



## Danilo Mandic & Sara Ramshaw: Law as Sonic Performance

### [00:00:23] INTRO

**Duška Radosavljević:** Hello and welcome to the Salon! Our guests today are Danilo Mandic and Sara Ramshaw, who share research interests at the intersection of the legal and the sonic.

Danilo Mandic is a Senior Lecturer in Law at University of Westminster in London. He is a co-editor of the *Law and the Senses* series at the University of Westminster Press (2018-2021). His research interests include copyright law, art law, law and technology, sound studies, aesthetics of law and popular culture.

Sara Ramshaw has been an Associate Professor at the University of Victoria Faculty of Law in British Columbia, Canada since 2017, following appointments at Queen's University Belfast School of Law in Northern Ireland and the University of Exeter School of Law, England. Her research interests fall broadly in the area of arts-based approaches to law, with a specific focus on the improvisatory arts, especially music, dance and theatre.

In their Salon conversation, Sara and Danilo discuss the relationship between law, sound and listening. Looking into concepts such as law and justice, structure and form, listening and hearing, improvisation and composition, and machine listening, the two question the similitude of sound and law focusing on the elusive and material qualities of both. They think about attentive listening as a condition of justice, and about the capacity of law to listen and/or hear.

This conversation was recorded on Zoom on 21<sup>st</sup> October 2020, between London and Victoria.

### [00:02:05] SALON

**Danilo Mandic:** It's very nice that we can actually have this sort of chat – that it's ongoing, directly or indirectly, or maybe we actually do engage through various sort of discourses that we belong to, or we are maybe external to; but somehow, really with this notion or the idea of law, sound, listening becoming not only quite present, but – especially in your work – they have always been implicitly and explicitly present. Shall we start from sound, or shall we start from law? Or shall we start from somewhere completely different–

**Sara Ramshaw:** That's a very good question! [*Laughter.*]

**DM:** Let's think about sound maybe. Let's start just generally about sound, and what sound is, and how sound relates to law and justice. And I certainly think about your work – and of course, at one point, we'll have to address the notion of improvisation and what it means. So how do you approach sound? What is sound for you?

**SR:** Perhaps, in my work, I don't really address sound per se, because I'm coming to sound through listening, and attunement – or attunement as an imperfect listening. So, an always straining towards another sound that can never be heard, but it is the – I guess the movement or the process of the straining that is important. So I feel a bit of a fraud being on a podcast about sound! Because, although I'm starting to engage with a lot of the sound studies work, I still am very amateur in terms of my knowledge. But I do feel that – especially in relation to the research I've done in the past – that listening is one of the most important aspects about law and justice. And therefore trying to work through that. And I think you can't really have listening without sound.

**DM:** Exactly. So that's–

**SR:** But that's the question.

**DM:** No, that's exactly what I – even though you're right, you're not directly engaging with it, I think it's always quite present. And especially in your – I'm kind of referring now to the notion of improvisation that you've been using, not only in terms of music improvisation and questioning what composition is, what improvisation is in context of law and justice, but also in terms of improvisation in the context of



theatre, and I think once we kind of position ourselves in that sort of environment, the act of listening, and the very thing or matter that we are listening to, it's actually directly related to sound.

[*Sound of fireworks in London, being picked up from Mandić's microphone.*]

**SR:** They're not coming from my end, these interesting sound effects! Oh – fireworks?

**DM:** Did you hear that? Yes, fireworks.

**SR:** Oh my goodness!

**DM:** That was here!

**SR:** No way!

**DM:** Actually, it's perfect – you know, there was a bit of a silence, and they often say–

**SR:** Is it Guy Fawkes night? Is that what it is?

**DM:** It's about to be, right?

**SR:** So, that – oh my god!

**DM:** It's about to actually take place. It was a very interesting silence in that sense, but then, they interrupted very interestingly.

**SR:** Can I ask you a question? Because it's been–

**DM:** Yes, maybe. Yes, maybe you can.

**SR:** Okay, sorry, it's – so, it's in relation to – so Danilo's written a beautiful piece for this special issue that I'm co-editing in *Law Text Culture* on acoustics of justice, and he's writing in terms of this artist Robert Morris, the title is: *Box with the Sound of Its Own Making*. And I just wondered if you could speak to how you relate this artistic sculpture/sound work to law. But also, one thing that I've been curious about since reading it is: why sound? You can explain to the listeners, you know, what was done? Basically, it's an audio recording of this box being made, but why sound as opposed to video, let's say? Or showing the video of the box being made? I'm not familiar with why – Morris's choices in regard to this, and I was wondering if you could, you know, talk a little bit about that.

**DM:** Yeah, probably I can. It's very interesting. Well, I probably wouldn't be able to answer why sound, because the work is – the title already explains – it's one of the seminal works that was made in the beginning of the '60s, and it comes from this minimalist movement that actually was using essential geometric forms, but also it had an aim to challenge the tradition of representation. And actually, as the title says – *Box with the Sound of Its Own Making* – it's an amazing and probably one of the first, or they argue it's the first, sound sculpture, or sculpture of sound in a sense that brings the medium of sound as a particular matter that actually creates the box. So it kind of plays with what one hears and what one sees in front of them, because in the way in which it's exhibited, actually, you see the box and also you hear the sound of its own making. It kind of challenges and engages with those sort of notions of representation, but also it engages with what is there or not, it engages with past and present but also with the future. But also, by having it standing on a pedestal – right? – so, it's just kind of very static in its own form, but there is a sound that we can hear, I certainly use the analogy, or at least for me, that sort of analogy is quite lucid – in a sense that that sort of stillness at the presence actually resonates with what law is. Because in my view law certainly – even though it's still and creates this sort of norm, authority, standing, being almost silent – actually, this box allows or provides an entry point for one to think about law with the sound of its own making. That means the extent to which law, in its most general sense, carries within itself a sonic quality. But then we have to contextualise this, because there is an ongoing exploration in terms of law being seen as a performance – you have been working quite a lot in this field of thinking about law as performance, but also thinking about law as text, and there is already some sort of legal tradition, there is already an engagement with thinking beyond law only as a text, but also as a performance. And now, there is this sort of notion of sound that probably resonates with somehow the emergence of sound across different disciplines – so, certainly sound resonates with law. What I would like just to stress here, and why sound and why I'm using maybe this work, or what this work makes me think about sound, is that very often the legal scholarship currently, for all the right reasons, engages with sound either as an object of observation (it can be, I don't know, an issue of music, it can be an object of protection, very often also it can become an object of noise



regulation, right, in a public space, so it becomes an object of regulation), or also very often the sound is associated with the voice, right, with the subject that says something that the law allows for the subject to protect themselves, or to voice out their concerns or rights and presence. But with this work I kind of want to challenge a little bit, to try to go beyond what is given, because I think law – and I think you would agree that law tends to objectify things. Whatever sort of relation there is, whatever object there is, whatever subject there is, it's the law that actually objectifies. It says: 'You are this and this; this subject is this and this, and it's subject to this form of regulation.' So I think not only law is an instrument, but also the legal discourse – we fall in the trap of actually 'follow the law'. Like: 'Okay, let's objectify this, let's see whether it's working or not.' And this work actually allows for me to think about sonic qualities that actually come before language, or come before any sort of concrete – so I'm very interested in that sort of sonic quality that precedes and I think this work allows for me to investigate that. And certainly, there are a couple of other things that I kind of develop but I thought are kind of clear? Does that make sense? Yes and no?

**SR:** I guess because – well, everything... I'm always, I mean this is not in a linear sense, but I, for some reason – maybe it's the Derridean in me – it's always the 'to come' for some reason. I can't get my head around 'that which precedes', mainly because of you know, all the deconstruction of the origin, and how there can never be an actual origin. So I don't know – could you explain perhaps what's sound that precedes, or what you mean by that?

**DM:** Well, now, I can kind of refer more in the context... What I'm trying to say is that before we actually start to think about sound – well, I'm coming from a different – I'm certainly using Michael Serres, and using his way of approaching, which is actually very often interested in origins and there is always something that precedes the origin.

**SR:** Yes, yes, yes.

**DM:** And that sort of act of preceding an origin in many different ways, is very often a particular gesture that is a gesture of making a cut, or making a distinction. And he's exploring this across different disciplines, but where I find the legal act par excellence is actually in creating that sort of decision, or making that sort of cut that means that law cannot exist without making a distinction between one and another, right? And by doing that very act, actually, I think that – and I'm kind of arguing that that sort of act, and I'm tracing etymologically, and I'm tracing in the context of geometry – that there are certain instances that actually imply a particular sonic quality that not necessarily we are capable to grasp. Or we are capable to grasp [it], but it's a bit different to our kind of cultural understanding of what we listen [to], right. And probably, in order for us to understand this, we will discuss at one point about the difference between listening and hearing, because I think listening is still a cultural construction of what we are listening [to] but not necessarily hearing engages with any sort of meaning creation, or not necessarily something that falls within – what I'm kind of trying to say is that – yeah, I was quite clear actually. Hearing, in a sense, is not engaging with any sort of meaning-making, so that means it doesn't have to carry a particular information in order to be heard, in a way.

**SR:** This is why, for the piece I wrote for you, I go away from the listening/hearing distinction, because I found that it's so – everyone seems to be saying the same thing in terms of one is more of a stable comprehension of the sound, while the other one is – again, [Jean-Luc] Nancy talks about straining towards a sound but not comprehending, but it's still that – so, that's what he would call listening. And then, the hearing would be the comprehension of a particular sound. But then, you seem to be using the terms differently, and there are so many people that use them differently! So, that's why. I just – from really looking very carefully at all these distinctions that people make between listening and hearing, I decided to move towards what I thought was a bit more neutral conception, which was 'attunement'. Mainly borrowing from Nathan Crawford's work in his book *Theology as Improvisation*. Although we do have legal scholars such as Richard Dawson, who's written on justice as attunement, I think my interpretation is that he's using attunement slightly differently than what Crawford is, and then what I do. So I guess mine would move, or lie more in terms of Nancy's listening conception, but I guess, trying to get away from – because as soon as we talk about listening, we seem to then talk about hearing, and try and make a distinction.

**DM:** Well, that's a very good point that you're making and I completely agree. And I tend also, actually, to avoid that sort of distinction, because one false – and especially if we want, one can think about



[Brian] Kane – I don't know if you've read, he has a very interesting engagement translating Nancy, because there are different meanings there, four different meanings in the French language. So I think it's also about translation, so one can really easily fall into a trap. But listening, I'm kind of employing from Michel Serres actually goes beyond, because what Nancy's doing – and I think very often law tends to do – is it is always related to creating subjectivities, right. There is always a distinction between subjects: you and the other. And I think what I want to do is also to go a little bit beyond that sort of creation of subjectivities that means not necessarily us as subjects are capable to hear certain things as law assumes, or presumes, or prescribes for us to hear. So I think this kind of brings us back to some of the discussion – some of the things that I really wanted to ask– oh, I want to ask so many things now! Oh, no! Okay, I'm probably jumping from one thing to another. Sara, I think we should concentrate now on law, justice and improvisation, because I think we were discussing about law and justice, form and sound, so maybe I will pose this question now: Sara, I will return to the notion of improvisation that you have explored many times, and there is this beautiful way in which you at the very same time contrast, but at the very same time, you blur the existence between law and justice, and you use the notion of improvisation to actually address this. So can you just kind of clearly try to grasp that? What's the difference? And I think here, also, not only the notion of sound, but also listening becomes quite significant.

**SR:** Yes, so many – so many things! I guess, I would like to pay tribute to the [fact] that many of my views come from not only Jacques Derrida, but also my PhD supervisor, Peter Fitzpatrick, who's a legal scholar, and who really worked through the aporias that are involved in that law/justice distinction. But how I, as clearly or simplistically as I can, put it: typically, we have this notion of law as something that is not improvised. People expect that when they're before a judge, when decisions are made, that these decisions will not be arbitrary: they will not be based on, you know, what the judge had for breakfast, and that, you know, that there's this line of precedent that a judge has to – at least in the common law system, I know it's different in the civil tradition – but there is this view. But of course, lawyers, judges, and especially legal academics, for the most part, know that this conception is very simplistic and not really how it's done in the real life. But on the other hand, we then have this conception of improvisation, which is not again coming from the musicians, the artists themselves that are – musically improvising or whatever – that improvisation has no law, no structure, no rules. And again, I know this is completely ridiculous. It does have, it has to – [Charles] Mingus, I use this line over and over again, but Mingus says, you know: 'You've gotta improvise on something.' So in order to understand or comprehend something as improvisation, you have to know the sort of law that it's going against. And same thing with law: even though it likes to consider itself as, you know, general or universal, at the same time, every time we go before a judge or any legal decision, legal judgment is made – it's a new case, it's a new facts situation. So, in both instances – either in let's say musical improvisation, or theatrical improvisation, or whatever medium we're talking about, and law – it's a negotiation between what already exists, and the potentiality of newness. And so, while it can never be the exact same thing – there'd be no point in going before a judge if we knew exactly what the decision would be, and there's no possibility of complete newness, because in order to understand or comprehend this thing – whatever it is, this sound let's say – we have to then be able to categorise. It's a negotiation between these two aspects: generality and singularity. Peter Fitzpatrick talks about determinative and responsive nature of law. And so, then we need both these aspects in order to comprehend something.

**DM:** Thank you very much for explaining this! But now, I'll just kind of pose a very provocative question, and almost speculative, just for the purposes of the discussion.

**SR** [*laughing*]: Scary!

**DM:** If we situate within this sort of context of having sound and a particular structure, I would do this sort of very straight reasoning that law remains a particular structure, right? That it's a coded system of regulation, or system of code, the principles according to which it functions. But then, you argue that justice also becomes something that is quite spontaneous and improvisational, so if I can push the discussion, would probably the sonic quality be related to justice? Can one actually apply a sonic quality of something that is kind of spontaneous and not necessarily easily-graspable or controllable to justice? I'm pushing the discussion, but just–

**SR:** No, I thank you for that! I think, again, coming back to [Jacques] Derrida, his conception of justice





is that it is the singularity or complete newness, which is impossible because a judge can never have all the information that they need to have in order to make the perfectly just decision. And so in that sense, justice is impossible. But at the same time, it has to be – to be truly just, improvised, spontaneous, you have to take the information that is in front of you, and you have to try and make a decision in relation to this particular person, or this particular thing in front of you. And this is where my research in Northern Ireland in relation to family law sort of comes back to that. Because we had a judge, Judge Smyth, who was involved in our project, and she said, especially in relation to family law, each family is unique, and requires a bespoke solution. So, what she does, and this is my view of what as close as we can get to justice – knowing that it is impossible in the Derridean sense of it as pure justice – is trying to make a decision in relation to the rules that already exist, but applying them to the uniqueness of this particular situation: this family in front of you, this litigant in front of you that is going to be completely unique. Issues of time, resources, you know, it's just–

**DM:** Sorry for interrupting, but what you're actually somehow implying here is that in order for one to recognise that uniqueness, there is a demand – or necessity, not demand – a necessity of actually being able to listen, right? And actually, I think that's... But whether law in a general sense can listen? Is it capable to really hear all these sorts of cries, or nuances? Do you think it–

**SR:** Yeah, this is where I struggle, because – I mean, yeah, Judge Smyth, she talks about how the most important thing in law is not only to listen, but to represent to these people in front of her, that she's listening, however that might be – you know, it might even be as simple as eye contact. But I know what you're saying. Like, I think she is unique. She will say she's not unique in terms of judges, but I do believe that she is very unique in her wanting to listen. But the law puts obvious constraints on listening: you have to come before a judge, in a particular manner, you have to have particular papers, and in family law especially, there's a lot more self-represented litigants that are challenging these legal constraints, or these legal requests to put sound in a particular form. There's so many issues in relation to that.

**DM:** That's perfect! Thank you very much for this, Sara! Maybe – shall I do the sonic cue? Or maybe–

**SR:** Yes, sure!

**DM:** Or it's better for you to do it at this point?

**SR:** No, let's do yours!

**DM:** Okay. So I'll just play it. I have one minute and a half. I'll actually play it all, and then I'll try to contextualise it. So let me share this with you.

**[00:27:22 to 00:28:43] The sound of the dying battery of a smoke detector**

**DM:** It's done. How did you find it?

**SR:** Annoying.

**DM:** Annoying, right? It's very annoying. It's very, very annoying! It was in my house and it was completely intermittent. It will appear randomly, and it will have this sort of irritating sound, then it will disappear, and then once more. We thought that actually it's the fridge, until we realised that there was this box of a used fire alarm – so this is actually the battery dying, and kind of gasping for more air, if I can say, or just kind of trying to remain alive. And it becomes quite sort of noisy, but it's not – of course, noise is quite irritating but also it's not something that – you know, very often we think of noises as being something that interferes, but it was related very much to the very object. And as I was kind of preparing for doing this sonic cue, I actually found – and I don't know why I'm getting into this dark, I made this sort of move, but actually, I found, because it's quite rattling, right? – the actual word that explains it, it's a 'rattling' sound, but then I found that there is a 'death rattle' when a person is dying. In the last hours, there is this sort of – because of various forms of mucus that is created – there is this sort of rattling sound that becomes very loud, where the person is not capable to hear themselves. But actually, the family – if they're there, they're quite present, and that certainly becomes quite disturbing. So I'm somehow not necessarily wanting to – even though this is a very... One can connect it to the current state of events in terms of where we are, what we are on a political scene or social scene – like, where we are in the world in general – that the alarm that was present or there to kind of remind us of certain things is actually now, even that is dying and this is the final sound that it's actually trying



to make. I will refer this not so much to the notion of noise, but more in terms of identifying three different ways of listening, which I would like to come back to where we discussed, and I'm referring to Michel Serres – and he actually discusses three different kinds of the audible – right – of something that can be heard. And the first one, he finds within the body, where actually, there is this sort of murmur of all the cells, of the molecules, of the organs, that are not necessarily capable to be heard, but they are audible. So that's the first, and somehow I give this as an example of a particular body, it's a particular box that transmits a particular, audible sort of matter. The second one is the one that is related to our surrounding, that we are kind of part of nature, the world outside – that's the second type of audible. And the third one, which he situates as actually the one that comes from the collective: so, all the noise, all the hubbub. Silence is the previous two. So as if the society in which we live – and I think this is all amplified with not only the form of us listening to each other right now, but also the way in which we use the means of technology currently in the current crisis, metaphorically but also, quite explicitly, and factually – that society actually creates this sort of murmur that we are not able to even hear ourselves. I'm making this sort of discussion just to raise where law stands here, or in terms of whether law adds to this noise, whether law or justice are means that can actually protect us from this. I don't think that we have a clear answer, but I'm just throwing it at us to somehow think of the potentials for whether law – in general – is a means that actually tries to silence in order to be able to regulate, to create this sort of contact in order to establish the collective. I know how I argue: I argue that actually law is noise in itself, because at the very same time, it creates the conditions for relation to take place, for communication to take place, but at the very same time, interferes with the very connection that it establishes. So it's kind of, it has this sort of – I wouldn't say dual, but it has this sort of ambiguous – and I think that's the significance of law, and also how it relates to justice. Does it make sense? What I'm kind of trying to–?

**SR:** Yes, yes, but just hearing that noise, it made me so much think about [Franz] Kafka's short story, *Advocates*, where law is always an unlocatable, droning noise. It's always there, yet – at least in Kafka's tales, you know, *Before the Law*, and all these others – you can't actually get to it, which perhaps we can, you know, give the... Instead of that law, maybe that's justice, I don't know. The thing that we can never actually get before, but – yeah, this idea that law is ever- or omnipresent, yet, at the same time, we can never actually know what it is, and perhaps materially, or even as an object. I don't know, it just made me think, you know, that noise is law. And then, how you brought it to the present situation; and yeah, the death rattle. It is just like – oh, an explosion in my head!

**DM:** No, there are a lot of layers, and probably it's overwhelming, and I don't think it has a purpose to actually have a conclusive – I think it allows for us to be overwhelmed, that we are already overwhelmed on so many different levels. But let me just come back, because this is a point that I really wanted to make it very clear. You mentioned earlier, in terms of the law being known non-locatable, and I think one of the purposes I'm returning back to that sort of object of the box, actually in my view I take sound and law, both of them, I read them as sharing some sort of qualities in terms of both being elusive, intangible, not-locatable, as you say – but also, at the very same time quite material right? Quite present, quite annoying, or quite irritating, actually, as we felt at this point. So I think that's something that in my own way of thinking I want to kind of question, and in that sense – if you'll allow me to just kind of contextualise – my approach to law and sound is also: at this point sound becomes also a method of sorts, to think about law. So it's not only an object that we going to regulate; we're going to silence it; we're going to instrumentalise it, if need be, right? Nowadays, even noise is used to fight gatherings, right? So one weaponises the weapon in that sense. But more to think about sound as a method through which we can penetrate, or we can go beyond certain walls that the law itself always erects, right – it creates this sort of walls, forms, boundaries, and that's the very essence of law I think. So, yeah, I'm just–

**SR:** No! That's beautiful – beautiful way to put it! Yeah, I agree completely. And even the weaponisation of sound in relation – [*phone ringing*] oh, goodness, shoot, sorry!

**DM:** Oh, that's a beautiful noise as well!

**SR:** No, no! I usually don't get any phone calls to be honest!

**DM:** They know that you are recording.

**SR:** Yeah, yeah. But just one thing I was thinking about is the weaponisation of noise but also, I've just



been reading something that a friend has written on how silence is being used as a weapon also. And then, when you're talking about Serres, and the three conditions of the audible and, you know, the idea of the body, it made me think about, you know, John Cage's work, you know, and the idea that the body can never be silent, that we're always listening to it.

**DM:** Exactly.

**SR:** And then, when you get to the collective, immediately, what I thought of was a collection of experimental or improvising musicians, and the sounds that they can make. And then it gets back to listening, you know? Whether this sound is 'beautiful' or not, is really in relation to not only their listening skills, but also their sometimes non-listening skills, and their attempts to break through, or do something that goes against what everyone expected. So, I'm not explaining this very well at all, but just you brought up so many ideas!

**DM:** No, no, no! I really appreciate that! I think, actually, throwing these sort of thoughts around is quite important, because I think it remains a great challenge for – probably for everyone, but I'm talking from our own discipline in terms of – it's not easy to grasp things that are intangible, right? And I think law and sound in that sense are always open to further sort of exploration in order to be grasped. Not for the purposes to grasp them and contain them, but to grasp them in order to apprehend – or actually: to apprehend them in order to comprehend them in a way. I really appreciate your thought. Maybe we can go with your sonic cue then?

**SR:** Okay, okay!

**[00:39:25 to 00:40:15] 'Rainbow Family' (1984) by George E. Lewis (Paris premiere, 23 March)**

**SR:** Okay, you heard that?

**DM:** I heard that. So, what is this?

**SR:** Yeah, so it's a very short, short selection of George Lewis's 1984 piece 'Rainbow Family'. Which – as a plug for George – actually has never been put on record before, but it is coming out on October 30<sup>th</sup> 2020 with Carrier Records. You can get it on Bandcamp, if anyone's interested!

**DM:** Amazing.

**SR:** But the reason, the reason – okay, it's a piece or pieces that are made with both human and computer musicians, or what George calls 'creative machines'. So, what he did at the time – and he's continued to do with other things, such as 'Voyager' – is that he's been able to program computers such that not only can they listen and respond to the musical outputs of the other musicians, but they can also actually offer their own unique inputs in relation to a particular piece of music. And so I find this absolutely fascinating, and the reason is that it does actually come back to my work on family law and Judge Smyth and her provocation regarding listening, because my question then is – and talking about the times we live in, and this is even, I was thinking about this pre-Covid – but: so much of law is going online, especially family law, and can machines ever truly listen to the uniqueness of the circumstances, such that they can offer a just decision? So, this has been something that I've been struggling with for several years, and I was very sceptical about this possibility, but after reading and listening to George Lewis' work, I'm less sceptical.

**DM:** Why is that?

**SR:** Because I think he's proven that machines can improvise. And if we can then figure out a way to have them improvise in law, then that would be to me the possibility of justice in law. They're still – I mean, there's many, many, many problems with what I've said, and I'm really attentive to all the problems of technology and algorithmic listening.

**DM:** And coding or–

**SR:** Yeah, exactly.

**DM:** –a prescribed way of listening.

**SR:** Exactly, exactly. So I'm very attentive to that, but I do have a bit of research funding to start looking at this in a bit more practical detail, with a view to figuring out: can machine judges actually be just? That's sort of the question.



**DM:** That's amazing, and I really like – it's fascinating, actually, to think – and I really like also, the hope that is given in your project, right? Because it's so easy for us to actually put the coding or those technologies within the sort of negative side of things. I really appreciate your openness in exploring this, but there are a couple of things that I kind of want to return to. Just like – I'm just loudly thinking, and I'm speculating in terms of, you know, the extent to which we were discussing whether law can listen or not, and whether it can listen and respond. And then, we are having this sort of machine, which is a code – and then, playing with the words of 'code', and being a prescribed sort of system – whether it can listen, or whether it can listen and respond? And I think that's the ongoing question. I think by answering that, also, you might actually think about clues, because – well, that's a completely different discussion, whether law is an artificial construction, or whether it kind of comes... One can argue certainly it's an artificial construction, but I think also there is the sort of essential way of whatever we do, there is always this sort of act of deciding, right, of making a distinction between those things, so, I think in that sense – yeah, distinction is a legislative act in itself. Sorry, I'm loudly thinking and I'm maybe digressing, but let me come back to this sort of notion of listening and responding, because I find it fascinating for us to answer that! Let's kind of try – for you and I: do you think law can really listen and respond?

**SR:** Yeah, but as you – and you have pointed out so many times, like: it only listens and responds to what it has, in a sense, pre-established as the methods of sound and speaking, and response, you know, so–

**DM:** Or even recognising the subject, right, because if you're not recognised by law nobody would be able to hear you, right?

**SR:** Exactly, exactly!

**DM:** So, we have those examples with the current crisis of–

**SR:** But I still think that – this comes from my work with critical improvisation scholars – I always have this hopefulness that even in those moments where law determines how and where and why to listen, at the same time, there's always those potential disruptors, those disruptions – and those sounds that might be somewhat inaudible, but it does, you know, it hits something. And so I always believe that – yeah, this is this idea of attunement as an imperfect listening to the other, that we can never actually hear the other, because the essence of otherness is such that it can't be heard. But in the straining towards listening to the other, I think there's the possibility of something happening. I guess, I am a very optimistic person, so!

**DM:** You should. Allow me to return – but I think now it's also quite crucial, because – I'm returning again to this notion, because I really like how Michael Serres develops this sort of notion of listening that actually goes beyond the ear. He contextualises it as boxes, actually, and he identifies these boxes similarly as we discussed before: molecule to molecule, cell to cell, there are boxes that are kind of transmitting information, and that act of transmission and response for Serres actually is an act of hearing. That sort of transmission of content at the very same time happens on a social level – so not only in the natural body, but on a social level. He argues, or that's how I argue in a sense, that we create various sort of institutions – conceptual, but also material institutions, and one of those can be argued to be law – that create ways in which we can listen. So I think that's where we always situate – we always have to challenge, but also at the very same time, acknowledge that law creates those conditions in which people can listen. Or not people – 'subjects'; or even, we are capable to hear objects, because that's also quite important that law has an extent to even recognise objects or dead matter as a subject. Well, 'dead matter' – 'inanimate matter', I meant.

**SR:** This is making me think again about George Lewis's work on machine listening, because what he makes very obvious – I know that there's so much work being done about, yes, the algorithms that are utilised are, yeah, racist, sexist, classist and that, but what George did with his 'Voyager', which came after 'Rainbow family', is he programmed the machine with what he calls 'an African-American sensibility', so he was explicitly trying to figure out what sort of programmable things you could put in relation to African rhythms and things like that. And he's very explicit about this. And so, what's needed, perhaps – and what I'm taking from what you just said – is some sort of more explicit acknowledgement of how law is in a sense programmed in a particular way, to listen in a particular way, to accept sound in a particular way. My thought, if we're talking about machine judges, is that there has to be a very





explicit acknowledgement I think of what you're actually doing. Because the problem is machines are often seen as neutral, right? Just as judges are often seen as neutral, and this is not the case. So how do we make it more explicit as to what is actually being done? Or what sensibility are we putting into this particular programme, or into law. So, again, I'm just rambling! But–

**DM:** No, no, no! Really, everything makes sense, and I'm actually enjoying listening to you, and thinking about these things that I actually haven't been able to – but I really enjoyed the way in which somehow all these sort of different thoughts are coming together. And I don't know if this makes sense to anyone [*laughter*] but I really do enjoy having this chance to actually think about these things that we are constantly, actually, touching upon. Is there anything that we haven't looked at?

**SR:** No, I don't think so!

**DM:** No, I think we've covered more or less everything!

Transcribed by Kalina Petrova

### Clips Summary

[00:27:22 to 00:28:43] The sound of the dying battery of a smoke detector.

[00:39:25 to 00:40:15] 'Rainbow Family' (1984) by George E. Lewis (Paris premiere, 23 March)

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