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**The Acoustics of Justice: Law, Listening, Sound**

edited by

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# Contents

- 1 Introduction: Sounding Justice in Pandemic Times  
**James Parker, Sara Ramshaw, Mehera San Roque**
- 9 *how are you today* by the Manus Recording Project Collective  
**James E K Parker and Joel Stern**
- 50 Interview: André Dao and Behrouz Boochani  
**André Dao and Behrouz Boochani**
- 60 What I Heard About Manus Island (When I Listened to 14 Hours of Recordings from Manus Island)  
**André Dao**
- 79 Beyond the Horizon of the State:  
Listening to offshore detention's *longue durée*  
**Poppy de Souza**
- 96 Listening beyond the border: Self-representation, witnessing,  
and the white sonic field  
**Andrew Brooks**
- 117 Carceral atmospheres on Manus Island: Listening to *how are you today*  
**Emma K. Russell**
- 138 Mediating Punishment? Prisoners' Songs as Relational  
'Problem-Solving' Devices  
**Phil Crockett Thomas, Jo Collinson Scott, Fergus McNeill,  
Oliver Escobar, Lucy Cathcart Frödén, Alison Urie**
- 163 Acoustic Surveillance in Brazil: The Car Wash Operation  
Panacousticon  
**Leonardo Cardoso**
- 191 The Life and Death of a Protest Anthem at the Frontier of a  
New Cold War  
**Janny HC Leung**
- 227 Sound and Fury Signifying Brexit  
**Gary Watt**

- 253 Gnostics of the North, or Music To Recolonize Your  
Anxious Capitalist Dreams By  
**Seth Kim-Cohen**
- 274 ‘Shoot the Boer’ – Hate Speech, Law and the Expediency of  
Sound  
**Veit Erlmann**
- 302 ‘Listening intently’ to LGBTQI Lives: diplomatic narratives  
of listening and hearing in LGBTQI rights.  
**Kay Lalor**
- 328 Earwitnessing the Queer Acoustics of Public Space: Law, Sex  
and Nature in Ultra-red’s *Second Nature*  
**David C. Jackson**
- 364 Glitching justice: Audio visual links and the sonic world of  
technologised courts  
**Carolyn McKay**
- 405 Acoustic injustice: The experience of listening to indistinct  
covert recordings presented as evidence in court  
**Helen Fraser and Debbie Loakes**
- 430 Alexa and the Making of the Neoliberal Ear  
**Audrey Amsellem**
- 455 The sound of the perpetrator – thoughts on trauma and voice  
in *Big Little Lies*  
**Juliet Rogers**
- 480 Singing the Law: The Musicality of Legal Performance  
**Sean Mulcahy**
- 515 Law with the Sound of Its Own Making  
**Danilo Mandic**
- 550 Towards Acoustic Justice  
**Brandon LaBelle**

## **Introduction: Sounding Justice in Pandemic Times**

**James Parker, Sara Ramshaw, Mehera San Roque**

This special issue was conceived in 2019, before the start of the COVID-19 pandemic that has so far claimed at least 4 million lives globally and left very few—probably none—untouched. It feels impossible not to begin here, even though this collection is not about the pandemic, and only a handful of the pieces mention it in passing. By the time the original deadline for submissions arrived at the end of March 2020, the World Health Organisation had already upgraded the outbreak from a Public Health Emergency of International Concern to a pandemic, borders were rapidly closing, and around a third of the world's population was in some form of lockdown, including us. The following is an email we sent to contributors on 24 March:

Dear all,

First, our sincere best wishes and solidarity in these strange and difficult times.

With the original deadline for submissions on the horizon, we thought it might be worth getting in touch with a few thoughts on how to proceed with the special issue in light of . . . everything Covid-related.

We have no real sense how things will play out over the coming weeks and months, but we're aware that whatever happens, each of us, and our various kinship networks, will be affected very differently. Moreover, our strong view is that the ongoing push to maintain 'business as usual', only online and under mounting social, psychological and biological

## **James Parker, Sara Ramshaw, Mehera San Roque**

pressure, is not helpful, either in the University or elsewhere. And we don't want to contribute to it.

So... here is what we propose:

- A general commitment on our behalf to respond as best we can to your individual and changing needs. And to keep you all up-to-date as things change on our end too.
- An extension of the original deadline til the end of April. For anyone who is interested and able to submit something by then, we will commence peer review... though of course we can expect that process to be challenging – both ethically and practically – too.
- For anyone who is unable to submit by the end of April, please just let us know how you are tracking and we'll do what we can. We won't just pull the plug on your submission because it's late.
- Depending on how things pan out, it may be that we need to think creatively about publication: splitting the issue in two, or in small clusters. When the time is right we will speak to the publishers and let you know what we're able to arrange.

Of course, any thoughts or proposals you may have are very welcome. Ok. All our very best to you all.

In solidarity,  
James, Mehera and Sara

In the end, a couple of authors were forced to withdraw, leading to some important gaps in the special issue's coverage. Most regrettably, there is nothing on Indigenous or First Nations sound studies (Robinson 2020) or jurisprudence; and, in the Australian context, the Uluru Statement from the Heart and Voice to Parliament, on which we therefore recommend Davis (2016, 2018), Synot (2019), Appleby and Davis (2018), and Appleby and Synot (2020).

The issue would indeed go on to be published in two clusters. The first of these appeared in December 2020, just as the latest in a series of dramatic cuts were being pushed through at the University of Wollongong, where the journal is housed. These cuts were part of a disastrous sector-wide 'pandemic response' – led by the federal government but with the all-too-willing assistance of university

## Introduction: Sounding Justice in Pandemic Times

management – that has seen at least seventeen thousand jobs lost across Australian universities in 2020, and an estimated drop in revenue of around AUD\$2 billion compared with 2019 (Universities Australia 2020). As the second much larger cluster goes to press in mid 2021, the prospects for this year and beyond seem just as grim. The humanities and social sciences in particular are under attack, with new Australian legislation doubling the cost of degrees in these fields in order to ‘make it cheaper to study in areas of expected job growth’ (ABC 2020a).

Editing a special issue of a law and humanities journal under such conditions has been a strange experience, and a lot of effort. Editorial work always is. But this is a large collection, with twenty-one papers, and every author impacted differently by the pandemic and its fallout. We have tried to be as responsive to these circumstances as we can, and in doing so to practice an ethic of care (Gilligan 1993) in ‘strange and difficult times’. We could not have done it without the considerable patience and good humour of everyone involved, to whom we are extremely grateful. But a few particular notes of thanks are warranted: to Kristen Lewis and Zoë de Luca especially for their tireless assistance with copyediting and formatting, to the many reviewers who, though publicly anonymous, were all incredibly generous at a time that hardly rewards this kind of labour, to Cassandra Sharp and Luis Gomez Romero at *Law Text Culture* for their understanding throughout, and to the typesetters at University of Wollongong, whose jobs are now at serious risk.

The special issue is entitled ‘The Acoustics of Justice: Law, Listening, Sound’. It comes out of a shared interest which we have all explored separately in our own writing and other creative work (Edmond et al 2011; Parker 2015; Ramshaw 2013), and which led to our collaboration on a roundtable on Law and the Acoustic at the 2018 meeting of the Law and Society Association, in Toronto, following a workshop at Melbourne Law School and associated programming at the Federal Court in July 2017. Until recently the acoustic dimensions of law and justice were not a major concern in the academy, either in self-consciously legal scholarship, or elsewhere. Things are changing,

as indeed the size of this collection suggests. And our hope is that the work gathered here will go some way to addressing this deficit. For better or worse, we will not attempt to theorise how. The collection is too large and diverse. And, eighteen months since the arrival of COVID-19, we are tired. We have been working from home too long; or rather our homes have been ‘requisitioned’ for work (Jenkins 2020). Our teaching loads have increased and the teaching itself rapidly online. All while separated from loved ones and attempting to school or otherwise entertain our kids at home. And we are the lucky ones; with ongoing positions, secure homes, and the prospect of vaccination on the horizon. We are all too aware that this is not the case for all the issue’s contributors, let alone the millions most impacted by the way the pandemic continues to unfold along familiar lines of statehood, race, class, gender, and so on.

This introduction is, in a sense, an anti-introduction, or a non-introduction then: a strategic withdrawal of labour that opens the door onto the collection but offers little in the way of guidance to readers once they step through. Whether that is generous or irresponsible we leave for you to decide. But we would note that the pandemic is not, of course, unrelated to the special issue’s themes. Shannon Mattern writes:

For months, the Covid-19 virus has passed from body to body around the world. Its corporeal work is silent, but it reshapes the soundscape wherever it goes. Coughs and sneezes turn paranoid heads; ventilators whoosh in hospital rooms; streets go suddenly quiet, as people shelter inside. Kids home from school create a new daytime soundtrack, and neighbors gather on balconies in the evening, to sing together or applaud health workers. As physicians monitor the rattle of afflicted lungs, the rest of us listen for acoustic cues that our city is convalescing, that we’ve turned inward to prevent transmission (Mattern 2020).

‘When the sounds of the pandemic recede,’ Mattern (2020) wonders, ‘how will our hearing be changed?’ But the question is also how our normative worlds change with it. The soundscape is, after all, a lawscape (Philippopoulos-Mihalopoulos 2014). Coughs and sneezes turn heads, but they also justify peoples’ exclusion from places into which they



## Introduction: Sounding Justice in Pandemic Times

would otherwise be permitted. Kids home from school not only create a new daytime soundtrack, they register as noise (Parker 2019) during your Zoom tutorial. However the practice of applauding health workers may have started, soon enough it was officially encouraged by heads of state and their mouthpieces in the media (Gregory 2020). Melbourne's streets went suddenly quiet at exactly 8pm on Sunday 2 August 2020 because that was when the city's nightly curfew came into force (ABC 2020b), an unprecedented act of juridical muting that would last until mid-October (ABC 2020c).

Mute is not silent. As Melbourne's streets were emptied of the sounds of traffic and bustling pedestrians, other sounds — domestic, 'natural', quieter — became more pronounced. Indeed, as the composer Samson Young points out, muting can be 'a way to uncover the unheard and the marginalised, or to make apparent certain assumptions about hearing and sounding' (Parker et al 2019: 158). One's ears may be opened to voices not typically heard, to the sounds of otherness, or simply the 'other'. Which is to say, with Brandon LaBelle in this issue, that the 're-distribution of the heard' is necessarily political; always also a matter of justice. Not all the papers gathered here are concerned with otherness exactly, but they do all explore matters left mostly unaudited by legal scholarship, so that one way of understanding this special issue is as a collective act of sonic consciousness raising. The issue begins with six papers all concerned with the sonic dimensions of Australia's longstanding project of mandatory off-shore detention of refugees arriving by boat, and the ways in which two artworks might serve as both acts of resistance and earwitnessing (Parker and Stern; Dao; Dao and Boochani; de Sousa; Russell; Brooks). Crockett Thomas et al. are also concerned with detention, but now with the rehabilitative potential of songs and song writing for former prisoners. There are papers on acoustic surveillance in Brazil (Cardozo), the use of protest songs in Hong Kong during the 2019 Water Movement (Leung), the acoustic dimensions of Brexit (Watt), and the use of postpunk to soundtrack Olivier Assayas's 2010 film *Carlos* about Venezuelan terrorist Ilich Ramírez Sánchez (Kim-Cohen). Erlmann writes about hate speech and the trial of Julius Malema, president of

**James Parker, Sara Ramshaw, Mehera San Roque**

the youth wing of South Africa's former liberation movement and current governing party ANC, for his song 'Shoot the Boer'; Lalor considers the strategic deployment of 'listening' in public diplomatic communications relating to the LGBTQI movement in the United States; and Jackson uses the recordings of Ultra-Red to think through the queer acoustics of public space in Los Angeles' Griffin Park. There are pieces on the rapid introduction of 'audio visual links' in Australian courtrooms (McKay), on 'forensic transcription' (Fraser and Loakes), digital home-assistants like Alexa and the 'making of the neoliberal ear' (Amsellem). Rogers writes about the sound of trauma as heard in popular culture, psychoanalysis and the HBO show *Big Little Lies*. Mulcahy considers the musicality of legal performance, and Mandic thinks through Robert Morris's classic work *Box with the Sound of its Own Making* (1961) as it relates to the philosophy of Michel Serres and to law and justice. LaBelle, finally, introduces his conception of 'acoustic justice' as a way of thinking through the acoustic expression of individual and collective agency.

This list is not an adequate accounting of the papers that follow. But it is enough, we hope, to give a sense of the richness and diversity both of the work in this collection and the scholarship that may echo out from it in due course.

James Parker, Sara Ramshaw and Mehera San Roque  
(30 June 2020)

## Introduction: Sounding Justice in Pandemic Times

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**James Parker, Sara Ramshaw, Mehera San Roque**

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