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CHAPTER EIGHT

Inaudible Evidence

Counterforensic Listening in
Contemporary Documentary Art

Pooja Rangan

This chapter concerns three documentary artists whose practices of deep listening make audible what documentary audiences may not notice about their own listening. Alison S. M. Kobayashi, James N. Kienitz Wilkins, and Lawrence Abu Hamdan all listen with forensic scrutiny to recorded voices as the basis of their artistic practice: a decades-old amateur wire recording, a downloaded transcript of a 2006 public hearing in a New York town, and cassette tapes of audio tests employed by immigration authorities. They listen for the material and medial conditions under which testimonial voices become audible or fade into obscurity, and employ speculative methods for attuning listeners to these conditions of audibility.

Kobayashi, Wilkins, and Abu Hamdan revive an epistemological stance that the critical documentary community regards as a relic of the past: objectivity. Objectivity has recently made a resounding return in what human rights scholars Thomas Keenan and Eyal Weizman have called the forensic turn in law, science, and popular culture: an epistemological shift that prioritizes the evidentiary value of objects over witnesses and the testimonial agency of experts over civilians in shaping what counts as scientific and legal evidence.¹ Forensics is, at its core, an aesthetic and rhetorical practice. Derived from *forensis*, the Latin term for “pertaining to the forum,” that is, the place where the results of an investigation are presented and contested, forensics refers to the art of making a persuasive argument before a professional, political, or legal gathering.² This is why Keenan and Weizman call for artists to seize forensics from state control and democratize the forum of its interpretation, by devising speculative and daring practices for giving voice to—or making evident—testimony that eludes the forensic gaze and ear.³

The hybrid projects I discuss (Kobayashi's *Say Something, Bunny!*, Wilkins's *Public Hearing*, and Abu Hamdan's *The Freedom of Speech Itself*) do not simply "give voice" to that which is inaudible. They confront the vestiges of objectivity that inhere in conventional, acquisitive modes of documentary listening. Documentary listening is usually predicated on the placement of the listener at an objective remove from recorded sounds that permits an efficient transmission of their informational content. The three artists I discuss work with and against this forensic tendency in documentary listening. They employ speculative techniques such as performative narration, reenactment, animation, and essayistic digression for training audiences to attend to evidence that exists beneath the threshold of documentary audibility.⁴ Rather than making their findings evident—that is, obvious, clear, and audible—they train audiences to become aware of the habits of documentary listening that actively shape what they hear as self-evident.

The active and reflexive approach to listening modeled by Kobayashi, Wilkins, and Abu Hamdan resembles what the composer Pauline Oliveros calls "deep listening." "Deep Listening," writes Oliveros, "is a practice that is intended to heighten and expand consciousness of sound in as many dimensions of awareness and attentional dynamics as humanly possible. . . . Deep Listening comes from noticing my listening or listening to my listening."⁵ While their ultimate goals differ from those of Oliveros, Kobayashi, Wilkins, and Abu Hamdan are likewise critical of habitual and passive modes of evidentiary listening. Their works belong, I argue, within the long history of reflexive documentary practices that have troubled the insertion of documents into rhetorical and aesthetic frames that transform them into evidence. They model "engaged objectivity," a mode of knowledge production that, according to Weizman, reflects how the embodied and particular position of the knower actively shapes what can be known, rather than aspiring to neutral knowledge that "bears no trace of the knower."⁶ Kobayashi, Wilkins, and Abu Hamdan listen for what forensic, democratic, and juridical modes of listening cannot hear about their own listening, employing tactics reminiscent of those that experimental musicians like Oliveros and Michel Chion have employed for disrupting grooved habits of listening. The engaged objectivity of their deep listening diagrams the counterforensic potential of documentary media, as a retrospective means of investigating the past, and as a projective means of building new languages for acting in the world.

Listening for the Unremarkable

“Alison should really be working for the F.B.I.” These were the stunned words of Larry Newburge, upon learning that Kobayashi and her creative partner and cowriter, Christopher Allen, had put together an elaborate and uncannily accurate theater performance based on research into an amateur wire recording made by his brother David during family gatherings in the 1950s. Sold during an estate sale following David’s death, a suitcase containing the broken wire recorder and a spool of wire found its way to Kobayashi through a friend of a friend. The contents of the suitcase included no identifying information, and only one name was uttered in full during the recording: Bunny Tannenbaum. Tracing a path from this name and other popular cultural references through census records, college yearbooks, and news archives, Kobayashi managed to reconstruct at least two different recording sessions separated by two years, down to the names of individual participants, who include the extended Newburge family, several neighbors, and even two family pets: a dog and a parakeet. Larry, then a young boy and now an elderly man in his seventies, is the only one still alive among those recorded. He is not alone, however, in wondering at the incongruous merger of performative and forensic impulses driving Kobayashi’s process: as one critic comments, *Say Something Bunny!* (2016–present; henceforth *Bunny*) “falls somewhere between a less invasive version of Sophie Calle’s conceptual forays into personal relationships and obsessive, forensic-minded podcasts and documentaries like *Making a Murderer* or *Serial*.”⁷

If the lure of true crime documentary media lies in the promise of an encounter with the abnormal, deviant, or freakish, Kobayashi claims this frisson for the tedious, unspectacular matter of everyday life. Her video works often take discarded objects and media as a point of departure: a grocery list, a love letter, an answering machine tape. “I’m curious about representations of our experience that aren’t memoir,” Kobayashi has said of such objects. “The thing that interests me most is that it’s both forgotten in some way and isn’t necessarily prized by the maker as something that’s relevant.”⁸ The forensic version of this documentary impulse will surely be familiar to readers. Recall, for instance, how filmmaker Andrew Jarecki pounces on the semiconscious confessional musings of Robert Durst, recorded onto the still “hot” microphone that Durst unwittingly wears into a bathroom during a filming break for the 2015 HBO miniseries *The Jinx*. Jarecki’s quest for the aural “money shot” that would clinch the murder charges against Durst exemplifies a conventional, evidentiary mode of

documentary listening that film scholar Irina Leimbacher describes as “acquisitive” and “inquisitive.” In conventional nonfiction works, as Leimbacher notes, “Speech is chopped, elided, and reassembled by media makers to shape a message, emphasizing speech’s referential function and minimizing, if not eliminating, digressions, paralinguistic expression, and reflection on vocalized speech itself.”⁹ Arguably, the true crime genre values paralinguistic expressions only insofar as they constitute a form of embodied proof that speaks louder than words: Durst’s mutterings are a case in point.

Kobayashi found that the wire recording contained no shortage of potential money shots. The Newburgs were evidently fans of musical theater: the recording is punctuated by impromptu musical performances, including a transporting rendition of the showtune “Yankee Doodle Boy” (made popular by the 1942 film *Yankee Doodle Dandy*) by Larry’s grandfather Sam within the first five minutes. Kobayashi could easily have leveraged the nostalgic value of such a performance by shaping it into a short meme-worthy audio piece suitable for online circulation. Instead, she chose to craft an experience that would require an audience of twenty-five (the number of discrete voices she gleaned from the recording) to gather at a round table constructed specifically for this purpose and listen to the entire forty-five-minute duration of the wire recording, with the assistance of an illustrated transcript and performative commentary from Kobayashi (Figure 8.1).

Much of the recording consists of banter and overlapping conversations audible to different degrees, including, at one point, a barely discernible recording of a radio program that survived being recorded over. Self-conscious performances for the microphone give way to overheard discussions and lapses into silence as the attention of the Newburgs and company drifts from the novelty of the recording device to the exigencies of everyday life: a forgotten turkey in the oven, a football game on television. Kobayashi describes the comfort of sitting with these silences as an earned intimacy that requires listeners to make time and space, “not only [for] the parts that are exciting to listen to but also the parts that are difficult to listen to and are challenging, and require patience . . . the parts that are poorly recorded, unintelligible on first listening.”¹⁰

Kobayashi’s commitment to sitting with sound that is not immediately legible models what Lisbeth Lipari calls “listening otherwise”: an ethical attunement that, with practice, yields “an ability to *not* understand—to simply stay with something . . .—and just be with it, experience it, appreciate it, without having to fit it into some tidy box of ‘understanding.’”¹¹



FIGURE 8.1. *Say Something Bunny!* at Gallery TPW, February 2016.
Photo credit Henry Chan.

Conventional documentary forms seldom reward listening that relinquishes control of meaning. Scholarly accounts of narrative cinema have tended to theorize spectatorial and textual mastery in connection with visibility and the depiction and perception of spatial depth (the placement of the viewer at a privileged viewpoint outside the image). In contrast, in the field of documentary, aurality has been linked with the quest for objective knowledge and mastery, or what Trinh T. Minh-ha once described as the “totalizing quest for meaning.”¹² Documentary media appeal to their audience as masterful through the ear, using a range of testimonial forms and techniques of recording and editing that organize reality into a verbal explanation of itself. The listener is positioned at a privileged point of audition in deep auditory space, such that sounds resolve into intelligible information: voices emerge, noises recede.

After experiencing the performance twice, I have begun to think of *Bunny* as an ear-training exercise in which Kobayashi makes us confront the practiced forms of attention that permit such an auditory perspective. As she informs the audience, the transcript of the show (a work in progress) emerged from “hundreds of listens” that involved at least three discrete stages of listening: identifying sounds, identifying cultural references, and identifying characters and relationships. Every stage of listening

led to new research; in turn, each new piece of information (such as census records) led her to hear differently. Kobayashi strategically withholds and releases such information to allow her audience to experience the frustrations and rewards of being immersed in a soundscape of raw, unedited material shot on location. Foreground and background blur. Crackling disturbances, blowouts, and tinny tones attest to the impression of voices on wire and to the vintage quality of the recording. Kobayashi's expansive embrace of this spectrum of sounds recalls "haptic listening," a noninstrumental attunement that Leimbacher has identified as a shared ethical commitment among recent experimental documentary makers. An unassuming counterpart of acquisitive and inquisitive modes of documentary listening, haptic listening redistributes attention from the informational content of sounds toward their sonorous *surface*, thereby creating a space for receiving melodies, tonalities, timbres, and rhythms.¹³ Surface-listening thus paradoxically enables a profound openness to difference. Kobayashi's decision to "cast" each audience member as one of the characters heard on the recording has the effect of turning each listening individual into a vessel whose ears prick up at the dawning recognition of and identification with the grain of "their" assigned voice.

The distinctive timbre and grain of historical sound technologies and recordings are, for many listeners, a self-justifying pleasure: a fetish.¹⁴ In addition to activating her listeners as readers of the artifactual past (a practice that filmmaker Irene Lusztig has, in a different context, called "embodied listening"), Kobayashi also situates the sounds of the wire recording as indexes of interlocking social relations and contexts.¹⁵ Consider, for instance, the way she reads both presences and absences as interpretive windows onto the political and aesthetic history of sexuality. Despite giving the performance its name, twenty-year-old Bunny speaks only a few reluctant lines. David pushes Bunny to "say something" for the wire recorder, and her mother June adds, "Say your philosophy course," to which Bunny responds: "No" and "I'm mute." A few moments later, upon being teased to explain why she smokes Lucky Strike cigarettes, Bunny drawls: "pleasure." Here Kobayashi inhabits one of her many narratorial roles: providing psychological insight into character motivation. Adding to the repertoire of her predecessors in the performative documentary tradition (Michael Moore and Agnès Varda, for instance) who insert themselves into the diegesis to provide highly subjective and occasionally theatrical commentary, Kobayashi employs a different strategy: historical performance. She transforms, with the addition of a brown wig, a red turtleneck, a cigarette, and a copy of *The Second Sex*, into a

moody, budding feminist. Peering up from Simone de Beauvoir's book with an attitude of youthful disdain, she reads aloud a passage on pleasure. Later in the performance, Kobayashi speculates that David's pursuit of pleasure, specifically the prurient pleasures of working in the adult film industry, may have strained his relationship with his family; this may have been one of the reasons the family recordings taper off after 1954. Despite their differences, Kobayashi discovers unexpected common ground among David, writer of the erotic video *Big Thumbs* (Richard Lipton, 1977) and his mother, Juliette, child star of the silent film *The Silent Master* (Léonce Perret, 1919): both films have all but disappeared from circulation. To paraphrase Jacques Derrida, their absence is the condition of archival presence. In her (ultimately successful) quest for *Big Thumbs*, Kobayashi traces a path through the ephemera in which its traces survive, from seventies-era adult video almanacs to present-day internet chat rooms. Faced with the complete disappearance of *The Silent Master* (the fate of the vast majority of silent films), Kobayashi employs the feminist strategy made famous by Cheryl Dunye in her film *The Watermelon Woman* (1996): she conjures it into presence through reenactment. In trademark amateur style, she performs every role with barely concealed and crudely costumed glee (Figure 8.2).

Weizman describes "forum" as "a shifting triangulation between three elements: a contested *object* or *site*, an *interpreter* tasked with translating



FIGURE 8.2. Re-creation of a scene from *The Silent Master* in *Say Something Bunny!* Image courtesy of Alison S. M. Kobayashi.

‘the language of things,’ and the *assembly* of a public gathering.”¹⁶ *Forensis* is, by extension, the practice of establishing “a relation between the animation of material objects and the gathering of political collectivities”—one that resembles what the Roman rhetorician Quintilian called *proso-popoeia*, or the practice of using the powers of aural demonstration to bring inanimate objects to life, by making them evident, credible, and persuasive.¹⁷ This could just as easily be a description of Kobayashi’s “documentary theater.” Kobayashi convenes an assembly of people to assess a sound object from which she coaxes historical and political meaning, employing whatever means are at hand. Her reliance on performance, intuition, and speculation as persuasive means points to the theatricality of the forensic arts: indeed, *Bunny* makes it impossible to see *forensis* as anything *other* than a mode of performative documentary.

Listening to Democracy

It is an hour into the public hearing. So far, we have heard a team of three Walmart representatives offer in-house presentations and analysis on the impacts of a proposed expansion of the local Walmart in Allegany, New York, into a Supercenter. Then, following a lengthy explanation of the hearing process by the moderator, testimony for and against the proposed expansion is provided by seven townspeople (including four Walmart employees, who defend the corporation), each introduced by the chairman of the planning board. A sociology professor (bearded, neatly dressed) is now speaking in quiet but authoritative tones on the dire impacts of the proposed Walmart Supercenter on local jobs and the quality of life in the Allegany community. The camera frames his face tightly. As he speaks, it cuts away to anonymous close-ups of his audience: a pair of burly hands fidgets and knuckle cracks; another, more delicate, opens up a jar of Vaseline to moisturize; the moderator toggles his pen in his mouth. As the sociologist comes to the last sentences of his prepared statement, he turns around the room for dramatic effect, eyebrows knitted, then raised, enunciating each word as if to rouse a classroom of listless students: “In my own estimation, corporate Walmart is *not* a good neighbor. And a lot of people have already spoken to the quality of life in this community. And I think we *can* preserve the quality of life if we choose to. But if we go to a corporation that is *big, powerful, and not based in New York State* we stand the possibility of losing it. Thank you.” He leaves the mic. More fidgeting. The moderator comes up and removes the mic from the stand, causing high-pitched feedback. He begins to

speak: “Just a reminder, if you don’t have time, and . . . we’re trying to get to everybody . . . please submit in writing . . . uh, we’ll take your comments in writing, it will have *just* as much weight as what was said here, just that it’s . . . in writing.” He puts the mic back.

I have just described a scene from James N. Kienitz Wilkins’s 110-minute feature film *Public Hearing* (2012). A fictionalized reenactment based on a court transcript of a 2006 event in Allegany, New York, *Public Hearing* is one of several works that Wilkins has created by using standardized communication formats and forms (stock images, unedited BetaSP tape, blog posts, PowerPoint presentations, elevator pitches) as ready-made scripts and prompts. Wilkins’s films are explorations as much of the narrative affordances of these mechanical and seemingly neutral forms as of their coded politics. The transcript of the Allegany public hearing is a case in point: the event was recorded in machine shorthand, “unpacked” by a stenographer or secretary, and made publicly accessible on the town’s online archives as a PDF, a stable, circulable format.¹⁸ Every verbal utterance and half-completed thought has been faithfully transcribed, yet the aura of the event has no archival trace. The conditions that shape *how* these utterances were spoken and heard—the architecture and atmosphere of the room; the twinned anticipation and boredom of waiting for one’s turn; the nervousness that overcomes speakers confronted by an audience, dissolving prepared words into fragmented phrases; the digressive and magnifying focus that ennui can bring to the mannerisms, dress, gestures, and facial tics of speakers and to the furtive movements of listeners—are not part of the transcript. In the spirit of bureaucratic efficiency channeled by the moderator (“comments in writing will have as much weight as what is said”), they have been struck from the record. As data they have no weight, no information value.

Wilkins reanimates these structuring absences of the public hearing, using black-and-white 16mm film to extravagantly imbue this filed-away and forgotten event with material significance.¹⁹ His process embraces the embodied and speculative bases of historical knowledge, as a process marked by losses in translation and transcription. Having downloaded the transcript, Wilkins retyped it into a screenplay program, inserted stage directions, and filmed a mixed cast of New York City–based professional and nonprofessional actors performing the “script.” The process of filming, which took more than two months, required both the filmmaker and the performers to read between and around the words. For the performers, this involved filtering the text through their own physical and psychological experience, rendering it in a range of performance styles. As Wilkins



FIGURE 8.3. Sample close-up of speaker in *Public Hearing*. Image courtesy of Automatic Moving Co.

has noted, “Some of them attempted to memorize the lines, some of them just read the lines as they were, some slipped in their own thoughts . . . the movie is really a unique performance based on a close reading.”²⁰ Wilkins’s own interpretive and conjectural voice is palpable in the cinematography and editing. The film is shot entirely in close-ups, a choice that conjures the spatial disorientation that a reader of the transcript might feel (Figure 8.3).

Whereas the transcript registers presence only in the form of speech—“when you are done speaking, and if you are never referred to again, you are good as gone as far as the transcript is concerned”—Wilkins rematerializes the presence of auditors using reaction shots and cutaways to idle gestures that cumulatively construct a sense of audiovisual and temporal perspective.²¹ These cutaways humorously capture the manner in which off-center details can expand and demand attention in a manner simultaneously consuming and mystifying; I cannot stop thinking, for instance, of a scene where the moderator inexplicably and with scrupulous care pours soda from his glass back into the can, weighs the two, then delicately pours some soda back into the glass to even them out.

Reenactment, for Wilkins, thus becomes a process of critically analyzing the archival record rather than reconstructing a linear story using the cinematic language of historical fiction or documentary realism. Wilkins is unconcerned with fidelity to the record: the challenge of containing the

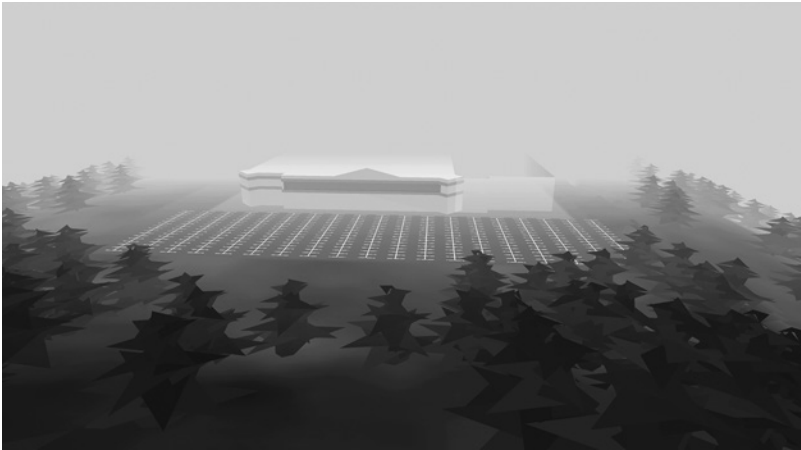


FIGURE 8.4. Still from drone animation in *Public Hearing*. Image courtesy of Automatic Moving Co.

transcript within a feature-length narrative framework required him to cut participants from the original transcript if they repeated what someone else said for the third or fourth time. As he notes, “This editing is surely evidence of the authoritarianism of the self-appointed director, just like the moderators cutting people down to three minutes.”²² Instead, *Public Hearing* listens for and resuscitates the powerful narrative codes that determine democratic outcomes (in this instance, Walmart prevailed) but which the record chooses to ignore. The transcript tells us little, for instance, about the animated presentation that Walmart representatives assembled using the corporation’s considerable resources. The staggering disparities between the power of Walmart’s “testimony” and that of the townspeople, many of whom are working-class Walmart employees, are conveniently flattened. In place of the absent presentation, Wilkins inserts 3D animation that exaggerates this gap to the point of hilarity: ambient music accompanies a drone’s-eye view that soars over crude renderings of trees and a parking lot to reveal an anonymous rectangular structure that slowly recedes from view as we pull away (Figure 8.4). The animation is as rich in irony as it is poor in information. Its function in Wilkins’s film is purely rhetorical: to demonstrate how evidentiary value comes from elsewhere than the present moment of testimony.

The indifference of the transcript to these distinctions is evidence of a pseudodemocratic mode of listening that is oblivious to its habitual

biases. Wilkins's investment in disrupting these habits aligns him with experimental musicians who have sought to attune listeners to what they habitually tune out. For instance, the sound theorist and composer Michel Chion has advocated "acousmatic listening" (colloquially called "blind listening") as a method for recognizing and overcoming common biases in listening habits, including causal and semantic orientations toward gathering information about the source of sound and its linguistic contents above all else. Inspired by his predecessor Pierre Schaeffer, Chion believes that "acousmatic sound draws our attention to sound traits normally hidden from us by the simultaneous sight of the causes."²³ Sightedness, in other words, can often have the effect of making us oblivious to what we look for, and how that seeing impacts hearing.

Wilkins listens for that which democratic listening renders inaudible by dint of what it makes audible. Hearing, he shows, can similarly have the effect of making us oblivious to what we listen for. His speculative approach to inhabiting the transcript's nonhearing as a point of audition reminds me of Anri Sala's *Intervista: Finding the Words* (1998), a film about speech and listening under communism. Sala discovers a soundless 16mm newsreel film from the 1970s that shows his mother, Valdete, giving a speech at a communist youth rally, flanked by Albanian party leader and dictator Enver Hoxha. Valdete is unable to recall what she said, and Sala's interviews with surviving members of the party leadership do little to help fill in the gaps, so Sala devises an unusual solution: he solicits the assistance of students and faculty from a school for the Deaf, skilled in sign language and lipreading, in reconstructing Valdete's speech, which he then inserts into the film as captions. The results, a series of doctrinaire slogans, shock his mother, who exclaims: "Those aren't my words!" Later, Valdete realizes that her new political reality has changed what she is capable of saying and hearing. She reflects: "We lived in a deaf and dumb system where all spoke with one mouth and one voice." Sala's use of lip-reading (or Deaf listening) enables him to subvert this ableist metaphor to arrive at surprising insights about how the communist consensus might have shaped the listening of so-called hearing subjects. Under so-called democratic circumstances too, Wilkins suggests, reconstructing what the ear of democracy cannot hear about its own listening may require unorthodox measures.

Listening with an Accent

What happens when the ear of the law operates not through the repression of free speech but rather its incitement and objectification? Artist

and scholar Lawrence Abu Hamdan is propelled by this question. Since 2010, Abu Hamdan has developed a body of work spanning critical essays, essayistic documentaries, and installation art interrogating what Naomi Waltham-Smith has called a biopolitical turn in legal listening: a “perversion of the voice whereby what is meant to be the support of political representation, self-expression, and agency is turned against the speaking subject.”²⁴ While this is in some ways the founding philosophical dilemma of speech, as Waltham-Smith notes, Abu Hamdan’s research-based practice uncovers intensified attacks on free speech in late twentieth-century juridical practice. Much of his work traces and responds to the emergence of “forensic listening,” a radically objective and scientifically specious mode of juridical listening that has found its widest application in the speaker profiling of asylum seekers via forensic speech analysis, also known as LADO (Language Analysis for the Determination of Origin) or, more colloquially, “the accent test.”²⁵

LADO weaponizes *prosopopoeia*, or the art of “giving voice” and making evident: human rights claimants are incited to speak in a manner designed to be comprehensible to their interlocutor for which they are then held culpable.²⁶ The protocol for LADO currently employed by immigration authorities across Europe and Australia for deciding on the asylum cases of undocumented migrants is as follows: a brief telephone interview is organized between the asylum seeker and professional interpreters, typically employees of commercial firms subcontracted by government agencies with translation skills but no formal training in linguistics. These nonspecialist interpreters, working from audio recordings of the interviews, are tasked with assessing whether the asylum seeker’s accent corresponds to the typical features of speech in their claimed place of origin. Their assertions are then reworked by linguists and turned into forensic reports for use in court during deportation hearings.²⁷ LADO derives its legitimacy from forensic linguistics, the science that studies the molecular constitution of individual phonemes to glean information about the conditions of production (including recording conditions), and details such as the age, health, and ethnicity of a voice and the geographic origin of its accent. However, forensic linguists and phoneticians widely acknowledge that voices cannot be studied outside the social, cultural, political, and technical contexts that mediate their production, whereas LADO treats the voice as an objective *thing* that can be separated from the bodies of the speaker and listener and examined as evidence.²⁸

Abu Hamdan’s *The Freedom of Speech Itself* (2012) is a meditation on the biopolitical implications of objective listening in the contexts both

of the law and of documentary.²⁹ Introduced by Abu Hamdan as “a documentary about the politics of listening,” the thirty-four-minute audio essay unfolds, in fact, as an interrogation of *documentary* listening and its complicity with forensic modes of juridical listening. The essay is structured like an onion, with layers of “expert” interpretation enclosing the testimony of Mohammed, one among countless asylum seekers who has been marked for wrongful deportation as a result of LADO—in this instance, as a result of how he pronounced the word for another innocuous vegetable: tomato. Abu Hamdan mimics the LADO protocol in the way he narrates and analyzes Mohammed’s experience. The click of a tape recorder materializes the mediating presence of an auditor, followed by Abu Hamdan’s voice asking Mohammed the types of questions that Mohammed might have been asked by his interviewer: “Where are you from?” “Can you speak Arabic?” Abu Hamdan soon transitions to questions about Mohammed’s experiences with LADO. Mohammed responds, alternating between English and Arabic, that he came to the United Kingdom as an asylee from the city of Jenin in the West Bank of Palestine. He was apprehended and detained by police and forced to undergo accent analysis to prove his origins after UK immigration authorities lost his Palestinian identity card. He was then asked to speak to an interviewer in Sweden who sounded, to Mohammed, like an Iraqi Kurd. The interviewer spoke an extremely formal version of Arabic so different from Mohammed’s dialect that Mohammed had to shift his manner of speech and pronunciation in order to be understood by his interviewer. At the end of the twenty-minute interview, Mohammed’s interviewee concluded that the way Mohammad pronounced the word for tomato (*bana-dora*, which the interviewer deemed more typical of Syria, instead of *bandora*, as Palestinians might be expected to pronounce it) definitively proved Mohammed’s Syrian origin, even though the Palestinian city of Jenin is located merely twenty-two kilometers from the Syrian border.

Abu Hamdan sandwiches Mohammed’s responses between translation from an interpreter who interjects when Mohammad speaks in Arabic, and critical commentary from forensic linguists and sociolinguists. These “experts” provide valuable insight into the various forms of prejudice built into LADO: we learn that interviewers are usually located in a different country than the asylum seeker; that they usually have no firsthand knowledge of the linguistic cultures or regional landmarks about which they quiz asylees; that they make their assessments without the crucial visual cues that body language and gesture can provide; that interviews can be as brief as fourteen minutes; that their reports offer opinion in the guise of certainty.

We learn, to paraphrase Emily Apter's reading of Abu Hamdan's work, that LADO treats the subjective impressions of lay listeners as objective proof of the difference between those who get to enjoy the liberties and privileges of citizenship and others who are marked for "misattributed citizenship, internment in holding pens, imprisonment, and deportation."³⁰ Abu Hamdan's decision to cut between expert voice and refugee voice adds another layer of commentary to these insights. It makes evident how documentary's vocal conventions shape distinct listening modes that affirm the difference between narrating voices that *simply speak* in a manner that seemingly requires no translation or mediation, and narrated voices that are *spoken about*, analyzed, interpreted, captioned, or subtitled.

Abu Hamdan's editing thus traces the traffic between the LADO interview and the documentary interview as medial sites where oral and aural difference are policed, reinforcing discriminatory habits of listening that are nonetheless made to seem neutral or unmarked. Listening to the audio essay, I am aware of how it redistributes my auditory attention. I hear not the *how* of Mohammed's speech, but *what* he has to say about LADO, and in the same movement, I notice myself listening not for *what* the experts have to say but *how* they say it. When Abu Hamdan follows the Mohammed sequence with a performative interview with Mohammed's London-based translator, my attention shifts again, this time, to *how my own accented listening* informs these perceptual shifts. The exchange among the two men illustrates how the answer to the seemingly simple question "Where are you from?" is contoured by Abu Hamdan's accented auditory expectations:

So, where are you from?
 What do you mean, I'm from Hackney.
 Yeah Hackney, but . . . you're Danish, aren't you?
 No, I'm Palestinian. Well, I grew up in Denmark.
 I see, so you're from where in Palestine?
 I'm not from Palestine.
 So, where are you from?
 Well, we're Palestinians from a refugee camp in Lebanon, Al-Hilweh.
 Ah ok, so you were born in Lebanon?
 No, I was born in Dubai.
 Ok. So how come you have an American accent?
 What do you mean?
 Well, you have this like American twang to your English.
 Oh its just . . . you know . . . Eddie Murphy and uh, Stallone and all
 these guys y'know?

So you're from Hollywood?
Nah, nah, I'm from Hackney.

The Freedom of Speech Itself forcefully argues that accent can be located neither in the speaker nor in the ear of the listener but in the space between them. Abu Hamdan reflects: "The instability of an accent, its borrowed and hybridized phonetic form, is testament not to someone's origins but only to an unstable and migratory lifestyle, which is of course common among those fleeing from conflict and seeking asylum, often spending years getting to the target country and living in diversely populated camps along the way."³¹ This could just as easily be a description of the inevitability—and instability—of accented listening in the age of mass migration. A case in point: Apter transcribes the very passage that I have transcribed here, but in a telling illustration of the point being made in it, Apter omits the name of the refugee camp Al-Hilweh, perhaps because she heard it as a sound rather than a noun, or did not hear it at all.³² Abu Hamdan concludes his audio essay with a question: Should the freedom of speech not be expanded to include the ways in which we are heard? I hear in his work a different question and provocation: How can documentary forms be used not to "give voice" but rather to train audiences to listen differently, to listen (to how they listen) with an accent?

Coda

"[inaudible]," writes Abu Hamdan, "is how transcribers and stenographers categorize human speech or any other sound that cannot be heard or could not be made intelligible. A voice that is impossible to write, a sound that cannot be transcribed, speech that does not form part of the historical record, except in its very inaudibility. The threshold of audibility is the threshold of the political. Those [inaudible] voices and sounds, not yet intelligible to the political ear, are the site of struggle in the politics of listening."³³

This statement framing Abu Hamdan's artist book of the same name not only articulates the stakes of his critical and creative practice but also offers a framework for understanding the political significance of the practices of deep listening that Kobayashi and Wilkins stage for and cultivate in their audiences. Abu Hamdan's emphasis on the ear as a site of struggle in the politics of listening highlights, for me, the *counterforensic* implications of the ways in which Kobayashi and Wilkins innovate new documentary forms to attune us to sonic events and experiences that conventionally remain beneath the threshold of documentary audibility. Each of these

three artists confronts how documentary forms have been used to habituate us to modes of listening that are in turns acquisitive, bureaucratic, and discriminatory even as they are framed as natural or objective. These habitualized modes of documentary listening, they show, play a profound role in reinforcing the ways in which recorded speech is archived, mobilized, and politicized. For Kobayashi, Wilkins, and Abu Hamdan, documentary listening is anything but self-evident. It is a site, rather, of speculation, reflection, and research. Deep listening, for them, is reflexive listening: a listening that listens for how it represents reality to itself.

Notes

1. See Thomas Keenan and Eyal Weizman, *Mengle's Skull: The Advent of a Forensic Aesthetics* (Berlin: Sternberg Press, 2012), esp. 11–14.

2. See Keenan and Weizman, 28.

3. Weizman is the founder of Forensic Architecture, a research agency that brings together interdisciplinary teams of architects, filmmakers, artists, scientists, and lawyers to produce evidence for use in legal as well as quasi-legal contexts such as citizen-organized truth commissions and tribunals, and human rights and environmental protection agencies. In a recent book theorizing the work of this group (with which Abu Hamdan has frequently collaborated), Weizman notes that one of its central interventions has been to legitimize the use of speculative methods such as surveys, models, animations, videos, and other techniques borrowed from art and architecture as counterforensic arts of persuasion. See Eyal Weizman, *Forensic Architecture: Violence at the Threshold of Detectability* (New York: Zone Books, 2017), 64–71.

4. The artists have been exhibited and discussed in spaces and venues that have emerged in response to the growing range of work exploring the seam between documentary and art. These include exhibition venues such as Union Docs (Brooklyn-based center for documentary art), Nightingale Cinema (Chicago-based microcinema devoted to independent and experimental film), and Western Front (Vancouver-based artist-run center for contemporary art and media); festivals and series devoted to innovations in hybrid filmmaking such as CPH:DOX, Camden, and The Art of the Real; museums of contemporary and moving-image art such as MoMA and the Tate Modern; and publishing platforms for critical discourse on artistic practice such as e-flux and World Records.

5. Pauline Oliveros, *Deep Listening: A Composer's Sound Practice* (New York: iUniverse, 2005), xiii–xiv.

6. Weizman, *Forensic Architecture*, 74–75; Lorraine Daston and Peter Galison, *Objectivity* (New York: Zone Books, 2007), 17.

7. See Elisabeth Vincentelli, "The Detective Was a Performance Artist: The Evidence Is Now a Show," *New York Times*, June 26, 2017, <https://www.nytimes.com/2017/06/26/theater/say-something-bunny-alison-s-m-kobayashi.html>. Larry Newburge, as quoted, appears in this article.

8. Alison S. M. Kobayashi, interview with the author, August 31, 2018.

9. Irina Leimbacher, "Hearing Voice(s): Experiments with Documentary Listening," *Discourse* 39, no. 3 (Fall 2017): 295.

10. Kobayashi interview.

11. Lisbeth Lipari, *Listening, Thinking, Being: Toward an Ethics of Attunement* (University Park: Pennsylvania State University Press, 2014), 136.

12. Trinh T. Minh-ha, *When the Moon Waxes Red* (Bloomington: Indiana University Press, 1991), 29.

13. See Leimbacher, "Hearing Voice(s)," 293, 299.

14. As Jonathan Sterne notes, both the object and the sound it makes become part of the commodity fetish of musical and recording instruments. See Jonathan Sterne, "Spectral Objects: On the Fetish Character of Music Technologies," in *Sound Objects*, ed. James A. Steintrager and Rey Chow (Durham, N.C.: Duke University Press, 2018), 96.

15. See D. Andy Rice, "The Sense of Feminism Then and Now: *Yours in Sisterhood* (2018) and Embodied Listening in the Cinema Praxis of Irene Lusztig," *Senses of Cinema*, no. 89 (December 2018), <http://sensesofcinema.com/2018/feature-articles/the-sense-of-feminism-then-and-now-yours-in-sisterhood-2018-and-embodied-listening-in-the-cinema-praxis-of-irene-lusztig/>.

16. Eyal Weizman, "Introduction: Forensis," in *Forensis: The Architecture of Public Truth*, ed. Forensic Architecture (Berlin: Sternberg and Forensic Architecture, 2014), 9.

17. Weizman, 9–10.

18. See Paul Dallas, "Lost in Translation: Public Hearing," *Filmmaker Magazine*, May 7, 2014, <https://filmmakermagazine.com/84869-lost-in-translation-public-hearing/#.XEjLZc9KgdU>. Wilkins reports that the court stenographer undoubtedly took liberties while "unpacking" the shorthanded transcript, as evidenced, for instance, by the numerous errors and incomplete sentences with which the official transcript is littered. Nevertheless, "In the appendix of the original, there is a sworn statement attesting that what she typed is true." See Michael Guarneri, "Interview with James N. Kienitz Wilkins," *Bomb Magazine*, February 5, 2015, <https://bombmagazine.org/articles/james-n-kienitz-wilkins/>.

19. Wilkins additionally produced a 106-hour-long film documenting the making of *Public Hearing* called *Public Hearing in Progress*. Shot on discarded VHS tapes using a security camera that Wilkins installed on location during the production of his film, *Public Hearing in Progress* was streamed "live" by ACRE TV.

20. Guarneri, "Interview."

21. Guarneri.
22. James Wilkins, discussion with the author, May 15, 2019.
23. See Michel Chion, "The Three Listening Modes," in *Audio-Vision: Sound on Screen*, trans. Claudia Gorbman (New York: Columbia University Press, 1994), 32.
24. Naomi Waltham-Smith, "Excursus 2: Lawrence Abu Hamdan's Border Crossings," in *Shattering Biopolitics: Militant Listening and the Sound of Life* (New York: Fordham University Press, forthcoming 2021).
25. Abu Hamdan reports that the forced mass migrations that followed the War on Terror became the catalyst for the implementation of LADO by immigration authorities around the world and that Australia, Belgium, Germany, the Netherlands, New Zealand, Sweden, Switzerland, and the United Kingdom now rely on LADO. See Lawrence Abu Hamdan, *[inaudible]: A Politics of Listening in 4 Acts* (New York: Sternberg Press, 2016), 21; and Lawrence Abu Hamdan, "Aural Contract: Forensic Listening and the Reorganization of the Speaking Subject," in *Forensis*, 72.
26. See Abu Hamdan, "Aural Contract," 74–75.
27. See Lawrence Abu Hamdan, "Act 1: Listening to Yourself," in *[inaudible]*, 21. Abu Hamdan reports that two Swedish companies, Sprakab and Verified, currently dominate this market. He also notes that in response to criticism from linguists, numerous governments now base their accent analysis on recorded monologues from asylum seekers in lieu of interviews. Abu Hamdan's account here updates his previous research on LADO; see Abu Hamdan, "Aural Contract," 72.
28. Abu Hamdan, "Aural Contract," 70, 72
29. I have chosen to focus solely on the audio essay portion of *The Freedom of Speech Itself*. The installation of this work at The Showroom in London (February 1 to March 17, 2012) also included sculptural forms of voiceprints (or voice-fingerprints) constructed from foam, illustrating the frequency and amplitude of two different voices saying the word "you." Emily Apter writes: "The cartographic rendering maps the origins of phonemes while the acoustically absorbent foam slabs become a listening agent; both give material form to the fusion of voice and territory." See Emily Apter, "Shibboleth: Policing by Ear and Forensic Listening in Projects by Lawrence Abu Hamdan," *October*, no. 156 (Spring 2016): 105. Apter's essay has been reprinted as the foreword to Abu Hamdan's artist book.
30. Apter, "Shibboleth," 111.
31. Abu Hamdan, "Aural Contract," 73.
32. See Apter, "Shibboleth," 106.
33. Lawrence Abu Hamdan, "Introduction," in *[inaudible]*.