Justice,” 2017, <https://liquidarchitecture.org.au/events/acoustic-justice>; James Parker and Joel Stern, eds. *Eavesdropping: A Reader* (Wellington: City Gallery, 2019).
- 13 James E. K. Parker, “The Soundscape of Justice,” *Griffith Law Review* 20, no. 4 (2011): 962–993; James E. K. Parker, “The Gavel,” in *International Law’s Objects*, ed. Jessie Hohmann and Daniel Joyce (Oxford: Oxford University Press, 2018); James E. K. Parker, “Codes: Judging the Rwandan

and for a richer account of law in sonic art and music.<sup>14</sup> This, presumably, is why I was invited.

There is still plenty of work to be done, but Abu Hamdan has done more than most to bring such questions to public attention and to foster their discussion in the arts and the academy. In 2014, when we first met in Amsterdam, Abu Hamdan's star was only just beginning to rise. Emily Apter has already written powerfully on a number of his early works.<sup>15</sup> "Shibboleth: Policing by Ear and Forensic Listening in Projects by Lawrence Abu Hamdan," which first appeared in *October*, and then subsequently in a short monograph on the artist for Sternberg Press, focuses on a series of works concerned with the controversial use of language, dialect and accent analysis in determining the origins of asylum seekers.<sup>16</sup> This series, comprising the audio documentary and accompanying sculptures, *The Freedom of Speech Itself* (2012), and the installation *Conflicted Phonemes* (2012), investigates "the listening skills of the phonetic expert," along with the politics of pronounceability and the irreducibility of the voice to a passport. These language tests, generally applied over the phone by government subcontractors, amount to little more, Apter explains, than "technologically sophisticated versions" of the Biblical shibboleth test, since they reduce the asylum seeker's voice to an "aural biopolitical signature": a biological marker of putative statehood. Even when we are free to speak, Abu Hamdan is saying, we are not necessarily "free to choose the ways we are being heard."

In the years since these and other early projects, Abu Hamdan has quickly become one of the world's most sought after and critically acclaimed artists. Not that it is a competition. Having already been awarded the Nam June Paik Award for new media and the Tiger short film award at the Rotterdam International Film festival for *Rubber Coated Steel* (2016), along with various other prestigious fellowships and decorations, when he was nominated, along with Helen Cammock, Oscar Murillo and Tai Shani, for the Turner Prize in 2019, the group petitioned to be named joint winners. It was a characteristically political gesture as well as a canny institutional critique: "the most significant artistic gesture since Duchamp," wrote the art critic and historian Seth Kim-Cohen on Facebook, tongue only partly in cheek. "After a number of discussions, we have come to a collective view that we would like to be considered together for this year's award," the four artists wrote in a letter to the jury.<sup>17</sup> "We are therefore writing to request that you as the jury might consider awarding the Prize to the four of us collectively and not to any of us

Soundscape," in *A Cultural History of Law in the Modern Age*, ed. Richard K. Sherwin and Danielle Celermajer, vol. 6, *A Cultural History of Law* (London: Bloomsbury, 2019).

- 14 James E. K. Parker, "The Musicology of Justice: Simon Bikindi and Incitement to Genocide at the International Criminal Tribunal for Rwanda," in *The Soundtrack of Conflict: The Role of Music in Radio Broadcasting in Wartime and in Conflict Situations*, ed. M. J. Grant and Férda J. Stone-Davis (New York: Olms Verlag, 2013); Parker and Stern, *Eavesdropping*.
- 15 Emily Apter, "Shibboleth: Policing by Ear and Forensic Listening in Projects by Lawrence Abu Hamdan," *October* 156 (May 2016): 100–115, [https://doi.org/10.1162/OCTO\\_a\\_00253](https://doi.org/10.1162/OCTO_a_00253).
- 16 Lawrence Abu Hamdan, *[Inaudible] A Politics of Listening in 4 Acts*, ed. Fabian Schöneich (Sternberg, 2016).
- 17 Taylor Dafoe, "As a 'Statement of Solidarity' the 2019 Turner Prize is Awarded to all Four Nominees at Once," *Artnet News*, December 3, 2019, <https://news.artnet.com/art-world/2019-turner-prize-winner-1721373>.

individually.”<sup>18</sup> And they did, for the first time in the Prize’s thirty-four-year-long history. “The politics we deal with differ greatly,” the group explained on receiving the award, “and for us it would feel problematic if they were pitted against each other, with the implication that one was more important, significant or more worthy of attention than the others.”<sup>19</sup>

But the interest and appeal of Abu Hamdan’s work is about far more than its politics. The specific ways in which he weaves law and listening together—both in the service of, and quite apart from, their political dimensions—is crucial too. Abu Hamdan’s art presents itself as already jurisprudential. It works with, on and against legal techniques and idioms; gathers, presents and interprets evidence; stages virtual trials; and makes explicit doctrinal claims: all with a view to intervening in political struggles in which questions of law are directly implicated. “Forensic listening” he calls it.<sup>20</sup> And as with “the right to silence,” this is both a nod to a specific set of legal practices and an effort at expanding and politicizing them, as we will see.

### *SAYDNAYA (THE MISSING 19dB)*

If “The Right to Silence” speaks to Abu Hamdan’s broader curatorial interests and the academic and artistic contexts in relation to which he situates his work, in this essay I want to consider some specifics, and to think with and through one work in particular. Because of its subject matter and methodology, Abu Hamdan’s work is always heavy, but *Saydnaya (the missing 19dB)* (2016) is crushingly so. It is one of several artworks, a website,<sup>21</sup> and a major report<sup>22</sup> to have come out of a collaborative project between Amnesty International and Forensic Architecture, the research agency founded by Eyal Weizman at Goldsmiths in 2010 with which Abu Hamdan has been associated since its inception. The work concerns an acoustic investigation into Saydnaya Military Prison, thirty kilometres north of Damascus, Syria, where an estimated thirteen thousand people have been executed by the Assad regime since 2011. Because Saydnaya is inaccessible to independent monitors, the memories of the few survivors to have been released are the only way to learn of, document and condemn the violations taking place there. Further, since prisoners at Saydnaya are kept in tiny cells, in near total darkness, and at risk of death if they so much as make a sound, those memories are largely auditory. *Saydnaya (the missing 19dB)* is therefore constructed largely of testimony about detainees’ auditory experience and its analysis by the artist. Abu Hamdan’s concern, like that of the survivors whose testimony we hear, is for

18 Dafoe, 2019.

19 Mark Brown, “Turner Prize Awarded Four Ways after Artists’ Plea to Judges,” *The Guardian*, December 4, 2019, [https://www.theguardian.com/artanddesign/2019/dec/03/turner-prize-2019-lawrence-abu-hamdan-helen-cammock-oscar-murillo-and-tai-shani-shared?fbclid=IwAR1MWV8-svDajlpi\\_QvHSLyZTFq7cLZUctMd-hEO6BIe1PfXxmX5tMI2k](https://www.theguardian.com/artanddesign/2019/dec/03/turner-prize-2019-lawrence-abu-hamdan-helen-cammock-oscar-murillo-and-tai-shani-shared?fbclid=IwAR1MWV8-svDajlpi_QvHSLyZTFq7cLZUctMd-hEO6BIe1PfXxmX5tMI2k).

20 Abu Hamdan, “Aural Contract.”

21 “Saydnaya: Inside a Syrian Torture Prison,” Amnesty International and Forensic Architecture, 2016, <https://saydnaya.amnesty.org/>

22 Amnesty International, “Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison, Syria,” 2017, <https://www.amnesty.org/en/documents/document/?indexNumber=mde24%2f5415%2f2017&language=en>.

the complex ways in which sound and silence are connected to techniques of domination, power and resistance, including especially by recourse to international law.

Having debuted at the 13th Sharjah Biennial in 2016, *Saydnaya (the missing 19dB)* was subsequently shown alongside *Earwitness Inventory* (2018) as *Earwitness Theatre*, a solo exhibition at Chisenhale gallery, for which, along with the video installation *Walled Unwalled* (2018) and the performance lecture *After SFX* (2018) at Tate Modern, Abu Hamdan was nominated for the Turner Prize. Though all of these works come out of the same investigation, *Saydnaya (the missing 19dB)* is the series' backbone and anchor. Without it, for instance, the significance of *Earwitness Inventory*—which derives from Abu Hamdan's efforts to help survivors from Saydnaya recall and describe the acoustic dimensions of their experience—would be opaque. And both *Walled Unwalled* and *After SFX* rework the Saydnaya material as part of larger stories: in the case of the former, about the permeability of walls and the evidentiary and political potentials thereby entailed. Indeed, *Walled Unwalled* marks a kind of turning point in the artist's trajectory. In one way or another, all of Abu Hamdan's work from 2010 to 2016 was concerned centrally with sound or voice and the laws and politics of listening. With *Walled Unwalled*, however, sound becomes epiphenomenal for the first time. In addition to the Saydnaya materials, the work deals with the trial of Oscar Pistorius for the shooting of Reeve Steenkamp and the crucial role played by audio-ballistics evidence in securing Pistorius' conviction for "culpable homicide" rather than murder. But sound's essential leakiness (and I think for Abu Hamdan it *is* "essential"), its tendency to exceed, surpass and escape, its "fugitivity" to borrow Fred Moten's term,<sup>23</sup> is a pivot now into a much larger story about the material politics of permeability. Like Wendy Brown,<sup>24</sup> Abu Hamdan is concerned with what it means to live in a world in which, paradoxically, walls proliferate but are nevertheless more porous than ever before. Sound is only one part of that story. Moreover, by *Once Removed* (2019), commissioned for the 14th Sharjah Biennial and shown in Australia at the 2020 Biennale of Sydney, the concern for sound and silence is nearly gone altogether.<sup>25</sup>

23 Stefano Harney and Fred Moten, *The Undercommons: Fugitive Planning and Black Study* (Wivenhoe: Minor Compositions, 2013); Andrew Navin Brooks, "Fugitive Listening: Sounds from the Undercommons," *Theory, Culture & Society* (April 2020): <https://doi.org/10.1177/0263276420911962>.

24 Wendy Brown, *Walled States, Waning Sovereignty* (Cambridge, MA: MIT Press, 2017).

25 The work comprises a filmed conversation between Abu Hamdan and Bassel Abi Chahine, a young writer and historian who "has managed to obtain the most comprehensive inventory of extremely rare objects, photographs and interviews of the PLA and PSP socialist militia led by Walid Joumblatt during the Lebanese civil war." His obsessive investigations are partly about the memorialization of atrocity and the gathering of evidence and testimony against official educational narratives that would prefer this period and what the film describes as the "war crimes" committed during it be erased. But they are also, intriguingly, a kind of auto-forensics, since what motivates Chahine is his belief—an artefact of his Druze faith—that he is the reincarnation of a soldier Yousef Fouad Al Jawhary, who died when he was 16 in 1984 in the town of Aley. "His reincarnation and his research are inseparable," Abu Hamdan explains. "Yet for Bassel it is not his intention to expose the silenced events that he has uncovered about what happened during the war, but rather to seek material and tangible traces that it happened at all, and most of all, despite not being alive at the time, that it happened to him." Notice that the silence is largely metaphorical now, and that if the work is about the politics of listening, it is because of the challenge it issues to its audience: to take this intergenerational investigation seriously, along with the faith and porosity of memory on which it depends.

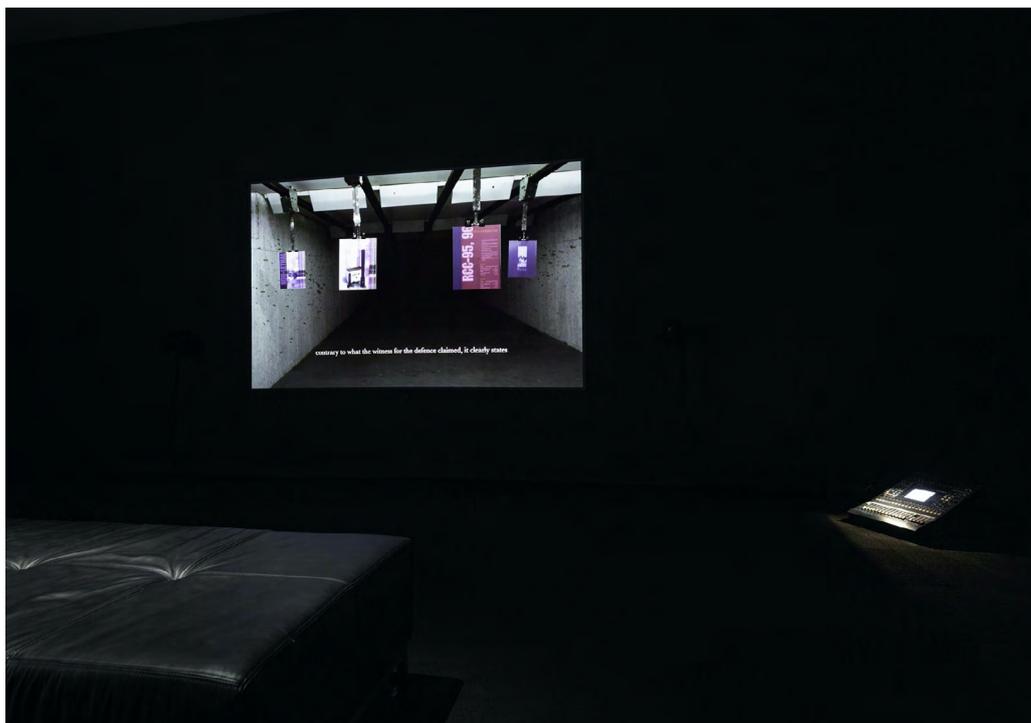


FIG. 1

Installation view of Lawrence Abu Hamdan, *Rubber Coated Steel* (left) and *Saydnaya (the missing 19db)* (right), Ian Potter Museum of Art, University of Melbourne, 2018. Photo: Christian Capurro.

As a result, and with the benefit of hindsight, it is possible to understand *Saydnaya (the missing 19dB)* as the culmination of a long series of works concerned with articulating and exemplifying what “forensic listening” might entail in artistic and political contexts. Abu Hamdan may well return to these questions again, but for now *Saydnaya (the missing 19dB)* stands as a high point in a particular artistic and political method, in which law and legal technique play a crucial role. Having now curated the work twice for *Eavesdropping*, an exhibition I curated with Joel Stern in 2018 in Melbourne and 2019 in Wellington,<sup>26</sup> what I want to do in this essay is explore how this work works: the claims it makes about silence, both at *Saydnaya* and more generally; what it means to make these claims in a specifically legal idiom, and to do so, moreover, in a gallery; what this work says about and contributes to Abu Hamdan’s practice of “forensic listening.” In order to do so, I want to begin by further situating *Saydnaya (the missing 19dB)* in relation to the conversation the work inevitably stages with John Cage’s *4’33”* (1952): his notorious “silent work” (though, in fact, it is one of many in Cage’s oeuvre). As far as sonic art is concerned, *4’33”* has of course become a ubiquitous, even—in an act of “fabulous retroactivity”<sup>27</sup>—a founding reference.<sup>28</sup> In the case of *Saydnaya (the missing 19dB)*, however, the relationship is more direct. The work can, I think, be understood precisely as a critique of the twin conceptions of sound and silence advanced by Cage and taken up by his inheritors. Indeed, one way of understanding Abu Hamdan’s project, both in *Saydnaya (the missing 19dB)* and more generally, would be as a kind of inverse or negation of the form of listening Cage spent much of his career arguing for. “If you want to know the truth of the matter,” Cage once explained, “the music I prefer, even to my own or anybody else’s, is what we are hearing if we are just quiet.”<sup>29</sup> For Cage, “just” listening had nothing whatsoever to do with justice.

### CAGEAN SILENCE: THE IMPOSSIBLE INAUDIBLE

There are at least three different scores for *4’33”*, and Cage composed many other “silent” works. However, the canonical version remains David Tudor’s reproduction of the lost original manuscript, first performed by Tudor at a piano recital in Maverick Concert Hall, Woodstock, in 1952.<sup>30</sup> A performance comprises three movements totaling the four minutes thirty-three seconds of the piece’s title, during which any number of instrumentalists on any instruments “do not play.” The result is unexpectedly loud. The audience sits listening to itself listen (to the sounds of each other breathing, shuffling, coughing, sighing), to the peculiarities of the performance space (creaking

26 For full details and documentation of both exhibitions and related public programs, see <https://eavesdropping.exposed/>.

27 Jacques Derrida, “Declarations of Independence,” *New Political Science* 7, no. 1 (1986): 10. “Fabulous” since Cage always thought of himself as a composer. “Retroactive” since the term “sound art” first appeared at the end of the 1970s and would not be used with any regularity until the late 1990s.

28 Marcel Cobussen, Vincent Meelberg, and Barry Truax, eds., *The Routledge Companion to Sounding Art* (New York: Routledge, 2017).

29 Richard Kostelanetz, *Conversing with Cage* (New York: Routledge, 2003), 12.

30 Inke Arns and Dieter Daniel, *Sounds Like Silence: John Cage – 4’33” – Silence Today* (Leipzig: Spector Books, 2012).

floorboards, chairs and rafters, the hum of lighting or ventilation), along with any other sounds able to infiltrate the sanctity of the concert hall (rainfall on the roof, rumbling planes or machinery, buzzing insects and phones, someone talking in the hallway outside). The background becomes the foreground. Not so much silence as the realisation there is no such thing. “The opposition between sound and silence is replaced with a gradient.”<sup>31</sup> *4’33”* doesn’t just expand the field of music, it abolishes it in favour of spontaneous, ubiquitous sound: “the impossible inaudible,” as Douglas Kahn puts it.<sup>32</sup> “One may give up the desire to control sound,” Cage once explained: to “clear his mind of music and set about discovering means to let sounds be themselves rather than vehicles for man-made theories or expressions of human sentiments.”<sup>33</sup>

“Discovering means to let sounds be themselves.” Brian Kane calls this sort of thing “onto-aesthetics”: art or discourse about art in which what is valued is the work’s ability to explore or disclose its own ontology.<sup>34</sup> In this instance, the desire to reveal and revel in sound as it actually is. As Clement Greenberg put it in his famous 1960 essay championing modernist painting, a great influence on Cage,<sup>35</sup> “what had to be exhibited and made explicit was that which was unique and irreducible not only in art in general but also in each particular art. Each art had to determine, through operations peculiar to itself, the effects peculiar and exclusive to itself.”<sup>36</sup> Thus, for Christoph Cox, *4’33”* is important because it points to and embodies music’s necessary sonicity, because it “explore[s] the materiality of sound,”<sup>37</sup> and because it exposes and teaches us something about sound’s nature as a “ceaseless and intense flow” of vibrant matter that is “actualised in, but not exhausted by, speech, music and significant sound of all sorts.”<sup>38</sup> Sound, thus, is an “anonymous flux” that “precedes and exceeds individual listeners and, indeed, composers, who Cage came to conceive less as creators than as curators of this sonic flux.”<sup>39</sup> *4’33”* exemplifies this curatorial relationship, Cox says, insofar as it “simply provides a spatial frame” in which to allow sounds to be—and be appreciated for being—nothing but themselves.<sup>40</sup>

31 Douglas Kahn, *Noise, Water, Meat: A History of Sound in the Arts* (Cambridge, MA: MIT Press, 1999), 160.

32 Kahn, 158.

33 John Cage, *Silence: Lectures and Writings* (Connecticut: Wesleyan University Press, 2011), 10.

34 Brian Kane, “Sound Studies without Auditory Culture: A Critique of the Ontological Turn,” *Sound Studies* 1, no. 1 (January 2015): 2, <https://doi.org/10.1080/20551940.2015.1079063>.

35 Robert Rauschenberg’s “white paintings” from 1951 were a major influence on Cage. See Seth Kim-Cohen, *In the Blink of an Ear: Toward a Non-Cochlear Sonic Art* (London: A&C Black, 2009), 161–3.

36 Clement Greenberg, *The Collected Essays and Criticism, Volume 4: Modernism with a Vengeance (1957–69)*, vol. 4 (Chicago: University of Chicago Press, 1993), 86.

37 Christoph Cox, “Beyond Representation and Signification: Toward a Sonic Materialism,” ed. Margaret Schedel and Andrew V. Uroskie, *Journal of Visual Culture* 10, no. 2 (August 2011): 145–61, <https://doi.org/10.1177/1470412911402880>.

38 Christoph Cox, “Sound Art and the Sonic Unconscious,” *Organised Sound* 1 (April 2009): 19, 22.

39 Cox, “Beyond Representation and Signification,” 155.

40 Cox, 159.

## SOUND LEADS ELSEWHERE

As Kane points out, the “critical thrust” of onto-aesthetics is to “remove artworks from their cultural contexts (claims about hermeneutics, interpretation, meaning, intention, reception, and so forth) by suturing them to their ontological conditions.”<sup>41</sup> The trouble is they can not, since “every time some feature of an artwork is claimed to exemplify this or that ontology [is] a moment where the onto-aesthete begs the cultural basis of such a claim.”<sup>42</sup> With *4’33*,” what’s being begged and elided is all the work required to produce the “spatial frame” Cox refers to. This act of framing is anything but “simple.” It demands, at the very least: a composer, a score and so a “work”;<sup>43</sup> perhaps a conductor; a performer or performers along with their instruments; the staging of a performance; across three movements; in a soundproofed concert hall;<sup>44</sup> for money; before an audience (urbane, elite, often white) trained in the arts of concert-going, with all its norms—both explicit and implicit—of listenership and comportment,<sup>45</sup> and in particular the extremely recent convention of hushed attention; a certain knowledge of the musical tradition(s) into which Cage is intervening; in many cases, direct knowledge of the work itself, along with the powerful mythology surrounding it. All this and more is required to produce and sustain the “frame” that will make the next few minutes comprehensible as having to do with sound “itself,” separate and alone.

For Branden Joseph, therefore, *4’33*” is a “pure technique of power.” Far from pointing us to sound’s essence or materiality, it demonstrates the necessary entanglement of sound, music and listening with “the operation of discipline or control.”<sup>46</sup> For Douglas Kahn, it is both about the impossibility of silence and itself an act of silencing in which Cage doesn’t so much disappear as creator and master of his work, as magnify his own presence and authority, extended now to include audience members and other institutional actors in addition to those on stage.<sup>47</sup> Just try whispering to your neighbour during a performance of *4’33*.” It’s much harder to get away with than at a gig or the opera. What is at stake here is the distribution and quality of what Brandon LaBelle terms “sonic agency.”<sup>48</sup> Moreover, once the door has been opened to what Seth Kim-Cohen, riffing on Marcel Duchamp, calls the “non-cochlear dimensions” of the work, they quickly “saturate” it.<sup>49</sup> “The normally supplemental parerga,” Kim-Cohen writes, borrowing Derrida’s term, “become

41 Kane, “Sound Studies without Auditory Culture,” 13.

42 Kane, 13.

43 Jacques Derrida, “Before the Law,” in *Acts of Literature*, ed. Derek Attridge (Abingdon: Routledge, 1992).

44 Emily Ann Thompson, *The Soundscape of Modernity: Architectural Acoustics and the Culture of Listening in America, 1900-1933* (Cambridge, MA: MIT Press, 2002).

45 Christopher Small, *Musicking: The Meanings of Performing and Listening* (Connecticut: Wesleyan University Press, 2011).

46 Branden W. Joseph, *Beyond the Dream Syndicate: Tony Conrad and the Arts after Cage* (New York: Zone Books, 2008), 188.

47 Kahn, “Noise, Water, Meat,” 161.

48 Brandon LaBelle, *Sonic Agency: Sound and Emergent Forms of Resistance*, Goldsmiths Press Sonic Series (London: Goldsmiths Press, 2018).

49 Kim-Cohen, “In the Blink of an Ear,” 54.

central to the act of encounter.”<sup>50</sup> “Contexts impose themselves: past experiences, future expectations, adjacent sounds, other works, institutional settings, curatorial framing. All these influences, and other *parerga* besides, are essential components of our experience of what we call ‘the work’.”<sup>51</sup> Even if they cannot be “heard.” In order to explore and appreciate these dimensions of the work, Kim-Cohen claims, indeed of any encounter with the sounding world, we must move beyond a concern for sound-in-itself, beyond vibration, beyond even the “jurisdiction of the ear”<sup>52</sup> towards sound’s necessary social-embeddedness; to “disengage sound thinking . . . from its naturalistic rut.”<sup>53</sup> “Sound leads elsewhere,” Kahn explains.<sup>54</sup> What he does not mention is that this elsewhere includes matters of law and justice. Abu Hamdan’s work has always been explicit about this. Nowhere more so than in *Saydnaya (the missing 19dB)*. If in Cage’s thinking, the power relations that produce and mediate sound and silence are systematically elided, for Abu Hamdan, it is precisely these power relations and their material residues that we are asked to listen out for.

### VIOLENCE AT THE THRESHOLD OF AUDIBILITY

You are sitting in a room.<sup>55</sup> Not a concert hall, this time; a gallery. The room is dark and empty but for the mixing desk on the floor in front of you and the black speakers mounted beside it.<sup>56</sup> The room is quiet, but not soundproof, since, after all, there is no such thing. Sound drifts in through and around the blank walls. Suddenly, an ear-splitting tone jolts you to attention. One of the faders on the desk moves up, as if by some phantom hand. The artist’s voice: “Boeing 737 aircraft at one nautical mile before landing.” Another tone, not quite so loud, but still uncomfortable, and the fader moves down a notch: “149 glass bottles crash into the back of a garbage disposal truck.” Down again: “A freight train passes through Utrecht train station.” On and on, quieter and quieter, precisely, methodically: [–] a conversation in a Manchester restaurant; [–] canned music in the lobby of a three-star hotel; frogs croaking throughout the Amazon rainforest in 2010; [–] the few surviving species in 2017; [–] the deathly still of the Chernobyl exclusion zone. Until finally, quietest of all, barely discernible: [–] “Saydnaya, the Syrian regime prison thirty kilometres north of Damascus” where more than thirteen thousand people have been executed by representatives of the Syrian state since 2011.<sup>57</sup> “In Saydnaya, silence is the master,” one survivor explains, their original Arabic still audible beneath the

50 Ibid, 229; Jacques Derrida, *The Truth in Painting*, trans. Geoff Bennington and Ian McLeod (Chicago: University of Chicago Press, 1987).

51 Kim-Cohen, “In the Blink of an Ear,” 54.

52 Seth Kim-Cohen, *Against Ambience* (London: Bloomsbury Publishing, 2013), 73.

53 Michel Chion, *Audio-Vision: Sound on Screen* (New York: Columbia University Press, 1994), 94.

54 Douglas Kahn, “Sound Leads Elsewhere,” in *The Routledge Companion to Sounding Art* (New York: Routledge, 2016), 61–70.

55 Alvin Lucier, “I am Sitting in a Room” (1981). See, for a more legal iteration, Joel Stern, “I am Sitting in a Courtroom” (2017), YouTube video, 11:05.

56 This at least is how the work was displayed for *Eavesdropping*. In *Earwitness Theatre* at Chisenhale and again at Brisbane, the work was presented in a specially constructed box in the center of a room, with a small window out to the rest of the gallery above the mixing desk

57 Amnesty International, “Human Slaughterhouse, Syria,” 17.

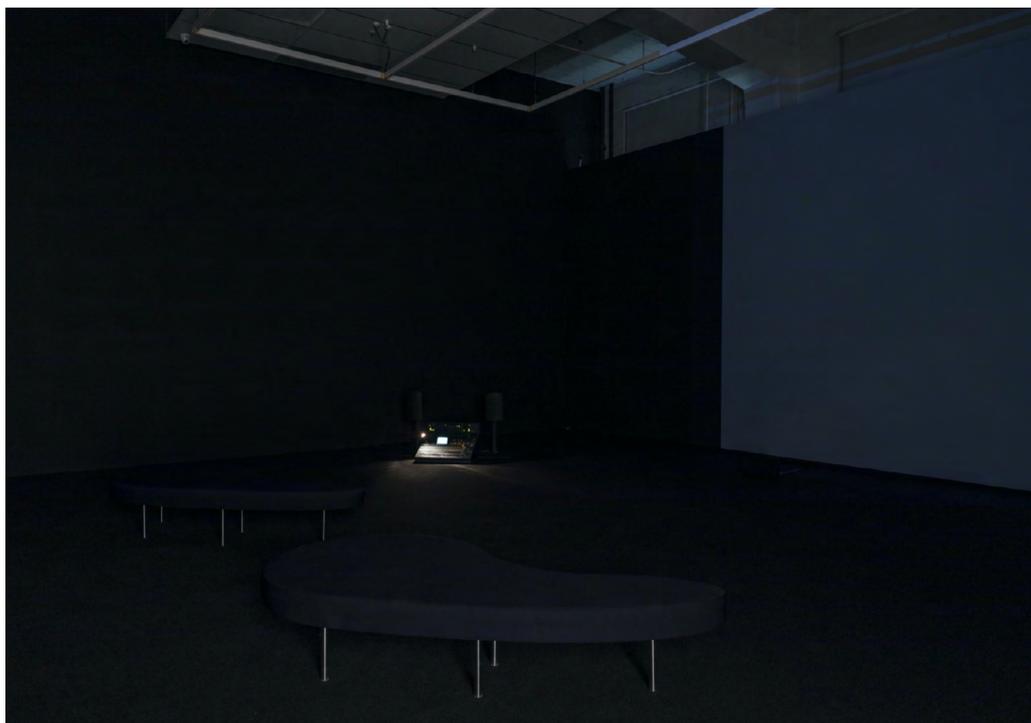


FIG. 2

Installation view of Lawrence Abu Hamdan, *Saydnaya (the missing 19dB)*, City Gallery Wellington, 2019. Photo: Bethany Woolfall.

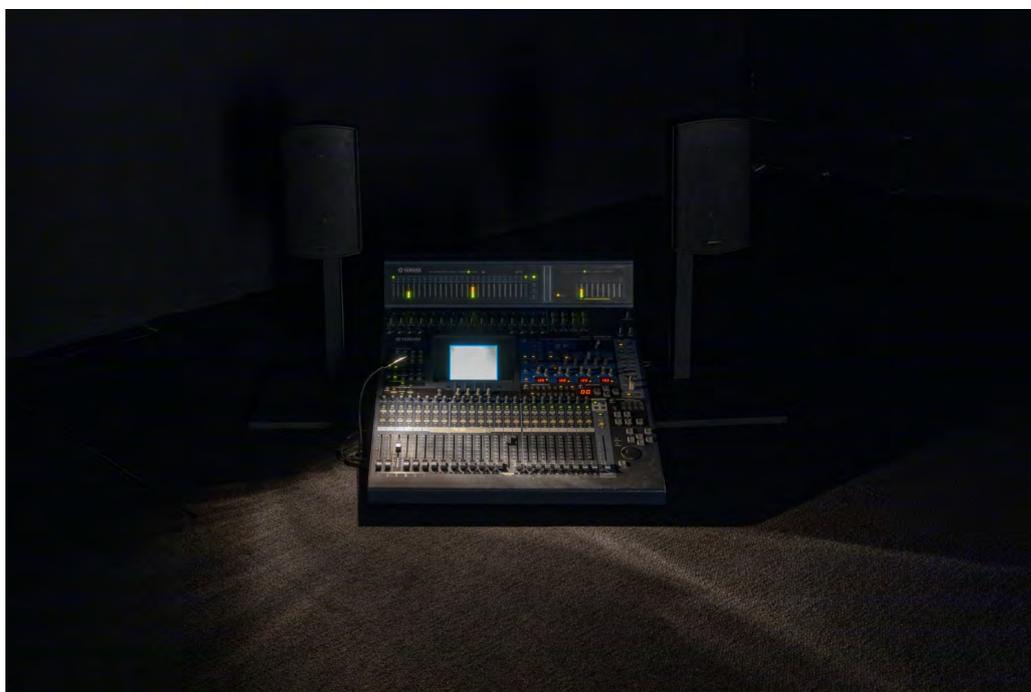


FIG. 3

Lawrence Abu Hamdan, *Saydnaya (the missing 19dB)*. City Gallery Wellington, 2019. Photo: Bethany Woolfall

hushed English of the interpreter. “You can’t raise your voice. You can only whisper. And silence is what allows you to hear everything.”

These are the opening minutes of *Saydnaya (the missing 19dB)*. Already the work is in dialogue with Cage. Here too, the relationship between sound and silence is a gradient. However, notice that this gradient is precise and measurable now: scientific; a matter of degrees. It is also overtly political. Each tone indexes an event with a name and a cause or perpetrator, and as the volume diminishes so the violence intensifies until, finally, we arrive at Saydnaya, where the silence is simultaneously a form of domination and of great forensic potential. This dialectic is at the work’s heart. As it unfolds, we hear survivor after survivor testify about the ferocious silencing to which they were subjected. This is not the silence of solitary confinement: silence as a function of isolation, as a form of sensory deprivation, or—in an older way of thinking—as a method of “inspiring” communion with God.<sup>58</sup> At Saydnaya, the silence is collective and brutally enforced. Indeed, it is “part of the brutality.”

Once in the cell across from ours the guards heard the voice of a man whispering. We heard them say, “who made the sound? Come forward or I will kill you all.” One of the detainees confessed and the guard said, “I’m going to take you to the angel of death.” All we could hear were hits landing on his body from a distance without a single cry of pain. The hits were so brutal. Eventually it stopped. We heard him say, “I emptied out a spot for you so you can get more comfortable in there. I took your friend to the angel of death. Whoever wants to join him I’ll send you over there too.”

Or again:

You’d be there in total silence for two hours and then all of a sudden you hear “vrrrruuu,” the shaft opens, and the beatings begin. You hear the beatings, but you don’t hear the voices of those being beaten. To scream while you’re being beaten is forbidden. In other prisons the guards wouldn’t leave the prisoner alone until he screams, but Saydnaya is totally opposite. If you scream the beatings would intensify. So, we could always know if there were new arrivals to the prison if you hear their screams of pain.

Clearly, the beatings are not the only acts of violence here; or even necessarily the “worst.” The silence remembered by survivors as such a defining feature of their imprisonment is not just “testimony to the uninhabitable condition of Saydnaya’s overcrowded cells,” Abu Hamdan claims, but “a form of torture in and of itself.”

This is an express doctrinal claim now. In context, it is utterly convincing. To begin with, there is something particularly horrific about a form of devoicing so extreme that it denies a person the expression of their

58 John Frow, “In the Penal Colony,” *Australian Humanities Review*, 1999, 13.

own pain. The fact that this silencing also forces detainees to produce the auditory conditions of their own and each other's suffering surely involves a certain violence of its own: a terrible complicity. In an essay accompanying the work, Abu Hamdan likens the silence inflicted at Saydnaya to the "stress positions" used so famously by the US at Guantanamo and other black sites, and the subject of ceaseless lawfare before and since. "The order of silence restricts prisoners' physical movements and suppresses their respiratory functions," he writes, "forcing them to remain still, not stretching their muscles for fear of making a sound," since to do so was to risk death. "When I came out of Saydnaya," one survivor explains, "I used to speak like someone with a twisted tongue. After whispering so long, my tongue wasn't used to speaking loudly. Speech was very difficult for me." Even as Saydnaya's deathly silence mutes the body, it intensifies listening. In jurisprudence and the sonic arts, this kind of "attunement" or "deep listening" is typically celebrated.<sup>59</sup> At Saydnaya it is part of the horror, an excruciating form of hyper-attention whereby even the quietest sound can be petrifying. Under such conditions, "detainees develop an acute sensitivity to sound," Abu Hamdan tells us. "The constant fear of an impending attack makes every footstep sound like a car crash." Such is the effect of a psychosomatic imprisonment no longer defined by bars and walls but by the institution of silence itself.

Considering how readily this silencing is understood as torture in the gallery, it is worth knowing how controversial it would seem to most international lawyers. There is very little relevant precedent on torture's acoustic dimensions, and the little there is has concerned the deliberate bombardment of detainees with "loud music" and "noise." Though there is authority that such practices may rise to the level of torture, or at least cruel, inhuman or degrading treatment, even here the legality question is complex.<sup>60</sup> And the most recent version of the United Nations *Standard Minimum Rules for the Treatment of Prisoners* (the so-called "Mandela Rules") contains provisions addressing everything from natural light to food, sanitation, exercise, clothing and bedding, but nothing on acoustic conditions at all.<sup>61</sup> So it matters that *Saydnaya (the missing 19dB)* makes the claim so straightforwardly, without working through the doctrinal niceties. There is a moral clarity to it. In fact, this is how the language of international law is often invoked, especially by Non-Government Organisations like Amnesty. The allegation of illegality isn't made because the claim already *is* uncontroversial, but in order to make it so: description as prescription. *Saydnaya (the missing 19dB)* deploys the gallery in the service of a normative world to come. Contemporary art as law's avant-garde.

59 Pauline Oliveros, *Deep Listening: A Composer's Sound Practice* (New York: iUniverse, 2005), 89; Sean Mulcahy, "Silence and Attunement in Legal Performance," *Canadian Journal of Law and Society* no. 2 (August 2019): 191–207; Richard Dawson, *Justice as Attunement: Transforming Constitutions in Law, Literature, Economics and the Rest of Life* (Abingdon: Routledge, 2014).

60 James E. K. Parker, "Sonic Lawfare: On the Jurisprudence of Weaponised Sound," *Sound Studies* 5, no. 1 (February 2019): 72–96.

61 U.N. General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), A/RES/70/175 (December 17, 2015).

## FORENSIC LISTENING

“Let’s all be quiet for a minute. Turn that off.” The room hushes. You shift uncomfortably as your mind turns to the profound difference between the “silence” you are experiencing, one of several in the work, and the silence being recalled. “This is how quiet it was in our cell.” Another long pause, as the *parerga* rush in. For the artist and composer George Brecht, a student of Cage’s, the key intervention of 4’33” and other compositions like it was to substitute the virtuoso composer and performer for a “virtuoso listener.”<sup>62</sup> This is not a bad description of the prisoners at Saydnaya, or indeed of many forced to live through war and conflict.<sup>63</sup> “My hearing is now a third of what it used to be since I was in Saydnaya,” one survivor tells us. “I don’t rely on it as much now.” For Abu Hamdan, this former acuity is an opportunity. It isn’t just a matter of translating survivors’ aural memories into oral testimony, as we have seen. *Saydnaya (the missing 19dB)* also makes a bold forensic claim concerning the missing nineteen decibels of the work’s title: “I despise anyone who says that art is about asking questions and not providing answers,” Abu Hamdan explained in a 2018 interview, the year after *Saydnaya (the missing 19dB)* debuted at the 13th Sharjah Biennial. “You hear that pretty much every day in our profession. Artists who repeat this statement think of this as a radical act. But what if art’s radicality is actually about art being an engine for truth production?”<sup>64</sup>

Notice that the concern here is not for truth’s representation, as in neoclassicism,<sup>65</sup> or its revelation, as in modernist onto-aesthetics, but rather its “production,” which is to say something altogether more contingent and material. Abu Hamdan’s term for it is “forensic listening.”<sup>66</sup> As Eyal Weizman points out, the term “forensics” has not always been law’s exclusive property. *Forensis*, he writes, “is Latin for ‘pertaining to the forum’ and is the origin of the term forensics.”

The Roman forum to which forensics pertained was a multidimensional space of politics, law, and economy, but the word has since undergone a strong linguistic drift: the forum gradually came to refer exclusively to the court of law, and forensics to the use of medicine and science within it. This telescoping of the term meant that a critical dimension of the practice of forensics was lost in the process of its modernization—namely its potential as a political practice.<sup>67</sup>

62 Branden W. Joseph, “Chance, Indeterminacy, Multiplicity,” in *Experimentations: John Cage in Music, Art, and Architecture* (London: Bloomsbury Academic, 2016), 237.

63 J. Martin Daughtry, *Listening to War: Sound, Music, Trauma, and Survival in Wartime Iraq* (Oxford: Oxford University Press, 2015).

64 “Lawrence Abu Hamdan in Conversation with Mohammad Salemy,” Ocula, April 2018, <https://ocula.com/magazine/conversations/lawrence-abu-hamdan/>

65 Desmond Manderson, *Danse Macabre: Temporalities of Law in the Visual Arts* (Cambridge: Cambridge University Press, 2019), 53.

66 Abu Hamdan, “Aural Contract,” 200.

67 Eyal Weizman, *Forensis: The Architecture of Public Truth* (Berlin: Sternberg Press, 2014), 9.

It is this political potential that Abu Hamdan is interested in unlocking and exploring. “Forensic listening” is thus both an appropriation and an expansion of the techniques developed, particularly since the 1980s, by scientists with, for and around legal institutions.<sup>68</sup> Abu Hamdan has been very clear, for instance, about the importance of Peter French’s work to his practice. French is a founding member and the current president of the International Association for Forensic Phonetics and Acoustics as well as one of the field’s most experienced expert witnesses, having testified in and authored reports for courts all round the world, including at the trial of Slobadan Milošević. Abu Hamdan first interviewed him in 2010 for *The Freedom of Speech Itself*, mentioned briefly above.<sup>69</sup> And it is French at least as much as any artist or theorist that Abu Hamdan cites as an influence because of his meticulous concern for sonic materials and how they can be made to speak (*prosopopoeia*)<sup>70</sup> of the social worlds from which they emerge.<sup>71</sup> “Last week, a colleague and I spent three working days listening to one word from a police interview tape,” Abu Hamdan reports French as saying, with evident admiration.<sup>72</sup> This is the degree of care and attention that Abu Hamdan himself aspires to: not because the sounds in question are beautiful or interesting, not out of any Cagean fascination with the sounds “themselves.”<sup>73</sup> Forensic listening’s material orientation is all about what Weizman terms the “politics in matter.”<sup>74</sup>

From the silence, whispers. Then a low tone, which we recall from the work’s start. It is clean sounding; clinical; probably a single sine wave, without harmonics. “I asked each of the survivors to listen to the sound of a test tone,” Abu Hamdan explains, “and to match the volume of the tone with the level at which they could whisper to one another in their cells. A barely audible tone of whisper was consistent amongst Samad, Samer and Jamal, but Diab’s whisper was nineteen decibels greater, the equivalent of being four times louder than the rest.” Nineteen decibels, Abu Hamdan continues, “is the difference between a jack hammer carving up a pavement and a dishwasher rinsing food off a plate.” And Diab’s whisper was nineteen decibels louder than the rest, he posits, “because he was released in 2011 when all the inmates of Saydnaya were freed in order to use the prison exclusively for the political protesters that were starting a revolution across the country.” The tone becomes audible again and quickly grows louder: urgent sounding. “As a response to these protests, a new era of extreme violence and terror took hold at Saydnaya.” The tone cuts out at its peak. “A mass murder that can be measured in whispers.”

68 Abu Hamdan, “Aural Contract.”

69 Apter, “Shibboleth.”

70 See Thomas Keenan, “Getting the Dead to Tell Me What Happened: Justice, Prosopopoeia, and Forensic Afterlives,” *Kronos* 44, no. 1 (2018): 102–22; Susan Schuppli, *Material Witness: Media, Forensics, Evidence* (Cambridge, MA: MIT Press, 2020).

71 Lawrence Abu Hamdan, “AURAL CONTRACT: Investigations at the Threshold of Audibility,” (PhD thesis, Goldsmiths, 2017), 38.

72 Lawrence Abu Hamdan, “The Freedom of Speech Itself,” *Cabinet* 43 (2011), [http://www.cabinetmagazine.org/issues/43/abu\\_hamdan.php](http://www.cabinetmagazine.org/issues/43/abu_hamdan.php).

73 Brian Kane, *Sound Unseen: Acousmatic Sound in Theory and Practice* (Oxford: Oxford University Press, 2014); Kane, “Sound Studies without Auditory Culture.”

74 Eyal Weizman, *Hollow Land: Israel’s Architecture of Occupation* (London: Verso, 2012), 46.

The claim probably wouldn't hold up in court. All the more reason to make it in a gallery. *Saydnaya (the missing 19dB)* doesn't just displace forensic listening, it takes full advantage of the additional latitude granted by art as a jurisdiction. The argument is not, of course, that the level at which prisoners could safely whisper "actually" fell by nineteen decibels after 2011. The point is simply to "give scale" to the difference<sup>75</sup> and so make it "serviceable," and in public.<sup>76</sup> The measure is of a psychoacoustic experience and its commitment to memory under conditions of extreme trauma, not sound levels *per se*. So, it isn't only the methods of forensic listening that Abu Hamdan is appropriating and expanding here, but the decibel itself, which now indexes degrees of sonic agency and perceived risk as opposed or in addition to amplitude. The work succeeds to the extent it can make this way of accounting for the violence at Saydnaya seem probative: not simply "in the absence of other material evidence"<sup>77</sup> but because it captures something "truer" than conventional legal fora would likely allow.<sup>78</sup>

### CRITICAL COUNTER-LISTENING?

*Saydnaya (the missing 19dB)* works with and on forensics then, just as it does the law of torture. In doing so, it shows up both the poverty and the luxury of Cagean silence, with its putative separation of sound and the social. Silencing emerges instead as a brutal expression of state authority: the gruesome intensification of a dynamic familiar to the world's courtrooms, concert halls and beyond. In this, the work is extremely potent. Like *4'33*," *Saydnaya (the missing 19dB)* lingers with you. Like *4'33*," many will "hear the world differently" because of it:<sup>79</sup> a world in which sound and silence can be weaponised, and in which law and listening are possible modes of resistance. It is on this latter point that I want to finish. Because the appeal to law as an idiom of critique or medium for politics is never without its risks. And international law—the norms and institutions of International Human Rights Law, International Criminal Law, and International Humanitarian Law in particular, since these are the fields in which state torture and killing most obviously register—provides the never-quite-articulated reserve from which *Saydnaya (the missing 19dB)* draws much of its rhetorical and emotional power. The work does not just borrow legal techniques and vocabulary, but also international law's symbolic capital, secular virtue, and the prospect of a cudgel.<sup>80</sup>

As lawyers, activists and scholars of many different stripes have pointed out, however, international law is part of the problem as much as the solution:

75 Lawrence Abu Hamdan, "Saydnaya (the Missing 19db)," in Parker and Stern, *Eavesdropping*, 53.

76 Sheila Jasanoff, "Serviceable Truths: Science for Action in Law and Policy," *Texas Law Review* 7 (June 2015): 29.

77 Abu Hamdan, "Saydnaya (the Missing 19db)," 54.

78 Eyal Weizman, "Open Verification," e-Flux Architecture, 2019, <https://www.e-flux.com/architecture/becoming-digital/248062/open-verification/>.

79 Kahn, "Noise, Water, Meat," 158.

80 Julie Stone Peters, "Law, Literature, and the Vanishing Real: On the Future of an Interdisciplinary Illusion," *PMLA* 2 (March, 2005): 442.

not just in relation to Syria, and not just when things “go wrong.”<sup>81</sup> This is true in all sorts of ways, but we could begin with international law’s dubious legitimacy. From the Peace of Westphalia on, the whole edifice of international law is not only rooted in colonialism and its “civilising mission” but continues it,<sup>82</sup> often by means of a humanitarianism that is increasingly carceral and bellicose as well as “excessively universalistic and centralised.”<sup>83</sup> Not just that. This “muscular humanitarianism”<sup>84</sup> tends to occupy “the imaginative space of emancipation” and “crowd out other ways of understanding harm and recompense.”<sup>85</sup> It can mire political challenges in opaque—indeed fundamentally indeterminate—doctrine, procedure and endless lawfare, funneling precious resources to lawyers, bureaucrats and other professionals in the Global North all the while.<sup>86</sup> Both International Criminal Law and International Humanitarian Law force complex social and historical forces through the myopic lens of criminal accountability and, in doing so, struggle to account both for the structural causes of atrocity and the complicity of the very international community in whose name jurisdiction is asserted.<sup>87</sup> Meanwhile, International Human Rights Law not only “expresses the ideology, ethics, aesthetic sensibility and political practice of a particular Western Eighteenth-through Twentieth-Century liberalism,”<sup>88</sup> but sits all too comfortably with the logics and institutions of contemporary neoliberalism.<sup>89</sup>

The critiques are far too many to repeat, and clearly it is beyond a single artwork to bear them. Nevertheless, to the extent that *Saydnaya (the missing 19dB)* appeals to or draws on the promise of international law, they cannot be ignored. Politics never “runs clean” of course.<sup>90</sup> Neither does law or art. And in other works, Abu Hamdan has turned the methods of forensic listening expressly back on the legal institutions that ordinarily deploy them. For Weizman, law—like forensics—is a *pharmakon*, “both a cure and a poison,” so that the question is not whether to invoke it but how, when and why: a question, in other words, of tactics.<sup>91</sup> There is more to this question than the politics or justice of the cause, which in the case of *Saydnaya (the missing 19dB)* are hard to dispute. A robust “counter-forensics” would also find ways

81 Martti Koskeniemi, *From Apology to Utopia: The Structure of International Legal Argument* (Cambridge: Cambridge University Press, 2006).

82 Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2005).

83 Frédéric Mégret, “International Criminal Justice: A Critical Research Agenda,” in *Critical Approaches to International Criminal Law: An Introduction*, ed. Christine Schwöbel (Abingdon: Routledge, 2014), 17, 30.

84 Anne Orford, “Muscular Humanitarianism: Reading the Narratives of the New Interventionism,” *European Journal of International Law* 10, no. 4 (1999): 679.

85 David Kennedy, “The International Human Rights Movement: Part of the Problem?,” *Harvard Human Rights Journal* (2002): 101, 108.

86 David Kennedy, *Of War and Law* (Princeton, NJ: Princeton University Press, 2006).

87 Mégret, “International Criminal Justice.”

88 Kennedy, “The International Human Rights Movement,” 114; Mark Antaki, “The World(Lessness) of Human Rights,” *McGill Law Journal* 49, no. 1 (2003): 203–24.

89 Jessica Whyte, “Human Rights and the Collateral Damage of Neoliberalism,” *Theory & Event* 20, no. 1 (2017): 137–51.

90 Gayatri Chakravorty Spivak, *A Critique of Postcolonial Reason: Toward a History of the Vanishing Present* (Cambridge, MA: Harvard University Press, 1999).

91 Eyal Weizman, *Forensic Architecture: Violence at the Threshold of Detectability* (Cambridge, MA: MIT Press, 2017), 71.

not to reinforce or celebrate international law, and especially its more insidious dimensions, in the process.<sup>92</sup> The challenge for anyone attempting to critically appropriate law's methods, as Ben Golder argues, is to “pervert and ‘performatively undermine’” them in the very process of their employment.<sup>93</sup> “To employ law as a tactic,” he writes, drawing on Foucault:

is to approach it not as a substantive ideal or a normative system binding on all, but rather as an assemblage of power-knowledge available for appropriation by various social actors that can be, and is, put to varying uses. An instrumental deployment of law (or any other assemblage) is a kind of insubordinate, disobedient, and potentially subversive deployment that plays the game in a way that does not respect the stated purpose of the game and hence troubles and possibly undermines it.<sup>94</sup>

We have already seen how *Saydnaya (the missing 19dB)* works with doctrine and evidence in ways that are both novel and persuasive. The fact that these might struggle to hold up in court is not a failing but a critique: of the paucity of law's sonic imagination, on the one hand, and the limits of ordinary legal processes, on the other. There is something gently subversive too about the failure to address the question of redress or sanctions, with which international law and its critics are almost constitutively obsessed, and which an NGO like Amnesty would never go without mentioning.<sup>95</sup> The risk, of course, is that the work contributes to the desire for further “humanitarian intervention” in Syria. But there is also something refreshing in the suggestion that a certain justice may be had in the investigative process itself: in this practice of listening-in to Saydnaya, despite and against the efforts of the Syrian state. The justice, perhaps, of a verdict without a sentence.

In the end, it is not Abu Hamdan who delivers it. The final minutes of the work are given over to survivors, who present the results of their own acoustic investigations, developed far away from the methods and institutions of law. Now, finally, the inversion of juridical procedure is unmistakable. Forensic listening appears, in the final analysis, as a technique of resistance available to the least empowered, precisely as a function of their disempowerment in fact, and independent of law's recognition or authorisation. “Silence is what allows you to hear everything,” one man explains again:

What we figured out from the sounds were that every ten-to-fifteen days the guards would take a selection of prisoners out of each cell of the prison. We would hear them open the doors of each of the cells to take them out and gather them all and put them in the first two cells of our ring. We would hear the guards saying “lie on top of one another.” Once we counted that they had crammed three hundred men into one cell. They gathered them

92 Thomas Keenan, “Counter-Forensics and Photography,” *Grey Room* 55 (2014): 58.

93 Ben Golder, *Foucault and the Politics of Rights* (Stanford: Stanford University Press, 2015), 21.

94 Golder, 117.

95 Amnesty International, “Human Slaughterhouse,” 43.

here and they keep them crammed inside until the middle of the night. We'd start to fall asleep, then we'd wake up to the noise of their cell opening and the guards cursing and beating them. At around five in the morning they'd collect them, put them in trucks, and we would hear the trucks drive off.

Detainees would count how many trucks came and went during the night. "Once I remember the truck came ten times. Each time it would park, they would fill it up with prisoners and then drive off." Detainees began memorising the names of the prisoners whose names were called by the guards, so that if they ever escaped, they could ask about them. "We asked about them and none of the men were taken to any civil prisons. We don't know where they went. They have disappeared. We would hear the trucks drive off and it would be silent for fifteen minutes and then we would hear the truck return empty." "So, the sound of these trucks leaving and the fifteen minutes of silence until we heard them coming back empty," he explains. "This was the sounds of executions."

JAMES PARKER is the Director of a research program on Law, Sound and the International at the Institute for International Law and the Humanities (IILAH) at Melbourne Law School. His research focuses on the relations between law, sound and listening. In 2017, James' monograph *Acoustic Jurisprudence: Listening to the Trial of Simon Bikindi* (OUP 2015) was awarded the Penny Pether Prize (ECR) for scholarship in law, literature and the humanities. He has been a visiting fellow at the Program for Science, Technology and Society at the Harvard Kennedy School for Government, and is an associate curator at Liquid Architecture. With Joel Stern, James is co-curator of *Eavesdropping*, an exhibition and extensive public program staged at the Ian Potter Museum of Art in 2018 and City Gallery Wellington in 2019. He is currently working on the law and politics of machine listening.

## BIBLIOGRAPHY

- Abu Hamdan, Lawrence. "Aural Contract: Forensic Listening and The Reorganization of The Speaking Subject." *Cesura//Acceso* 1 (2014): 200-224.
- Abu Hamdan, Lawrence. "AURAL CONTRACT: Investigations at the Threshold of Audibility." PhD Thesis. Goldsmiths, 2017.
- Abu Hamdan, Lawrence. "The Freedom of Speech Itself." *Cabinet* 43 (2011). [http://www.cabinetmagazine.org/issues/43/abu\\_hamdan.php](http://www.cabinetmagazine.org/issues/43/abu_hamdan.php).
- Abu Hamdan, Lawrence. *[inaudible] A Politics of Listening in 4 Acts*, edited by Fabian Schöneich. Berlin: Sternberg, 2016.
- Abu Hamdan, Lawrence. "Lawrence Abu Hamdan: Introduction." Studium Generale Rietveld Academie. 2015. YouTube video, 16:33, <https://www.youtube.com/watch?v=B8UawxoeIi8>.
- Abu Hamdan, Lawrence. "Saydnaya (the Missing 19db)." In *Eavesdropping: A Reader*, edited by James Parker and Joel Stern, 42-59. Wellington: City Gallery, 2019.
- Amnesty International. "Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison, Syria." 2017. <https://www.amnesty.org/en/documents/>
- Amnesty International and Forensic Architecture. "Saydnaya: Inside a Syrian Torture Prison." 2016. <https://saydnaya.amnesty.org/>
- Angell, Noah. "Noah Angell." Studium Generale Rietveld Academie. 2015. YouTube video, 29:57. <https://youtu.be/kuwB2ZmW9Lo>.
- Anghie, Antony. *Imperialism, Sovereignty and the Making of International Law*. Cambridge: Cambridge University Press, 2005.
- Antaki, Mark. "The World(Lessness) of Human Rights." *McGill Law Journal* 49, no. 1 (2003): 203-24.
- Apter, Emily. "Shibboleth: Policing by Ear and Forensic Listening in Projects by Lawrence Abu Hamdan." *October* 156, no. Spring (2016): 100-115.
- Arns, Inke and Dieter Daniels. *Sounds Like Silence: John Cage – 4'33" – Silence Today*. Leipzig: Spector Books, 2012.
- Brooks, Andrew Navin. "Fugitive Listening: Sounds from the Undercommons." *Theory, Culture & Society* (April 2020): <https://doi.org/10.1177/0263276420911962>.
- Brown, Mark. "Turner Prize Awarded Four Ways after Artists' Plea to Judges." *The Guardian*. December 4, 2019. [https://www.theguardian.com/artanddesign/2019/dec/03/turner-prize-2019-lawrence-abu-hamdan-helen-cammock-oscar-murillo-and-tai-shani-shared?fbclid=IwARiMWV8-svDajlpi\\_QvHSLlyzTFq7cLZUctMd-hEO6Ble1Pfx1X5tMI2k](https://www.theguardian.com/artanddesign/2019/dec/03/turner-prize-2019-lawrence-abu-hamdan-helen-cammock-oscar-murillo-and-tai-shani-shared?fbclid=IwARiMWV8-svDajlpi_QvHSLlyzTFq7cLZUctMd-hEO6Ble1Pfx1X5tMI2k).
- Brown, Wendy. *Walled States, Waning Sovereignty*. Cambridge, MA: MIT Press, 2017.
- Cage, John. *Silence: Lectures and Writings*. Connecticut: Wesleyan University Press, 2011).
- Chion, Michel. *Audio-Vision: Sound on Screen*. New York: Columbia University Press, 1994.
- Cobussen, Marcel, Vincent Meelberg, and Barry Truax. *The Routledge Companion to Sounding Art*. New York: Routledge, 2017.
- Cox, Christoph. "Beyond Representation and Signification: Toward a Sonic Materialism." *Journal of Visual Culture* 2 (August 2011): 145-61.
- Cox, Christoph. "Sound Art and the Sonic Unconscious." *Organised Sound* 1 (April 2009): 19-26.
- Dafoe, Taylor. "As a 'Statement of Solidarity' the 2019 Turner Prize is Awarded to all Four Nominees at Once." *Artnet News*. December 3, 2019. <https://news.artnet.com/art-world/2019-turner-prize-winner-1721373>.
- Daughtry, J.Martin. *Listening to War: Sound, Music, Trauma, and Survival in Wartime Iraq*. Oxford: Oxford University Press, 2015.
- Dawson, Richard. *Justice as Attunement: Transforming Constitutions in Law, Literature, Economics and the Rest of Life*. Abingdon: Routledge, 2014.
- Derrida, Jacques. "Before the Law." In *Acts of Literature*, edited by Derek Attridge. Abingdon: Routledge, 1992.
- Derrida, Jacques. "Declarations of Independence." *New Political Science* 7, no. 1 (1986): 7-15.
- Derrida, Jacques. *The Truth in Painting*, translated by Geoff Bennington and Ian McLeod. Chicago: University of Chicago Press, 1987.
- El-Wardany, Haytham, and Maha Maamoun. *How to Disappear*. Kayfa, 2013.
- El-Wardany, Haytham, and Maha Maamoun. *The Middle East*. Sharjah Art Foundation, 2011.
- Frow, John. "In the Penal Colony." *Australian Humanities Review* (1999): 1-13.
- Golder, Ben. *Foucault and the Politics of Rights*. Stanford: Stanford University Press, 2015.
- Greenberg, Clement. *The Collected Essays and Criticism, Volume 4: Modernism with a Vengeance (1957-69)*. Chicago: University of Chicago Press, 1993.
- Jasanoff, Sheila. "Serviceable Truths: Science for Action in Law and Policy." *Texas Law Review* 7 (June 2015): 1723-49.
- Joseph, Branden W. *Beyond the Dream Syndicate: Tony Conrad and the Arts after Cage*. New York: Zone Books, 2008.
- Joseph, Branden W. "Chance, Indeterminacy, Multiplicity." In *Experimentations: John Cage in Music, Art, and Architecture*, 133-172. London: Bloomsbury Academic, 2016.
- Kahn, Douglas. *Noise, Water, Meat: A History of Sound in the Arts*. Cambridge, MA: MIT Press, 1999.
- Kahn, Douglas. "Sound Leads Elsewhere." In *The Routledge Companion to Sounding Art*, 61-70. New York: Routledge, 2016.
- Kane, Brian. "Sound Studies without Auditory Culture: A Critique of the Ontological Turn." *Sound Studies* 1 (February 2015): 2-21.
- Kane, Brian. *Sound Unseen: Acousmatic Sound in Theory and Practice*. Oxford: Oxford University

- Press, 2014.
- Keenan, Thomas. "Counter-Forensics and Photography." *Grey Room* 55 (2014): 58-77.
- Keenan, Thomas. "Getting the Dead to Tell Me What Happened: Justice, Prosopopoeia, and Forensic Afterlives." *Kronos* 44, no. 1 (2018): 102-22.
- Kennedy, David. "The International Human Rights Movement: Part of the Problem?" *Harvard Human Rights Journal* 15 (2002): 101-26.
- Kennedy, David. *Of War and Law*. Princeton, NJ: Princeton University Press, 2006.
- Kim-Cohen, Seth. *Against Ambience*. London: Bloomsbury Publishing, 2013.
- Kim-Cohen, Seth. "Dams, Weirs, and Damn Weird Ears: Post-Ergonal Sound." In *The Routledge Companion to Sounding Art*, edited by Marcel Cobussen, Vincent Meelberg, and Barry Truax, 51-58. Abingdon: Routledge, 2017.
- Kim-Cohen, Seth. *In the Blink of an Ear: Toward a Non-Cochlear Sonic Art*. London: A&C Black, 2009.
- Koskenniemi, Martti. *From Apology to Utopia: The Structure of International Legal Argument*. Cambridge: Cambridge University Press, 2006.
- Kostelanetz, Richard. *Conversing with Cage*. New York: Routledge, 2003.
- LaBelle, Brandon. *Sonic Agency: Sound and Emergent Forms of Resistance*, Goldsmiths Press Sonic Series. London: Goldsmiths Press, 2018.
- Liquid Architecture. "Acoustic Justice." 2017. <https://liquidarchitecture.org.au/events/acoustic-justice>.
- Manderson, Desmond. *Danse Macabre: Temporalities of Law in the Visual Arts*. Cambridge: Cambridge University Press, 2019.
- Mégret, Frédéric. "International Criminal Justice: A Critical Research Agenda." In *Critical Approaches to International Criminal Law: An Introduction*, edited by Christine Schwöbel, 17-53. Abingdon: Routledge, 2014.
- Midler v Ford Motor Co, 849 F.2d 460 (9th Cir. 1988).
- Moore, Niall. "'Niall Moore: 88-'94': Silence, Censorship & The Broadcasting Ban." Studium Generale Rietveld Academie. 2015. Youtube video, 34:54, <https://www.youtube.com/watch?v=w8eeq1-fmVA>.
- Moten, Fred, and Stefano Harney. *The Undercommons: Fugitive Planning & Black Study*. Wivenhoe: Minor Compositions, 2013.
- Mulcahy, Sean. "Silence and Attunement in Legal Performance." *Canadian Journal of Law and Society* 2 (August 2019): 191-207.
- Nemesysco. "Homepage," n.d. <http://nemesysco.com/>.
- Ocula. "Lawrence Abu Hamdan in Conversation with Mohammad Salemy." April 2018. <https://ocula.com/magazine/conversations/lawrence-abu-hamdan/>.
- Oliveros, Pauline. *Deep Listening: A Composer's Sound Practice*. New York: iUniverse, 2005.
- Orford, Anne. "Muscular Humanitarianism: Reading the Narratives of the New Interventionism." *European Journal of International Law* 10, no. 4 (1999): 679-711.
- Parker, James E. K. Acoustic Jurisprudence: Listening to the Trial of Simon Bikindi." Oxford: Oxford University Press, 2015.
- Parker, James E. K. "Codes: Judging the Rwandan Soundscape." In *A Cultural History of Law in the Modern Age*, edited by Richard K. Sherwin and Danielle Celermajer, vol. 6, A Cultural History of Law. London: Bloomsbury, 2019.
- Parker, James E. K. "The Gavel." In *International Law's Objects*, edited by Jessie Hohmann and Daniel Joyce. Oxford: Oxford University Press, 2018.
- Parker, James E. K. "The Musicology of Justice: Simon Bikindi and Incitement to Genocide at the International Criminal Tribunal for Rwanda." In *The Soundtrack of Conflict: The Role of Music in Radio Broadcasting in Wartime and in Conflict Situations*, edited by M. J. Grant and Férdia J. Stone-Davis. New York: Olms Verlag, 2015.
- Parker, James E. K. "Sonic Lawfare: On the Jurisprudence of Weaponised Sound." *Sound Studies* 1 (February 2019): 72-96.
- Parker, James E. K. "The Soundscape of Justice." *Griff th Law Review* 20, no. 4 (2011): 962-993.
- Parker, James, and Joel Stern. *Eavesdropping: A Reader*. Wellington: City Gallery, 2019.
- Peters, Julie Stone. "Law, Literature, and the Vanishing Real: On the Future of an Interdisciplinary Illusion." *PMLA* 2 (March 2005): 442-53.
- Rice, Tom. "Learning to Listen: Auscultation and the Transmission of Auditory Knowledge." *Journal of the Royal Anthropological Institute* 16, no. 1 (2010): 41- 61.
- Rice, Tom. "Listening to the Corporeal Voice." Studium Generale Rietveld Academie. 2015. YouTube video, 38:22. <https://www.youtube.com/watch?v=jjxNG8R4JAM>.
- Schuppli, Susan. *Material Witness: Media, Forensics, Evidence*. Cambridge, MA: MIT Press, 2020.
- Small, Christopher. *Musicking: The Meanings of Performing and Listening*. Connecticut: Wesleyan University Press, 2011.
- Spivak, Gayatri Chakravorty. *A Critique of Postcolonial Reason: Toward a History of the Vanishing Present*. Cambridge, MA: Harvard University Press, 1999.
- Stern, Joel. "I am Sitting in a Courtroom." 2017. YouTube video, 11:05. [https://www.youtube.com/watch?v=XoSrykqa4So&list=PLrN3t2eBJmgtAr\\_owiL5hdhG\\_fwEncQeb&index=3](https://www.youtube.com/watch?v=XoSrykqa4So&list=PLrN3t2eBJmgtAr_owiL5hdhG_fwEncQeb&index=3).
- Sterne, Jonathan. "Mediate Auscultation, the Stethoscope and the 'Autopsy of the Living': Medicine's Acoustic Culture." *Journal of Medical Humanities* 2 (June 2001): 115-36.
- Thompson, Emily. *The Soundscape of Modernity: Architectural Acoustics and the Culture of Listening in America, 1900-1933*. Cambridge, MA: MIT Press, 2002.
- U.N. General Assembly. United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), A/RES/70/175 § (2015).
- Voice: Creature of Transition. "Studium Generale

- Rietveld Academie 2014.” 2014. <https://voicecreatureoftransition.rietveldacademie.nl/lecture/thursday-march-20/>.
- Weizman, Eyal. *Forensic Architecture: Violence at the Threshold of Detectability*. Cambridge, MA: MIT Press, 2017.
- Weizman, Eyal. *Forensis: The Architecture of Public Truth*. Berlin: Sternberg Press, 2014.
- Weizman, Eyal. *Hollow Land: Israel’s Architecture of Occupation*. London: Verso, 2012.
- Weizman, Eyal. “Open Verification” *E-Flux Architecture*. 2019. <https://www.e-flux.com/architecture/becoming-digital/248062/open-verification/>.
- Welch, Francis. “The ‘Broadcast Ban’ on Sinn Fein.” BBC News. April 5, 2005. <http://news.bbc.co.uk/2/hi/4409447.stm>.
- Whitehead, Gregory. “Pressures of the Unspeakable.” 1992. <https://gregorywhitehead.net/2012/10/29/pressures-of-the-unspeakable/>.
- Whyte, Jessica. “Human Rights and the Collateral Damage of Neoliberalism.” *Theory & Event* 20, no. 1 (2017): 137–51.

