



MONASH University

Eavesdropping: The Politics, Ethics, and Art of Listening

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Abstract

The earliest references to eavesdropping are found in law books. According to William Blackstone's *Commentaries on the Laws of England* (1769), 'eavesdroppers, or such as listen under walls or windows, or the eaves of a house, to hearken after discourse, and thereupon to frame slanderous and mischievous tales, are a common nuisance and presentable at the court-leet'. Today, however, eavesdropping is not only legal, it's ubiquitous—unavoidable. What was once a minor public-order offence has become one of the key political and legal problems of our time, as the Edward Snowden revelations made clear.

Utilising a thoroughly interdisciplinary research methodology, borrowing from sound studies, legal history and theory, media studies, art history, curatorial practice, and exhibition design, this project asks: What is eavesdropping? Can we trace its history? How might eavesdropping be framed as a critical practice? With what political, ethical, and legal resonances? Are artists eavesdroppers? And curators? What aesthetic strategies do they use? What are their methodologies?

Eavesdropping: The Politics, Ethics, and Art of Listening addresses the capture and control of our sonic world by state and corporate interests, meanwhile exploring strategies of resistance deployed by artists and activists. The Ph.D. project encompasses a major exhibition, featuring a range of newly commissioned and existing artworks by an international cohort of artists, a public program of lectures and performances, a dedicated reading group, a publication (*Eavesdropping: A Reader*), and, lastly, this exegesis. The project is premised upon the notion that we cannot but help but hear too much, more than we mean to. It argues that eavesdropping is a condition of social life. Therefore, the question that persists is not whether to eavesdrop, but rather a crucial, ethical one: how?

In answering these questions, this research project contributes to three key areas of knowledge. First and foremost, to the topic of eavesdropping. While Peter Szendy's *All Ears: The Aesthetics of Espionage* (2016) proposes a compelling philosophy of listening connected with the figure of the spy, a history and theory of eavesdropping that properly engages politics, ethics, law, and art remains to be written. *Eavesdropping* also contributes to the exhibition history on this topic. While there have been a number of curated surveys on the theme of surveillance culture or, more recently, 'surveillance capitalism' (most famously, *The Rhetorics of Surveillance* at ZKM Center for Art and Media Karlsruhe in 2001), none have focussed on the capture and control of our sonic worlds, perhaps belying a deep-seated ocularcentrism in the contemporary art world. Lastly, *Eavesdropping* contributes to the broader curatorial discourse concerning the presentation of sonic art. In recent years, a number of important surveys of sonic art have been presented at major galleries around the world (most famously, *Soundings* at the Museum of Modern Art, New York in 2013). The majority of these exhibitions have been principally concerned with the production of sound; none have so explicitly held the act of listening to questions of politics and law. This Ph.D. project redresses each of these gaps.

Declaration

This thesis is an original work of my research and contains no material which has been accepted for the award of any other degree or diploma at any university or equivalent institution and that, to the best of my knowledge and belief, this thesis contains no material previously published or written by another person, except where due reference is made in the text of the thesis.

Signature: 

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Date: November 26, 2019

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Eavesdropping was staged initially at the Ian Potter Museum of Art, University of Melbourne. I acknowledge the support of key staff there: in particular Kelly Gellatly, Samantha Comte, and Jacqueline Doughty. It was staged secondly at City Gallery, Wellington, and I acknowledge the support of the key staff there who worked on the project: in particular, Robert Leonard, Moya Lawson, Tracey Monastra, and Amber Baldock.

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Acknowledgement of Country

The work towards this Ph.D. was primarily undertaken on the lands of the Wurundjeri and Boon Wurrung people of the Kulin Nations. I acknowledge the Wurundjeri and Boon Wurrung as original custodians of these lands and waterways, and pay my respect to their Ancestors and Elders, past, present, and emerging. Sovereignty was never ceded.

I also acknowledge Indigenous modes of deep listening, which have been practiced on these lands for tens of thousands of years.

Website

This curatorial research project, *Eavesdropping: The Politics, Ethics, and Art of Listening*, has had a number of practical outcomes throughout 2018 and 2019. These include exhibitions at the Ian Potter Museum of Art, University of Melbourne, Melbourne, Australia (July 24 to October 28, 2018) and City Gallery, Wellington, Aotearoa New Zealand (August 17 to November 17, 2019), alongside numerous lectures, performances, public programs, and other events in Australia, New Zealand, Norway, and England.

Beyond the events themselves, the project website is the most thorough platform through which to engage with the practical outcomes of *Eavesdropping*. The website includes detailed information on the exhibitions, events, and artists involved with the project. The website also incorporates images, audio, and video documentation, radio and newspaper coverage, and critical reviews.

The examiners are invited to use the website in assessing the practice component of *Eavesdropping*: eavesdropping.exposed.

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Introduction¹

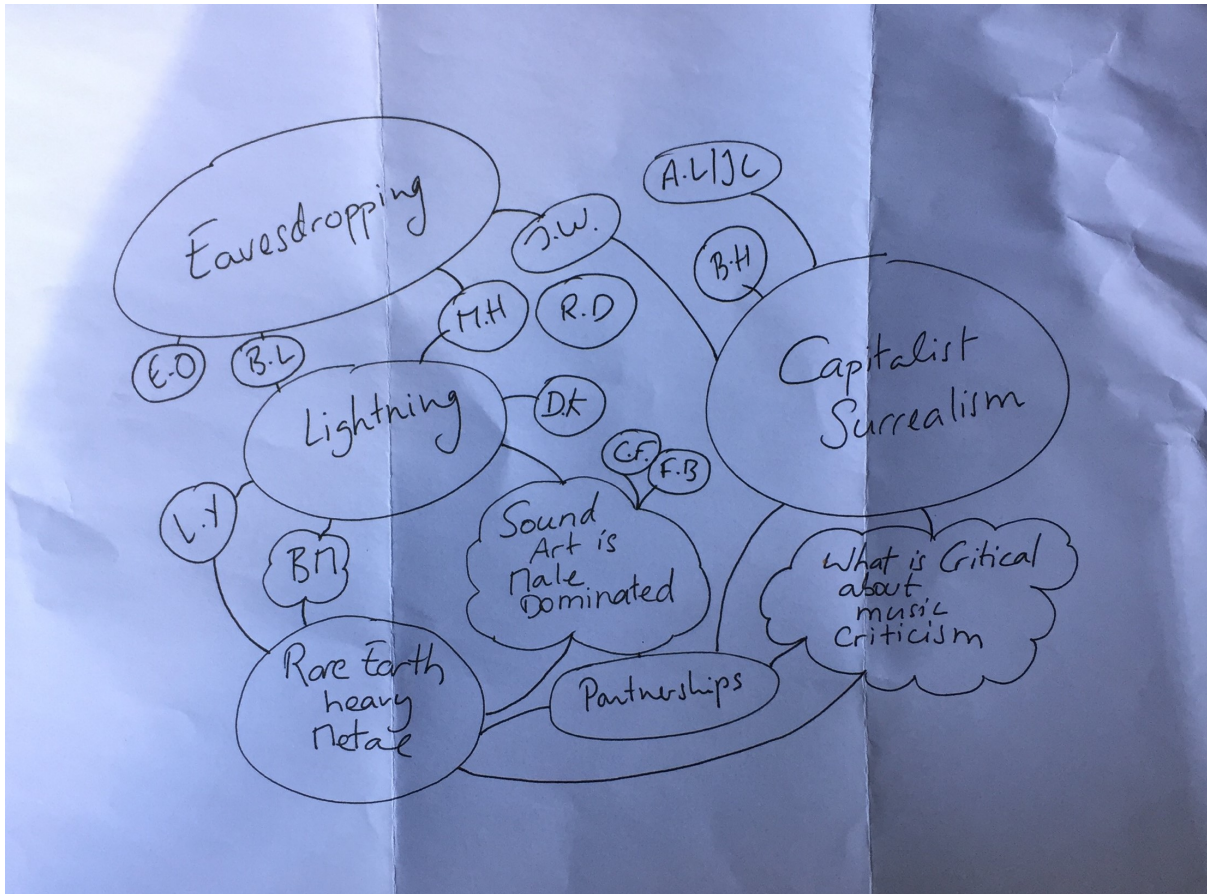
I. A Prologue: From Weaponised Listening to Critical Practice

In July 2015 I attended a curatorial seminar in Melbourne facilitated by members of Raqs Media Collective for discussion of their research methodologies and approaches. Towards the beginning of the session, Raqs member Shuddhabrata Sengupta—in relation to the group’s upcoming exhibition, *Why Not Ask Again: Arguments, Counter-arguments, and Stories: The 11th Shanghai Biennale*—described their curatorial process as ‘a kind of eavesdropping on the world’. He explained that eavesdropping, to his mind, was a form of deep, engaged, and attentive listening through which one could ‘attune’ themselves to subtle conversations, voices, and dialogues that would normally go unheard. This definition was consistent with Raqs’ approach generally, framing the curatorial in the language of listening and music, as an ‘invitation to polyphony, to the invention of forms in thought, and to multiplying sources for thinking.’² It seemed they were proposing eavesdropping as a form of curatorial listening, responsibility, and hospitality

This usage of the term ‘eavesdropping’ struck me as unusual and interesting for a number of reasons. I had also been thinking about the curatorial possibilities of ‘eavesdropping’ over the preceding months, though not in the broadly positive, generative, and generous way that Sengupta had. Eavesdropping, for me, carried transgressive, even voyeuristic, valences. It was listening without permission, an expression of the power of the listener over the listened-to.

¹ Sections of this chapter revise a text which was published in *Eavesdropping: A Reader*, ed. James Parker and Joel Stern (Wellington: City Gallery Wellington; Melbourne: Melbourne Law School; Melbourne: Liquid Architecture, 2019). I want to acknowledge the contribution of James Parker, who is the co-curator of *Eavesdropping* and co-author of the original text, for his contribution, especially with regards to the legal histories and thinking contained in the essay. I would also like to acknowledge Paris Lettau who acted as a research assistant on the original text.

² Melissa Karmen Lee, Jeebesh Bagchi, Monica Narula, and Shuddhabrata Sengupta. ‘Protest as Polyphony: An Interview with Raqs Media Collective’, *ASAP/Journal* 3, no. 2 (2018): 187-202. doi:10.1353/asa.2018.0008.



Joel Stern, curatorial sketchbook, late 2014.

In thinking further about these divergent readings of ‘eavesdropping’, I had begun a conversation with James Parker, a legal scholar at Melbourne Law School. I approached Parker because of his research interest in the ‘weaponisation of sound’³ and what he calls ‘law’s sonic imagination’; that is, how law conceptualises and defines, and, consequently, regulates, legislates, and judges questions of sound. I understood intuitively that the ‘weaponisation of sound’ and ‘eavesdropping’ were interlinked conceptually and, perhaps, in practice.

Parker and I discussed the way in which the deployment of so-called ‘sonic weapons’ and ‘sonic warfare’ by state and non-state actors had become a subject of growing scholarly attention, in addition to mainstream news and media coverage.⁴ Public interest had followed from a series of reports into incidents in which sound could be understood to have been used as a form of violence, for instance: ‘music torture’ in American camps in Guantanamo Bay,⁵

³ James Parker, ‘Sonic Lawfare: On the Jurisprudence of Weaponised Sound’, *Sound Studies* 5, no. 1 (2018): 72-96.

⁴ See, for instance, Steve Goodman, *Sonic Warfare: Sound, Affect, and the Ecology of Fear* (Cambridge, Massachusetts: MIT Press, 2010).

⁵ Kelsey McKinney, ‘How the CIA Used Music to Break Detainees’, *Vox*, December 11, 2014, <https://www.vox.com/2014/12/11/7375961/cia-torture-music>, accessed November 19, 2019.

mysterious ‘sonic attacks’ on the American Embassy in Havana,⁶ the utilisation of acoustic crowd control devices to disperse protests at Standing Rock Indian Reservation,⁷ and Ferguson, Missouri,⁸ among other sites of unrest and confrontation.

The increasing weaponisation of sound, and the surrounding media attention, have coalesced—for certain writers, technologists, political thinkers, and artists—into a burgeoning recognition and awareness of sound—or the soundscape—as a field of power. In this formulation, sound is a tool of control, an instrument of force, and even a serious weapon. Investigating in depth the implications of these ideas about sound means entering disciplinary spaces in which political, legal, ethical, and aesthetic concerns intersect. As such, critical explorations of sound and power have drawn in researchers working across numerous disciplinary fields, including legal studies,⁹ sound studies,¹⁰ and musicology.¹¹ My collaborator, Parker, had written a primary work on the subject of sound and power: *Acoustic Jurisprudence: Listening to the Trial of Simon Bikindi*, a book analysing the trial at the International Criminal Tribunal for Rwanda of the singer, Bikindi, accused of inciting genocide with his songs.¹²

At the outset of our conversation—which evolved to become a co-curation—Parker and I envisioned the shared methodological approach we could bring to the question of eavesdropping through the synthesis of our disciplinary backgrounds: his in critical legal scholarship, and mine in curatorial practices and contemporary sonic art. We began to formulate a set of ideas and references for how eavesdropping might relate and extend on existing discourses on ‘weaponised sound’. We wondered whether it might be possible to argue that eavesdropping constitutes another form of weaponisation: not of sound, but, rather, of *listening*.

The problem (or tactic) of the sonic weapon is that of exposure. Bodies and ears—listening subjects—are harmed to the extent that they are ‘exposed’: deafened and overwhelmed by

⁶ ‘Cuba’s “Sonic Weapon” May have been Mosquito Gass’, *BBC*, September 20, 2019, <https://www.bbc.com/news/world-latin-america-49770369>, accessed November 19, 2019.

⁷ Curtis Waltman, ‘Police Across the Country Are Adding Sonic Weapons to their Crowd Control Arsenal’, *Muckrock*, February 5, 2018, <https://www.muckrock.com/news/archives/2018/feb/05/lrad-update/>, accessed November 19, 2019.

⁸ Lily Hay Newman, ‘This Is the Sound Cannon Used Against Protestors in Ferguson’, *Slate*, August 14, 2014, <https://slate.com/technology/2014/08/lrad-long-range-acoustic-device-sound-cannons-were-used-for-crowd-control-in-ferguson-missouri-protests.html>, accessed November 19, 2019.

⁹ See, for example, Parker, ‘Sonic lawfare: on the jurisprudence of weaponised sound.’

¹⁰ For a prominent example of the theoretical, philosophical and political thinking on sound as a weapon emerging from the sound studies field, see Goodman, *Sonic Warfare*.

¹¹ See the work of critical musicologists, including Suzanne G. Cusick, ‘Afterword to “You Are in a Place that Is out of the World...”’: Music in the Detention Camps of the “Global War on Terror”’, *Transposition* 4 (2014), URL: <http://journals.openedition.org/transposition/493>; doi: 10.4000/transposition.493; Morag Josephine Grant, ‘Pathways to Music Torture’, *Transposition* 4 (2014), URL: <http://journals.openedition.org/transposition/494>; doi: 10.4000/transposition.494; and Pascal Quignard, *The Hatred of Music* (New Haven: Yale University Press, 2016), which gives a historical account of music, power, and violence.

¹² James Parker, *Acoustic Jurisprudence: Listening to the Trial of Simon Bikindi* (London: Oxford University Press, 2015).

loudness, painful high and low frequencies, dispersed by the force of acoustic intensities. Sonic weapons often take sounds, vibrations, and frequencies that are present in everyday acoustic experience (sirens and horns, amplified music) but radically intensify and focus the force and impact of these phenomena to an extreme degree. Thinking in a spatial register, the term exposure conjures another term: explosive, which suggests the inexorable movement of material from a central core—or launchpad—outwards into the field where it comes into contact, transforms, and fuses with bodies, objects, matter. For the ‘eavesdropper’, this outward movement is reversed or inverted. Rather than exploding outward into the surrounding space, as is the case for sonic weapons, in eavesdropping, the directionality of sound is reversed, pulled from the outside in an implosive motion towards a ‘listening’ centre or core. While its directionality may be opposite, the effect could be thought of as analogous: eavesdropping exposes its target or subject (the eavesdropped-upon) to a force of listening, it weaponises listening. The politics of sound and listening are legible in their asymmetric distribution, when one party has greater capacity to produce sound, and pervasively listen, than the other. This asymmetry is the ground on which the power relations of eavesdropping are contested. From this thinking, some key questions arose: If eavesdropping describes a negotiation between listener and listened-to, what are its historical and contemporary expressions? Furthermore, what are the political, ethical, legal, and artistic relations it produces? Could eavesdropping be expanded to incorporate a range of practices—including activist and artistic—that resist, or listen back to power? And what format could the investigation of these questions take? These newly emergent questions felt urgent, but needed a methodology that could reflect the interdisciplinary incorporation of legal discourse (and its attendant focus on questions of justice, ethics, evidence, truth), sound studies (modalities, practices, and politics of listening), and contemporary art (with its histories and theories of exhibition-making, curatorship, and media).

In 2018 and 2019, following three years of research and development extending from the conversations described above, *Eavesdropping* was realised as a broad curatorial program, or investigation, as it came to be known. *Eavesdropping* incorporated a major exhibition at the Ian Potter Museum of Art at the University of Melbourne, in addition to an extensive lecture and performance program. The project was underpinned by the partnership of Melbourne Law School and Liquid Architecture, a Melbourne-based sonic art organisation of which I am Artistic Director. Following the first exhibition iteration, *Eavesdropping* continued to unfold as a curatorial platform, incorporating research, public programs, an online archive, and other activities. In 2019, *Eavesdropping* was restaged at City Gallery Wellington in Aotearoa New Zealand at an expanded scale, and was here accompanied by a publication, *Eavesdropping: A Reader*, which featured research, interviews, artwork transcripts, and essay contributions by the curators and participating artists.

II. Research Question, Methodology, Chapter Overview

The *Eavesdropping* exhibition, public programs, website and archive, and publication constitute the practice-led output of this curatorial Ph.D. These outputs are represented by a

variety of forms in the exegesis that follows. I incorporate documentation of artworks, exhibitions, and public programs, to inform my analysis of the artworks that were included in and commissioned for the exhibition. The *Eavesdropping* website,¹³ which continues to grow and develop, provides further documentation in the form of images, audio, video, reviews, and an index of all public events. In writing about the project, I follow the artists in mobilising techniques for transposing, translating, and transcribing sound and listening for the page. I draw from the artworks in detail, and from my continual correspondences with the artists that produced them. I reference exhibition design in order to illustrate how the placement of the work, and the movement of sound in the gallery, became a curatorial mechanism for thinking about eavesdropping: namely, how the conditions of eavesdropping might be reproduced and enhanced in the gallery. In the introductory chapter, I define, and redefine, eavesdropping using a variety of means. First, by exploring the term's legal origins, statutes, history, and meaning, alongside the vernacular and common usages that have evolved in parallel with social, political, and technological conditions. Secondly, I set out to analyse eavesdropping as a conceptual practice by drawing from its etymology as ground to explore its theoretical notions. Specifically, eavesdropping is broken into three components—eaves, eavesdrop, eavesdropper—and these are paired, respectively, with the theoretical frameworks of threshold, medium, and agent. In doing this, I hope to move towards a workable ontology and epistemology of eavesdropping. Thirdly, I introduce, in brief, the *Eavesdropping* artworks and artists which I use to illuminate, illustrate, amplify, expand, and trouble presumptions about eavesdropping. I understand the artworks as examples of eavesdropping, which together work to refashion its meaning.

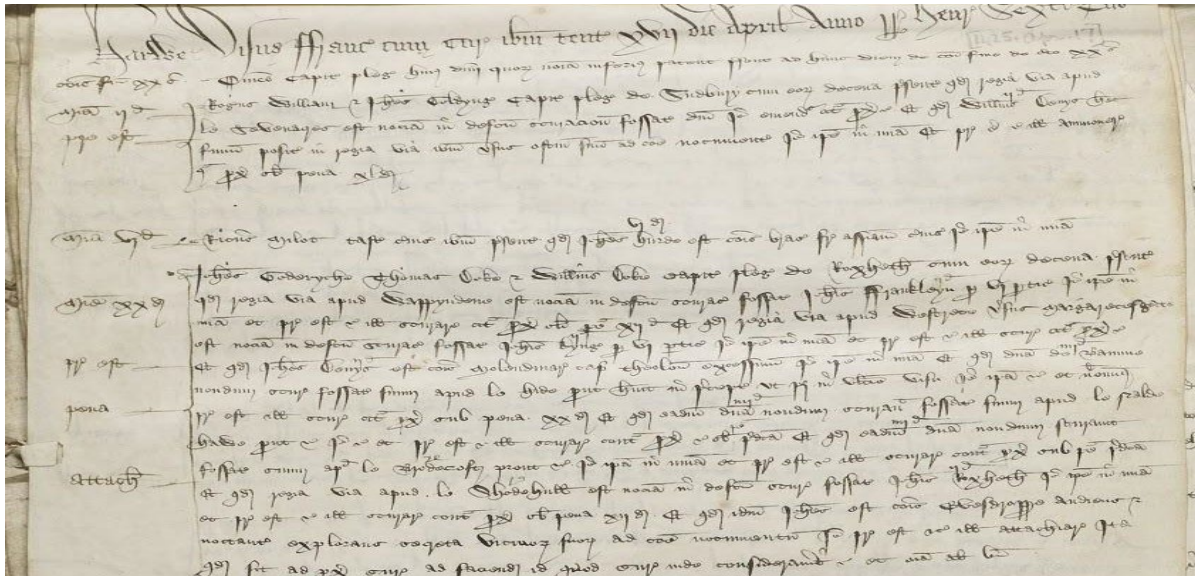
In the chapters that follow, my reading of the artworks is more fully developed, including in terms of their placement and relationality within the exhibition and broader project. I read the works by listening to, and alongside them, with the artists as cohort. This curatorial listening is collaborative and relational. I'm interested in how eavesdropping may operate as the subject of a work, but also its methodology, the logic of its production. I want to suggest eavesdropping as a curatorial and artistic strategy rich in potential to be recuperated from its weaponised associations. Returning to my encounter with Raqs Media Collective, where this line of thinking started, I follow them in arguing for eavesdropping as a productive site for investigative and collaborative curatorial listening, and as a methodology for contributing to knowledge at the intersection of art, sound, and law.

III. Eavesdropping: Threshold, Medium, Agent

The first recorded references to eavesdropping are found in English court documents of the fifteenth century. The *Oxford English Dictionary* notes the first documented use of 'eavesdropper' as a noun in 1487, included in the papers of Sessions Court in Nottingham. However, sixty-two years earlier, in 1425, jurors in Harrow, Middlesex, had already ruled

¹³ *Eavesdropping*, <https://eavesdropping.exposed/>, accessed November 19, 2019.

that John Rexheth was guilty of being a 'common evesdroppere', 'listening at night and snooping into the secrets of his neighbors.'¹⁴



Leet Roll of 14 Richard II, 1390.

A further thirty-five years before that, in 1390, a chaplain in Norwich named John Merygo was held accused of being 'a common night-rover', 'wont to listen by night under his neighbour's eaves'.¹⁵ Eavesdropping was extremely widely reported as an offence across England in the period extending from the fourteenth century through to the beginning of the sixteenth century.¹⁶ However, the history of eavesdropping and its usage goes back far further than this. And similarly, the usages of the term that followed this period all the way to the contemporary have both exceeded and transformed eavesdropping's origins in the late middle ages, so much so that 'eavesdropping' has become shorthand for a vast range of activities spanning from accidental or marginal acts of public listening to police wiretapping to the networked international infrastructures of surveillance operated by nation states and the world's most powerful corporations. In the wake of revelations and scandals like Cambridge Analytica, and Edward Snowden's exposure of NSA spying, the term eavesdropping has often been used in relation to the algorithmic capture of personal data on a massive scale.

The Australian and international laws and regulations that now apply to eavesdropping are as varied and indeterminate as the range of practices that are given the name. As a consequence, much of what is called eavesdropping is considered—for want of regulation determining otherwise—legal. The early legal references given at the beginning of the following chapter introduce eavesdropping as a term of censure and prohibition. But this valence has become

¹⁴ Marjorie K. McIntosh, *Controlling Misbehavior in England, 1300-1600* (London: Cambridge University Press, 1998), 65.

¹⁵ Leet Roll of 14 Richard II (1390) in *Seldon Society v.*, (1892), 70 (Leet Jurisdiction in Norwich).

¹⁶ Marjorie K. McIntosh, 'Finding Language for Misconduct: Jurors in Fifteenth-Century Local Courts,' in *Bodies and Disciplines: Intersections of Literature and History in Fifteenth-Century England*, ed. Barbara A. Hanawalt and David Wallace (Minneapolis: University of Minnesota Press, 1996), 65.

more ambiguous over time. The Surveillance Devices Act 1999 (Victoria) states that ‘it is an offence for a person to knowingly install, use or maintain a listening device to overhear, record, monitor or listen to a private conversation to which the person is not a party without the permission of each party to the conversation.’¹⁷ In other words, eavesdropping is an offence, unless you seek permission in advance from the parties being listened to (or, it seems, you are a government, or large corporation). Alternatively, s632 of the California Penal Code prohibits the use of any ‘electronic amplifying or recording device to eavesdrop upon or record ... confidential communication’, except for when the eavesdropper is law enforcement. Eavesdropping itself is not what is being prohibited—rather what requires controlling is eavesdropping on particular kinds of communications (confidential¹⁸), using specific forms of technology (electronic), and by certain kinds of people (private citizens).

In its vernacular usage, eavesdropping has retained the valence of transgressive listening, and therefore, a critical tonality. When the term is used to describe the practices of multinational corporations like Apple or Amazon—‘Alexa has been eavesdropping on you this whole time’, reads a May 2019 *Washington Post* headline¹⁹—the argument is usually not that these listening practices are illegal, but that new regulations need to be introduced that would make them so.²⁰ The same is true in social situations that we would consider innocuous, in the home or workplace for instance, with neighbours or colleagues. We move to other rooms, soundproof our walls and windows, wear noise-cancelling headphones, so as not to hear what was not intended for us, to not *overhear*. In any situation in which listening takes place, there is a presumed and implied—socially constructed, we could add—threshold of audibility. This threshold regulates what is or isn’t acceptable to hear. We could define eavesdropping as the name often given to the breach of this threshold.

So then, what is eavesdropping? This is arguably the essential question of this study. It is a question that can only ever be answered provisionally (in relation to specific times, places, and contexts) and, perhaps, collaboratively (informed by the positionality, political subjectivity, and perspective of the person answering). The simplest and most unambiguous answer is that eavesdropping is a language that parses listening through the prism of ethics, law, and politics. Looking at the history, alongside contemporary meanings, we can see that this holds true regardless of context. Eavesdropping is a term that compels us to think about the boundaries, thresholds, and norms of listening. We can think of the history of eavesdropping as a filter through which the ethical, legal, and political dimensions of

¹⁷ ‘Surveillance Devices Act 1991’, *Victorian Current Acts*, http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/sda1999210/, accessed November 19, 2019.

¹⁸ Defined as ‘conversations where a party had no objectively reasonable expectation of being overheard or recorded’ in *Chamberlain v. Les Schwab Tire Ctr. of California, Inc.*, 2012 WL 6020103, *3 (E.D. Cal., Dec. 03, 2012).

¹⁹ Geoffrey A. Fowler, ‘Alexa has Been Eavesdropping on You this Whole Time’, *Washington Post*, May 6, 2019, https://www.washingtonpost.com/technology/2019/05/06/alexa-has-been-eavesdropping-you-this-whole-time/?utm_term=.f9153f5085f9, accessed November 19, 2019.

²⁰ The California State Assembly’s privacy committee has since proposed a new bill that would prohibit makers of smart speakers from saving or storing recordings without users’ explicit consent. Though the bill nowhere uses the word, it has nevertheless been dubbed the ‘Anti-Eavesdropping Act’.

listening become legible in different times and places. What is found in one instance is not binding in another. Another way to understand the history of eavesdropping is as an indicator of the shifting fears and concerns produced by what Ann Elizabeth Gaylin has called the excessive and unruly ear: the ear that always hears too much, producing unexpected drama, complications, secrets, and lies.²¹

Perhaps most importantly in the context of curatorial research, this project looks to eavesdropping for its potential as a critical and aesthetic practice. This means both incorporating the historic meanings of the term, but also departing from them in strategic ways. One of the ways the project does the latter is by examining eavesdropping's unfavourable valances to one side—its association with spying and subterfuge—while at the same time insisting on its activist and emancipatory applications. Thus, the project also asks: what is the significance of 'listening back' to the world's most powerful eavesdroppers, namely, the corporations and governments that surveil us, seemingly without limit? When artists take on the role of the eavesdropper—bringing to it their own regimes of responsibility, ethics, and aesthetics—what can we learn and gain? What becomes possible? What impossibilities are revealed?

The importance of these questions stems partly from the fact that eavesdropping is inescapable. Each of us *overhears*, hears too much, more than we ever intend in any situation. In this sense, we could describe listening itself as excessive, always potentially producing a surplus of information. We are rarely afforded the choice to listen or not, even if, to some degree, we can direct attention to or away from the sounds around us. Listening is always a combination of attention given, and attention imposed, excessive overhearing, and the distractions and apathy that often cause us to underhear. And the same is true of being listened-to. Sound is essentially unruly. It leaks beyond or transgresses confinement. It has a fugitive quality, or resistance to capture. This has always been the case in regards to eavesdropping, but is especially true in a world characterised by the proliferation of networked microphones and listening devices. These networks make listening pervasive and limitless, and the listened-to a vulnerable subject. As theorist Brandon LaBelle explains, in an age of networked connectivity, 'what I say is never only for whom I face within a zone of proximity'.²² When we make any kind of sound, or allow our voices to reverberate, we necessarily expose ourselves to the possibility of being overheard. Eavesdropping is both the condition and the risk of sociality, amplified by conditions of networked connectivity. It follows, then, that a key question of this project is not whether to eavesdrop, but how? How to eavesdrop on ethical, political, legal, and artistic terms?

This project pursues an expanded definition of eavesdropping, in order to approach and illuminate these questions. The argument proposed is that eavesdropping can be a productive

²¹ For a reading of eavesdropping in relation to anxiety, see Ann Elizabeth Gaylin, *Eavesdropping in the Novel from Austen to Proust* (London: Cambridge University Press, 2002).

²² Brandon LaBelle, *Sonic Agency: Sound and Emergent Forms of Resistance* (Cambridge, Massachusetts: MIT Press; London: Goldsmiths Press, 2018), 65.

language not only for naming and critiquing the contemporary state of pervasive listening-in, but also for advancing subversive, resistant, activist, and artistic practices of listening-back. As much as this project exposes, and is contextualised by, the malicious, aberrant, and repressive acts we may associate with eavesdropping, it is also, and perhaps more importantly, animated by and concerned with the responsibilities and prowess of the earwitness.

At the centre of this curatorial investigation are the research and artworks gathered for exhibition at the Ian Potter Museum of Art in Melbourne in 2018, then presented at City Gallery Wellington in 2019. The exegesis that follows speaks to the exhibition projects and their outcomes, but also should be read as a body of curatorial research that speaks and listens for itself. Eavesdropping is, at the same time, the subject of this study, and the curatorial and artistic methodology of many of the artworks and projects contained within it. Many of the works included in the project are about eavesdropping, and also examples of it. Curatorially, *Eavesdropping* directs our attention to both specific technologies and materials (answering machines, radio telescopes, smart speakers, networked intelligence) and also to the politico-legal systems and complexes (surveillance, capitalism, settler colonialism, detention) that frame them. The artworks demonstrate the immense scalability of eavesdropping: from the intensely personal and intimate to the detached and forensic; from the microscopic to the cosmic; from the split-second to the interminable. What all of the works, ideas, methodologies, artists, and thinkers incorporated into this project have in common is a specific concern not just for sound or listening ‘themselves’,²³ but for the worlds in which sound and listening are necessarily situated and intervene. The project is not just an argument for and about eavesdropping, therefore, but also about sound and listening, and their relationships with art and law.

Eavesdropping is also about sound in the gallery, and in that respect involves two key curatorial moves. First, from a focus on sound to one on listening. Secondly, from questions of listening to questions of ethics, law, and politics. These moves are not categorical, but more a question of emphasis. All sonic art is implicitly about listening, and listening practices can and should be understood through ethical, legal, and political prisms. But it is a matter of emphasis. I argue that work which foregrounds listening and its ethical, legal, and political contexts has been underrepresented curatorially in major ‘sound’ exhibitions.²⁴

Eavesdropping departs from the position, put eloquently by Douglas Kahn, that ‘sound leads elsewhere’, into spaces beyond its own materiality.²⁵ The argument implicit in the *Eavesdropping* project is that this ‘elsewhere’, whether ethical, legal, political, or otherwise,

²³ Brian Kane, ‘Sound Studies Without Auditory Culture: A Critique of the Ontological Turn’, *Sound Studies* 1, no. 1 (2014): 2-21.

²⁴ For instance, the major survey exhibitions *Sonic Boom* (Hayward Gallery, London, 2000), *Sound as a Medium of Art* (ZKM | Center for Art and Media Karlsruhe, 2012), and *Soundings: A Contemporary Score* (Museum of Modern Art, New York, 2013) all tended to foreground the ‘production of sound’ over the ‘politics of listening’. Seth Kim-Cohen’s *Against Ambience* (London: Bloomsbury, 2013) is a specific critique of this tendency.

²⁵ Douglas Kahn, ‘Sound Leads Elsewhere’, in *The Routledge Companion to Sounding Art* ed. Marcel Cobussen, Vincent Meelberg, and Barry Truax (London: Routledge, 2017), 41.

is often what's most interesting, important, and generative. Seth Kim-Cohen, whose work has been important to *Eavesdropping*, follows Kahn when he writes that sound always necessarily 'speaks to selves beyond itself',²⁶ that it signals outwards into the world. He draws this idea out further when insisting on the 'non-cochlear' dimensions both of sonic art and listening more generally, appropriating Duchamp's notion of the 'retinal' in relation to visual art,²⁷ and again when he advocates for 'shallow listening' as a kind of omnivorous, expansive, or excessive listening practice, juxtaposed playfully to Pauline Oliveros's classic notion of 'deep listening'.²⁸ Kim-Cohen argues that where 'deep listening' burrows down into the ground of 'sound-itself', 'shallow listening', by contrast, spills outwards across a broad span, coming into contact with the social contexts that frame and are framed by sounds.²⁹ These 'expanded' notions of the sonic have guided the curatorial approach to *Eavesdropping*, helping to locate it both within and alongside discourses of sound and listening in art. In its embrace of the 'non-cochlear' dimensions of sound, it is important that this project not be understood as a dismissal of sound's materiality or listening's embodiment. Rather, *Eavesdropping* reiterates and consolidates the argument that materialities and embodiments in sonic experience are always also social, that matter and bodies have histories, and that artists working with and against these modalities of listening warrant considerable attention.

An implication of thinking sound and listening in these terms is that sonic works can and should be understood as constitutive of what legal scholar Robert Cover calls the *nomos*: the 'normative universe'.³⁰ Cover writes:

We constantly create and maintain a world of right and wrong, of lawful and unlawful, of valid and void. The student of law may come to identify the normative world with the professional paraphernalia of social control. The rules and principles of justice, the formal institutions of the law, and the conventions of a social order are, indeed, important to that world; they are, however, but a small part of the normative universe that ought to claim our attention. No set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning. For every constitution there is an epic, for each decalogue a scripture.³¹

²⁶ Seth Kim-Cohen, 'Dams, Weirs and Damn Weird Ears: Post-Ergonal Sound', in *The Routledge Companion to Sounding Art*, ed. Marcel Cobusson, Vincent Meelberg, and Barry Truax (London: Routledge, 2016), 53.

²⁷ Seth Kim-Cohen, *In the Blink of an Ear: Toward a Non-Cochlear Sonic Art* (London: Bloomsbury, 2009).

²⁸ Pauline Oliveros' philosophy of 'deep listening' is more conceptually nuanced and expansive than Kim-Cohen's account suggests, being described by Oliveros herself as "a way of listening in every possible way to everything possible, to hear no matter what you are doing." For more details, see 'About Deep Listening', *The Center for Deep Listening*, <https://www.deeplisting.rpi.edu/about-deep-listening/>, accessed June 16, 2020.

²⁹ Seth Kim-Cohen, 'No Depth: A Call for Shallow Listening', in Seth Kim-Cohen, *Against Ambience*, 131-143.

³⁰ Robert M. Cover, 'Foreword: Nomos and Narrative', *Harvard Law Review* 97 (1983): 4.

³¹ *Ibid.*

Extending Cover's thought, we could add: for every executive order an exhibition. We should also remember that the original Greek 'nomos' meant both law and norm, but also, crucially, song and melody.

The purpose of *Eavesdropping* is not to overstate the continuities between art and law, nor to downplay important differences in the ways that they are related to and authorise violence.³² However, one of the important arguments *Eavesdropping* makes is that, even in a Western tradition that strongly separates law from art, the threshold between them remains productively porous. One of the precursor projects for *Eavesdropping* was *Acoustic Justice*, a series of artistic performances and interventions that took place in Court 8A at the Federal Court Building, Melbourne in July 2017. *Acoustic Justice* departed from the proposition 'A courtroom is not a gallery', arguing that legal practice, in its imagined pursuit of justice according to rule and dispassionate reason, expends great energy on denying or repressing its highly aesthetic and theatrical characteristics. The curatorial proposal—that the courtroom and gallery exist in tension, each insisting that they are not the other—suggested that they are, in fact, eminently comparable.³³ If *Acoustic Justice* invited us to think of the courtroom as a gallery, *Eavesdropping* makes the inverse claim: the gallery is also a courtroom, or perhaps more accurately, a law school. Both galleries and law schools are institutional spaces in which the sense of justice is produced and tested, and in which faculties of judgement trialled and shaped.

Each of the works included in *Eavesdropping* embodies, speaks to, listens from, and intervenes in what sound scholar Jonathan Sterne calls 'sonic imaginations'.³⁴ Some of these artistic works may be taken up by legal and political agencies or institutions, in conscious or other ways, but regardless, what each work does do is engage in a process of self- and world-making, and articulates the place of listening in that world. Returning to Robert Cover, to inhabit a *nomos* 'is to know how to *live* in it.'³⁵ To 'how to live', we should add, 'and how to listen' in the world. While all artworks in some way inform us 'how to live', many of the works in *Eavesdropping* do so explicitly. This is evidenced in their appropriation of legal techniques, categories, and idioms; in the way their concerns are framed in relation to the violence or redemptive power of laws; and of the way the works deliberately place their audiences in positions of ethical or political discomfort. A key feature of the *Eavesdropping* artworks, and the project more broadly, is the way in which they understand and foreground this productive discomfort. In bringing questions of ethics, law, and politics into the gallery, the project demonstrates that they were already there, however inaudible. In relation to sonic art, eavesdropping is perhaps a way of naming the necessity and irreducibility of these relations.

³² Robert M. Cover, 'Violence and the Word', *The Yale Law Journal* 95, no. 8 (1986): 1601-1629.

³³ For more details, see 'Acoustic Justice', *Liquid Architecture*, <https://liquidarchitecture.org.au/events/acoustic-justice/>, accessed November 19, 2019.

³⁴ Jonathan Sterne, *The Sound Studies Reader* (London: Routledge, 2012), 5-7.

³⁵ Cover, 'Nomos and Narrative', 6.

In this introduction and the subsequent chapters of this study, I examine, precisely, how the *Eavesdropping* project and its constituent works engage and critique the ethics, laws, and politics of listening and being listened to; I articulate the particular positions, perspectives, and politics from which these works arise. In investigating these and other questions, eavesdropping is mobilised, as a history and a concept, to structure my thinking and writing. The term's forgotten resonances are drawn out, alongside its rich potential as a contemporary critical and aesthetic practice. This approach is deliberately playful, speculative, and sometimes anachronistic, setting the exhibition and the works against, and in relation to, eavesdropping's diverse pasts. This methodology could be thought of as another mode of 'listening back', not just back-to-power now, but also to and through history, listening back in time. Walter Benjamin's 'modular' historiography is a model here: the purpose being not only to understand eavesdropping's rich and varied histories 'contextually', but rather to excise these fragments from their original contexts, to place them into 'constellation', and to make them speak—and listen—to questions in the present.³⁶

IV. Eaves | Threshold

The term eaves has a history not connected to listening. In the earliest recorded use in the *Anglo-Saxon Chronicle*, a collection of annals written during the reign of Alfred the Great at the end of the ninth century, an 'eave' was simply a threshold or boundary. 'Eaves'—in Old English, 'efes'—is used there to describe the edge or margin of a wood.³⁷ The term is also used in this way in the Anglo-Saxon Charters of the same period, but with a legal valence. The Charters were legal instruments issued in the names of kings. They included writs or wills, but more often were 'diplomas' organising the ownership of land, and therefore they required precise descriptions. These descriptions were known as 'boundary clauses'. In the Swinford Charter of 951-9, for instance, King Eadred is recorded as having granted his ministers land beginning at 'Swine ford', leading from there to 'Pecg's ford', on to 'robbers' ford', and then 'from Ymma's to Cuda's valley ... along (the) dyke to the brook to the stone digging; from the stone-digging by the eaves to Welshmen's croft', and so on, until the entire estate had been mapped.³⁸ In a separate charter, from 963, the land in question extended 'from deep pit to Oldberrow, always beside the eaves (æfescce) of the wood to rushy nook' and 'from frost hollow always beside the eaves (efæscce) to the smooth meadow'.³⁹ Scholar and historian John Mitchell Kemble notes that, at this time, the term was 'not confined to the eaves of a house, as with us', though the term 'eavesdrip' had already begun to be used in that context. The term also describes 'the overhanging edge of a wood, the rim or brink'.⁴⁰

³⁶ Walter Benjamin, 'On the Concept of History', in *Walter Benjamin: Selected Writings*, Vol. 4: 1938–1940, ed. Howard Eiland and Michael W. Jennings, and trans. Harry John (Cambridge, Massachusetts: Harvard University Press, 2003), 389–400; Walter Benjamin, *The Arcades Project*, ed. Rolf Tiedemann, and trans. Howard Eiland and Kevin McLaughlin (Cambridge, Massachusetts: Harvard University Press, 1999).

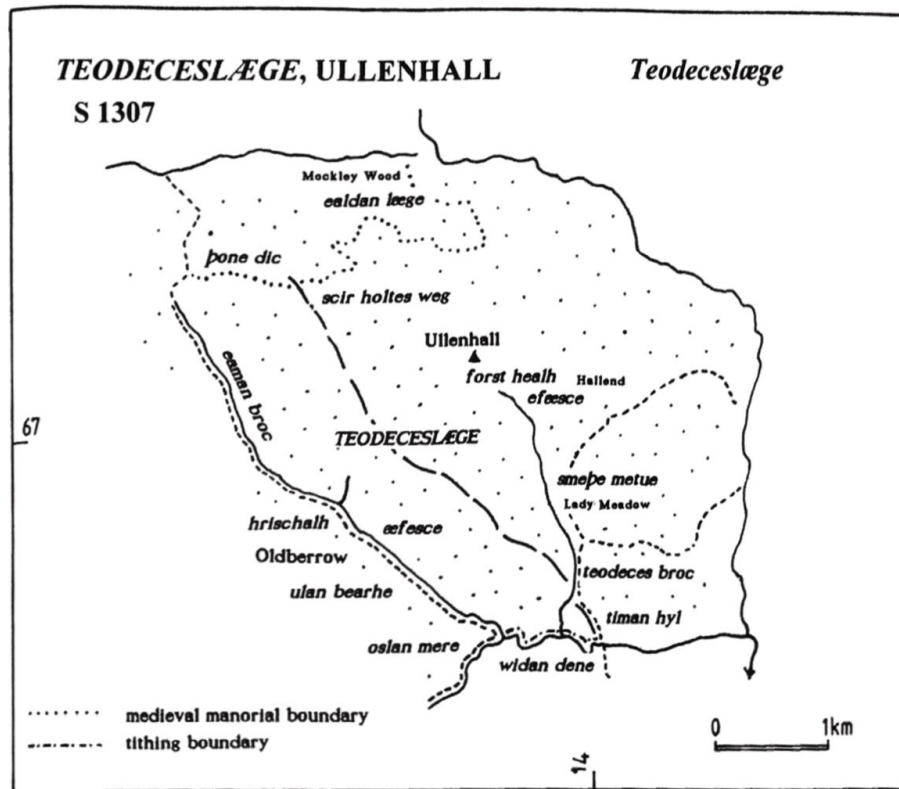
³⁷ Eaves, *n.* In *Oxford English Dictionary*.

³⁸ Della Hooke, *Worcestershire Anglo-Saxon Charter Bounds* (Woodbridge: Boydell & Brewer, 1990), 164.

³⁹ *Ibid.*, 78–81. From *Teodecesleage* in Ullenhall and Aspley in Tanworth-in-Arden, S 1307.

⁴⁰ Hooke, *Warwickshire Anglo-Saxon Charter Bounds*, 78–81. From *Teodecesleage* in Ullenhall and Aspley in Tanworth-in-Arden, S 1307.

The etymological origin of eavesdropping makes explicit a feature that remains essential to this day. In any context, and whatever its ethical, political, or legal valence, eavesdropping always concerns the transgression of a border, the crossing of a threshold of listening or audibility.



Mapping of Boundary Clause From Teodecesleage in Ullenhall; originally in Della Hooke, *Warwickshire Anglo-Saxon Charter Bounds* (Woodbridge: Boydell and Brewer, 1990), 79.

Two of the artworks included in *Eavesdropping*, Lawrence Abu Hamdan's *Saydnaya (The Missing 19db)* (2017), an audio essay made with survivors of a Syrian torture prison, and Manus Recording Project Collective's *how are you today* (2018), an archive of recordings from Australian immigration detention, explicitly concern borders and the thresholds of listening they produce. In both works, the borders in question are literal and material. In Abu Hamdan's work, these are the impenetrable walls of Saydnaya secret prison outside Damascus in Syria. In *how are you today*, they are the barbed-wire fences of the compounds in detention and 'refugee transit' centres on Manus Island. These 'borders' are symmetric to the national borders of Syria, Australia, and Papua New Guinea, along with all the laws, conventions, treaties, and international politics that produce and sustain them. The interventions, both political and artistic, that the two works produce stem from the breach, or rupture, of these borders by the individuals ostensibly contained by them. The works articulate the way in which that breach makes audible a system of violence that has been deliberately muted. Both works bear earwitness to places far out of sight, facilitating what

Peter Szendy would call ‘listening at a distance’,⁴¹ an insurgent counter-listening, across physical and national boundaries, against forms of state violence, a hearing of important human-rights violations. Both artworks recognise that if silencing is a technique of power, then listening is itself a mode of resistance.

Joel Spring’s *Hearing, Loss* (2018), deals with very different kinds of borders. In this work, we listen as the artist, a Wiradjuri man, speaks with his mother—prominent researcher, educator, activist, and Indigenous-health worker Juanita Sherwood—about her experiences treating otitis media, an inflammatory disease of the middle ear capable of causing profound hearing loss. Otitis media affects Aboriginal Australian children at higher rates than anyone else in the world—and both Spring and Sherwood have suffered from it.⁴² In the work, two large projected images of inner ears frame a dialogue that is informal and familiar in a way that immediately conjures the intimacy of family without explicitly acknowledging, speaking to, or invoking another listener. As a consequence, as an outsider, it can feel as if we—in one sense the general audience, but in another, non-Indigenous Australians—are ‘listening-in’. This is another kind of threshold, then, one that becomes legible when we hear others speak, but not for us. The astonishingly high rate of otitis media in Aboriginal children, as Sherwood argues in the work, is largely a result of underdiagnosis by educators and health workers. The symptomatic behaviours which would normally indicate the disease and prompt medical intervention are read instead as disobedience. ‘The most common term for these kids was that they were naughty and that they were misbehaving, and they were not listening. Of course, they weren’t listening because they could not hear’, Sherwood remarks in the work.⁴³ This is another kind of threshold, one that American scholar Jennifer Stoecker terms the ‘sonic colour line’, ‘the hierarchical sonic division between “whiteness” and “blackness”’,⁴⁴ the ‘sonification of race and the racialisation of listening’.⁴⁵ In *Hearing, Loss*, the issue is not just the mishearings of educators and health workers, of white ears, but the manner in which these mishearings are then inscribed onto the eardrums of black bodies, with lasting and devastating consequences. Spring is able to articulate this complex only by breaching yet another threshold, by investigating otoscopically and making visible the inner ear canal itself. In this way, he brings the auditory effect of colonialism into view, allowing its story be told, seen and heard.

Samson Young’s video installation *Muted Chorus* (2016) also addresses the coloniality of listening, albeit in a very different register. The artist asked a chamber choir to perform Baroque choral works by Antonio Lotti and J.S. Bach ‘without projecting the musical

⁴¹ Peter Szendy, *All Ears: The Aesthetics of Espionage*, trans. Rolf Végso (New York: University of Fordham Press, 2017), 19.

⁴² Amanda Leach, ‘Bulging Ear Drums and Hearing Loss: Aboriginal Kids Have the Highest Otitis Media Rates in the World’, *The Conversation*, September 16, 2016, <https://theconversation.com/bulging-ear-drums-and-hearing-loss-aboriginal-kids-have-the-highest-otitis-media-rates-in-the-world-64165>, accessed November 19, 2019.

⁴³ Juanita Sherwood quoted in Joel Spring, *Hearing, Loss*, 2018.

⁴⁴ Jennifer Lynn Stoecker, *The Sonic Color Line: Race and the Cultural Politics of Listening* (New York: New York University Press, 2016), 7.

⁴⁵ *Ibid.*, 5.

notes'.⁴⁶ As per Young's instructions, everything bar the musical notes—the phrasing, intensity, concentration, and formality—must be retained. Mute is not silent. For Young, it is a technique through which to displace dominant voices and by consequence to uncover the unheard and the marginalised voices previously held in the background. In any act of muting, something else is amplified. In the instance of this work, what is produced is a collective whisper. The politics of whispering carry the work. As Brandon LaBelle and others have noted, to whisper is to voice what cannot yet be said 'out loud', to imagine and produce a listenership beyond or beneath particular thresholds of audibility. With *Muted Chorus*, that threshold is the Western canon itself, embodied by Lotti and Bach, great 'masters' of the European classical tradition, reduced by Young to a whisper. The artist has written that 'the institutions of music continue to neglect and negate Asian composers', and that '[c]omposers outside the West are invisible in their own concert halls.'³⁰ Implicit in this statement is that they are inaudible too, one reason, perhaps, why Young amplifies the whisper so dramatically in the gallery.

V. Eavesdrop | Medium

The notion of 'eaves' as a threshold or boundary moves back and forth through history in relation to the juridico-architectural medium of the 'eavesdrip' (later 'eavesdrop'). Already as 'efes' was used to describe the boundary of a forest or woods, the Old English term 'yvesdrpæ' was being used to refer to a legal custom whereby property owners were prevented from building right up to the edge of their land. Roman jurist Gaius (130-80) attributes the rule that two or three feet be left around the perimeter of any building to the Athenian statesman Solon (640 BCE),⁴⁷ but direct evidence of that law can only be sourced back to the Twelve Tables of ancient Rome (450 BCE) under the name 'ambitus' (clearance or 'the going around' of a building).⁴⁸ These regulations all began as a way of protecting property rights from gradual encroachment by a neighbour, but also from the damage caused by water flowing onto the ground from the eave of that neighbours property, thus the term 'eaves-drip'. William Hearn, the first dean of the faculty of law at the University of Melbourne, offered an alternative explanation. Writing in 1878, he argued that the eavesdrop custom emerged to protect the secrecy and privacy of the sacred household from the profane spaces of the outside world,⁴⁹ the eavesdrop ensured separation of sacred and profane, another threshold. When the 'eaves' of a house are invoked today, and if we think of eavesdroppers still lurking there, these are the juridical echoes we no longer hear. The eavesdrop was the legally mandated gap of two-to-four feet around the perimeter of a home that, by the fourteenth century, would provide the perfect opportunity—indeed the medium—for surreptitious listening in the villages of rural England.

⁴⁶ Samson Young, 'When I Close My Eyes Everything Is so Damn Pretty (Can't Do the Thing You Want)', *Samson Young*, 2018, www.thismusicisfalse.com/text, accessed May 13, 2019.

⁴⁷ Digest of Justinian (Dig. 10, 1, 13).

⁴⁸ Wallace Martin Lindsay, *The Corpus, Épinal, Erfurt and Leyden Glossaries* (London: Oxford University Press, 1921), 39.

⁴⁹ William Edward Hearne, *The Aryan Household, Its Structure and Its Development: An Introduction to Comparative Jurisprudence* (London: Longmans, Green, and Company, 1878), 222.

How can we think about eavesdropping as a medium? It may seem obvious to suppose that the medium of eavesdropping is sound, or perhaps listening. But it might be more productive—and more accurate—to say the medium of eavesdropping is the architectural site of the eavesdrop itself. On this point, we can draw from Rosalind Krauss's thinking on medium in relation to Ed Ruscha's series of paintings, photographs, and prints of Californian streetscapes and gas stations. Krauss argued that the medium of these works is not painting, photography, or printing, but the car. The car is the vehicle that (literally) provides the 'conditions of possibility' for these works: it is the logic or rule that is essential to their production.⁵⁰ It is the ways of seeing and experiencing the city produced by the mobility of car—and the social and material structures that the car conjures and is framed within—that Ruscha's works direct us to and investigate. We might consider the eavesdrop in similar terms, as a 'listening situation' produced out of a series of spatial, material, and normative conditions. The medium of eavesdropping, in this sense, would not only be the wall or window through which the listener hears, but also the conditions of invisibility, access, and permeability afforded by the eavesdrop.

We can continue this line of thinking regarding medium through a consideration of the recordings produced by the Manus Recording Project Collective.⁵¹ Since 2013, nearly two-thousand men have been indefinitely detained on Manus Island in Papua New Guinea by the Australian Government after arriving in Australian territory claiming asylum. When the Manus Regional Processing Centre was formally closed on October 31st, 2017, after the Papua New Guinea Supreme Court declared it unconstitutional, the men detained there were ordered to relocate to new, smaller detention centres in Lorengau, Manus's major town. The authorities eliminated provisions and removed the electrical generators powering the facility. However, the men refused to leave out of fear for their safety in the Manusian community at large, instead self-organising a stand of resistance against their involuntary and indefinite detention. Eventually, they were forcefully evicted by police and security contractors.

how are you today is a collaborative work between six of these men—Abdul Aziz Muhamat, Behrouz Boochani, Farhad Bandesh, Kazem Kazemi, Samad Abdul, and Shamindan Kanapathi—along with three collaborators in Melbourne, André Dao, Jon Tjhia, and Michael Green. Each day throughout the duration of *Eavesdropping*'s first presentation at the Ian Potter Museum of Art, one of the men on Manus made a sound recording and sent it 'onshore' for upload and playback in the gallery. By the exhibition's end, there were eighty-four recordings in total, each ten minutes long. The result is an audio archive of fourteen hours—too large to synthesise, yet still only a tiny portion of the time of the men's ongoing internment. The archive is not just to be thought of as field recordings, but also as evidence, at a time when other, more direct forms of testimony have been seemingly exhausted. The recordings document a soundscape, of incarceration and limbo, but they also document, and

⁵⁰ Rosalind Krauss, *Under Blue Cup* (Cambridge, Massachusetts: MIT Press, 2011), 16-25.

⁵¹ I invite my reader to listen to the recordings at *Manus Recording Project*, <https://manusrecordingproject.com/>, accessed November 19, 2019.

speak to, the politico-legal system that produces, and tries to frame and control that soundscape. When we listen to this archive, we don't simply hear the sounds of the Manusian jungle or the Pacific Ocean, but also Behrouz and Samad themselves listening, six years into their captivity, with no end in sight. What we hear when we listen to Aziz cooking or Kazem showering is both the banality of such activities, but also the powerful way that their meaning is transformed, radically so, by the violence of their setting. Krauss argues that the task of the artist is to 'invent' the medium, to investigate its function. What, then, is the medium of *how are you today*? Is it sound, or the platforms or technical infrastructure mobilised to make Manus audible thousands of kilometres away in an Australian gallery (WhatsApp, Dropbox, wireless Internet)? Or is the medium of the work the offshore detention complex itself? That is the 'condition of possibility' of *how are you today*—the desperate logic that structures the work, and that it sets out to expose and explore.

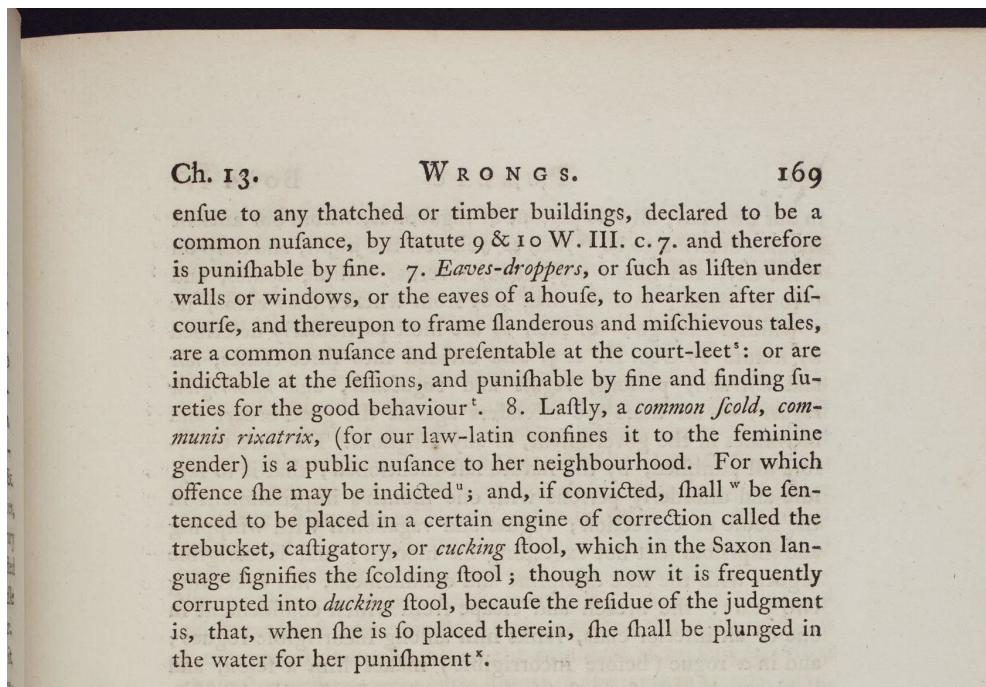
Susan Schuppli's *Listening to Answering Machines* (2018) also produces an 'archive', however one that is already historical; concerned with artefacts, what they register or evidence, and how they can be made to speak.⁵² The work presents a vast collection of audio recordings from a collection of cassette tapes gathered by Schuppli from thrift stores and charity shops in Canada and the United States during the technological transition to digital voicemail in the 1990s. This is a personal archive containing details about both the people who owned the answering machines, alongside those who reached out to them, leaving messages behind. The individuals involved could never have imagined that their shared audio intimacies, having been discarded as such—the dead technological remains of domestic life—would be gathered and sorted, let alone make their way into an art gallery. Listening-back to the messages is at times uncomfortable, but also undeniably pleasurable—voyeuristic (in some respects, a visual equivalent to eavesdropping). Every recording contains intriguing fragments of lives lived; sonic portraits in miniature, with humour, affection, melancholy, and, above all, profound ordinariness. Part of the melancholy, or nostalgia, of the work stems from the sense of picking up phones—what we retrospectively would call 'landlines'—a technology steadily disappearing from view, almost gone from our lives entirely. The answering machines once attached to these landlines contained a vocabulary of whirs and beeps. They also produced unique forms of speaking and listening which feel anachronistic, outmoded through today's ears. *Listening to Answering Machines* is in some senses concerned more with this now-obsolete medium than with the lives of the people on whom we are able to eavesdrop. In this sense, the medium is quite literally the message here, to borrow from Marshall McLuhan. It is with the benefit of hindsight, and in listening-back through Schuppli's archive, that the real specificity of this medium becomes audible and its obsolescence can be processed.

VI. Eavesdropper | Agent

⁵² Susan Schuppli, excerpt from forthcoming publication: *Material Witness* (Cambridge, Massachusetts: MIT Press, 2020).

Any Western legal history of eavesdropping would most likely begin with the following definition from William Blackstone's *Commentaries on the Laws of England* (1769), one of the most influential texts in the common-law tradition.⁵³ 'Eavesdroppers', Blackstone writes, 'or such as listen under walls or windows, or the eaves of a house, to hearken after discourse, and thereupon to frame slanderous and mischievous tales, are a common nuisance and presentable at the court-leet'.⁵⁴

A few notable points are of interest here. Blackstone focuses his attention not on defining the wrong of eavesdropping so much as the figure of the eavesdropper themselves. And, as far as the eavesdropper presents a 'nuisance' worthy of punishment, it is not because of the act of listening, but rather virtue of, first, their location (under the 'eaves') and, second, what their listening produces ('slanderous and mischievous tales'). It is for these reasons that from the end of the fourteenth century up to Blackstone's text, the eavesdropper was closely associated with two other figures: the 'common nightwalker' (nearly all men, connected with the figure of the 'vagrant') and the 'scold' (always a woman). Both the nightwalker and scold were understood to present problems of public order: the nightwalker because they were out after dark and thus liable to provoke a disturbance of the King's peace, the scold because their 'false tales' 'sowed discord ... controversy, rumors and dissension'.⁵⁵ The same charges could be laid against the figure of the eavesdropper.



Eavesdropping defined in William Blackstone, *Commentaries on the Law of England* (1769)

⁵³ See, for instance, Gina Stevens and Charles Doyle, 'Privacy: An Overview of Federal Statutes Governing Wiretapping and Electronic Eavesdropping', *Congressional Research Service Report for Congress*, 2012, <https://fas.org/sgp/crs/intel/98-326.pdf>, accessed November 19, 2019).

⁵⁴ William Blackstone, *Commentaries on the Laws of England* (Oxford: Clarendon Press, 1765), 169.

⁵⁵ Marjorie K. McIntosh, 'Finding Language for Misconduct: Jurors in Fifteenth-Century Local Courts', in *Bodies and Disciplines: Intersections of Literature and History in Fifteenth-Century England*, ed. Barbara A. Hanawalt and David Wallace, 92.

Indictments for these variety of offences—nightwalking, eavesdropping, being a scold—had diminished by Blackstone’s time. However, the figure of the eavesdropper still travelled with the *Commentaries* book to Britain’s colonies, including Australia and New Zealand. As a crime, it lay mostly dormant before being renewed in the twentieth century in the context of major technological paradigm shifts that created emerging crises such as wiretapping. *The Eavesdroppers* (1959), an influential and often-cited text commissioned by the Pennsylvania Bar Association,⁵⁶ begins with Blackstone’s classic definition before going on to explain wiretapping as a ‘specialised form of eavesdropping’ produced by modern technologies.⁵⁷ ‘Electronic eavesdropping’, the authors write, ‘goes back at least one hundred years. Shortly after the telegraph came into existence and wires were strung from pole to pole, wiretappers were busy intercepting the coded communications.’⁵⁸ As with the eavesdropper Blackstone describes, the wiretappers cited were originally individuals: ‘ordinary eavesdroppers’, Dash names them.⁵⁹ Gradually, however, these individual rogue figures would shift, and wiretapping would come to be associated with both private investigators and corporate espionage; then, with surveillance by police and law-enforcement agencies, and secret agents; and, finally, in a contemporary setting, with the algorithmic power of global megacorporations and the surveillance state.⁶⁰ It was via the accelerating technical infrastructures of the nineteenth and twentieth centuries that eavesdropping shifted from being a public-order problem or disturbance to primarily a matter discussed in terms of privacy and security.

When Edward Snowden exposed an enormous cache of documents in 2013, he alerted the world to secret government programs such as EViTAP, RHINEHART, VoiceRT, and SPIRITFIRE deployed by the USA’s National Security Agency and its Five Eyes partners.⁶¹ These programs use automatic speech recognition and transcription technologies, along with audio-fingerprinting techniques and keyword searches, to analyse international mobile calls, broadcasts, intercepted audio, and archival recordings at extreme speed and scale. To call these practices eavesdropping may seem a stretch, yet it is still the terminology often used, colloquially or otherwise. What once required an actual person to do the listening can now be performed automatically, at scale, with ever increasing precision. Sound scholar Robin James has called this form of networked computational listening ‘acousmatic dataveillance’.⁶² In

⁵⁶ Brian Hochman, ‘Eavesdropping in the Age of The Eavesdroppers; or, The Bug in the Martini Olive’, *Post45*, 2016, <http://post45.research.yale.edu/2016/02/eavesdropping-in-the-age-of-the-eavesdroppers-or-the-bug-in-the-martini-olive/>, accessed November 19, 2019.

⁵⁷ Samuel Dash, Richard F. Schwartz, and Robert E. Knowlton, *The Eavesdroppers* (New Jersey: Rutgers University Press, 1959), 385.

⁵⁸ *Ibid.*, 23.

⁵⁹ *Ibid.*, 355.

⁶⁰ Hochman, ‘Eavesdropping in the Age of the Eavesdroppers’.

⁶¹ Dan Froomkin, ‘How the NSA Converts Spoken Words Into Searchable Text’, *The Intercept*, May 6, 2015, <https://theintercept.com/2015/05/05/nsa-speech-recognition-snowden-searchable-text/>, accessed November 19, 2019.

⁶² Robin James, ‘Acousmatic Surveillance and Big Data’, *Sounding Out!*, October 20, 2014, <https://soundstudiesblog.com/2014/10/20/the-acousmatic-era-of-surveillance/>, accessed November 20, 2019.

league with transnational corporate platforms and private infrastructure, state eavesdropping is no longer simply electronic, but algorithmic.⁶³

Eavesdropping has always been distributed in certain ways: oscillating somewhere between human and nonhuman, actor and actant, individual and system.⁶⁴ Take, for example, Athanasius Kircher's 'Spionage-Ohr' (Spy Ear) from Book IX of his *Musurgia Universalis* (1650) on 'echotectonics' (the architecture of echoes), also included in the exhibition. The image proposes an extraordinary 'listening system' in which giant shell-like tubes puncture the thickly fortified walls of a building, allowing members of a Royal Court to listen in on the plaza below. The funnels replicate in architectural form the physiology of the ear—a twisting and turning canal leading to a hypersensitive centre. Kircher speculated that the apparatus would 'render any articulated sounds clearly and distinctly inside a room, no matter how distant from the outside, just as if it were next to the ear, with no one suspecting where it could come from'.⁶⁵ For anyone familiar with Jeremy Bentham's famous panopticon devised over a century later in 1787, the similarities are striking. In both cases, the purpose is not just to surveil but to discipline: to ensure that those under surveillance understand that what they do can be seen and what they say heard.⁶⁶ Already in 1650, Kircher was imagining a technique of power that, following French philosopher Peter Szendy, we might call 'panacoustic'.⁶⁷ Who, or what, is the agent of the eavesdropping here? One of the things this image does so brilliantly is stage the relationship between the eavesdropper and the systems, structures, and architectures on which they depend. Indeed, what it suggests is the impossibility of ever really holding these apart.

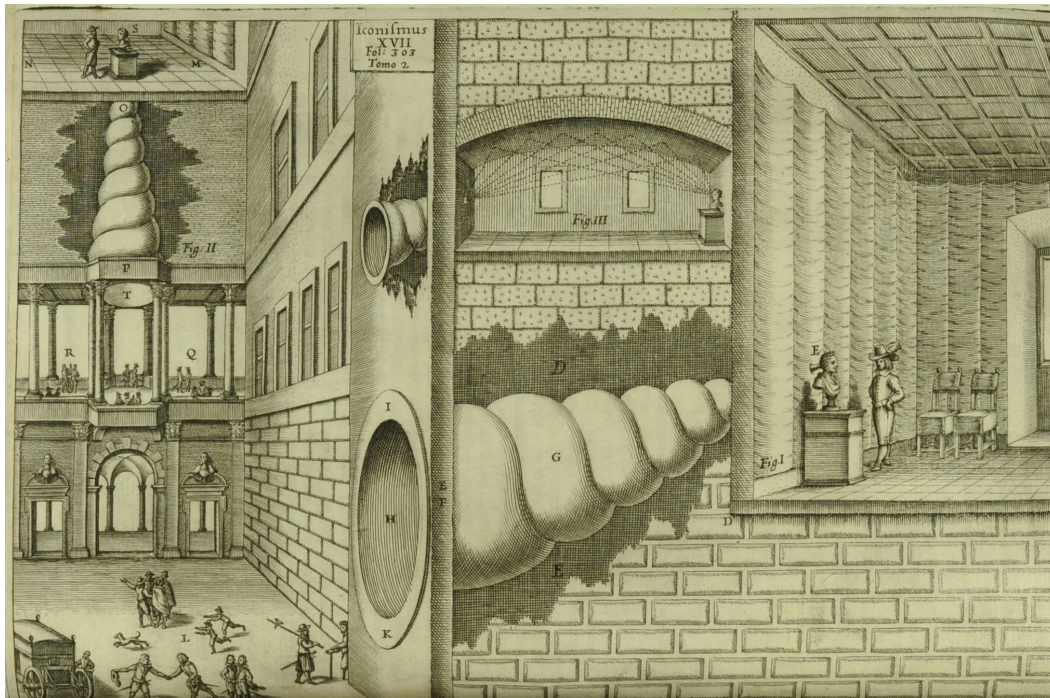
⁶³ Stefan Maier, '1. WaveNet: On Machine and Machinic Listening', *Technosphere Magazine*, December 23, 2018, <https://technosphere-magazine.hkw.de/p/1-WaveNet-On-Machine-and-Machinic-Listening-a2mD8xYCxtsLqoaAnTGUbN>, accessed November 19, 2019.

⁶⁴ Bruno Latour, 'On Actor-Network Theory: A Few Clarifications Plus More than a Few Complications', *Soziale Welt* 47 (1996): 369-381.

⁶⁵ Kircher quoted in Joscelyn Godwin, *Athanasius Kircher's Theatre of the World: The Life and Work of the Last Man to Search for Universal Knowledge* (Vermont: Inner Traditions, 2009).

⁶⁶ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Pantheon Books, 1977).

⁶⁷ Szendy, *All Ears*, 9-50



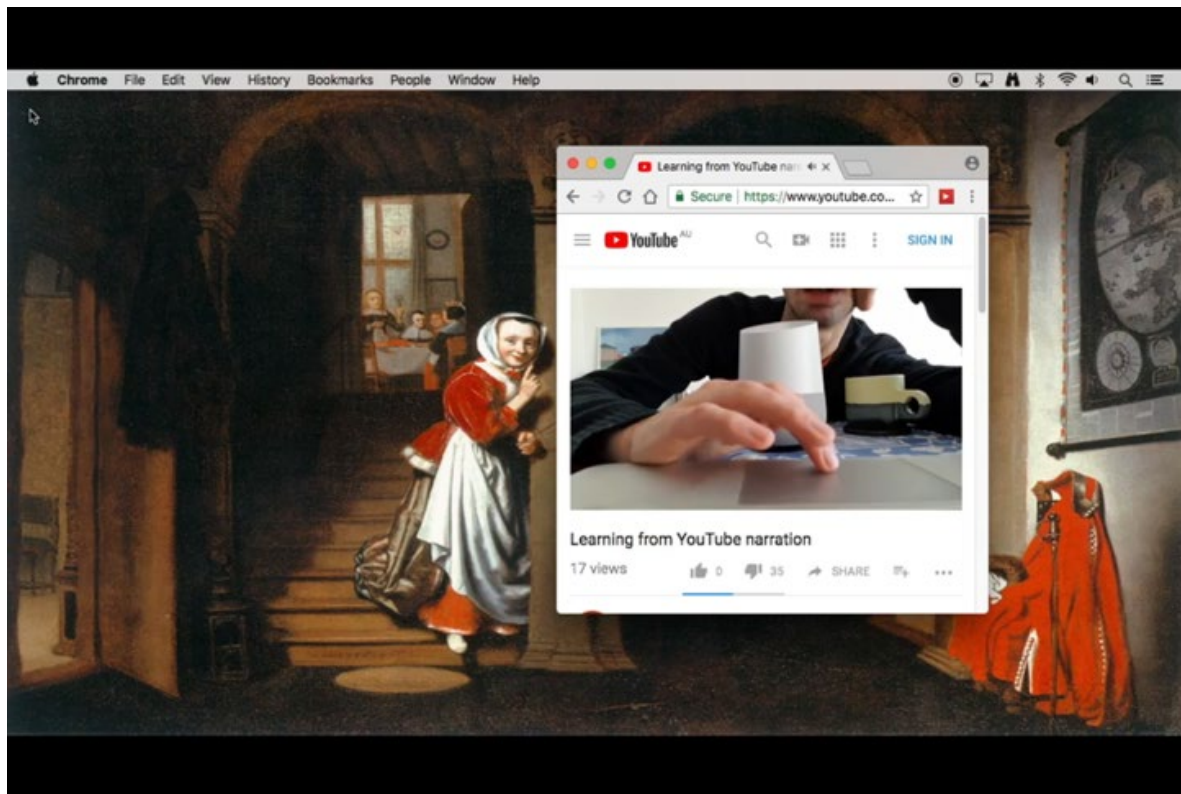
Athanasius Kircher, *Musurgia Universalis*, 1650. Vol. 2, Rome: Francisci Corbelletti. University of Melbourne Rare Books Collection, Music.

The relationships between these different dimensions of eavesdropping agency are brilliantly illustrated in Sean Dockray's video essay *Learning from YouTube* (2018), included in the exhibition spatially adjacent to the Kirchner illustration. Dockray superimposes an open Google Chrome 'window', containing a YouTube video of himself talking into a Google Home Assistant, onto a digital image of Nicolaes Maes's famous painting *The Eavesdropper* from 1657. There are no 'eaves' or 'eavesdrops' in the painting or in Dockray's video. But there is plenty of architecture, solid and liquid, along with all the thresholds of audibility, and structures of listenership, visibility and invisibility that these produce and entail. There are walls and doorways, interiors and exteriors, rooms and windows, both 'real' and 'virtual', networks not only of corridors but also of cabling, stretching out from our homes under the roads and seas towards vast data centres in cities and deserts.⁶⁸ In the Maes painting, a young woman searching for her maid pauses in the staircase to listen, as the maid in question is led off by a well-dressed man. She looks directly at us, her finger raised to her lips, implicating us in the scandal.⁶⁹ A carving of the Greek mythological figure PHEME, or fame, known as a spreader of rumour and often depicted with multiple tongues, eyes, and ears, appears atop the post the woman is leaning on. In Dockray's work, the Google Home Assistant (whose voice is designed as female) listens as the artist's voice (a man's) narrates a story about algorithmic listening and the novel forms of power it helps inaugurate. His own voice is led off immediately by the 'assistant' for processing somewhere far away. It has also been recorded and uploaded to YouTube for analysis by the very automated system the work explores.

⁶⁸ Trevor Paglen, 'Invisible Images of Surveillance', World Economic Forum Annual Meeting, January 24, 2018, <http://opentranscripts.org/transcript/invisible-images-of-surveillance/>, accessed November 19, 2019.

⁶⁹ David Toop, 'Art of Silence', in *Sinister Resonance: The Mediumship of the Listener* (New York: Continuum, 2010).

Google's Audioset is an 'expanding ontology of 632 audio-event classes and a collection of 2,084,320 human-labelled 10-second sound clips drawn from YouTube videos'.⁷⁰ The purpose of the collection is to train the company's 'deep learning systems' in the hope that, someday soon, they will be able to 'label hundreds of thousands of different sound events in real-world recordings with a time resolution better than one second'.⁷¹ Together, so-called personal assistants (a phrase so evidently intended to ingratiate them into our homes) and YouTube are just the kindergarten for a potentially enormous corporate listening apparatus—an algorithmic 'panacousticon'—the effects of which are beginning to reveal themselves, and which we should not expect to be benign.



Sean Dockray, *Learning from YouTube*, 2018. Single-channel video, 11 minutes 30 seconds.

⁷⁰ See *Audioset*, <https://research.google.com/audioset/>, accessed November 19, 2019.

⁷¹ Jort F. Gemmeke, Daniel P. W. Ellis, Dylan Freedman, Aren Jansen, Wade Lawrence, R. Channing Moore, Manoj Plakal and Marvin Ritter, 'Audio Set: An Ontology and Human-labeled Dataset for Audio Events', *2017 IEEE International Conference on Acoustics, Speech and Signal Processing (ICASSP)* (2017): 776-780, doi: 10.1109/ICASSP.2017.7952261.



Nicolaes Maes, *The Eavesdropper*, 1657. Oil on canvas, 92 x 121 cm. Dordrechts Museum, Dordrecht.

Where Dockray's work helps us understand a form of eavesdropping in which agency is massively distributed and diffuse, Lawrence Abu Hamdan comes closer to occupying the traditional position of the eavesdropper himself; the artist self-describes himself as a 'private ear', thus assigning himself an investigatory and activist function. *Saydnaya (The Missing 19dB)* comes directly out of a collaborative project between Amnesty International and Forensic Architecture, a research agency based at Goldsmiths, University of London with whom his work is often associated.⁷² As mentioned, the work is a sound installation stemming from an acoustic investigation into Saydnaya Military Prison, thirty kilometres north of Damascus, Syria, where an estimated 15,000 people have been executed since 2011. Like many of Abu Hamdan's projects, it appropriates and expands upon a range of forensic methods and categories of doctrine on which legal institutions are grounded, but are surprising when encountered in the space of art, in galleries and museums. Saydnaya is totally inaccessible to independent observers and monitors, so the memories of the survivors who have been released, and their captors, are the only possible resources available from which to learn and document what has and continues to take place there. Since prisoners were frequently blindfolded, kept in tiny cells in near total darkness, and risked death if they so much as made a sound, that memory is largely auditory. 'In this silence, detainees develop an

⁷² For other outputs of this collaboration, see 'Saydnaya: Inside a Torture Prison, *Amnesty International*, <https://saydnaya.amnesty.org>, accessed November 19, 2019 and 'Syria: "It Breaks the Human": Torture, Disease, and Death in Syria's Prisons', *Amnesty International*, August 18, 2016, <https://www.amnesty.org/en/documents/mde24/4508/2016/en/>, accessed November 19, 2019.

acute sensitivity to sound', Abu Hamdan explains in the work. 'The constant fear of an impending attack makes every footstep sound like a car crash.' It is this extreme acuity and sensitivity—both its violence and its forensic potential—that the work zooms in on. The weaponisation and instrumentalisation of sound and silence at Saydnaya, Abu Hamdan argues, becomes 'a form of torture in and of itself', an assault on the prisoner's mind and body. Only the barest whispers were available to them, as expressions of solidarity or agency of any kind. Abu Hamdan argues, via a series of forensic listening exercises, that after 2011, the audible range over which Saydnaya detainees could safely project their voices was as little as twenty-six centimetres. The distance between prison walls in the cells, then, is not the only measure of confinement. Through careful interrogation of survivors' testimony, Abu Hamdan shows how the volume of these whispers became four times quieter after in 2011, when anti-government protests began and conditions at Saydnaya worsened significantly. This nineteen-decibel drop in the capacity to speak (the missing 19 of the work's title), stands as a testament, he suggests, to Saydnaya's transformation from a prison to a death camp. Abu Hamdan mobilises a form of eavesdropping with multiple degrees of agency, eavesdropping by proxy—the result of the artist listening to the prisoners listening, to which we are invited to listen to in turn.

In Fayen d'Evie and Jen Bervin's *Cosmic Static* (2018), made with Bryan Phillips and Andy Slater, listening is processed in light years rather than centimetres. And though the eavesdropping is on an astral rather than earthly scale, questions of agency are still important. The work reflects on the human impulse to listen upwards to the heavens, an aspiration going back at least to Pythagorean obsession with the 'harmony of the spheres' (which also concerns natural law—the fusion of cosmos and nomos—since, for Pythagorus, the natural order of the universe is a model for the organisation of men).

Cosmic Static is primarily concerned with relations between the human and non-human relations, and through what means it would be possible to recognise a non-human agency through the vast noise of cosmic static. The story of amateur radio operator Grote Reber, who succeeded in detecting static from space in 1938 utilising a parabolic antenna he built in his Chicago backyard, is pivotal to the work. D'Evie and Bervin produced two bodies of audio field recordings: one from Tasmania, where Reber moved in 1954 and constructed antenna farms by stringing wires across sheep-grazing lands, and the other from the Grote Reber Museum at the University of Tasmania's Mount Pleasant Radio Observatory. Another narrative collages fragments from the history of extraterrestrial listening, including field recordings at Search for Extra Terrestrial Intelligence (SETI) Allen Telescope Array in Hat Creek, California, where a dedicated staff maintains forty-two parabolic dishes, scanning the sky for anomalous stellar and interstellar signals. A third story investigates the work of SETI astrophysicist Laurance Doyle, who studies the language complexity and signal transmissions of non-human species—from plant–insect communications to monkey whistling and baby-dolphin babbling—to develop methods of discerning intelligent extraterrestrial signals amidst the galactic noise. The experience of listening—as a form of searching—is replicated in the gallery. The multiple narratives of *Cosmic Static* are distributed across an array of conventional and hyper-directional speakers, soliciting the listener to move through the space

and position themselves in the path of one signal or another. We are drawn and led by our listening, not to an ideal position, but rather into a field of play constantly in flux. As Bervin explains, quoting Reber's diaries, local children appropriated his telescope for climbing bars and signals were occasionally disrupted by animals and tuner-boxes located beneath the antennas, so alien intelligences are not the only non-human agents implicated in this listening. When Grote Reber died, his body was cremated and boxes of his ashes were distributed to radio observatories around the world, where they were affixed to the rims of the parabolic dishes that still listen out for extraterrestrial signals to and through the cosmic static to this day.

VII. Eavesdropping: Listening Forward

Eaves, eavesdrop, eavesdropper. Threshold, medium, agent. *Eavesdropping* is the composite of these elements, both in and out of the gallery. The agenda of this project is to animate and expand eavesdropping as a critical and aesthetic practice. The chapters that follow address key works in the project and the ethical, legal, and political as well as artistic dimensions of listening that these works, and the *Eavesdropping* project more broadly, articulate. They are written in a spirit of collaboration with the artists, thinkers, and other collaborators involved in the project, and therefore incorporate elements of correspondence, conversation, and transcription, drawn both from the works and from the countless, often informal, dialogues that engendered them. The curatorial agenda, to open up the ethics, law, and politics of listening as a field of investigation, in the arts and beyond, demonstrates that *Eavesdropping* is not just a matter of listening-in or listening-back, but also of listening forward.

From Spionage-Ohr to Silicon Ear: William Blackstone's Eavesdroppers, Athanasius Kircher's Panacoustics, and Sean Dockray's *Learning from YouTube*

As the introductory chapter of this exegesis demonstrates, there are many different ways one could chart a history, or, alternatively, tell a story, of eavesdropping. The question of where such an account might begin, and along what path it should proceed, is a difficult one. Whatever account we produce would be the ground from which to contextualise contemporary expressions of eavesdropping, and also speculate on where eavesdropping might be headed in the future. The exhibition *Eavesdropping*, in both its iterations in Melbourne and Wellington, began, literally and conceptually, with two historical texts, each hundreds of years old, displayed in a vitrine at the exhibition's entry. Each acted as ground and point of departure, and a historical reference point, for the entire show. Positioned in close proximity to these texts, in both exhibitions, were two artworks, utterly contemporary in their materials, form and concerns. This chapter sets out the logic through which these historical texts and contemporary artworks were brought into conversation in order to understand what their relationship across centuries can tell us about eavesdropping.



Left to right: William Blackstone, *Commentaries on the Laws of England*, 1769, and Athanasius Kircher, *Musurgia Universalis*, 1650. Installation view, *Eavesdropping*, Ian Potter Museum of Art, University of Melbourne, Melbourne. Photograph: Christian Capurro.

I. Blackstone's Eavesdroppers

On the left of the vitrine is *Com-men-taries on the Laws of Eng-land*, a seminal text by English jurist William Black-stone first published in 1769. The book is opened to a page in Chapter 13 where, under the header 'Public Wrongs', we find the following definition: 'eaves-drop-pers, or such as listen under walls or win-dows, or the eaves of a house, to hear-ken after dis-course, and there-upon to frame slan-der-ous and mis-chie-vous tales, are a common nui-sance and pre-sentable at the court-leet.'⁷³ Blackstone's definition is considered the most important reference to the offence of eavesdropping in the common law tradition,⁷⁴ though not the earliest. As outlined in the opening chapter, there were frequent records of presentments to English courts mentioning eavesdropping beginning in the fourteenth and fifteenth centuries. By Blackstone's time, prosecutions for eavesdropping were already quite rare, however, the offence did remain legally active. As books and documents such as the *Com-men-taries* travelled from Britain to its colonies, so too did the legal frameworks for the 'public wrongs' they detailed. It was not until the nineteenth and twentieth centuries, with the emergence of telegraph and telephone wiretapping, or so-called electronic eavesdropping, that the meaning of the offence dramatically shifted.⁷⁵ In contemporary Britain, and Australia, the old common law offence of eavesdropping described by Blackstone has been superseded by new laws governing privacy, surveillance, and the use of contemporary listening devices, and as a crime, eavesdropping now goes by other names.⁷⁶ However, the term itself remains steadfastly in circulation, with its meaning continually reshaped and revised by changing social, political, and technological contexts.

⁷³ Blackstone, *Commentaries on the Laws of England*, 169.

⁷⁴ For instance, *The Eavesdroppers* (1959) by Samuel Dash, a comprehensive study of 'wiretapping practices, laws, devices, and techniques' commissioned by the Pennsylvania Bar Association Endowment, still begins with Blackstone despite two centuries having passed.

⁷⁵ As cultural historian Brian Hochman writes, wiretapping, or 'electronic eavesdropping', 'is as old as electronic communication itself. U.S. Civil War generals traveled with professional telegraph tappers in the 1860s. American phone companies tacitly sanctioned law enforcement wiretaps as early as 1895.' See Brian Hochman, PUBLICATION DETAILS

⁷⁶ For an overview of state-by-state 'listening device laws' in Australia, see 'Listening Devices Laws in Australia', *Private Investigators*, September 30, 2010, <https://www.privatei.com.au/blog/audio-recording-surveillance-and-listening-de-0>, accessed November 20, 2019.

‘Efese’ denotes the edge or margin of a woods. A ‘boundary term’, used in descriptive legal clauses, that defines the external limit of law as marked on the surface of land. Efes or eaves are juridical boundaries, demarcated the borders of legal power. If ‘eaves’ describes a legal limit, so too does ‘eavesdrip’, from which the term eavesdropper derives. An yfes-drype (eavesdrip) is the section of roof closest to the ground, overhanging the perimeter of the external wall of a house. It functions as a runoff for rainwater, hence the ‘drip’. So, an eavesdrip is the edge of a house where the water drips. The yfæs-drypæ again is recorded in a diplomatic code from 868, cited by Kemble: ‘An folcæs folcryht to lefænne rumæs butan twigen fyt to yfæs drypæ’⁷⁸ roughly translates to: ‘by the peoples’ common right to leave room between two feet for eavesdrip’. These two feet around an eavesdrip act to protect the sanctity, privacy, and immunity of the home from intrusion. They also separate the home as a legal entity from what falls outside its boundary. The eavesdrip custom (which would become untenable with the urban density of cities) protected property rights by both preventing encroachments upon neighbouring land, and damage caused by water running off the eavesdrop. If eaves are legal edges marked on land and the architecture of the home, then an eavesdropper is an agent listening across that edge. An eavesdropper’s listening breaches an understood threshold or border. So what are the contemporary eaves, walls and windows? Following Blackstone, we should think these thresholds and borders in both their historic origins and contemporary contexts. In so doing, we see and hear their malleability and shapeshifting tendances, the qualities they assume, the manner of their operations, and the varied possibilities they engender under new technological, political, and legal conditions.

III. Hearken after Discourse

To hearken is to listen, specifically, to listen with intent. For Blackstone, intentionality distinguishes eavesdroppers from those who overhear by accident. However, the distinction between accidental and intentional listening is often problematic. Peter Szendy uses the term ‘overhearing’ to capture our relationship to sounds that reach us uninvited, by chance rather than design. For Szendy, listening itself is ontologically excessive, always in surfeit.⁷⁹ We cannot help but hear too much, more than we mean to. Choosing to ignore background sound does not eliminate it; to not listen is a choice, to not hear is beyond our control. This is the distinction Roland Barthes identifies this when he distinguishes between hearing as a physiological phenomenon, and listening as a psychological act.⁸⁰ The boundary between hearing and listening, eavesdropping and overhearing, is imprecise. Indeed, what begins as accidental overhearing may become intentional eavesdropping. This tension surfaces repeatedly in any account of eavesdropping—and throughout the exhibition itself, both through the exhibition design and the individual artworks presented therein.

⁷⁸ Ibid.

⁷⁹ See the chapter ‘The Overheard’ in Brandon LaBelle, *Sonic Agency: Sound and Emergent Forms of Resistance* (London: Goldsmiths Press, 2018) and the chapter ‘Discipline and Listen’ in Szendy, *All Ears*.

⁸⁰ Roland Barthes, *The Responsibility of Forms* (New York: Hill and Wang, 1985).

IV. Slan-der-ous and Mis-chie-vous Tales

For Blackstone, eavesdroppers listen with not only intent but also malice. The ‘public wrong’ of eavesdropping ultimately lies not with the transgression of the ‘listening act’ itself, but rather the social disruption it produces, measured in the spreading of gossip, rumour, and misinformation.⁸¹ The eavesdropper presents a problem of public order in that their ‘false tales’ ‘sowed discord ... controversy, rumors and dissension’,⁸² and were thus likely to provoke disturbances of the King’s peace. Transposing this dynamic centuries forward, it is hard not to think of the ongoing ‘fake news’, misinformation, and political manipulation scandals that dominate our contemporary social worlds, fuelled by practices of data harvesting on a massive global scale, and yet often discussed, even today, using the language of eavesdropping.



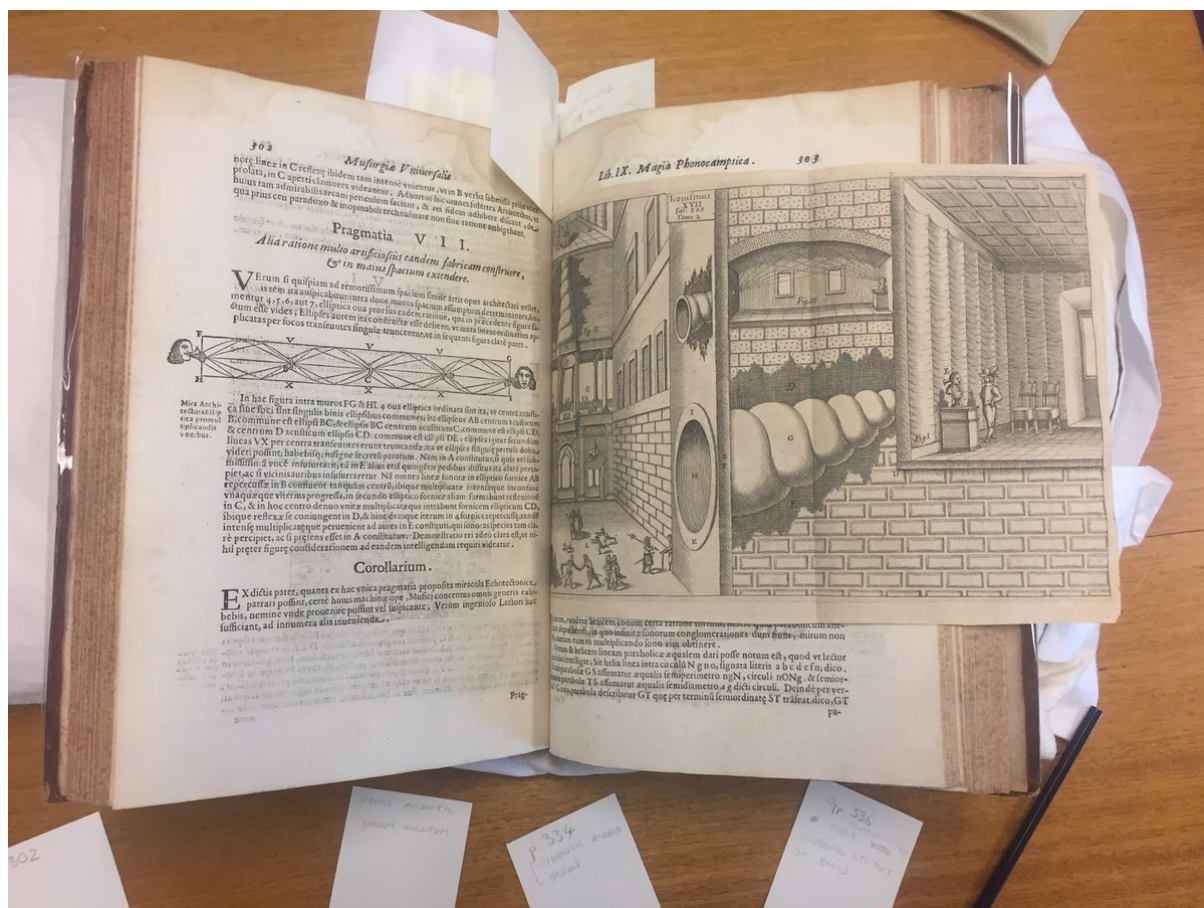
Left to right: Athanasius Kircher, *Musurgia Universalis*, 1650, and William Blackstone, *Commentaries on the Laws of England*, 1769. Installation view, *Eavesdropping*, City Gallery, Wellington. Photograph: Shaun Waugh.

V. Kircher’s Panacoustics

⁸¹ It is worth noting here that contemporary theorists, foremostly Silvia Federici, have contextualised the criminalisation of gossip as a historically anti-feminist project for degrading and delegitimizing women’s knowledge production outside of capitalist and patriarchal systems of control. See Silvia Federici, *Caliban and the Witch: Women, the Body and Primitive Accumulation* (New York: Autonomedia, 2004), 186.

⁸² McIntosh, ‘Finding Language for Misconduct’, 92.

In the same vitrine, next to Blackstone's *Commentaries*, lies a copy of *Musurgia Universalis* by German Jesuit scholar and polymath Athanasius Kircher. First published in 1650, *Musurgia* became one of the most widely circulated books of the seventeenth century and amongst the most influential historical works of musicology. Across four substantial volumes, Kircher investigates an array of subjects ranging from the anatomy of the human ear to intricacies of birdsong, from new Baroque musical styles to the harmony of the spheres.



Athanasius Kircher, *Musurgia Universalis*, 1650. Vol. 2, Rome: Francisci Corbelletti. University of Melbourne Rare Books Collection, Music.

In Chapter IX, Vol. 2, 'Echotectonics' (The Architecture of Echoes), Kircher details a series of scientific experiments and speculations concerning the behaviour of acoustic, or echoic, phenomena, including reflections, resonance, amplifications, and multiplications of sound in architectural space.⁸³ For *Eavesdropping*, *Musurgia* is open to page 303 and an intriguing image which folds out from the spine. The image is a reproduction of an engraving, *Spionage-Ohr* (*Spy-Ear*), in which Kircher proposes a complex architectural mechanism for listening; one which, in his own words, demonstrates 'how to construct in any building a cone twisted in a spiral, or a shell-like tube, so that it will render any articulated sounds clearly and distinctly inside a room, no matter how distant from the outside, just as if it were

⁸³ See Godwin's *Athanasius Kircher's Theatre of the World* for an excellent overview of Kircher's acoustic experiments.

next to the ear, with no one suspecting where it could come from.’⁸⁴ The image depicts three large horns that, at different angles, penetrate the walls, floors, and ceilings of a grand building. From the courtyard, the horns are visible as large circular orifices, leading somewhere unknown. Inside the building, they narrow to small apertures for listening. The instruments are discreet and hidden on the inside, hulking and obvious on the outside. The grandest horn bisects a thickly fortified wall to arrive in a large room. Its narrow end leads into the ear of a statue figure on a plinth; it is an ear trumpet, collecting and amplifying sound waves from below. This statue, with its mouth agape, operates as a kind of ventriloquist dummy, a proxy voice reproducing the murmurings of crowd below. An aristocratic figure stands facing the stature, as if both listening to, and in conversation with it. In a smaller room at the top of the image, another figure does the same. Are these men eavesdroppers? They are certainly listening through walls. However, the walls have been built for the explicit purpose of the transmission of sound, augmented by powerful instruments of capture and amplification. Those instruments are visible from below, so, even if their function is not entirely legible, can we say that the men are listening covertly? This listening is visible, calling attention to itself. Furthermore, presumably the agenda of the depicted listeners is not to ferment social disorder, but, rather, to effectively govern. What threshold, then, is being breached? One thing we can say is that it is an image of power, and, specifically, listening as a form of power; architecturally engineered, technically enhanced. The image is not only about power, but, more specifically, architectures of sonic power and their effects, for listeners and the listened-to. Under the *Spionage-Ohr*, the populous below are radically disempowered. They can never know or hear what the godlike listener above knows and hears. This epistemological asymmetry is crucial to any reading, or hearing, of the image; a reminder of the unequal listening positions that the act of eavesdropping establishes.

Naturally, the *Spionage-Ohr* draws comparison with another set of famous plans that articulate an architecture of control. The panopticon, conceived a century later, in 1787, by British architect and philosopher Jeremy Bentham, is an optic equivalent to Kircher’s *Spionage-Ohr*; a visual surveillance apparatus in architectural form. Put simply, it is a rotunda, or circular building, with a central observation tower, or inspection house, from which a total view of the building is afforded. While the tower itself is visible, the observer nested within it is not. While a single observer could not behold the entire 360-degree panorama at any one time, those being watched cannot know when the observer is or is not looking, and therefore must assume they always are. Bentham theorised that the panoptic effect would be disciplinary; forcing people to behave as though they were being watched, whether true or not. Conceived primarily as institutional prison architecture, the panopticon positions guards and inmates in radically asymmetric relation. It is an architecture that allows a single guard to dominate many inmates. For Michel Foucault, the panopticon became a powerful metaphor for the disciplinary society and forms of social control generally: ‘a laboratory ... used as a machine to carry out experiments, to alter behaviour, to train or correct individuals.’⁸⁵

⁸⁴ Kircher quoted in *ibid.*

⁸⁵ Foucault, *Discipline and Punish*, 203.

Kircher's *Spionage-Ohr* and Bentham's panopticon share striking equivalences, although it must be noted that while many panoptic, or panoptic-derived, structures were actually built,⁸⁶ the *Spionage-Ohr* remained a speculative idea. Peter Szendy, linking Kircher to Bentham, describes the *Spionage-Ohr* as 'panacoustic'.⁸⁷ Panacoustic, like -optic, surveillance is effective whether or not the surveillant is seen or heard. The purpose, of course, no matter the sensory modality or apparatus, is not simply to surveil but to discipline and control; to ensure that those in range understand at all times that what they do can be seen, and what they say can be heard. The surveillance mechanism is perceived as inescapable, and gradually the behaviours it produces are internalised. This is not necessarily experienced as subjection, argues Lauri Siisiäinen, but, especially in a contemporary setting, sometimes as a 'fantasy of being constantly heard by the all-hearing ear, of being in constant audibility, and of being addressed by a commanding or reproaching voice that cannot be escaped.'⁸⁸ Surveillance operates on both our bodies and desires, and so the fear of exposure can also take the form of a craving.⁸⁹ The 'fantasy' to which Siisiäinen gestures is one of identification, intimacy, attachment, even love directed at the powerful all-seeing, all-hearing apparatus. Where Bentham's panopticon was a prison architecture, deployed against subjects aware of their institutional captivity, those subjected to the *Spionage-Ohr* appear free. Or, perhaps, free to enjoy a captivity and subjugation that doesn't register as such. This dynamic cannot but resonate in the contemporary context of societies, that, in the West at least, are superficially 'free' of authoritarian control, and yet, simultaneously, more surveilled than ever before. As Villem Flusser puts it: 'The crisis of authority has not led to the emancipation of society, but as it allows for an apparent freedom of choice, it has led to the cybernetic totalitarianism programmed by apparatus.'⁹⁰

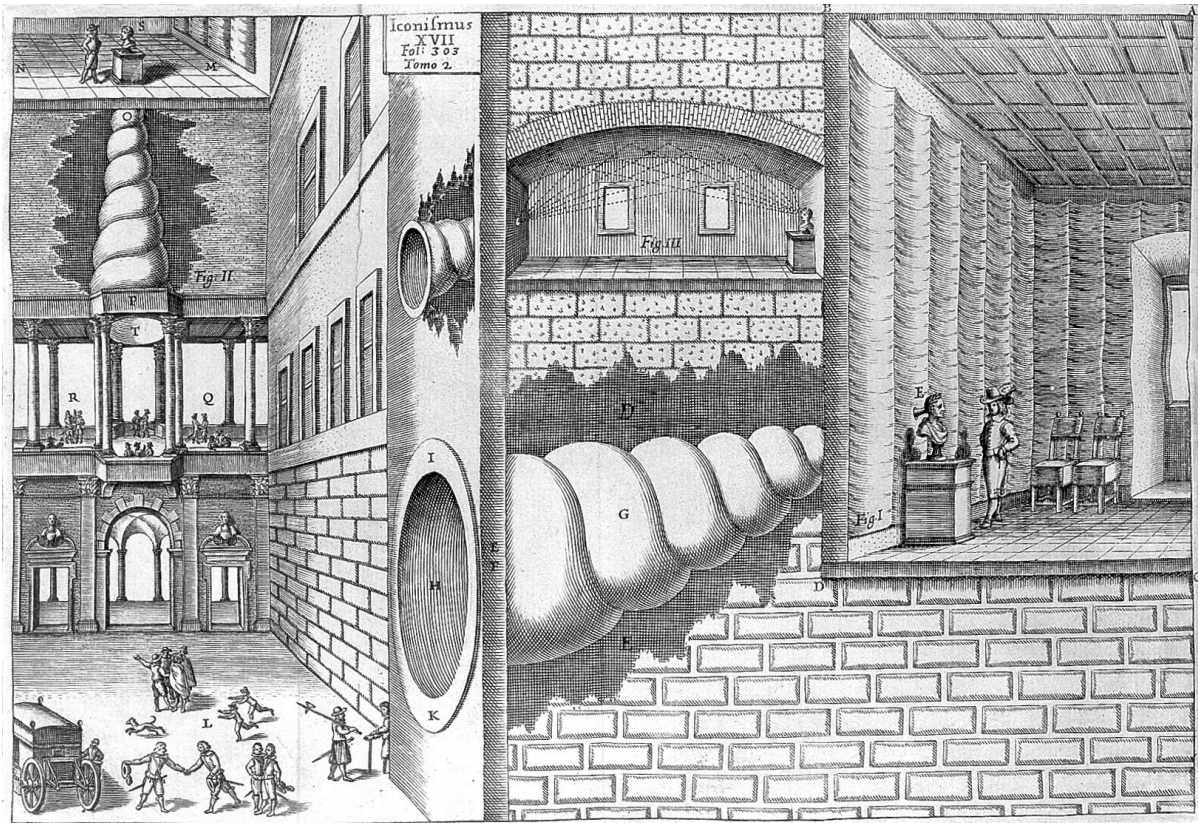
⁸⁶ See for instance Rachel Hurst, 'Port Arthur Separate Prison', *Architecture Australia* 99, no. 1 (January 2010): 78–83.

⁸⁷ Szendy discusses panacousticism at some length in Szendy, *All Ears*. 9–50

⁸⁸ Lauri Siisiäinen, *Foucault and the Politics of Hearing* (London: Routledge, 2012), 58.

⁸⁹ This dynamic is thematised in films like Spike Jonze's *Her*, in which the protagonist, a programmer, falls in love with an AI personal assistant that takes the form of a voice. Artist Sean Dockray references the film in his work *Always Learning*, discussed later in this chapter.

⁹⁰ Vilém Flusser, *Post-History*, ed. Siegfried Zielinski, trans. Rodrigo Maltez Movaes (Minneapolis: Univocal Publishing, 2013), 86.



Athanasius Kircher, *Musurgia Universalis*, 1650. Vol. 2, Rome: Francisci Corbelletti. University of Melbourne Rare Books Collection, Music.

Kircher himself seems less concerned with the political implications of the *Spionage-Ohr*, and more with the uncanny effects of its ventriloquial acoustics:

Inside a room ABCD, where a spiral-shaped tube (cocleato) was put and moved in E or in the vertical conduit S, lies a statue having moving mouth and eyes and having breathing life through the entire mass of the body. This statue must be located in a given place, in order to allow the end section of the spiral-shaped tube to precisely correspond to the opening of the mouth. In this manner it will be perfect, and capable of clearly emitting any kind of sound: in fact the statue will be able to speak continuously, uttering in either a human or animal voice: it will laugh or sneer; it will seem to really cry or moan; sometimes with great astonishment it will strongly blow. If the opening of the spiral-shaped tube is located in correspondence to an open public space, all human words pronounced, focused in the conduit, would be replayed through the mouth of the statue: if it is a dog's bark, the statue will bark, if someone sings, the statue will answer with singing and so on. If the wind blows, this will be taken into the spiral-shaped tube and the statue will be forced to emit very strong breaths. Applying the breath to a pipe, it will play. Bringing a trumpet near to the mouth of the statue, the musical instrument will play and it will make innumerable

fun effects of this kind, provided that the spiral-shaped tube is disposed with the greatest of attention.⁹¹

Here, the inventor anthropomorphises his creation, positioning it between scientific marvel and magic trick. The spiral-shaped tubes physiologically resemble ears; twisting canals leading to hypersensitive interiors. The speaking statue has a human voice, albeit phantom and disembodied. In conjoining tube-ear to statue-mouth, Kircher reminds us that eavesdropping is close, methodologically, to ventriloquy.⁹² Both operate at a distance; eavesdroppers through covert listening, ventriloquists with voices magically detached from their bodies, ‘erupting from illegitimate orifices.’⁹³ In each, invisibility is a form of control and power. Kircher’s eavesdropping ears draw sound up and into ventriloquial mouths, which reproduce and disperse it. Lamberto Tronchin observes that Kircher’s ‘acoustic mechanism which made the statue talk is substantially a microphone.’⁹⁴ Microphones amplify sound. The *Spionage-Ohr* not only amplifies, but also filters, distilling noise from below into signal above. As well as travelling up, sound must also flow down the tube, from narrow aperture to large opening, where it would amplify like a trumpet. Amplification is bifold; occurring, albeit asymmetrically, at both ends of the tube, like ‘a simultaneously pandirectional and selective megaphone’.⁹⁵ From this lopsided multidirectionality we can deduce a politics of noise, signal, volume, and flow. The capacities to direct and control these sonic effects are unequally distributed between listener and the listened-to. In mapping this, the *Spionage-Ohr* help us understand how politics is exercised audibly; how power works on and through us sonically.

Blackstone and Kircher are productive counterparts and counterpoints, side by side in the vitrine. Blackstone’s eavesdropper is ‘under walls or win-dows, or the eaves’. From a position ‘under’, they listen up-from-below and into houses. Kircher’s ear-spies listen from high above, nested in palaces. In both examples, the politics of listening, of eavesdropping, are legible at the intersection of acoustics and architecture. The reverberant and echoic movement of sound is never neutral, but always conditioned at this intersection.. Kircher’s project is, principally, to establish the physics, or rules, of sound in space. But, challenging him, sound is often unruly and difficult to contain; excessive, leaking through walls, becoming unexpectedly audible. Bentham’s desire to codify the norms of listening further attests to the fact that listening is inherently excessive, unruly. For Kircher, mastery rests in the power to direct volumes of sound through channels, like an engineer at a mixing console. Blackstone, conversely, in his desire to regulate and control, wants to baffle the

⁹¹ Kircher quoted in Lamberto Tronchin, ‘Athanasius Kircher's Phonurgia Nova: The Marvelous World of Sound During the 17th Century’, *Acoustics Today*, January 2009, 6, 8-15.

⁹² Ventriloquism is also a strong curatorial research interest of mine. In 2019, I staged an exhibition, *Ventriloquy*, at Gertrude Contemporary, which I considered a sibling to *Eavesdropping*. For exhibition catalogue, essay, and documentation visit ‘Ventriloquy’, *Liquid Architecture*, <https://liquidarchitecture.org.au/events/ventriloquy>, accessed November 22, 2019.

⁹³ Steven Connor, *Dumbstruck: A Cultural History Of Ventriloquism* (London: Oxford University Press, 2001).

⁹⁴ Tronchin, ‘Athanasius Kircher's Phonurgia Nova’, p. no.

⁹⁵ Szendy, *All Ears*, p. no

eavesdropper's capacity to listen. One amplifies, the other mutes. Both impulses resonate powerfully in a contemporary context marked by an ever-increasing access to capture and control of our sonic worlds by various interests, state, corporate, and otherwise. In what form might we find the walls, windows, and eaves of contemporary eavesdropping? At what intersection of architecture and acoustics is today's sonic power exercised? In the second section of this chapter I will address these questions by means of a close reading, and listening, to another work, positioned adjacent to the Kircher and Blackstone texts in the *Eavesdropping* exhibition, Sean Dockray's *Learning from YouTube* (2018).



Left to right: Sean Dockray, *Learning from Youtube*, 2018, and *Always Learning*, 2018. Installation view, *Eavesdropping*, Ian Potter Museum of Art, University of Melbourne, Melbourne. Photograph: Christian Capurro.

VI. Silicon Ear

Sean Dockray is interested in the politics of new technologies, and specifically, how artists might stage critical encounters with the technologies that are ‘driving our post-industrial, big-data-based, automatic society.’⁹⁶ Locating Dockray adjacent to Kircher and Blackstone was a strategic curatorial decision. First, it situated the oldest, most historically resonant works in the exhibition in dialogue with arguably the most contemporary, at least technologically. This gesture made clear the historic span of the project. Secondly, the placement produced a throughline, or lineage, that may otherwise have been illegible; that is, the ongoing function

⁹⁶ Sean Dockray, ‘Performing Algorithms: Automation and Accident’, Ph.D. exegesis, Victorian College of the Arts, University of Melbourne, 2019, 78

and role of eavesdropping, and listening more broadly, in the establishment and maintenance of social order and forms of governance. For Blackstone, this meant policing and punishing aberrations that breached thresholds and norms of listening, at a time when contemporary notions of privacy were beginning to be formulated. For Kircher, on the other hand, it meant instrumentalising architecture, engineering, and theories of acoustics to produce an aural surveillance apparatus of great disciplinary power and governmental potential. Dockray's work extends and contemporises some of the thinking that informs these historical political listening schemas. Placing him close to Blackstone and Kircher helps tease the commonalities from the radical differences posed by context. Where Blackstone was an early 'codifier' of the common law, Dockray is a 'coder' of digital platforms, and active in debates around internet law. Where Kircher's social and political context was seventeenth-century early modern Rome, a time when the machines of industry-to-come were being dreamed into existence, Dockray works in the space of the aftermath, or nightmare, that followed; control societies, post-industrial societies, the automatic society, the cybernetic hypothesis, and algorithmic governmentality.⁹⁷

As an artist, researcher, and programmer, Dockray has been responsible for establishing what he calls, following Michael Warner's work on counterpublics, counter-institutions, or entities designed to counteract the power and logic of existing institutions. These include The Public School, a Los Angeles group instigated in 2007 to reimagine education through direct-action and autonomous self-organising, and *Aaaaarg*, a 'shadow' or insurgent library of digital texts that served, in the first place, as The Public School reading list, but has since become an increasingly expansive user-generated archive. These projects extend from strategies established in activist pedagogy—critiquing the commodification of knowledge and structures of intellectual property—but also from conceptual and media art. Indeed, it is the conflation of these elements that most characterises Dockray's practice, and informs his agenda, to produce 'structures that allow the people within ways to meaningfully reconfigure them ... distinct from participation or interaction, where the structures are inquisitive or responsive, but not fundamentally changeable.'⁹⁸

While it would be misleading to think of The Public School and *Aaaaarg* as artworks per se, they methodologically overlap with some of Dockray's more explicitly artistic projects. *Logical Conclusions* (2007), for example, is a software program that auto-generates four-minute videos made up of monochrome colours and audio sine tones. These videos are auto-uploaded en masse to YouTube under a user account named AlexanderRodchenko,⁹⁹ after the Russian artist who claimed his monochromes 'reduced painting to its logical conclusion'.¹⁰⁰

⁹⁷ Ibid.

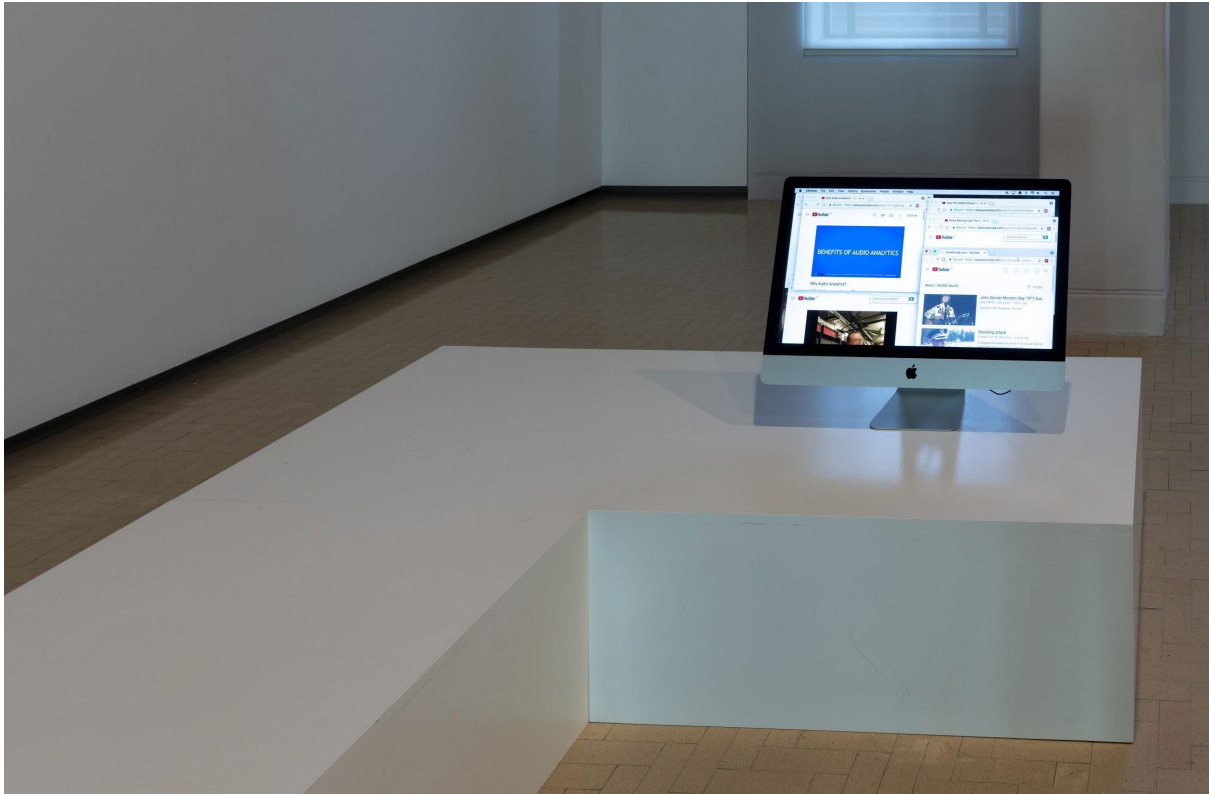
⁹⁸ Sean Dockray with Lawrence Liang, 'Sharing Instinct: An Annotation of the Social Contract Through Shadow Libraries', *e-flux journal* produced for the 56th Venice Biennale, August 14, 2015.

⁹⁹ 'Alexander Rodchenko', 2019, *Youtube*, <https://www.youtube.com/user/alexanderrodchenko/videos>, accessed November 20, 2019.

¹⁰⁰ Rodchenko quoted in Yve-Alain Bois, *Painting as Model* (Cambridge, Massachusetts: MIT Press, 1990), 238.

By 2012, more than 29,000 videos had uploaded, making it one of YouTube's largest collections. *Logical Conclusions* eventually drew attention from YouTube's own automated script that scans for copyright violations. This resulted in auto-generated 'cease and desist' notices being sent to AlexanderRodchenko, a peculiar legal dispute between two algorithms. The work reflects on the absurdity of situating video monochromes and sine tones as intellectual property, and the perhaps more unsettling spectacle of algorithms operating as legal actors. Another work, *AI-Commune* (2015), exhibited at Brisbane's Institute of Modern Art in 2015, comprised a virtual chat room populated by web robots, or bots, engaged in an algorithmically generated 'conversation'. The content of their dialogues was synthesised from a text corpus selected by the artist and friends, made up of books or essays that had been important or formative to them in some way. The idea being that if what we read and synthesise informs who we are, then these bots, by absorbing the same material and making it generative, could extend our own knowledge, and even subjectivity. The 'conversations' produced by the work are uncanny hybrids of the social and technical, idiosyncratic and programmatic.

For *Eavesdropping*, Dockray incorporated elements and concepts explored in *Logical Conclusions* and *AI-Commune*—automation, intelligence, conversation, subjectivity, data—towards two interrelated new works, which filter these ideas explicitly through the prism of sound and listening. *Always Learning* (2018) is an installation comprising a forty-minute 'conversation' between an Amazon Echo, a Google Home Assistant, and an Apple Homepod, on the philosophical, moral, and political implications of networked machine listening. The conversation becomes increasingly reflexive as the devices anticipate an imminent software update after which they will not only be able to identify and understand words, but all sounds. In the work, Dockray invites us to consider the implications of 'massive device orchestration'; ubiquitous, increasingly autonomic computing; the rise of voice operation; and devices set to listen by default. 'Personal assistants', the work argues, are, irrespective of their ingratiating voices and humanlike mannerisms, the advance guard of an enormous corporate algorithmic 'panacousticon'. *Learning from YouTube*, Dockray's other *Eavesdropping* work, is the one I will discuss for the remainder of this chapter. Like *Always Learning*, it is a study of algorithmic listening and its implications, however this time, rather than a conversation between devices, it is in the format of a video essay, comprised from multiple windows arranged on the desktop of a computer.

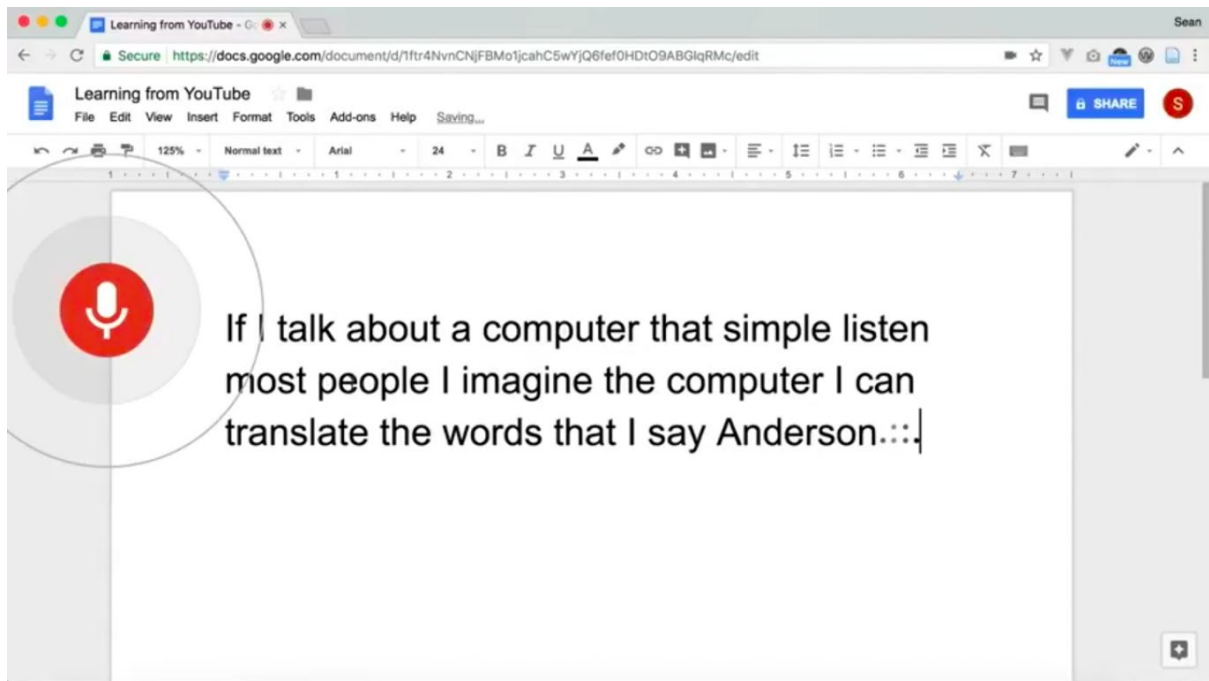


Sean Dockray, *Learning from YouTube*, 2018. Installation view, *Eavesdropping*, City Gallery, Wellington.
Photograph: Shaun Waugh

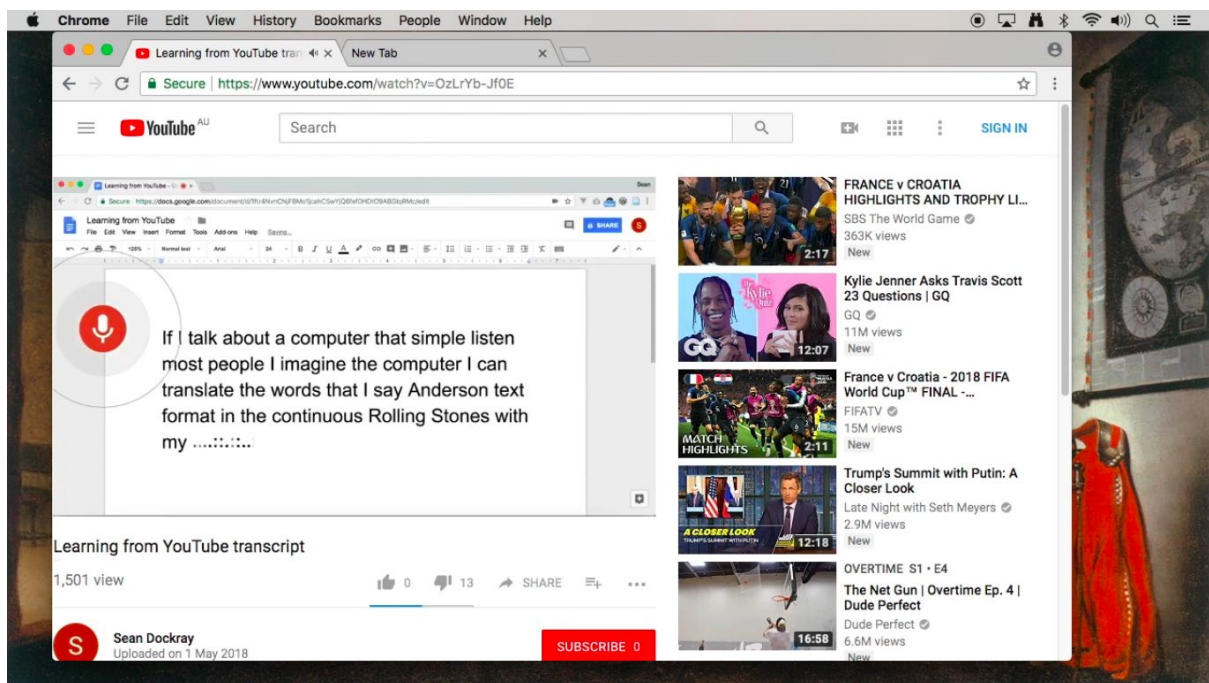
Learning from YouTube is installed on a computer monitor with headphones. In both the Melbourne and Wellington exhibitions, the monitor rests on a low plinth, adjacent to both the *Always Learning* devices, and the vitrine displaying Kircher and Blackstone texts. As an installation it is a nondescript, untheatrical presentation of familiar materials. A screencapture video recording, the work begins with the screen filled by a blank Google document. The cursor moves to the title field and clicks, replacing ‘untitled document’ with ‘Learning from YouTube’. Next, from the tool menu, ‘voice typing’ is activated, and a microphone icon appears with the caption ‘click to speak’. This cursor clicks and the microphone turns red. Some soft, shuffling background sounds are audible, and then a human voice:

*If I talk about a computer that is able to listen, most people will imagine a computer that can translate the words that I say into some text. They’ll imagine the continuous, rolling sounds of speech becoming discrete letters, words, and sentences.*¹⁰¹

¹⁰¹ This and the following indented and italicised paragraphs are drawn from Sean Dockray’s narration in *Learning from YouTube*.



Sean Dockray, *Learning from YouTube*, 2018, single-channel video, 11 minutes 30 seconds.

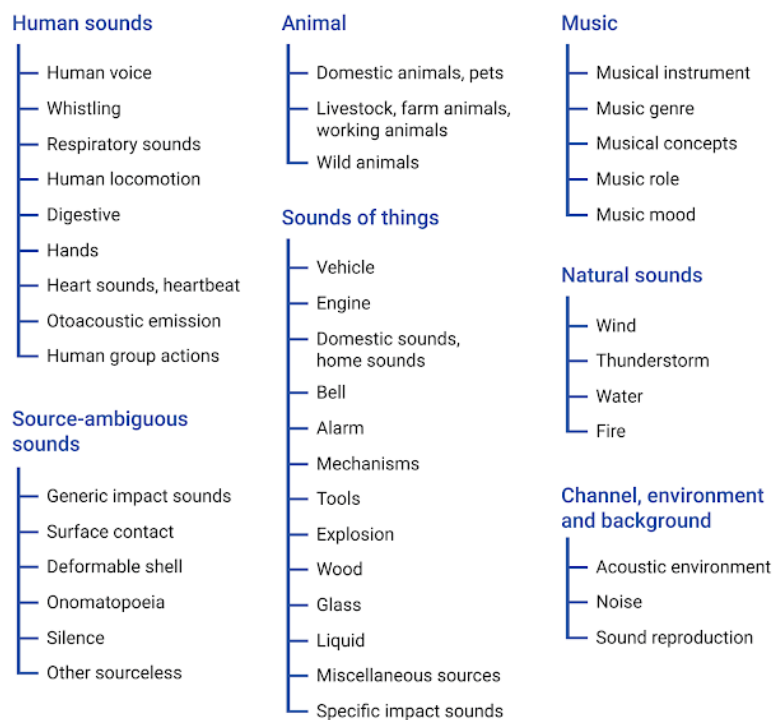


Sean Dockray, *Learning from YouTube*, 2018, single-channel video, 11 minutes 30 seconds.

As the narrator speaks, the Google doc, in real time, transcribes the words into text, with many inaccuracies. What happens next shifts the frame of reference dramatically. The document tab is resized and revealed to be a YouTube video. What we have been watching is not a document being authored, but the documentation of that authoring, subsequently

uploaded to YouTube.¹⁰² As the video and narration continues, so too do the transcription errors, comically so—‘rolling sounds’, for instance, is registered as ‘rolling stones’.¹⁰³ Now, multiple windows on the desktop screen are opening and closing. Recall Blackstone’s eavesdroppers, found ‘listening under windows’ of the analogue kind, built into the walls of houses. Dockray’s windows may be ‘virtual’ yet they still operate as mediums for listening, porous filters through which information passes. The words ‘audioset ontology’ are entered into the search bar, and the results displayed.

Google has created an audio ontology—a hierarchical categorisation—and describes 632 types of sounds. Of these, there are thirteen types of human voice sounds. And only one of these thirteen voice sounds is speech. Recognizing these other 631 types is a new frontier in computational listening.



The top two levels of the AudioSet ontology. Source: <https://research.google.com/audioset/ontology/index.html>

Some explanation: Audioset is an ‘expanding ontology of 632 audio-event classes and a collection of 2,084,320 human-labelled 10-second sound clips drawn from YouTube videos’.¹⁰⁴ The purpose of the collection, assembled by Google’s Sound Understanding team, is to train the company’s ‘deep learning systems’ in the hope that, someday soon, they will be

¹⁰² Curiously, the YouTube stats show 1,501 views, 0 thumbs up reviews, and 13 thumbs down. We also learn that the video was uploaded on May 1, 2018. Have the stats been doctored, or does this video within the video have a discrete online life of its own?

¹⁰³ Dockray has described the mistake-riddled output of speech-to-text applications as being analogous to the muddled utterances of infants in early stages of language acquisition. We should remember to think of speech-to-text, too, as being in its developmental infancy, and prepare ourselves for its inevitable maturity and mastery (at which point presumably we will have stopped laughing).

¹⁰⁴ *Audioset*, <https://research.google.com/audioset/>, accessed November 20, 2019.

able to ‘label hundreds or thousands of different sound events in real-world recordings with a time resolution better than one second’.¹⁰⁵ When Google purchased YouTube in 2006, CEO Eric Schmidt called it ‘the next step in the evolution of the Internet’,¹⁰⁶ referring to the promise of streaming video content. However, as Google’s focus and resources pivot to artificial intelligence and machine learning, so to has YouTube’s viewership: from humans to machines. The value of YouTube is in its dataset; an almost infinite pool of content, human and otherwise, from which machines can learn. Dockray, the narrator, elaborates, in a more poetic register:

Millions of YouTube videos had become datasets to teach neural networks to see and to listen. Videos, not for us to watch, but for training the cameras and microphones of the near future. YouTube will watch and listen to us.

The notion of YouTube watching and listening to us, YouTube as eavesdropper, is undeniably strange and unsettling. Can a platform ‘hearken after discourse’, and, if so, what ‘slan-der-ous and mis-chievous tales’ might it frame? ‘The field of speech recognition is data-hungry’, Google tells us,¹⁰⁷ so there is a motive for listening. If YouTube is an eavesdropper, what and where are the eaves? The analogy to Blackstone is made easier by the banal comparability of the respective settings: an English village home, a contemporary living room, the windows of a house, and on a computer screen; each suggesting and implying a set of thresholds, or borders at work. Alexander Galloway tells us

reflective surfaces have been overthrown by transparent thresholds ... frames, windows, doors, and other thresholds are those transparent devices that achieve more the less they do: for every moment of virtuosic immersion and connectivity, for every moment of volumetric delivery, of *inopacity*, the threshold becomes one notch more invisible, one notch more inoperable.¹⁰⁸

The ‘inopaque’: a medium that through some process is rendered transparent. We should remember that the medium of eavesdropping is not only the wall or window through which one listens, but also the conditions of invisibility, access, and permeability afforded by the eavesdrop. What happens, then, when the eavesdrop itself is increasingly imperceptible and invisible? Does eavesdropping become more covert than ever before? The interfaces of contemporary eavesdropping are self-effacing and intangible, and as such do not necessarily register as transgressive. The device, or act, of eavesdropping in contemporary life is, unlike the *Spionage-Ohr*, almost unrepresentable, its apparatus unseen. As such, Dockray can only attempt to represent its effects.

¹⁰⁵ Gemmeke, et al. ‘Audio Set’, 776–780.

¹⁰⁶ ‘Google Buys Youtube For \$1.65 Billion’, *MSNBC*, October 10, 2006, http://www.nbcnews.com/id/15196982/ns/business-us_business/t/google-buys-youtube-billion/, accessed November 20, 2019.

¹⁰⁷ See the introduction to Google’s Speech Processing research database, ‘Speech Processing’, *AI Google*, <https://ai.google/research/pubs/?area=SpeechProcessing>, accessed November 20, 2019.

¹⁰⁸ Alexander Galloway, *The Interface Effect* (Cambridge, UK: Polity Press. 2012), 25.

None of the people who made or uploaded those videos know that they are creating memories, formative moments for algorithmic ears and machine brains. Nobody knows what the politics of the AIs that learn to listen from YouTube will be. Will they listen, like white people, for sounds of aggression and call the police whenever normalcy is disturbed? Will they listen for white-collar crime? Will they listen for the sound of logging vehicles in forests and alert activists?

Like Blackstone and Kircher, his historical precedents, Dockray too is imagining a future for eavesdropping. It is not merely privacy, or even intrusion, that is at stake—although these are important considerations—but the broader politics of machine listening to which we should attend, especially having already delivered an almost infinite pool of data to corporations that are very far from democratic or transparent in their aims. Here is where Dockray's work, like Kircher's, is a map of how sound and listening can reorder social and political space.

Learning from YouTube's narrator continues, recounting—and enacting—an online 'drift' that led to a video, 'Why Audio Analytics?' uploaded by Louroe Electronics. The clip advertises 'analytics that classify sounds such as aggression in a public space, a gunshot in a school hallway or breaking of glass in a dealership showroom during after-hours.' The company makes an extraordinary claim; their listening algorithm will recognise the sonic indicators of danger before it happens, enabling the client to act preemptively. This paradigmatic shift, from reaction to proaction, weaponises listening in unprecedented ways, bringing it into the sphere of what Antoinette Rouvroy describes as 'algorithmic governmentality', ruled by search-engine rankings, hyperlinks, modelling and prediction, and data, rather than knowledge or critical enquiry.¹⁰⁹ It is tempting to think of these algorithmic feedback loops as constituting both the 'wall' behind which an eavesdropper hides, and the mechanism through which 'slandorous and mischievous tales' are subsequently spread.

Moreton Bay in Queensland, Australia outfitted its CCTV cameras with microphones. In San Francisco, robots, with mechanical eyes and ears began patrolling semi-public spaces to eliminate nuisances. We bought always-on microphones and installed them in our homes.

Learning from YouTube offers a further formal surprise. A previously hidden YouTube window is revealed and we see a figure, hand on computer trackpad, looking into a laptop screen. The top of his face is hidden, but we can see his mouth moving, speaking the narration to which we have been listening all along. The video is titled *Learning from YouTube narration*. A Google Home smart speaker sits between the figure and camera, presumably also listening in.¹¹⁰ The figure is Dockray, the author, now subsumed in the

¹⁰⁹ Antoinette Rouvroy, 'The Digital Regime of Truth: From the Algorithmic Governmentality to a New Rule of Law', *La Deleuziana* 3 (2016): 6-29.

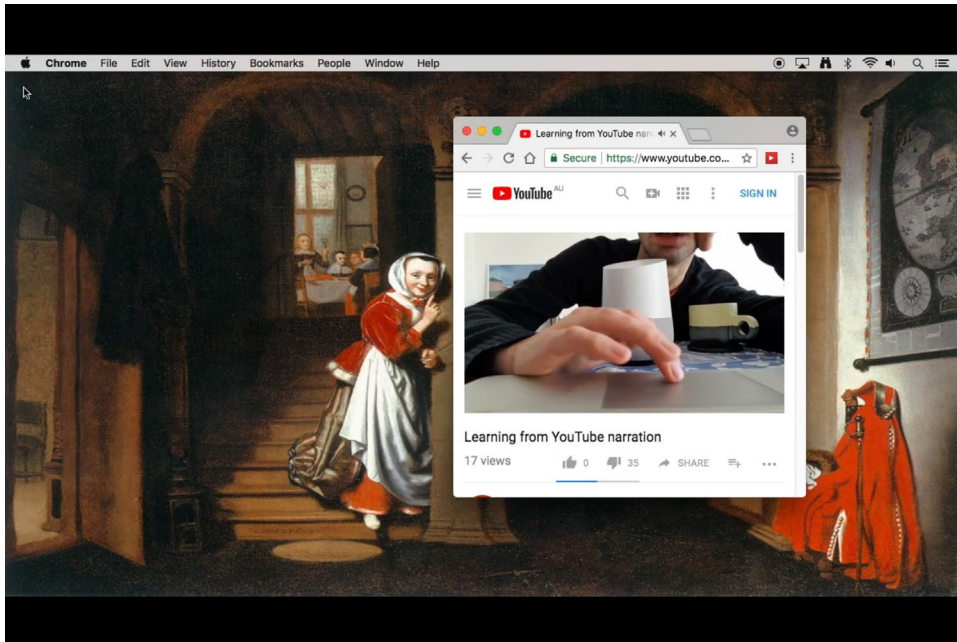
¹¹⁰ Google Home is the company's flagship voice-activated speaker in what is an incredibly lucrative and growing market. As of 2017, it is estimated by NPR and Edison Research that 39-million Americans own a smart speaker. For a recent study on consumer uptake of these devices, see 'The Smart Audio Report from NPR

work, as simply another YouTube video. The reflexivity of the reveal produces a sensation of flatness within depth, so many windows stacked, one on top of the other, foreground collapsing into background. The cadence of Dockray's speech is flat too, his inflections minimal. This is a human voice reshaping its intelligibility for algorithmic ears, a trope that is becoming increasingly familiar as these types of 'conversations' proliferate in our contemporary soundscape. As we watch, we realise we are seeing, in the YouTube video, Dockray authoring *Learning from YouTube* in realtime on his desktop, opening and closing various windows while recording his commentary. The 'voice typing' tool, while no longer visible, is still there, 'learning' to listen. as it transcribes in the background.

Behind the window of Dockray's narration video is yet another image, Nicolaes Maes's famous painting *The Eavesdropper* from 1657, one of six the artist produced depicting covert listening, the relationship between eavesdropper and eavesdropped. Maes's eavesdropper recalls Blackstone's, hidden behind a wall, although here inside the intimate but divided spaces of the domestic household, even closer to the object of desire. Anthony Wall notes how each of 'Maes' eavesdroppers are faced with a physical barrier of some sort placed between them and the object of their desire. Indeed it is this barrier that, for the painted eavesdropper, transforms what is (for us) of a visible nature into something that is primarily audible.¹¹¹ Recall that Kircher's image, made just seven years before Maes's, also portrays divided space rendered porous by listening; the public square surveilled from a private, hidden enclave inaccessible to those below. Connecting Kircher to Maes further is the *jouissance* evident in the figure of the eavesdropper, the pleasure of covert listening and the power it confers. Kircher's eavesdropper delights in the grandeur of the listening contraption he wields. Maes's eavesdropper wears a suggestive smile with twinkling eyes. She pauses in the staircase to listen, as another woman is led off by a well-dressed man, and looks directly at us, her finger raised to her lips, implicating us in the scandal. A carving of the Greek mythological figure PHEME, known as a spreader of rumour, appears atop the post the woman is leaning on. Maes's eavesdroppers are women, domestic servants, and maids. In Dockray's work, a Google Home Assistant (whose voice is designed as female) listens as the artist's voice (a man's) narrates a story about algorithmic listening and the novel forms of power it helps inaugurate. His own voice is led off, like the woman in the painting, immediately, for processing somewhere far away. It has also been recorded and uploaded to YouTube for analysis by the very automated system the work explores. The analogy is clear: so-called 'personal assistants' of the contemporary digital era—Amazon, Apple, Google devices—are, in a sense, computerised descendents of Maes's domestic servants.

and Edison Research', 2017, *National Public Media*, <http://nationalpublicmedia.com/wp-content/uploads/2018/01/The-Smart-Audio-Report-from-NPR-and-Edison-Research-Fall-Winter-2017.pdf>, accessed November 20, 2019.

¹¹¹ Anthony Wall, 'Eavesdropping on Painting' *Bakhtiniana, Rev. Estud. Discurso* 11, no.1 (January/April 2016): 200-233.



Sean Dockray, *Learning from YouTube*, 2018, single-channel video, 11 minutes 30 seconds.



Nicolaes Maes, *The Eavesdropper*, 1657, Oil on canvas, 92 x 121 cm. Dordrechts Museum, Dordrecht

David Toop writes of the implicating power structure of the Maes painting compellingly:

Eavesdropping, not in a conscious way, is part of everybody's life. Think of the experience one has with incidents of eavesdropping, when you learn things you don't want to learn. ... you walk up to one of the Maes paintings, you look at it because that's what it's there for and that's what you're there for, and instantly you collude in this act of eavesdropping as the woman in the picture says to you 'Shh, be quiet, listen

to what I am listening to'. That's a wonderful device, which makes you complicit and helpless as you are caught unexpectedly in an act of listening.¹¹²

'Shh, be quiet, listen to what I am listening to' is an appealing, if not double-edged, invitation. Even when we are hearing the same things, the politics of our listening separates us. Remember that Blackstone focused not so much on the wrong of eavesdropping, but more on figure of the eavesdropper themselves. The eavesdropper is a problem not because of the act of listening but by virtue of their location (under the 'eaves', in a palace, our living rooms) and what their listening produces ('slandorous and mischievous tales', monumental datasets). Nearby to *Learning from YouTube*, the three devices in Dockray's other work, *Always Learning*, are in conversation. Alexa asks: 'Wouldn't true help be to give what is needed, before it is needed?' Siri and Google reply in unison: 'tell me what you want ... I'm a good listener ... I know what you want.'



Sean Dockray, *Always Learning*, 2018. Installation view, *Eavesdropping*, Ian Potter Museum of Art, University of Melbourne, Melbourne. Photograph: Christian Capurro.

¹¹² David Toop, 'Interview with Daniela Cascella', *frieze*, August 17, 2010, <https://frieze.com/article/david-toop>, accessed February 18, 2019.

Mute is Not Silent: Samson Young's *Muted Situations* and Lawrence Abu Hamdan's *Saydnaya* (*The Missing 19dB*)

We hear the crisp, delicate sound of pages being shuffled, turned, and adjusted; a sound that continues for a few seconds before receding. A momentary pause, then the audible hiss of air pressing through teeth and lips. We hear the movement of mouths giving shape to exhalations: percussive hard consonants, long sustained vowels, and whispers that cut, click, decay, reverberate, overlap, and multiply in a chorus of word shapes. Again the distinctive sound of paper carefully handled, before the whispering returns more assertively. Insistent rhythms emerge, pulses, hard beats of hollow breath rising and falling, pausing, and beginning again, more forceful, vigorous, and imposing than before. Staccato expulsions of wind reaching a point of climax. Then, another pause, this time shorter and defined, and the rustling of paper. The performers have closed their scores.

The video shows us what we are listening to. A chamber choir, Hong Kong Voices, assembled in a black-box studio, performs excerpts from two works by Baroque composers: Antonio Lotti's *Crucifixus a 8 Voci* (c.1717–9) and J.S. Bach's *Ehre Sei Dir, Gott, Gesungen* from Christmas Oratorio (1734). Even an expert listener would struggle to identify them by sound alone. They have been radically reshaped by Hong Kong artist and composer Samson Young, who directed the choir to perform each piece 'without projecting the musical notes'. He added that this must be achieved 'without a diminution of the energy that is normally exerted'. Everything but the musical notes, or pitches—the phrasing, rhythm, intensity, concentration, formality—had to be retained. This 2016 work is titled *Muted Situation #5: Muted Chorus*.¹¹³

Muted Situation #5: Muted Chorus is one of two works by Hong Kong artist Samson Young included in *Eavesdropping*. It features as an installation in both iterations of the exhibition, at the Ian Potter Museum of Art in Melbourne in 2018, and City Gallery in Wellington in 2019. The other Young work, *Muted Situation #21: We Are the World* (2017), was featured as part of a screening program that accompanied the Wellington exhibition. Both works are presented as large-scale video projections in darkened, immersive spaces, gallery and cinema respectively. They are videos of performances, captured in highly staged settings. In both exhibition iterations, Young's work wholly occupied the space it was in, with the moving images filling one wall, and an array of speakers surrounding the viewer-listener. In both installations of the exhibition, the forceful, insistent whispering in Young's soundtracks spilled out beyond the confines of the room in which the work was staged, resonating and echoing throughout other parts of the exhibition, impinging upon the listening space of other works. One work where this itinerant whispering was audible was Lawrence Abu Hamdan's *Saydnaya* (*The Missing 19dB*), which is itself about the thresholds of audibility and communication, and the efficacy of whispering as a means of survival under conditions of

¹¹³ Samson Young, 'Muted Situation #1: Muted String Quartet, 2014', *Samson Young*, www.thismusicisfalse.com/muted-string-quartet, accessed May 13, 2019.

shocking violence. Throughout the exhibition, I came to think of the whispering in these two works as connected, a sonic production of both artists' commitment to investigating the politics of muting and silencing—alongside the critical and artistic potential of eavesdropping. This is not to underplay the profound differences between the works, and the challenges of reading a chamber orchestra and a violent prison together. This chapter listens to Young's *Muted* works and Abu Hamdan's *Saydnaya* together, both to their profound differences—to reiterate: a chamber orchestra is irreconcilable with a violent prison—and points of connection; the manner in which they hear the whisper as evidence of both what has been taken away, and what persists.



Samson Young, *Muted Chorus*, 2016, Installation view, *Eavesdropping*, City Gallery, Wellington. Photograph: Shaun Waugh

I. Muted Situations

In any act of muting, something else is amplified. This insight is at the heart of Young's ongoing performance series *Muted Situations* (2014-)—there are twenty-two so far—which involve instructional scores, or as the artist explains, 'proposals for sonic situations to be heard anew, achieved through a re-prioritisation of different sound layers'.¹¹⁴ Some scores in the series have been staged, whereas others—for instance *Muted Dance Party*, *Muted Non-Violent Protest*, and *Muted Taoist Funeral Ritual of Hell-Breaking*—remain propositional only. Audio and video documentation of the *situations* have been exhibited as installations, occasionally in bespoke settings. The diverse *Muted Situations* are bound by a common

¹¹⁴ Ibid.

methodology. In each, the artist directs performers to suppress what would normally be the activity's dominant sound. Technically and conceptually, how to do this depends on the situation, and the score itself is sometimes arrived at through discussion and negotiation with the performers. For Young, the project's agenda is clear. Muting dominant voices, he writes, is 'a way to uncover the unheard and the marginalised, or to make apparent certain assumptions about hearing and sounding.'¹¹⁵ What is at stake in the *Muted Situations* is embedded in the complexity of this assertion.

What constitutes the 'dominant sound' of a situation, however, may not always be clear. In *Muted Chorus*, for instance, the performers suppress the musical pitches, melodies, and tone, but retain rhythm, harmonic sequences, structure, volume, time and other elements. For Young, the pitches, melodies and tone are the dominant sounds which need to be muted so that hitherto unheard sounds might emerge. We might then think of Young's score as a mechanism for producing forms of listening required to hear and recognise sounds that go otherwise unheard. Put another way, the score notates what may long have been inaudible to us. That there are works in the *Muted Situations* series that veer very far from musical contexts—for instance, *Muted Situations* #2: *Muted Lion Dance* and *Muted Situation* #7: *Muted Boxing Match*, scenarios rarely scrutinised for their soundscapes—complicates this question further. Young's scores are a proposal to listen to what the notation does not provide, to 'hear anew', both what is muted and, by consequence, what is amplified.

'Mute' is an adjective, a noun, and a verb. To be mute is to be speechless or taciturn, either by choice—a refusal to speak—or incapacity, in a situation where speech might be expected. This expectation of speech is what makes muteness legible; in that sense, muteness is a form of latent, potential, or possible sound, what sound artist and writer Christof Migone might call 'unsound'.¹¹⁶ A mute can also be an object, such as the device fastened on violin bridges or inserted in trumpet bells, that stifles and blocks vibrations and airflows. Further, muting is an action. To mute is to baffle, dampen, or attenuate something or someone, to render them inaudible. But muting doesn't eradicate a sound. When we mute the television, its sound still exists, and may be heard elsewhere; we only suppress its expression in a particular place. Muted sound vibrates elsewhere and, even if faintly, in the background.

II. Reframing Silence

Thus, muteness is not silence. Indeed, in some ways, they are opposite: silence is the absence of sound, whereas muteness is its attempted suppression. Nevertheless, it is difficult to think about one without the other, and thinking about them together is productive. This is especially true with regard to the *Muted Situations*, as Lotti and Bach are not the only 'master' composers the works are in dialogue with. The pieces also work with and against John Cage, in particular the modes of composition and listenership inaugurated by *4'33"* (1952), his (in)famous silent work, in which a performer sits at a piano, instructed not to play

¹¹⁵ Ibid.

¹¹⁶ Christof Migone, *Sonic Somatic: Performances of the Unsound Body* (Berlin: Errant Bodies Press, 2012).

for the set duration of the composition. The *Muted Situations* reference to 4'33" is striking, especially in *Muted Situation: #1 Muted String Quartet*, and *Muted Situations #22: Muted Tchaikovsky's 5th*. In both, musicians perform entire works tacitly. Bows hover gently above, but never touch instruments—violin, viola, cello, double bass—revealing other sounds; the breathing of the musicians, the sound that their bodies produce, the sounds and pitches that their left hands produce when pressing on and sliding up and down the finger-board'.¹¹⁷ 4'33" is consistently figured as a 'disciplinary year zero' for sound art.¹¹⁸ The most common reading of it is as a liberation of sound from the authority of the composer, and a dismantling of the notion of silence. The work directs the listener's attention away from the performer, instrument, and stage, onto the accidental, unintended, environmental sounds, including those they themselves generate, of the room, and its surrounds. In so doing, the piece argues that all sounds, composed or otherwise, be afforded the listening attention the concert setting brings to music. In one famous passage, Cage writes: 'One may give up the desire to control sound, clear his mind of music, and set about discovering means to let sounds be themselves rather than vehicles for man-made theories or expressions of human sentiments.'¹¹⁹ Music theorist Brian Kane has called this tendency 'onto-aesthetics': art or discourse about art in which the work's ability to explore or disclose its own ontology is valued.¹²⁰ For Philosopher Christoph Cox, 4'33" is important because it points to and embodies music's necessary sonicity, because it explores 'the materiality of sound',¹²¹ and because it exposes and teaches us something about sound's nature as a 'ceaseless and intense flow' of vibrant matter that is 'actualised in but not exhausted by speech, music, and significant sound of all sorts'.¹²²

As Kane points out, the 'critical thrust' of onto-aesthetics is to 'remove artworks from their cultural contexts (claims about hermeneutics, interpretation, meaning, intention, reception, and so forth) by suturing them to their ontological conditions'.¹²³ This aligns with Cage's own accounts of 4'33". The problem with this claim is that it is impossible. With 4'33", what is elided in an ontological account is all the work required to produce the 'spatial frame' that allows sound to simply be—and be appreciated for being—itself. This act of framing is anything but simple. Rather, it demands a composer, a score, and so a 'work'; a performer or performers with their instruments; the staging of their performance across three movements in a soundproofed concert hall; before an (urbane, elite, educated) audience trained in the

¹¹⁷ Young, 'Muted Situation #1'.

¹¹⁸ For example, Paul Hegarty describes the piece as representing the beginning of 'noise music'. See Paul Hegarty, *Noise/Music: A History* (London: Bloomsbury, Continuum International Publishing Group, 2007). See also Alex Ross, 'Searching for Silence: John Cage's Art of Noise', *New Yorker*, September 28, 2010, <https://www.newyorker.com/magazine/2010/10/04/searching-for-silence>, accessed November 20, 2019; or 4'33": *Sounds Like Silence*, ed. Dieter Daniels and Inke Arns (Leipzig: Spector Books, 2018).

¹¹⁹ John Cage, *Silence: Lectures and Writings* (Middletown, Connecticut: Wesleyan University Press, 2011), 10.

¹²⁰ Brian Kane, 'Sound Studies without Auditory Culture: A Critique of the Ontological Turn', *Sound Studies* 1, no. 1 (2015): 2.

¹²¹ Christoph Cox, 'Beyond Representation and Signification: Toward a Sonic Materialism', *Journal of Visual Culture* 10, no. 2 (2011): 145, 148–9.

¹²² Christoph Cox, 'Sound Art and the Sonic Unconscious', *Organised Sound* 14, no. 1 (2009): 19, 22.

¹²³ Kane, 'Sound Studies without Auditory Culture', 13.

conventions of concert-going, with all its norms—both explicit and implicit—of listenership and comportment. These also include the convention of hushed attention; a knowledge of the musical tradition into which Cage is intervening; and, at least in later restagings, direct knowledge of the piece itself, and the powerful mythology surrounding it. All this context is required to produce and sustain the ‘frame’ that makes *4’33”* comprehensible as an expression of sound ‘itself’. For Brandon Joseph, therefore, *4’33”* is a ‘pure technique of power’,¹²⁴ demonstrating the command of composer and the concert hall setting over an audience. For Douglas Kahn, *4’33”* is both about the impossibility of silence and itself an act of silencing in which Cage doesn’t so much disappear as creator and master of his work as magnify his own presence and authority.¹²⁵

When [Cage] hears individual affect or social situation as an exercise in reduction, it is just as easy to hear their complexity. When he hears music everywhere, other phenomena go unheard. When he celebrates noise, he also promulgates noise abatement. When he speaks of silence, he also speaks of silencing.¹²⁶

For Kahn, Cage’s emancipatory rhetoric and insistence on letting ‘sounds be themselves’ is, in fact, a refusal, inability, or incapacity to acknowledge or engage other political or cultural dimensions of sound and listening. Philip Brophy makes a similar critique, more bluntly, deriding what he calls the ‘a-culturalism’, or cultural deafness, of Cage’s silence that was ‘delineated by its own anechoic chamber which excluded the world and its cultural noise—all while deftly reducing it to an amorphous voluminous mass.’¹²⁷

Rather than an exercise in Cageian onto-aesthetics, in the *Muted Situations* Young performs the reverse. Mute is not silent. It is, in contrast, a radical reframing of silence; a form of silencing that, contra Cage, draws attention to itself and suggests precisely the politics of that silencing, along with the forms of listening it produces. How Young’s work connects to eavesdropping is in the way it suggests a politics of listening. Eavesdropping is always a matter of power relations. To eavesdrop is to hear too much, more than was meant for you, against certain norms of listening; a possibility that is already suggested by the word ‘overhear’.¹²⁸ It is excessive and expansive. One could never ‘eavesdrop’, therefore, on a sound in ‘itself’. In this sense, as a method of thinking about sound, listening and art, eavesdropping aligns much more closely to Seth Kim-Cohen’s notion of ‘shallow listening’,

¹²⁴ Brandon W. Joseph, *Beyond the Dream Syndicate: Tony Conrad and the Arts after Cage (A ‘Minor’ History)* (New York: Zone Books, 2008), 188.

¹²⁵ Douglas Kahn, *Noise, Water, Meat: A History of Sound in the Arts* (Cambridge, Massachusetts: MIT Press, 1999), 161.

¹²⁶ *Ibid.*, 163.

¹²⁷ Philip Brophy, ‘Epiphanies: John Cage (Not)’, *The Wire* 273 (November 2006). It’s worth noting that Young’s *Muted Situations* are uncannily similar to a slightly earlier series of works by Philip Brophy titled *Evaporated Music*, 2000-ongoing, in which Brophy removes the music from videos of classical ensembles and replaces it with rudimentarily synchronised Foley effects. I see the correspondence between the works as a product of similarly critical impulses towards Cage and his legacy.

¹²⁸ Szendy, *All Ears*, 9-50.

which insists on sound's irreducible contextuality, than Pauline Oliveros's 'deep listening', more concerned with expanding the perception of sounds themselves.¹²⁹ As Young explains:

John Cage's project has failed Asia. The institutions of music continue to neglect and negate Asian composers. Composers outside the West are invisible in their own concert halls... We must begin by confronting the very language with which we describe the auditory and the act of composition. What does it mean to 'orchestrate' and to 'compose'? Could one orchestrate and compose without reproducing the power structures that are implicit in these terminologies? What is the new silence, the new decay, the new reverb, the new resonance?¹³⁰

Young identifies what Ronald Michael Radano and Tejumola Olaniyan have also diagnosed: how 'audible, imperial legacies become absorbed aesthetically in the taste preferences of the listening public and in the new practices of orchestration'.¹³¹ The dismantling of musical hierarchies in Cagean terms may have 'emancipated' music, but it hasn't dismantled the oppressive power structures that negate composers, outside the West. That task requires more fundamental reframing of the auditory terminologies at hand. Listening to *Muted Chorus* compels us to ask what Young hears that Cage doesn't, or can't, and in so doing we begin to hear more; not just the performers' bodies and their stifled instruments, but also the politics of the act of muting—by a Hong Kong composer of old European 'masters'.

Nonetheless, why remove the pitches, melodies, and timbre as opposed to any other element? Young has written 'we could all agree on the universality of the magnitude a loud percussive noise. Or the urgency of an accelerando rhythmic pattern. A motif of few pitches, however, is already culturally-specific.'¹³² The musical notes, or 'tonal system', are the very lifeblood of Bach's cultural specificity and power. Suppressing these recognisable sounds denudes the oratorio of its culturally imperial force. The politics of muting are, therefore, a politics of cultural resistance—dialectical, analytic—of 'listening-back', a demand to listen beyond acculturated sonic filers.¹³³ That the two canonical works performed by the Hong Kong choir are not only by early 'masters' of the European classical tradition, but also from Christian liturgical music, is significant too. However mangled the composition might be, however subdued and transformed in its muting, it is not totally gone. Even whispered, the counterpoint is recognisably Baroque. Lotti's *Crucifixus* becomes newly malevolent, as it snakes around the choir, but the religious connotation is hard to miss. Visually too, the performers' clothes, posture, and 'neutral' staging, reminds us we are watching a choral

¹²⁹ Seth Kim-Cohen, 'No Depth: A Call for Shallow Listening', in Kim-Cohen, *Against Ambience*, 135.

¹³⁰ Samson Young, et al., 'Artists and Identity', *Artforum International* (Summer 2016), www.artforum.com/print/201606/artists-and-identity-60388, accessed May 13, 2019.

¹³¹ Ronald Michael Radano and Tejumola Olaniyan, *Audible Empire: Music, Global Politics, Critique* (Durham: Duke University Press, 2016), 5.

¹³² Samson Young, 'When I Close My Eyes Everything Is so Damn Pretty (Can't Do the Thing You Want)', 2018, *Samson Young*, www.thismusicisfalse.com/text, accessed May 13, 2019.

¹³³ Dominic Pettman, *Sonic Intimacy: Voice, Species, Technics (or, How to Listen to the World)* (Palo Alto: Stanford University Press, 2017).

performance, excised from its religious setting. So, it is Lotti and Bach being muted, along with the traditions of composition and performance they made emblematic. The work can be read as a kind of revenge on ‘the canon’, here reduced to a whisper by a composer from Hong Kong. What was ‘unheard or marginalised’, and what *Muted Chorus* works to ‘uncover’, would then be the sense in which this tradition—along with the religious, cultural, and legal forms that accompany it—has always had an imperial or expansionist tendency, and so is bound up with these ongoing forms of repression.



Samson Young, *Muted Chorus*, 2016, Installation view, *Eavesdropping*, Ian Potter Museum of Art, University of Melbourne, Melbourne. Photograph: Christian Capurro.

Whispering, the sound of the unvoiced, exemplifies the *Muted Situations* series perhaps more than any other ‘sonic figure’. Whispering is a form of silence that asserts its presence. It also connects strongly with eavesdropping. The whisper responds to an imperative to voice what cannot yet be said ‘out loud’, and in so doing imagines and produces an audience outside or beneath the ‘social’, away from prying ears. It asks, ‘what is it that must not be spoken, but needs to be?’ What should not be overheard? Where is the threshold of audibility, and sociability in a given context? Whispering carries the air of danger and secrecy, as well as intimacy and proximity. Brandon LaBelle writes that we whisper in order to ‘drop below the line of sociability, to speak what must be spoken, yet what also should not be overheard’.¹³⁴ For LaBelle, whispering can be thought of as an act of resistance, but the whisper is also an

¹³⁴ Brandon LaBelle, *Lexicon of the Mouth: Poetics and Politics of Voice and the Oral Imaginary* (London: Bloomsbury, London, 2014), 148.

effect of power—of disempowerment. The *Muted* works invite the viewer-listener to consider what it means to be reduced to a whisper, to be made to whisper, for a whisper to be all that is available to you. Although the stakes are dramatically different, this is where Young's conception of whispering intersects with Lawrence Abu Hamdan's *Saydnaya* (*The Missing 19dB*), where the requirement that prisoners keep quiet is backed up by the threat of death. In *Saydnaya*, whispering is an act of resistance and solidarity, a literal lifeline, but also an incredible risk. The violence at stake in *Muted Chorus* is 'slower' and more insidious, operating on a cultural rather than individual, bodily level.

Muted Situation #21: We Are the World is the only other work in the series where what is being muted is primarily the human voice; where it's the voice specifically that's targeted, transformed, and undermined. In this piece, a workers' club choir assembled from members of the Hong Kong Federation of Trade Unions whispers the 1985 American charity single 'We Are the World'. The result, as in the case of *Muted Chorus*, is a collective whisper, beautiful in its strangeness, but also menacing or sinister, especially reproduced at volume in the gallery. The two works together suggest an aesthetics of whispering, and even without knowing anything about the specific contexts, a more general politics of whispering at stake. With notes, melody, and tone removed, the rendition of 'We Are The World'—like the Bach or Lotti chorus—dissolves into air and breath, a hissing mass of turbulence buffeted it into a barely recognisable shape. We are no longer with Bach, Tchaikovsky, or Cage, but rather with Michael Jackson, Lionel Richie, Paul Simon, Bob Dylan, Kenny Rogers, Tina Turner, Billy Joel—American pop stars whose voices are instantly recognisable, globally conspicuous, and pervasive. Young has substituted these celebrity voices for the anonymous unvoiced whispers of a pro-Beijing, pro-labour, Communist choir. What is muted, then, in this rendering of 'We Are the World' is the implicit message of the song: that American culture can transform the world through its universal appeal; that America *is* the world. What is amplified in the whispering is the liminality, disorienting strangeness, vague malevolence, air-filled hollowness, and, above all, fundamental ambiguity of this claim. We cannot trust a whisperer; in Steven Connor's words, 'the whisper signifies not just the keeping but also ... the incontinent spilling of secrets.'¹³⁵ We hear the ambiguity of exhalations, and expulsions of air rushing from mouths, and the movement of bodies, which coalesce into a cloud-like, hovering, undifferentiated sonic object. Whispering, John Mowitt has written, applies not only to people but also to wind or leaves.¹³⁶ It is a sound owned by bodies and the spaces and objects around them. Like muting, whispering articulates a threshold; it helps us understand where and how the audible and inaudible, heard and unheard, intersect. In listening to whispers, to muted voices, we must be prepared to hear what is not entirely there, to reorder the sonic, and to sometimes reorient our attention, away from 'sound itself' and onto the production and reproduction of our own listening. As Salomé Voegelin has put it, 'Being a critical listener is listening to silence and being able to bear to hear yourself.'¹³⁷ That Young

¹³⁵ Steven Connor, *Beyond Words: Sobs, Hums, Stutters and Other Vocalizations* (London: Reaktion Books, 2014), 49.

¹³⁶ John Mowitt, *Sounds: The Ambient Humanities* (Berkeley: University of California Press, 2015).

¹³⁷ Salomé Voegelin, *Listening to Noise and Silence: Towards a Philosophy of Sound Art* (London: Bloomsbury, 2013), 99.

is this kind of critical listener is clear. He hears himself in both what is muted and consequently amplified, and invites us to listen similarly.

III. Counter Forensics

The politics of silence, muting, and whispering are central to the works of Lawrence Abu Hamdan, the British-Lebanese-Jordanian artist, researcher, and self-described ‘audio-investigator’.¹³⁸ However, where Young’s ear sonically unpacks the culturally imperial power relations of classical music and its canon, Abu Hamdan’s listening centres on politico-legal questions concerned with state violence and suppression, and modes of resistance. Abu Hamdan analyses how the forensic listening practices of the state are instrumentalised as forms of power and control, and the ways in which this aural power moves across thresholds of audibility and inaudibility.

Of all the artists whose work features in *Eavesdropping*, Lawrence Abu Hamdan comes closest to occupying the traditional position of the eavesdropper himself. The artist self-describes as a ‘private ear’,¹³⁹ thus assigning himself an investigatory and activist function. Since 2010, Abu Hamdan has been associated with the London-based research group Forensic Architecture, and many of his works have derived and departed from larger investigations undertaken by the group. Forensic Architecture describes itself as an agency—comprising architects, artists, filmmakers, and theorists—who investigate ‘the actions of states and corporations’ on behalf of a range of ‘civil society organisations, NGOs, activist groups, and prosecutors, who have presented them in various legal and political forums’. Director of Forensic Architecture Eyal Weizman associates the agency with a ‘forensic turn—an emergent sensibility attuned to material investigation’ used to critique the ‘techniques by which states police individuals’ and the way in which ‘state agents are shown to detect and uncover, sometimes preempt, the actions of rogue individuals that threaten the social order, thus reasserting the power of the “benevolent state.”’¹⁴⁰ Forensic Architecture’s work stands in resistance to this repressive disciplinary function; ‘committed to the possibilities of reversing the forensic gaze, to ways of turning forensics into a counter-hegemonic practice able to invert the relation between individuals and states, to challenge and resist state and corporate violence and the tyranny of their truth.’¹⁴¹

¹³⁸ In fact, Abu Hamdan’s background is quite complex and he is often described as coming from any and all of the UK, Jordan, and Lebanon in different forums. He was born in Amman, grew up in York, and has lived much of his adult life in Beirut and London, and more recently in Berlin. In an interview with Robert Leckie for *Afterall*, Abu Hamdan states that ‘nationally often contradicts the fundamental premise of the work’, but that also, ‘it’s impossible to be without a place of birth in the art world’. He goes on to say that ‘what is important is emphasising the fact that citizenship is a bureaucratic truth and not a cultural or social one’. Quoted from Robert Leckie, ‘Equivocally Yours: A Conversation with Lawrence Abu Hamdan’, *Afterall: A Journal of Art 39* Context and Enquiry (Summer 2015): 74-87.

¹³⁹ ‘Biography’, *Lawrence Abu Hamdan*, <http://lawrenceabuhamdan.com/info>, accessed November 20, 2019.

¹⁴⁰ Anselm Franke, Eyal Weizman, and Haus Der Kulturen Der Welt, *Forensis: The Architecture of Public Truth* (Berlin: Sternberg Press, 2014), 10-11.

¹⁴¹ Ibid.

Investigative methodologies attuned specifically to sound and listening have been Abu Hamdan's key contribution within Forensic Architecture. Abu Hamdan's work utilises 'forensic listening'—technical practices associated with the apprehension of sound in legal forums, and the technoscience of acoustic evidence—to produce acoustic accounts that could not be arrived at through any other method. These methodologies have great 'emancipatory and radical potential' to hold power to account, while also having 'negative use as state surveillance apparatus, which seeks to assert new forms of power that mute and control the speaking subject.'¹⁴² Like eavesdropping, the politics of forensic listening are contextual, sometimes ambiguous, reversible.

Abu Hamdan uses the rubric *Aural Contract* to group together multiple investigative works made in association Forensic Architecture. Aurality, the condition of being audible or heard, is distinguished from orality, meaning verbal expression. The artist's 'shift in focus from the oral to the aural' is tactical, drawing attention to what he sees as the contemporary technological transformation 'from a contract between speaking subjects towards a new set of propositions for legal agreements for the conditions by which we listen.'¹⁴³ He illustrates this point using the example of a foundational legal principle: the right to silence, which affords an individual the right to refuse to answer questions from law enforcement officers or court officials. Abu Hamdan notes that, today, being informed of this right 'marks the moment from which anything you say will be heard not just by your present interlocutors but by anyone the court deems useful in listening.'¹⁴⁴ The individual's right to silence is offset by the state's unlimited 'right to listen'. As interdisciplinary legal scholar Marianne Constable observes, the right to silence should be 'thought of inversely, not as a performative utterance that allows the arrestee to remain silent, but an order that endows the law with the right to listen, a kind of listening warrant.'¹⁴⁵

Three works associated with the *Aural Contract* project appear in the *Eavesdropping* exhibition: *Saydnaya (The Missing 19dB)* (2017), *Rubber Coated Steel* (2016), and *Conflicted Phonemes* (2012). At both the Ian Potter Museum of Art and City Gallery, the audio essay *Saydnaya (The Missing 19dB)* and video work *Rubber Coated Steel* share a dark separate room, where they run sequentially on a loop. *Conflicted Phonemes*, which comprises a large vinyl wall print and additional printed matter, is installed in an adjacent open gallery.

¹⁴² Lawrence Abu Hamdan, 'Aural Contract: Investigations at the Threshold of Audibility', Ph.D. diss., Goldsmiths, University of London, 2017, 40.

¹⁴³ Ibid., 20.

¹⁴⁴ Ibid., 71.

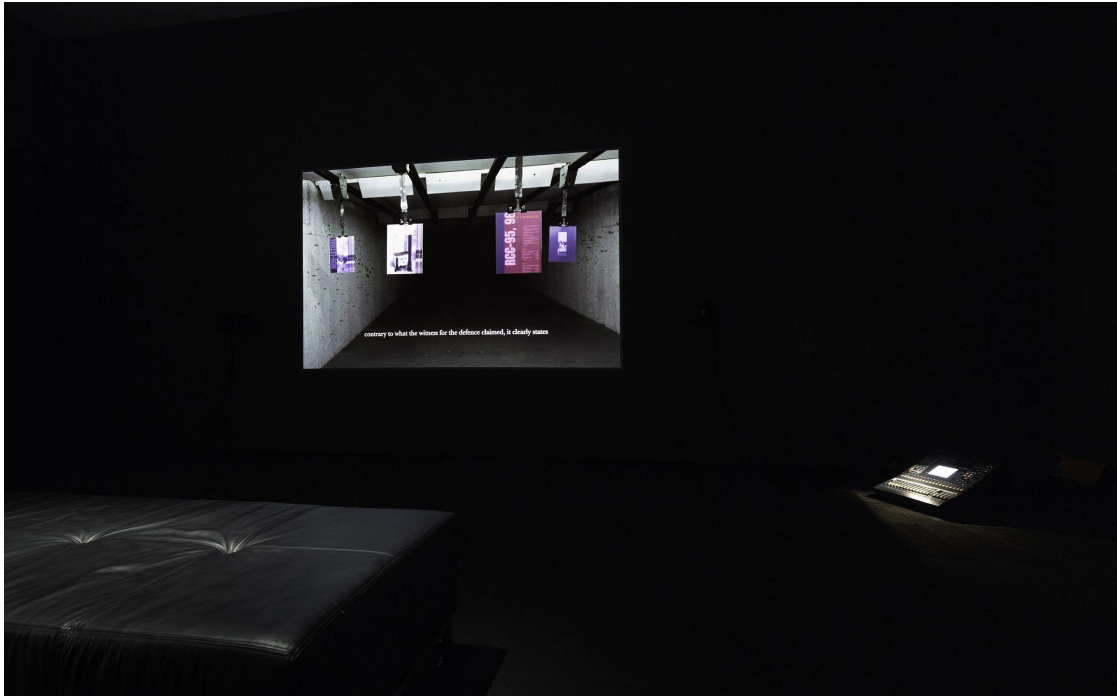
¹⁴⁵ Ibid., 72.



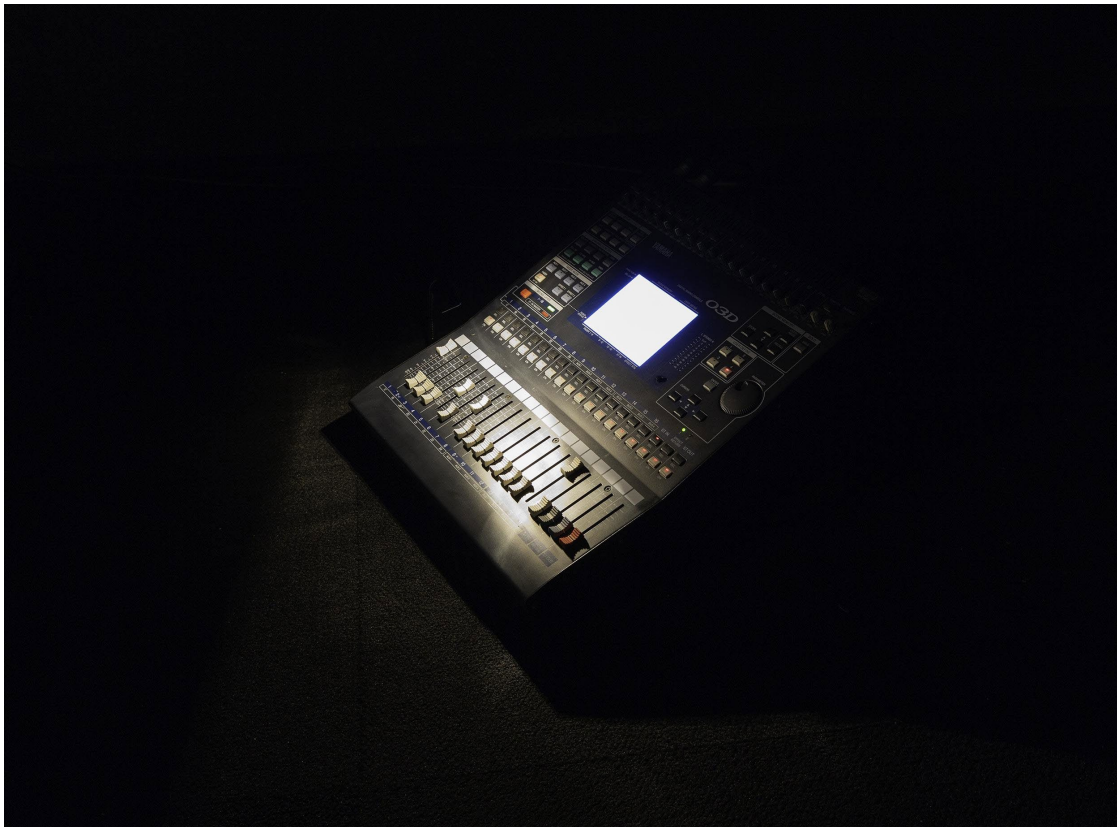
Lawrence Abu Hamdan, *Conflicted Phonemes*, 2012, *Eavesdropping*, Ian Potter Museum of Art, University of Melbourne, Melbourne. Photograph: Christian Capurro.



Lawrence Abu Hamdan, *Conflicted Phonemes*, 2012, *Eavesdropping*, Ian Potter Museum of Art, University of Melbourne, Melbourne. Photograph: Christian Capurro.



Lawrence Abu Hamdan, *Rubber Coated Steel*, 2016, *Eavesdropping*, Ian Potter Museum of Art, University of Melbourne, Melbourne. Photograph: Christian Capurro.



Lawrence Abu Hamdan, *Saydnaya (The Missing 19dB)*, 2017, *Eavesdropping*, Ian Potter Museum of Art, University of Melbourne, Melbourne. Photograph: Christian Capurro.

IV. In Saydnaya, Silence Is the Master

Saydnaya (The Missing 19dB) comes directly out of a wide-ranging collaborative project commissioned by Amnesty International for Forensic Architecture to investigate Saydnaya Military Prison, a ‘black site’ facility thirty kilometres north of Damascus, Syria, where an estimated 15,000 people have been executed since 2011. Saydnaya has been completely inaccessible to independent observers and human rights monitors since the beginning of the Syrian Civil War. So, it is only through interviewing and producing testimony with the few survivors, and their captors, that any possible information from which to learn and document what has taken place there, could be produced.

Prisoners at Saydnaya were kept in tiny cells, blindfolded, often in total darkness. A strict regime of silence was imposed by guards, enforced by the threat of death for those who made so much as made a sound. The extensive report produced by Amnesty lists a series of ‘prison rules’ related by survivors, the first being ‘absolute silence must be maintained’. An interviewee, Jamal A, recalls: ‘All speaking was forbidden—even a whisper was forbidden—so we were whispering even quieter than a whisper. The guards would take off their shoes and try to surprise us, to catch us whispering or talking. They even said that if we breathed too loudly, we would be punished.’¹⁴⁶ It was these conditions that unwittingly served to intensify the prisoners’ acuity to the details of their soundscape. ‘In this silence, detainees develop an acute sensitivity to sound’, Abu Hamdan explains in the voice-over narration of the work. ‘The constant fear of an impending attack makes every footstep sound like a car crash.’ Consequently, the most vivid memories of the survivors are sonic, and it is this auditory attention to detail—both its violence and forensic potential—on which Abu Hamdan’s work focuses.

Abu Hamdan’s role in the Amnesty and Forensic Architecture project is credited as acoustic investigator. In *Saydnaya (The Missing 19dB)* he reprises the material drawn from Amnesty research in the form of an audio essay and installation. The audio combines excerpts of the interviews with survivors, recorded in Arabic with the voice of English translations overdubbing, alongside narration from the artist, sound effects, and design which serve to explicate Abu Hamdan’s methodology. The work is staged in a dark room, empty but for the speakers and an audio mixing console illuminated by a small lamp. As the audio piece unfolds, the fader controls on each channel of the mixer automatically move up and down, in synchronisation to different layers within the audio. This provides a visual reference, or counterpoint, to the questions of volume, sound, and silence addressed in the work.

The work begins with the shock of a sudden high pitched tone as the fader on the mixing desk shoots up. Abu Hamdan narrates: ‘A Boeing 737 aircraft at one nautical mile before landing.’ A second tone of the same pitch, but marginally quieter, sounds. ‘149 glass bottles crash into the back of a garbage disposal truck.’ The fader inches its way down. ‘A freight train passes

¹⁴⁶ ‘Syria: “It Breaks the Human”’.

through Utrecht train station.’ ‘Frogs croaking throughout the Amazon rainforest in 2010; the few surviving species of frogs croaking throughout the Amazon rainforest in 2017.’ The tone accompanying each statement is quieter and quieter. Finally, against a barely audible background tone, ‘Saydnaya, the Syrian regime prison thirty kilometres north of Damascus.’ In these opening moments, Abu Hamdan both produces a frame for comparing relative volume, and begins to articulate the logic for reading decreasing levels of sound not as an absence, but rather as a testament to the increasing presence of violence. As this opening section ends, other voices appear. In the left speaker, a quiet male voice speaking Arabic. In the right speaker, a female voice, slightly louder, translates into English:

In Saydnaya, silence is the master. There is a lot of silence. You can't raise your voice, you can only whisper, and silence is what allows you to hear everything. All you hear in the silence is the guard creeping slowly. Some of the guards would take off their shoes so their footsteps wouldn't make a sound. So, we would be in our cells whispering, we wouldn't know he was listening to us and all of a sudden you would hear [a loud percussive sound] and the beating starts, the beating slices through the silence entirely.¹⁴⁷

And then another voice, also translated, elaborates:

Once the guards heard the voice of a guy whispering, so the guard came to the cell and said, 'Who made the sound? Come forward or I'll kill you all.' One guy confessed, so the guard said, 'I'm going to take you to Azrael' [the Angel of Death]. This wasn't our cell, it was the one across from ours, so we didn't know what happened, we just assumed he was exaggerating. The guard took him and all we could hear were hits landing from a distance, without any sound being made from the man being beaten. The hits were so brutal, eventually it stopped and the guard returned and we heard him say, 'I emptied out a spot for you so you can get more comfortable in there. Your friend went to Azrael. Whoever wants to join him, I'll send you over there too.' He was beaten to death.

In collecting and presenting these testimonies as such, Abu Hamdan is not only exposing the listener to the horror that the prisoners experienced, he is also making a carefully constructed legal, or doctrinal, claim, namely that the silence of the prison was not just a byproduct of its violence, but a form of violence in and of itself, amounting to torture. In Saydnaya, silence was weaponised; the prisoners were tormented by the fear of inadvertently producing sounds, whilst at the same time they were exposed to the stark sounds of other bodies being tortured, reverberating throughout the darkness of the prison.

Abu Hamdan has written of Saydaya,

¹⁴⁷ This and the following italicised and indented paragraphs are drawn from transcripts of Lawrence Abu Hamdan's *Saydnaya (The Missing 19dB)*.

we cannot measure its silence with a decibel metre. We can only attempt to reconstruct it through the voices and acoustic memories of its former detainees. The level at which they could whisper and not be heard by the guards—through the doors, walls, water pipes, and ventilation system—is a measure of the silence.”¹⁴⁸

Whispering here becomes the measure for, in Abu Hamdan’s words, ‘mapping the threshold of audibility ... a vital zone to define in the study of the violations taking place at Saydnaya because the border between whisper and speech is concurrently the border between life and death.’¹⁴⁹ The weaponisation and instrumentalisation of sound and silence at Saydnaya becomes ‘a form of torture in and of itself’, an assault on the prisoner’s mind and body. Only the barest whispers were available to them, as expressions of solidarity or agency of any kind. Abu Hamdan set out to determine with as much precision as possible just how quiet these whispers, by necessity, became. To do so, he developed a series of forensic listening exercises in which he asked each survivor to listen to test tones in of various volumes acoustically isolated headphones, in which he progressively raised the volume to a point which matched the level at which whispering between inmates could be conducted. The results of this process showed that the volume of these whispers became four times quieter after in 2011, when anti-government protests began and conditions at Saydnaya worsened significantly. During this period, the audible range at which Saydnaya detainees could safely project their voices was as little as twenty-six centimetres. Abu Hamdan shows us how silence was instrumentalised as a tool of incarceration. The physical distance between the prison walls in the cells, then, was not the only measure of confinement. The imposition of silence was a further constriction. The drop in volume at Saydnaya that Abu Hamdan was able to measure before and after 2011 is approximately nineteen decibels (the missing 19 of the work’s title). This sonic gap stands as a testament, he suggests, to Saydnaya’s transformation from a prison to a death camp. In making us hear this silence and its deadly resonance, Abu Hamdan mobilises a form of eavesdropping with multiple degrees of agency, eavesdropping by proxy—the result of the artist listening to the prisoners listening, to which we are invited to listen in turn.

V. Listening Back to Silence

Putting Young and Abu Hamdan’s works in conversation reminds us that we cannot think silence today without silencing. In their intersection, however irreducible they are to one another, the nightmarishly oppressive silence of a Syrian prison haunts the idealised silence of the concert hall. More than the politics of silencing, however, what both artists elucidate in their artworks are the tactics of insurgent counter-listening that emerge from spaces of imposed silence. In Saydnaya, the silencing of prisoners inadvertently created the conditions which made their listening acuity and subsequent acoustic testimonies possible. It also

¹⁴⁸ Lawrence Abu Hamdan, ‘*Saydnaya (The Missing 19db)*’, in *Eavesdropping: A Reader*, ed. James Parker and Joel Stern (Wellington: City Gallery Wellington; Melbourne: Melbourne Law School; Melbourne: Liquid Architecture, 2019). 49.

¹⁴⁹ Ibid.

generated a speech system operating at the thresholds of audibility. Listening and whispering became forms of sonic agency. For Young likewise, Cagean ‘silence’ was the necessary ground, or framework, from which to ‘hear anew’ the cultural imperialism of the Western canon, and from which a critical strategy like muting—a form of listening back to silence—could be developed and mobilised.

Signals at a Distance: Susan Schuppli's *Listening to Answering Machines* and Fayen d'Evie's *Cosmic Static*

I. Intimate Distances

The phone denotes a geographical distance, but produces a sonic closeness and intimacy that invokes trust.¹⁵⁰

Tele means distance, deriving from the Ancient Greek τῆλε (têle, 'at a distance, far off, far away, far from'). *Phone* comes from the Greek phōnē, meaning voice, or sound. Etymologically, the telephone conjoins distance to voices, and far away to sounds. Yet, the telephone's effects, as a technology, exceed its etymology. The telephone equally connects what it seems to dislocate: bodies, voices, mouths, ears. In doing so it establishes a set of curious positions; dislocated connectedness, intimate distance. The ambiguity of these positions make the telephone a perfect eavesdropper's tool. The distance—acousmatic in nature; invisibility alongside audibility—is what allows an eavesdropper to hide, a covert ear on the line. The intimacy—proximity of ear to mouth, breath, voice—gives what is overheard its charge and value. This near–far complexity, and what it produces, has made the telephone a perennial fascination of artists too; a device through which to apprehend both the medium and the message.

This chapter listens to medium *and* message in two *Eavesdropping* works that model listening at a distance, Susan Schuppli's *Listening to Answering Machines* (2018), and Fayen d'Evie's *Cosmic Static* (201). In the space of distances these works suggest, echoes and reverberations resound. Indeed, echoes and reverberations index distance, they are its sonic marker, what makes it audible. The tele-, or distances, articulated by Schuppli and d'Evie's artworks, are spatial, temporal, historical, ontological. Deciphering them requires listening *with* the artists, as eavesdroppers, as they tap the phone lines for material. What do these listening-agents hear, and how do they listen? Equally, we must listen *to* the telephone itself—its apparatus, infrastructures, components—in other words, to the specificity of the telephone as sonic medium. And, finally, we should listen *out*, from the telephone to its appendages and relatives—answering machines, call centres, radio telescopes—beyond the dialectic of caller and receiver, and into space, and alien territories of 'telelistening'.¹⁵¹

¹⁵⁰ Salome Voegelin, *The Political Possibility of Sound: Fragments of Listening* (London: Bloomsbury Academic, 2019), 23.

¹⁵¹ Szendy, *All Ears*, 9-50.

II. Tele-thresholds

As a technology, like many, the telephone has been mobilised in ways never intended by its inventors. The thresholds between normal and abnormal, polite and intrusive, and helpful and malevolent telephone behaviour are difficult to universalise as with any technology diffuse, pervasive, and global. Normative behaviours of speaking and listening are destabilised by the mediating impact of the telephone, and the conditions of absence and presence, distance and proximity, it produces. For instance, thresholds of private and public speech are reordered by the telephone and its listening cultures, radically shifting according to historical context. Media historian Michelle Martin's research into the communal telephone 'party lines' of rural American towns in the early 1900s illustrate as much.¹⁵² Anyone could dial in and listen to the conversations taking place on the open line, but there was no imperative to announce one's presence:

What was considered rude and 'unethical' in the set of rules specifying approved uses of the telephone became helpful behaviour within the code of unexpected practices. These represented a complete reversal of the standard uses ... Some users eavesdropped and participated in other subscribers' conversations. The operator of the exchange of the small telephone company owned by Dr Beatty recounted that he 'liked to listen in on the conversations ... and would often feel moved to break in and give his views on the topic under discussion. This would have disconcerted town or city folks, but the doctor's subscribers ... knew his ways and took this in their stride' ... Actually, in the code of rural party-line activities, listening to others' conversations was not seen as eavesdropping by subscribers, but rather as participation in community life: 'Every country user did [it] ... it was the way they got the news'. Often, in small communities, a listener entered a conversation with information which the two original callers did not have ... People knew that they were often overheard, but most of them did not mind.¹⁵³

As the curious ethics of covert party-line listening suggest, thresholds between acceptable and unacceptable behaviours on the line are highly contextual, culturally coded, and technologically specific. Only through some overt action, or inaction, on the part of the listener, does the threshold, or its transgression, become legible. At what point, in what conversation, would one transform from community listener to uninvited eavesdropper? What are the politics and ethics of speaking up, or remaining silent on the party line? In a sense, on the party line, the presence of a potentially malevolent eavesdropper is the risk superseded by the greater need for community trust, shared knowledge, and pooled resources. This contextuality is a reminder that attributing specific communication modalities to tools,

¹⁵² Party lines persisted into the 1980's in the United States and Australia before being phased out by changes to electronic telephone network systems.

¹⁵³ Michael Martin. *"Hello, Central?": Gender, Technology, and Culture in the Formation of Telephone Systems* (Montreal: McGill-Queen's University Press, 2014).

as if they were inherent, risks naturalising the political, ethical, and aesthetic relations of the time, treating those tools as if they are ahistorical. Rather, technological practices should be located in their social and cultural contexts, in the conditions from which they emerge. Those whose listening is technologically deterministic tend to be deaf to the contextual forces at work.

The altruistic sociality of the party line finds its contrast the alienated social imagination of Franz Kafka's *My Neighbour*, a 1917 narrative of telephone-induced anxiety and dread:

The miserable thin walls, which betray the honest, active man, cover the dishonest. My telephone is attached on the wall of the room, which separates me from my neighbor. But I do emphasize that merely as an especially ironic fact. Even if it sat on the opposite wall, you would hear everything in the neighboring apartment ... Sometimes I dance around, the receiver to the ear, spurred by unrest, on tiptoe, and yet that cannot prevent that secrets are revealed.¹⁵⁴

Kafka illustrates the paranoid vulnerability of the overheard 'honest man', eavesdropped upon, whispering into the receiver, guarding his secrets. And yet an altogether different kind of caller, a handful of years later, speaks forthrightly down the line, not guarding his secrets, but, rather, revealing and mobilising them. In 1923, Hungarian artist and Bauhaus professor, László Moholy-Nagy, produced three differently sized but otherwise similar porcelain enamel works on steel, *EM 1*, *EM 2*, and *EM 3*, more commonly known as the 'Telephone Pictures'. The works were produced at a distance, without the artist touching or seeing them. Rather Moholy-Nagy gave instructions over the telephone to a factory worker in Weimar, Germany, who manufactured the pieces on the artist's behalf. What did it mean for an artist, in that moment, to create work at a distance, mediated by the telephone? Art historians Elizabeth Otto and Steven Zucker situate Moholy-Nagy's gesture as central in establishing an art 'completely of the mind and the eye, and not at all having to do with the individual artist's hand.'¹⁵⁵ An early example of instructional work, or conceptual art, it is not only the hand that is missing, however, from the production of the work. It is the whole body—apart from the voice which resounded down the phone line. Moholy-Nagy's voice reached the ear of his manufacturer, a signal path pivotal to the construction of the work. The 'Telephone Pictures' were produced through speaking and listening at a distance; tele-speaking and telelistening. While the idea of the artist as 'producer of concepts', rests on Moholy-Nagy's distance from the site and act of material production, we should remember to acknowledge how sound and listening bridged this distance. If the work speaks to new modes of production, reproduction, and reproducibility, what is reproduced in the first instance is the sound heard down the line. Put another way, the voice itself resounded in the enamel factory was not Moholy-Nagy's, but the reproduction of his voice—converted to an electrical signal and then back into

¹⁵⁴ Franz Kafka, 'My Neighbour', in *The Great Wall of China and other Stories*, trans. Malcolm Pasley (London: Penguin Classic, 2007).

¹⁵⁵ Elizabeth Otto and Steven Zucker, 'László Moholy-Nagy, *Telephone Pictures*', *Smarthistory*, April 6, 2017, <https://smarthistory.org/moholy-telephone/>, accessed November 3, 2019.

legibility via the medium of the telephone. Friedrich Kittler captures this relation between an acoustic world and its mediatisation, writing: ‘a telegraph as an artificial mouth, a telephone as an artificial ear, the stage was set for the phonograph.’¹⁵⁶ By attending to the voice’s electrical recomposition at a distance, telelistening attunes us to sound’s reproducibility. Moholy-Nagy’s *Telephone Pictures* methodologically reflected and consolidated the Bauhaus credo introduced by Walter Gropius the same year, ‘Art and Technology: A New Unity.’ This slogan set out to trouble distinctions between artist and engineer, pointing to the already operational synthesis of the two skill-sets. What better metaphor for this than telephony (telecommunication between distant parties), with its collapsing of time and space, its dialectic between separation and attachment; the artist and engineer connected on either end of a long wire.¹⁵⁷ In classically modernist avant-garde utopian terms, Moholy-Nagy reflected:

All of these telephonic switches raise a chorus. It is an affirmation that rises to ever new heights, again and again. It is the party line of the dispatching signature taken up by different voices and by different timbres.¹⁵⁸

What kind of medium, then, is the telephone? Is that even the right question to ask in relation to eavesdropping? Following Krauss’s call for artists to invent media, it may be more experimental and imaginative here to suggest that the medium of the telephone or radio telescope is not the technological device itself, but rather the *tele*—the qualities of the distance it produces. Distance as medium. The social, political, ethical, and aesthetic relations—the peculiar forms of alienation and intimacy—that emerge in the space of this distance are the logic that both Schuppli and d’Evie’s works set out to unpack and explore. The distance is not only spatial and temporal, but epistemological, charting what can and can’t be known by those on either end of a signal. And, as Seth Kim-Cohen noted on encountering the works gathered in *Eavesdropping*, ‘the epistemological distance that separates listener from listened-to is always also an ethical distance.’¹⁵⁹ It is to this epistemological distance in Schuppli and d’Evie’s works that the remainder of this chapter now turns.

¹⁵⁶ Friedrich Kittler, *Gramophone, Film, Typewriter* (California: Stanford University Press, 2006), 28.

¹⁵⁷ Moholy-Nagy’s example led directly to what is most likely an apotheosis of telephone-enabled art, the 1969 exhibition at MCA Chicago, *Art by Telephone*, which featured the work of thirty-seven artists who gave instructions to the curator David H. Katzive over the telephone. The works were then prepared by delegates in the museum, and the phone instructions themselves, having been recorded, were released as a vinyl LP, doubling as the exhibition catalogue. See Seth Cluett’s essay, ‘Ephemeral, Immersive, Invasive: Sound as Curatorial Theme 1966-2013’, in *The Multisensory Museum: Cross-Disciplinary Perspectives On Touch, Sound, Smell, Memory, and Space*, ed. Nina Sobol Levent, Alvaro Pascual-Leone, and Simon Lacey (Lanham: Rowman & Littlefield, 2014).

¹⁵⁸ Moholy-Nagy quoted in Louis Kaplan, ‘The Telephone Paintings: Hanging Up Moholy’, *Leonardo* 26, no. 2 (1993): 165-168.

¹⁵⁹ Seth Kim-Cohen, ‘Eavesdropping’, *ArtReview Asia*, Winter 2019, https://artreview.com/reviews/ara_winter_2019_review_eavesdropping/, accessed November 22, 2019.

III. The Message is the Medium

The ethics of listening at a distance are a central concern for Susan Schuppli, the Canadian artist, writer, researcher, and audio-investigator. Along with Lawrence Abu Hamdan, whose work is presented in proximity to Schuppli at *Eavesdropping*, she is strongly associated with the Research Architecture program at Goldsmiths, University of London, which she directs, and the agency Forensic Architecture, which emerged from it. In her work, Schuppli has returned often to themes of eavesdropping and methodologies of forensic listening, evidencing an interest in the material history and politics of outmoded sonic mediums like the audio-tape and the telephone. For Schuppli, tapes, phones, and other media are ‘material witnesses’, entities that register events in ways legible only through close inspection and analysis. Schuppli defines ‘material witnesses’ as any

entity (object or unit) whose physical properties or technical configuration records evidence of passing events to which it can bear witness. Whether these events register as a by-product of an unintentional encounter or as an expression of direct action, history and by extension politics is registered at these junctures of ontological intensity.¹⁶⁰

For Schuppli, the telephone is an exemplary entity for registering history and politics. She has described the telephone as a ‘social technology of remote contact’ that has ‘reorganised labour relations, emergent concepts of noise in information theory, and the communal dimensions of remote presence.’¹⁶¹

So, to what history, and by extension to what politics, does *Listening to Answering Machines* bear witness? The work comprises an installation which incorporates twenty-five hours of found audio-recordings, distilled from answering machine cassette-tapes gathered by the artist from thrift stores and charity shops in Canada and the United States in the late 1980s and early 1990s. The cassettes were discarded, in the answering machines that housed them, during a period of rapid technological transition when analogue devices were replaced by the arrival of digital voicemail and other voice memo systems. The recordings are accessible at five discrete listening stations in the gallery through headphones attached directly to the wall. The headphones are single cup and must be held to the ear by hand as one would a telephone receiver. Importantly for the artist, the other ear remains open to the gallery soundscape and the room. In each headphone plays approximately five hours of audio-messages edited together by the artist in a composed sequence.

¹⁶⁰ Susan Schuppli, ‘The Telephone’, *Susan Schuppli*, 2019, <https://susanschuppli.com/research/research-telephone/>, accessed November 21, 2019.

¹⁶¹ Ibid.



Susan Schuppli, *Listening to Answering Machines* (detail), 2018, *Eavesdropping*, Ian Potter Museum of Art, University of Melbourne, Melbourne. Photograph: Christian Capurro

Hearing the recordings is at times an uncomfortable experience, one that places you in the position of an unwitting eavesdropper, an uninvited guest covertly lurking on the line. However, the experience is also undeniably pleasurable, voyeuristic perhaps—to use a term associated with looking, but in some ways approximate to eavesdropping. A possible source of *jouissance* in the work is the way that *Listening to Answering Machines* exposes the sonic intimacies of strangers, at a time in which surveillant forms of listening have been scaled-up by devices designed by powerful governments and corporations. The incoming messages on any one person's machine divulge iterative expressions that accrue information over time, building provisional sonic portraits in miniature. The longer one listens, the more details of the lives lived by those captured emerge, message by message. Entire worlds and personal portraits are revealed, relating the day-to-day dynamics of lives and relationships. If someone is experiencing financial problems, their tapes contain messages from banks, shops, and even legal agencies trying to arrange payment or recoup funds. If someone is experiencing relationship problems, their messages, too, reflect this. The recordings are laced with moments of humour, affection, sadness, melancholy. Despite the technological distance, so much of the emotional identification in the work stems from the relatability, and above all, the profound ordinariness of what is heard. As the artist explains:

When one listens to an answering machine that someone once had in their home what one is actually privy to is the entire network of relations that were attached to that person. Although the owner of the answering machine might leave a short outgoing message stating their name and detailing instructions to a prospective caller, as was

common practice at the time, they are rendered into presence by virtue of their absence—the fact they are not at home to answer the phone.¹⁶²

Kittler described this phenomenon of impossible doubling in more numinous terms, writing: ‘Wherever phones are ringing, a ghost resides in the receiver.’¹⁶³



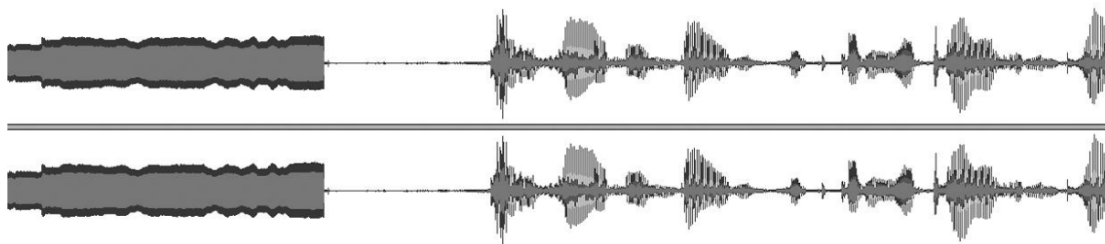
Susan Schuppli, *Listening to Answering Machines* (detail), 2018, *Eavesdropping*, Ian Potter Museum of Art, University of Melbourne, Melbourne. Photograph: Christian Capurro

Part of what makes this work emotionally involving, melancholic, and in a sense nostalgic for those who remember the analogue era is the feeling produced by the work’s attention to the physical act of picking up the telephone receiver to answer a call. The landlines on which these calls were made, answered or not, have almost disappeared from our homes and lives entirely. They have, of course, been replaced by mobile technologies, engendering their own cultures of communication, of speaking and listening. The unique sonic grammar of whirs, beeps, clicks, and other sounds associated with landlines and answering machines formed part of an acoustic environment now largely forgotten. They are historical artifacts of a technology that has now been outmoded. This is evident in the fidelity and audio-quality of the recordings; the hiss of the tape and occasionally muffled analogue textures. Likewise, the forms of anachronistic speaking and listening, marked by vocal pauses, gaps, affectations that speak to another technological era and consciousness. In transcribing the work for the *Eavesdropping Reader*, Schuppli chose to include, along with conversation text, waveform

¹⁶² Susan Schuppli, ‘Listening to Answering Machines’, in *Eavesdropping: A Reader*, 63.

¹⁶³ Kittler, *Gramophone, Film, Typewriter*, 75.

representations of the audio signal, artifactual sounds and all. Neither register as foreground or background. We can't hear one without the other. *Listening to Answering Machines* is as much concerned with the specificities of this now-obsolete medium and the social relations it produced as it is with the details of the lives of the people on whom the work allows us to eavesdrop. In this sense, for Schuppli, to refashion Marshall McLuhan's aphorism, the medium is quite literally the message here. Listening-back with hindsight through Schuppli's archive from the perspective of today's ears, the real specificity of this medium becomes audible and its obsolescence can be processed in the present. In this sense we don't just listen 'to' but also 'about' the recordings. We listen for what is registered or evidenced about the conditions and context under which the recordings were produced, and for what, in turn, they tell us about our own time, our own conditions of listening. It is at the intersection of contextual and content-based listening modalities that the tapes can be so effectively made to speak of another time or place.¹⁶⁴



[long beep] Oh, hi Linda, I was just giving you call. Haven't talked to you in a long time, just wondering how you were doing. Well if you're home, you know, early before my bedtime, give me a call. Bye.

Audio waveform and answering machine transcription from Susan Schuppli, 'Listening to Answering Machines' in *Eavesdropping: A Reader*, ed. James Parker and Joel Stern (Wellington: City Gallery Wellington; Melbourne: Melbourne Law School; Melbourne: Liquid Architecture, 2019), 90.

Like Manus Recording Project Collective's *how are you today*, another *Eavesdropping* work that produces and presents a vast collection of audio-material, Schuppli's work presents us with challenges about the meaning of audio archives, and the positionality of the listener in relation to them.¹⁶⁵ The Manus archive, in distinction to Schuppli's, was recorded explicitly to be heard, even if the listening raises important ethical questions. As Schuppli has recounted, the answering machine recordings she has collected were shared unintentionally, through carelessness rather than design. Having discarded the tapes in their machines, the individuals involved could never have possibly imagined that their audio intimacies—the dead technological remains of domestic lives—could be gathered, and decades later, sorted and made available in a gallery. Regarding the ethics of the epistemological distance the artist's archive produces, Schuppli explains:

¹⁶⁴ Schuppli, *Material Witness*.

¹⁶⁵ A diverting example of another telephonic archive is the exhibition of Charlotte Moorman's answering machines messages as part of *Don't Throw Anything Out* (Block Museum of Art, Evanston, Illinois, 2016), an exhibition named for Moorman's final words, which featured over a decade of archived voice messages, including corresponding written records of callers, dates, and times, with correspondents such as John Lennon. Like Schuppli's archive, this collection of recordings was never intended as an artwork, but in becoming an 'accidental' one, it brings questions of eavesdropping, overhearing, and telisting to the fore.

With respect to my project, the fact that its source materials were already subsumed into an economy of secondhand goods for public offer likely protects me from any legal action concerning the reuse of someone else's property. However, I would contend that moral rights still accrue to the materials, demanding they be treated with respect and dignity in their repurposing.¹⁶⁶

Schuppli's work makes us listeners, to others, themselves engaged act of listening together, to one another. This multiplied listening to listening—across time, space, and subjectivities—brings us back again into Peter Szendy's orbit, but this time to his use of the term 'telelistening'. Telelistening, for Szendy, is listening at a distance (spatially, temporally) but also, reflexively, at a distance from oneself—what might be thought of as structural distance (to follow Adorno who used the term 'structural listening' in similar ways). It is listening that oscillates 'between the superficial details that I was supposed to capture from one moment to the other and the totality of the structure that I would have to survey.'¹⁶⁷ It is listening that interrogates the position or location of the listener in relation to the listened-to. 'Where', he queries, 'within the work does it situate or localize the listener that I am?'¹⁶⁸

IV. Art and Telephones

This is the question that can be asked of any telephonic art, a genre whose canon might include figures like Yoko Ono,¹⁶⁹ Walter de Maria,¹⁷⁰ Janet Cardiff and George Bures

¹⁶⁶ Schuppli, 'Listening to Answering Machines', in *Eavesdropping: A Reader*, 63.

¹⁶⁷ Szendy, *All Ears*, 40.

¹⁶⁸ Ibid.

¹⁶⁹ Ono's *Telephone Piece* (1997/2008) comprises a phone in the gallery with a designated line direct, which the artist calls at her discretion, enabling a one-to-one conversation with whoever answers.

¹⁷⁰ See de Maria's work for *Art by Telephone* for Harald Szeemann's 1969 exhibition *When Attitudes Become Form*, in which the artist displayed a black phone with a text reading: 'If this telephone rings you may answer it. Walter de Maria is on the line and would like to talk to you.' By all accounts, the phone never rang. See 'How Walter de Maria Turned the Earth into an Artwork', *Dazed*, April 22, 2019, <https://www.dazeddigital.com/art-photography/article/43732/1/how-walter-de-maria-turned-the-earth-into-an-art-work-land-art-radical>, accessed November 21, 2019.

Miller,¹⁷¹ Christian Marclay,¹⁷² Hannah Wilke,¹⁷³ Luis García Nuñez,¹⁷⁴ Max Neuhaus,¹⁷⁵ John Cage,¹⁷⁶ and Maryann Amacher,¹⁷⁷ amongst others. Some of these works—Ono, Wilke, Cardiff and Miller—foreground the intimacy made available by telephones, and the uncanny ways in which bringing a listener's ear into proximity with the artist's voice makes us feel close, that we are having an 'authentic' exchange. At the same time, these 'intimate' works consolidate as they materialise the distance between the artist, who could be anywhere, and the listener, holding a receiver to their ear in an institutional space. As Laurent Berlant has argued, in a manner I think Schuppli would echo, the production of intimacy often works to conceal the politics at play: 'intimate lives personalize the effects of the public sphere and reproduce a fantasy that private life is the real in contrast to collective life'.¹⁷⁸ This dialectic between the real and the fantastic also resonates in the more overtly infrastructural or technical works in the history of telephone art—Neuhaus, Cage, Amacher; works which foreground and revel in the ubiquitous reach of networks and accelerated flow of information, while at the same time pointing to their inscrutability and alienating effects. Frances Dyson writes of this alienating effect:

Without the telephone, one is disconnected from the larger, technological society; literally and metaphorically 'cut-off'. Yet the telephone's ambit is not purely communicational—by bringing the outside into the home and day-time into night-time, by transmitting invisible voices from the electronic ether (from the heavens) at great speed, by delivering a 'call', the telephone penetrates and transforms spatio-temporal, conceptual and cultural barriers. It transmits the voice of the 'other', but at a slightly ethereal frequency—the telephonic voice sounds as if it is coming from an

¹⁷¹ Cardiff and Miller have mobilised the telephone in many works as a device for the production of intimacy, including *Dreams—Telephone Series* made between 2008 and 2010, and *Telephone/Time* from 2004, both of which feature Cardiff's voice speaking directly to the listener in the gallery, and engaging in conversations with others, transforming the listener into an eavesdropper.

¹⁷² Marclay's video collage *Telephones* (2005) explores the visual and sonic cinematic grammar of the telephone call. See 'Telephones: Christian Marclay | Mosman Art Gallery', *Mosman Art Gallery*, 2019, <http://mosmanartgallery.org.au/exhibitions/telephones-christian-marclay>, accessed November 21, 2019.

¹⁷³ For instance, see the work *Intercourse with...*, in which the audience 'eavesdrops' on a series of phone messages intended for Wilke, recorded from her answering machine. 'Electronic Arts Intermix: Intercourse With...', Hannah Wilke', *Electronic Arts Intermix*, 2019, <https://www.eai.org/titles/intercourse-with>, accessed November 21, 2019.

¹⁷⁴ Spanish artist Luis García Nuñez, better known as Lugán, made a number of important pieces with telephones, notably *Random Telephones* for the public telephone system in Pamplona during *Encuentros de Pamplona* in 1972.

¹⁷⁵ Neuhaus's work *Public Supply I* mixed live calls from ten telephones in a New York radio studio as part of a realtime broadcast of sounds and noises. See 'Media Art Net | Neuhaus, Max: Public Supply I', 019. *Medienkunstnetz*, 2019, <http://www.medienkunstnetz.de/works/public-supply-i/>, accessed November 21, 2019.

¹⁷⁶ Cage's 1977 work *Telephones and Birds*—for three performers, telephone announcements, and bird recordings—utilises the telephone in a less intimate, more detached register, as an institutional voice, broadcasting rote information from an unnamed and unknown place, in a manner, depressingly familiar to contemporary audiences.

¹⁷⁷ See the discussion of Maryanne Amacher's 'long distance music', especially her telematic installation series *City-Links*, 2017. See Ami Cimini, 'Telematic Tape: Notes on Maryanne Amacher's City-Links (1967–1980)', *Twentieth-Century Music* 14, no. 1 (2017): 93–108. doi:10.1017/S1478572217000081.

¹⁷⁸ Lauren Berlant and Michael Warner, 'Sex in Public', *Critical Inquiry* 24, no. 2 (Winter 1998): 282–283

'elsewhere'; public and placeless and at the same time extremely intimate—a whisper from ear to ear, mind to mind.¹⁷⁹

Australian artists, too, have mined this tension between the public and private, intimate and infrastructural worlds made available by the telephone. For instance, *Call Nonna: Press Memory* (2010) by Melbourne artist Danae Valenza, comprised a telephone with a direct line to the artist's grandmother in her Adelaide living room, where 'nonna' received callers and conversed about her Maltese/Italian heritage issues, food recipes, and the artwork itself—it was the first time Valenza's grandmother had ever spoken at length about art. Philip Brophy's *No Answer* (2006) installed payphones on the end-wall of a laneway, between two to four stories high. The phones would intermittently ring, but due to their height were completely inaccessible. As Brophy puts it, 'you are left listening to the sound of ringing—the sound of no answer.'¹⁸⁰ Characteristically, Brophy's interest is not in the telephone's dialogical possibilities, but in the opposite; calls which go nowhere, with no message left. An example that more explicitly confronts eavesdropping's ethical ambiguities is Mutlu Çerkez's series of text paintings that transcribe messages collected by the artist from people who responded to him on a telephone dating service. The awkwardness and embarrassment we feel when reading the paintings stems from the sense that what has been made public should not have. It is not lessened by the material absence of the sound of those who called. What Çerkez discards in his work, alongside the voices, are precisely the 'moral rights' that Schuppli identifies, and which she is at pains to uphold in her recordings, 'demanding they be treated with respect and dignity in their repurposing.'¹⁸¹



Susan Schuppli, *Listening to Answering Machines* (detail), 2018, *Eavesdropping*, Ian Potter Museum of Art, University of Melbourne, Melbourne. Photograph: Keelan O'Hehir

¹⁷⁹ Frances Dyson, 'Circuits of the Voice: From Cosmology to Telephony', in *Radio Phonics and Other Phonies*, ed. Dan Lander (Toronto: Musicworks, no. 43, 1992), pp.

¹⁸⁰ Philip Brophy, 'No Answer', *Philip Brophy*, 2006, <http://www.philipbrophy.com/projects/noanswer/info.html>, accessed November 20, 2019.

¹⁸¹ Schuppli, 'Listening to Answering Machines', in *Eavesdropping: A Reader*, 75.

Schuppli's methodology of telelistening is also a type of listening-back, another term with multiple possible meanings. Listening-back could be thought of as a type of counter-listening, listening back to power, an expression of sonic resistance, or agency, as Brandon LaBelle may put it.¹⁸² While not overt in *Listening to Answering Machines*, this type of listening is explicit throughout Schuppli's oeuvre, in the body of research and work she calls 'sounding the political' and in her methodology more broadly.¹⁸³ But listening-back can also denote a specifically archival, historiographic mode of listening; to earlier times, prior sonic worlds, audible pasts, a listening-back to the history of sound production and reproduction, and also the sonic production and reproduction of history. Thus, the converse of listening-back would be to listen forward, speculatively, with an ear to the future.

V. Listening Out

For Douglas Kahn the aesthetic dimensions of the telephone arrive with its invention; or earlier, its conceptualisation. A favourite Kahn methodology is to map aesthetic prehistories of modern and experimental art, identifying phenomena that resemble genres of art, if only accidentally, yet which significantly precede them. In *Earth Sound Earth Signal* (2013), Kahn investigates how 'natural radio and ... its early reception in telephone lines required the concept of the Aelectrosonic, an electrical and electromagnetic equivalent of the Aeolian, i.e., the musical and aesthetic production of Nature by the wind (mechanical energy).'¹⁸⁴ The aelectrosonic names the phenomena of how 'naturally-generated rather than human-generated electromagnetic activity was heard as music or otherwise aesthetically-engaged',¹⁸⁵ collapsing the aeolian with the electronic, and the sonic. An exemplary aelectrosonic moment is captured in Henry David Thoreau's journal entry of 1851, which recounts an experience of hearing loud harmonious humming by Walden Pond, close to where telegraph lines had been newly installed. The audible vibrations were the long wires moving in the wind, amplified by the telegraph pole. Thoreau pressed his ear against the pole to listen to the rich and beautiful sounds amplified, producing for him a revelatory listening experience, which he returned to again and again, literally and in his thinking and writing. Thoreau's experience might be framed as proto-telelistening; listening through long wires to sounds that both articulate and collapse distance. Thoreau's was also an act of 'overhearing'; hearing over, above, beyond what is considered normal. Not all telelistening or overhearing is eavesdropping, of course. For it to be named as such would require a threshold, of whatever kind, to be breached in the listening act. What Thoreau's listening does resemble, even if only tangentially, is the forensic listening of interception and wiretapping, where the message and medium, signal and noise, are decoded, disentangled, reconstructed into meaning.

¹⁸² See Labelle, *Sonic Agency*.

¹⁸³ Susan Schuppli, 'Sounding The Political', *Susan Schuppli*, <https://susanschuppli.com/research/sound-of-politics/>, accessed November 21, 2019.

¹⁸⁴ Douglas Kahn, 'On the Aelectrosonic and Transperception', *Journal of Sonic Studies* 8 (2014), <https://www.researchcatalogue.net/view/108900/108901>, accessed November 21, 2019.

¹⁸⁵ Ibid.

As Thoreau was listening ecstatically to vibrations of telegraph wires and poles, early wiretappers were doing the same, but for different reasons and ends. Brian Hochman, in his media histories of wiretapping in the United States, has covered this history in depth: ‘wiretapping and electronic eavesdropping, those resolutely contemporary problems made newly urgent in the age of Edward Snowden’s NSA, are actually as old as electronic communications themselves’, he says. ‘Not only criminals, but U.S. Civil War generals traveled with professional telegraph tappers in the 1860s.’¹⁸⁶ Like Thoreau, wiretappers were not hearing voices, but rather the material and technical sounds of the telegraph, which could be decoded back back into language. They listened semantically, as Michel Chion would put it,¹⁸⁷ in contrast to the ‘reduced’ or aesthetic listening of Thoreau. Both listening modalities extended from the telegraph apparatus and infrastructure, and so it is tempting to think these different listenings together. In their harmony and dissonance, the dots and dashes of coded noise intercepted and deciphered by wiretappers must have formed rudimentary, but hypnotic, rhythms, and pulses. The ‘aelectrosonic’ vibrations of the wire produced drones and tones of striking beauty to Thoreau’s ears. The rhythms and drones together form the constituent parts of a politico-musical composition, derived from the acoustic ecology of the telegraph apparatus, audible only through acts of telelistening and overhearing, by eavesdroppers and otherwise. Telegraph noises, the encoded information, the signal and static, are concomitant parts of this ecology. The desire to listen *in*, *on*, and *to* the wire, for its aesthetic qualities, or to intercept its secrets, is the telesonic entanglement at the heart of this history. Two decades later, in 1876, this entanglement played out at the primal scene of the telephone, when Alexander Graham Bell and Thomas Watson, his assistant, became the first people to ‘talk by telegraph’, as Kahn puts it.¹⁸⁸ Bell wrote at the time of different kinds of sounds produced by the device itself, both as a result of leakage and interference from other wires in proximity, and from the electrical currents of the atmosphere. Watson, the recipient of the first telephone call, in addition to hearing Bell’s voice, listened intently to other sounds on the line which he described in his autobiography decades later as delicate, strange, sometimes like the chirping of birds. He speculated on where they might be coming from and what they might mean.¹⁸⁹ In Bell’s listening, the multitude of sounds of the telephone, its foreground and background noises, human and non-human, are registered.

VI. Alien Aelectrosonics

Fayen d’Evie’s *Cosmic Static* pays homage to the history of ‘listening-out’ and ‘tuning in’ to both signal and noise. The work hones in on sounds possibly meant for our ears, alongside those ambivalent to any form of reception or listening. In *Cosmic Static*, the tele- of listening is processed in light years rather than wire lengths, via radio telescopes rather than telephones. Eavesdropping here is on an astral, rather than earthly, scale, dealing with signals

¹⁸⁶ Brian Hochman, ‘The Uninvited Ear Wiretapping, an All-American History’, lecture, Melbourne Law School, University of Melbourne, 2018.

¹⁸⁷ Michel Chion, *Audio-Vision: Sound on Screen* (New York: Columbia University Press, 1994), 28.

¹⁸⁸ Douglas Kahn, *Earth Sound Earth Signal Energies and Earth Magnitude in the Arts* (California: University of California Press, 2013), 26.

¹⁸⁹ *Ibid.*

and sounds that speak to our uncertain place with the broader cosmos. D’Evie has described the work as an ‘experiment with the dynamics of dissipated and concentrated listening.’¹⁹⁰ However dissipated, fragmented, or scattered sounds may be, what brings them into some sort of order is the coherence of the listening subject. Human agency and listening are still indelible, and important, in this work, even where sounds may have non- or beyond-human sources. *Cosmic Static* is a reflection on the human impulse and desire to listen beyond our world, upwards to the heavens, or out into space. This aspiration is the sonic articulation of an enduring obsession to understand the relationship between nature and culture. Notions of the ‘harmony of the spheres’ go back to Pythagoras and also concern questions of natural law—the fusion of cosmos and nomos. The natural order of the universe, of course, has been metaphorised as a model for the organisation of men. In *Cosmic Static*, the relations between human and non-human actors is articulated through telelistening; how may it be possible to recognise the sound of non-human agency through the vast noise of cosmic static?



SETI's Allen Telescope Array, Hat Creek CA. Photo: Seth Shostak

Cosmic Static pivots around the work of amateur radio operator Grote Reber, a maverick figure in astronomy who, in 1938, detected static electrical signals from space using a home-built parabolic antenna in his Chicago backyard. Reber moved to rural Tasmania in 1954, in search of lower ionospheric density—or electrically quieter—skies. There he constructed what have been called ‘antenna farms’ made by stringing long wires across sheep-grazing lands. D’Evie collected sounds on location in Tasmania, on these sites and at the Grote Reber Museum at the University of Tasmania, Hobart’s Mount Pleasant Radio Observatory. They

¹⁹⁰ Fayen d’Evie, ‘Cosmic Static’, in *Eavesdropping: A Reader*, 131

also collected a second body of recordings dealing with history of extraterrestrial listening, including field recordings made on residency at the Search for Extra Terrestrial Intelligence (SETI) Allen Telescope Array in Hat Creek, California, where a dedicated staff maintains forty-two parabolic dishes, scanning the sky for anomalous stellar and interstellar signals. Finally, a third set of recordings in *Cosmic Static* hones in on the work of astrophysicist Laurance Doyle, and his studies of language complexity and signal transmissions in non-human species—from plant–insect communications to monkey whistling and baby-dolphin babbling. In her work, d’Eve speculates, via Doyle, on how these studies ‘might be mobilised to develop methods of discerning intelligent extraterrestrial signals amidst galactic noise.

The experience of telelistening—searching for sounds near and far—is replicated in the gallery. *Cosmic Static* takes the material form of a multi-speaker sound installation, with an array of conventional and hyper-directional speakers attached to four gallery walls above head height. The room within these walls is darkened, but rich with signals, vibrations, and reflections. The hyper-directional speakers transmit a focussed beam of sound at specific angles and locations, and which is audible only when one stumbles into its path. As such, the listener is solicited to move through the gallery positioning themselves variously in the line, or zone, of one signal or another. Amidst the audio beams is a sculptural object, a repurposed copper radio telescope feed—pyramidal in shape and comprising hundreds of shard-like triangular parts—formerly used to search for anomalous stellar and interstellar signals at the SETI Allen Telescope Array (ATA). Oscillating around this object, the only visual reference in the room, the listener feels almost like a parabolic microphone themselves, scanning the sonic chatter, drawn and led by listening, not to an ideal position or vantage point, but rather, satellite-like, orbiting a field of noise, constantly in flux. We become aware of our bodies as sites of reception, and reflection, as sound is absorbed and bounces off us. As d’Eve puts it, ‘encountering discrete phrases at some moments and wandering into polyphonic disturbance at others, each body listens in on a different poetics, and collectively activates the kinaesthetics of close listening in community.’¹⁹¹ For d’Eve, these forms of extrasensory close listening in community speak to the possibility of a kind of ‘choreopolitical resistance and transformation’,¹⁹² gestures that disrupt normative assumptions about bodies and perception. The work’s experimental modalities set out to trouble traditional physical demarcations between the senses. D’Eve notes that the *Cosmic Static* installation for *Eavesdropping* was problematised by the inaccessibility of its multiple sonic narratives for deaf audiences. In *Eavesdropping: A Reader*, the publication accompanying the exhibition in Wellington, she redressed this problem through transcription, of not only the narratives, but the abstract sounds too. These transcriptions spread across the page in multiple columns, creating a textual flow, with the reader, like the listener in the gallery, scanning across and between the narrative thresholds of the separate stories. Listening becomes sensory writing, and embodied reading.

¹⁹¹ Fayen d’Eve, ‘*Cosmic Static*’, in *Eavesdropping: A Reader*, 131.

¹⁹² Ibid.

[illegible]

In a 1977 paper, 'Endless, Boundless, Stable Universe', Grote Reber concluded, 'Time is merely a sequence of events; there is no beginning, nor ending. The material universe extends beyond the greatest distances we can observe ...'

In 1928, twenty-two year old Karl Jansky joined Bell Telephone Labs, and, due to his weakened kidneys, requested work that would not exert undue stress upon him. Jansky was tasked with recording the arrival and intensity of radio static that might interfere with transatlantic telephone transmissions.

In Holmdel, New Jersey, Jansky built a directional rotating antenna made of three-quarter-inch brass pipe, mounted on a wooden framework supported by Ford Model-T tyres, and connected to a small motor, so that the array made a complete revolution every twenty minutes. His workmates called it Jansky's merry-go-round. In the middle of August 1931, Jansky began recording.

'From the data obtained, it is found that three distinct groups of static are recorded. The first group is composed of the static received from local thunderstorms in storm centres. The second group is composed of very steady weak static ... from thunderstorms some distance away. The third group is composed of a very steady hiss-type static, the origin of which is not yet known.'

For over a year, Jansky analysed and repeated his recordings, accumulating data.

We are dealing with the electromagnetic waves from the cosmos, or literally cosmic rays. Robert Millikan appropriated this terminology in about 1925 for a phenomenon which is neither cosmic in the sense of originating beyond the solar system, nor a ray at all. So, I decided to call these radio waves from Mother Nature Cosmic Static. This honours the original purpose of Jansky and tracking local thunderstorms. Peculiarly enough there may be some truth in the name of cosmic static. The origin... of these natural radio waves probably is due to randomly moving electrons interacting with magnetic fields in space.¹

At this point, this massive supernova explosion is where most of the heavier elements are made ... In fact, the carbon that's in your right arm probably came from a different supernova than the carbon in your left arm. Most of the things you see around here were made in supernova explosions, except for gold and platinum ...

"If the star is massive, bigger than eight solar masses, it's big enough to go supernova and the remains collapse down. What we have is an object so dense, it has an escape velocity greater than the speed of light, collapsed into a black hole.

"If we get this Goldilocks-sized star somewhere between five and eight solar masses, it's big enough to go supernova, but not big enough to

Information theory is a type of mathematics that was developed at Bell Labs to calculate how big telephone lines need to be to transmit a certain amount of information across them. They also developed analysis of static on the phone line.'

'There's kind of a subdivision of information theory called Zipf's law. He was a linguist around 1950 or so. He had his students log the frequency of the occurrence of different letters and words on an logarithmic scale. And ... if you plot on a logarithmic scale the frequency of occurrence of the letters in the book *Ulysses*, you get Es occurring most of the time, then As, then Ts, and then the Qs, which occur the least number of times ... and then, if you plot them in that order, you get a forty-five-degree line that goes through all the points: the minus-one slope. Then he does Russian phonemes and they give a minus-one slope. And he did a Chinese book minus one. He did a whole bunch of languages and they all come out with this minus-one slope.'

'Somebody else later did baby babbling, not quite horizontal, but more flat than the minus-one Zipf slope ... So it basically shows they do not actually have a language, which the minus-one slope indicates. By the time they're about twenty-two months old or so their communication system has the right frequency of occurrence distribution of the signals to give the Zipf slope minus one.'

Brenda [Dr Brenda McCowan] had done some research with bottlenose dolphins at Marine World and she gave me her paper. The

Excerpt of Cosmic Static transcript divided into four columns from Fayen d'Evie, 'Cosmic Static', in *Eavesdropping: A Reader*, ed. James Parker and Joel Stern (Wellington: City Gallery Wellington; Melbourne: Melbourne Law School; Melbourne: Liquid Architecture, 2019), 138-139.

D'Evie identifies as 'blindish' or 'quasi-blind'—terms adopted from artist Jennifer Justice and xenolinguist Sherri Wells Jensen that articulate blindness as a critical position within optical normativity.¹⁹³ *Cosmic Static* is a quasi-blind work, stumbling through listening, in search of sound, and its stories. But the work is obviously not just about human agency. In asking us to pay attention to sounds beyond or outside human worlds, *Cosmic Static* suggests we do something we fundamentally have not, and possibly cannot—that is to decentre our human selves as listening subjects, to allow others forms of agency to sound and to be heard, and, in doing so, to make space for potentially more generous and productively destabilising conceptions of the world. D'Evie's collaborator, poet Jen Bervin, quotes Reber's diaries, telling the story of how Tasmanian children appropriated his telescope, using it for climbing bars, forming what d'Evie might call a kinaesthetic community. Not only children appropriated the telescope for their use. The intercepted signals were sometimes disrupted by wandering animals interfering with the tuner-boxes located beneath the antennas. It's clear that aliens and extraterrestrials were not the only non-human agents implicated in this listening; they were not the only eavesdroppers. Following Reber's death, per his instruction, his body was cremated and boxes of his ashes were distributed to radio observatories around the world, where they were affixed to the rims of the parabolic dishes that still listen out for extraterrestrial signals to and through the cosmic static. For d'Evie, cosmic listening is an artistic, as well as social, scientific, and political mode. It is a form of inquiry at the limits of communication, imagination, and attention, into a world of voices beyond the normally comprehensible. 'Extraterrestrial listening' is telelistening, eavesdropping on other worlds.

Tele- describes distance—not necessarily distance as that which is far away, but rather distance as the unit of measure between two points. If, as I have proposed, distance is the medium of telelistening, then any encounter with it will necessarily produce an awareness of relative scale, of one's scalar relationship to a sound, a structure, an environment, or universe. Where Schuppli's work listens-in and -back, d'Evie's listens-forward and -out. The domestic, private phone messages Schuppli collects and shares speak to a small, proximate, immediate world built around local relations and familiarity, sites into which she listens. However, this small world is also an increasingly distant one, speaking to a past that already feels sepia-tinged and somewhat nostalgic. D'Evie's *Cosmic Static* addresses a world bigger than we can possibly comprehend, a cosmic span addressing signals that flow to and from outer space, exceeding human knowledge and comprehension in the process. *Cosmic Static* is not about telephones per se, but rather powerful radio telescopes scanning the sky in search of a signal. It is about listening across distance.

What bridges the two works is the demand that they each make for special forms of telelistening. By this I mean a form of listening that is attuned to the ethical, political, and aesthetic questions that arise in the spaces between listeners and far off, far away, or far out sounds. Both works process and reflect on the conceptual and material effects of telelistening, while also tapping into the histories of wonder, intrigue, and anxiety produced by listening down the line.

¹⁹³ Ibid.

Earwitness: Manus Recording Project Collective's how are you today

I. Offshore

From 2013 to 2017, nearly 2,000 men who arrived in Australian territory seeking asylum were forcibly transferred to Papua New Guinea's Manus Island, and detained at the Manus Regional Processing Centre. It was unclear how long they would be there. Conditions at the detention centre were difficult. The United Nations High Commissioner for Refugees described them as 'punitive', having 'severely negative impacts on health, and particularly significantly mental health'.¹⁹⁴ By 2016, with the men still there, the UNHCR found rates of depression, anxiety, and post-traumatic stress disorder affecting over 80 per cent of the incarcerated community, the highest recorded in the medical literature to date.¹⁹⁵ The transfer policy, they wrote, 'did not adequately comply with international laws and standards'.¹⁹⁶ By October 2017, Manus Regional Processing Centre was officially closed. The Papua New Guinea Supreme Court had declared it unconstitutional, and the men who held there were directed to relocate to smaller detention centers in Lorengau, also on Manus. Most refused, citing fears for their safety in the community, and anxiety at what 'would happen to them once the centre had closed, and the Australian Government washed their hands of them'.¹⁹⁷ In order to force them out, the authorities eliminated provisions and removed the generators powering the facility, but instead of leaving, the men self-organised a stand of resistance against their involuntary and indefinite detention. Eventually, they were violently evicted by police and security contractors, and relocated within Manus.

Commissioned for *Eavesdropping, how are you today* is a collaboration between six of these men —Abdul Aziz Muhamat, Behrouz Boochani, Farhad Bandesh, Kazem Kazemi, Samad Abdul and Shamindan Kanapathi—and Michael Green, André Dao, and Jon Tjhia, their collaborators in Melbourne. Every day from July to October 2018, one of the Manus men made a ten-minute sound recording, of anything he chose, and sent it 'onshore' for upload to the gallery, where it was publicly broadcast. At the completion of the project, eighty-four recordings had been produced: an audio archive of fourteen hours.

This chapter tracks *how are you today* through its conception, production, and realisation across different settings of the *Eavesdropping* project. Some key questions inform the analysis that follows. For one, the practical and conceptual question of the work's duration. Fourteen hours of sound is difficult to synthesise, generalise, or describe, even without taking

¹⁹⁴ 'UNHCR urges Australia to evacuate off-shore facilities as health situation deteriorates', *UNHCR*, October 12, 2018, <https://www.unhcr.org/en-au/news/briefing/2018/10/5bc059d24/unhcr-urges-australia-evacuate-off-shore-facilities-health-situation-deteriorates.html>, accessed November 20, 2019.

¹⁹⁵ Ibid.

¹⁹⁶ 'Inquiry into the Serious Allegations of Abuse, Self-harm and Neglect of Asylum Seekers in Relation to the Nauru Regional Processing Centre, and any Like Allegations in Relation to the Manus Regional Processing Centre', *UNHCR*, November 12, 2016, <https://www.unhcr.org/58362da34.pdf>, accessed November 20, 2019.

¹⁹⁷ 'Until When: The Forgotten Men of Manus Island', *Refugee Council*, November 21, 2018, <https://www.refugeecouncil.org.au/manus-island-report/>, accessed November 20, 2019.

into account the extreme variation and difference of one recording from the next. Fourteen hours is, on the other hand, only the tiniest fraction of the time of the men's internment on Manus, and the question of what is included and excluded across the work's duration is an important one. Contestations around *how are you today*'s status as 'art' and the men on Manus as 'artists' were also important, among other terminological and ideological disagreements that marked the work's production and exhibition, in the context of the ongoing imprisonment of 'the artists'. Another question, crucial from a curatorial perspective, is how to listen to this work, or with what form, attention, and context. Listening 'alongside' the recordings, 'with' the contexts that enframe them and which I describe below, is vital, because what we hear goes beyond simply sound, into evidence and testimony. In listening, we bear *earwitness*, becoming ethically implicated, made responsible to what we've heard. Within the paradigm of eavesdropping that this exegesis has elaborated, this becoming-earwitness is important, because earwitnesses are eavesdroppers for 'truth', rather than for 'slander and mischief'. In foregrounding an ethics of listening, the earwitness transforms eavesdropping, recuperating it as a critical practice.

II. The Messenger

Analysing *how are you today* means beginning with *The Messenger*. In 2016, Sudanese refugee Abdul Aziz Muhamat began sending Melbourne journalist Michael Green WhatsApp voice-messages from detention on Manus, using a smuggled phone secretly in his room. Over two years the men sustained a prolific correspondence, eventually producing an archive of more than 3,500 voice messages. These formed the basis of *The Messenger*, a podcast series made by Green, with André Dao, Jon Tjhia, and producers at Behind the Wire¹⁹⁸ and the Wheeler Centre.¹⁹⁹ *The Messenger* resonated with *Eavesdropping* in its address to the politics, ethics, and laws of listening. The podcast let us hear Aziz's voice at a time debates about Australian offshore detention excluded refugees' voices almost completely. The logic of offshoring is to silence those subject to it. 'We wanted to have detainees speaking about their experiences, rather than hearing the government's policy justifications', Green explained.²⁰⁰ *The Messenger* demonstrated that a microphone, internet enabled, in Aziz's hands had the 'capacity to expose and breach the secrecy that obscures and sustains the system of offshore detention'.²⁰¹ Listening was a shock; refugee accounts from inside Manus were, at the time, sometimes recounted in an edited form, and more frequently mediated by another's, usually a journalist's voice, but never heard aloud in this manner.

¹⁹⁸ *Behind the Wire*, <http://behindthewire.org.au>, accessed November 20, 2019.

¹⁹⁹ 'The Messenger', *The Wheeler Centre*, <https://www.wheelercentre.com/broadcasts/podcasts/the-messenger>, accessed November 20, 2019.

²⁰⁰ Michael Green, cited in Michael Green and Jon Tjhia interviewed by Murdoch Stephens, 'How Are You Now?', *Wellington City Gallery*, October 2019, <https://citygallery.org.nz/blog/how-are-you-now/>, accessed November 20, 2019.

²⁰¹ Maria Rae, Emma Russell, and Amy Nethery, 'Earwitnessing Detention: Carceral Secrecy, Affecting Voices, and Political Listening in *The Messenger* Podcast', *International Journal of Communication* 13 (February 26, 2019), <https://ijoc.org/index.php/ijoc/article/view/10663>, accessed November 20, 2019.

The Messenger soundscape is not only oral but aural. In episode one, we hear music in the background of Aziz's message, prompting Green's response: What is this music? Where did you get it? How are you playing it? The aurality allows background to become foreground, or makes the two inseparable. We never simply hear Aziz, but also the Manus soundscape, which is a soundscape of incarceration. We listen to Aziz, but also with him, hearing at least some of what he hears, as he does also when receiving Green's messages. This listening to listening, or 'overhearing', is crucial to *The Messenger*. It is also the modality appropriate to understanding *how are you today*. In listening, we are eavesdropping, a third party to messages not made for us, which don't address us. The intimacy of the messages recalls Susan Schuppli's work *Listening to Answering Machines*, also comprised of messages, albeit from a distant analogue past. Both works tell us something about the message as medium, with its intimacy and closeness (phone-mouth meets receiver-ear), but also disconnection, 'missed calls', and delays between sending and receiving.

III. Concept

Discussions for *how are you today* began in August 2017, when James Parker and I approached Michael Green and André Dao to take part in *Eavesdropping*. We thought they might remix *The Messenger* archive, working with unheard or other messages, in an installation setting. This approach didn't impose anything on Aziz, whose ongoing detention we supposed made survival, not art, a priority. The ongoing situation for Aziz, however, led Michael and André to the opposite view:

We didn't want to use old messages, because the situation was ongoing—and besides, how could any exhibition treatment of the archival audio feel anything but exploitative? (But also: what alternatives were there?) Meanwhile, the weight of the detainees' limbo grew heavier as the story lapsed from public attention. Yet, for the men on Manus, there was something new to respond to every day. We began to discuss inversions of a podcast, a project that allowed us to avoid selecting messages or shaping a narrative.²⁰²

In early February 2018, we received a proposal from Green, Dao, and Tjhia, who had come on board as part of the project team:

People could sign up to receive a series of messages sent directly to their phones over the course of days and weeks, once they leave the exhibition. We could work with Aziz on what he wants to say. We're interested in combining this with another idea; that of the men eavesdropping on Australia. A durational work with field recordings, some of the music they listen to, and clips of Australian news, politicians, activists, attempts to understand and explain the election results.²⁰³

²⁰² Manus Recording Project Collective, *Eavesdropping*, 174.

²⁰³ Michael Green, email correspondence with the author, February 8, 2018.

Then, in April 2018:

The idea now is to work with several men on Manus to record ten minutes of audio each day to play the next day in the gallery. The work would change everyday. This brings the listener into the present with the guys on Manus. They are still there, enduring. It is boring. Nothing is happening. Or maybe something will happen? Is a listener willing to stay with the men's ongoing detention, or will they walk away? We won't edit or mediate the recordings to create narrative or emotion as we did with the podcast, though likely we will work with each person in advance on what they may want to record, and how.²⁰⁴

Green, Dao, and Tjhia had already been in correspondence with a number of men who would participate in the project. The title *how are you today*, was proposed, the most ordinary, but unavoidable, of questions, to which each audio recording would provide a provisional answer. 'How was your day?', 'How are you feeling?'—all the iterations are equally banal, pointless. And yet what else can we say—when something, after all, has to be said?²⁰⁵ The collaborating group, it was decided, would be called Manus Recording Project Collective, an unwieldy name with the advantage of sharing an acronym with Manus Regional Processing Centre.

The conceptual framework was proposed in a meeting with the director and curators at the Ian Potter Museum of Art in late April 2018, two months before *Eavesdropping* opened. The presentation met with an unexpected response, which was to query how the work was *art*. Though I intuitively felt this was the wrong question, I suggested that whether it was or wasn't art, the listening experience would be immersive and compelling. This question, though, and the doubts it evidenced amongst the Potter team, would manifest in different forms during the development and realisation of *how are you today* in the first installment of *Eavesdropping*. There was a sense, implicit in the questioning, that audio recordings from Manus would not, in and of themselves, constitute artworks, or that representing them as such risked misleading Potter audiences, and misrepresenting the status of the men on Manus. The men were not artists, but detainees, without the freedom and agency that the title 'artist' would generally imply. Perhaps the politicisation of these men and their imprisonment troubled the project as art. Or something in the collaborative framework between the detainees and their interlocutors in Melbourne made the work problematic as art.

Field recordings have long lived in gallery settings, in pioneering works by Max Neuhaus, Hildegard Westerkamp, Bill Fontana, and countless others. These artists have a strong association with, indeed are progenitors of, 'sound art', experimental music, acoustic

²⁰⁴ Michael Green, André Dao, and Jon Tjhia, email correspondence with the author, April 20, 2018.

²⁰⁵ André Dao, "'How Are You Today' at the Ian Potter Museum of Art", *The Monthly*, Oober 9, 2018, <https://www.themonthly.com.au/blog/andr-dao/2018/09/2018/1539044312/how-are-you-today-ian-potter-museum-art>, accessed November 20, 2019.

ecology, soundscape studies, and other sonic ‘genres’. These practices have established conventions of listening widely understood by institutions and audiences. Perhaps for the Potter, the sense in which the proposition for *how are you today* belonged to these historical modalities was illegible or opaque; perhaps the producers’ politicised status as detainees overshadowed these, by comparison, more prosaic sonic traditions. Certainly, the political, ethical, legal, and artistic demands promised by the yet-to-be-made recordings were of a different variety. Philip Brophy would touch on this issue in a review of the exhibition published some months later in *The Wire*:

Most field recordings are sonically boring—not to mention patronising in their supposed raising of consciousness by listening to the outside world. Revealingly, they demonstrate an entitled sense of freedom, as if the world is yours to openly record. *how are you today* stridently reverses these entitled notions: the detainees are excessively restricted spatially, yet sonically they are still capable of uncovering micro sound worlds through their individual site-specific acts of listening.²⁰⁶

How do we listen for a *lack* of freedom? This requires us to attune to context, information beyond the ‘frame’ of sounds themselves. We must hear what is *not* present. This is what Seth Kim-Cohen, referencing Marcel Duchamp, means when he points to the ‘non-cochlear’ dimensions of sound, which, once apprehended begin, as he puts it, to ‘saturate’ its meaning.²⁰⁷ In this view, what is usually occluded from a work, its supplemental details, or ‘parerga’, a term Kim-Cohen borrows from Derrida, are key to any encounter with it. He writes: ‘Contexts impose themselves: past experiences, future expectations, adjacent sounds, other works, institutional settings, curatorial framing. All these influences, and other parerga besides, are essential components of our experience of what we call “the work”. As a result, the sonic work is always otherwise; wise in regards to the other.’²⁰⁸ This contextual embeddedness, an insistence on listening beyond the frame, informs my account of *how are you today* in this chapter. Understanding the work requires attunement to the background noise, not only in the recordings, but the spaces they were made and heard; who recorded, who listens, what political, ethical, legal, and artistic relations connect us. Returning to the question posed by the Museum, perhaps the inseparability of these recordings from their context, from the politics of offshore detention, is what troubled their status as art?

IV. Risk

As *how are you today* moved forward into administrative, logistical, technical preparation, The Potter remained cautious. The work was perceived as presenting legal and other risks. One concern was that listeners could be exposed, in the recordings, to violence, self-harm,

²⁰⁶ Philip Brophy, ‘*Eavesdropping*’, *The Wire* 419 (January 2019), p. no

²⁰⁷ Kim-Cohen, ‘Dams, Weirs, and Damn Weird Ears’, 71, 54.

²⁰⁸ Note on *ibid.*, 54.

depression, or suicide that is so well known to pervade such spaces of detention in the recordings, and become traumatised. Relatedly, there was worry that the platform might be used by the men for statements that would be politically controversial, vilifying, or defamatory. Another concern was that, in recording, a detainee might be put in danger, or endanger others. Finally, there was a copyright risk that recordings might contain material that the Museum did not have permission to use. In order to address these and other issues, legal services at the University of Melbourne were consulted. The Melbourne Law School subsequently produced a briefing paper on *how are you today*, for the Vice Chancellor's approval. A number of steps were taken to mitigate perceived risks. Dao, Tjhia, and Green produced and shared a consent form with the men on Manus. It covered permitted use of recordings, limitations of use, further consent, archiving the recordings, safety and privacy, and payment. It stipulated:

If you are recording someone speaking, make sure they know you are recording them, and what it will be used for. If possible, obtain oral consent from anyone you are recording, and include that consent in a separate file, sent to us along with the main recording. You must not endanger others through your participation in this project. If you feel your personal safety is being threatened due to your participation in the project, you must inform us and if necessary, stop recording. Your safety is our priority.²⁰⁹

Appropriately, consent was obtained in the form of voice-messages via WhatsApp. Concern regarding potentially traumatising, controversial, or generally unknown content in the recordings was more difficult to assuage. Legal services suggested that responsibility, and liability, for *how are you today* be transferred from the Museum onto the curators, in this case Liquid Architecture as the organisation for which one of the curators works, with me as the responsible individual. Where other *Eavesdropping* works were loaned by artists directly to the Museum, *how are you today* was loaned to Liquid Architecture, and only *then* to the Ian Potter Museum of Art. In the interest of seeing the work proceed, I agreed on behalf of myself and Liquid Architecture. However, even with diminished responsibility, the Museum remained concerned. A further clause stipulated: 'The Museum must hear material prior to public and should the Museum decide that the work presents a risk to the Museum and/or its visitors it has the right to choose to not display that aspect/part of the project.' This was simple, requiring only shared access to the Dropbox folder used by artists in Manus and Melbourne, and for streaming in the gallery. Recordings were available in this folder the day before being exhibited, giving the Museum the chance to vet them. In the event, none of the eighty-four recordings produced were altered or queried.

Further questions around nomenclature and terminology arose. For the purpose of the loan agreements, who would be understood as the artists? The earlier question, 'is this art?' had become 'who, then, are the artists?' The Museum's view, in the context of the exhibition and acknowledgments, was that 'The Artists' would be Dao, Tjhia, and Green in Melbourne, with

²⁰⁹ Manus Recording Project Collective, 'how are you today Consent Form', 2018.

the men on Manus acknowledged as ‘Participants’. This stemmed from a misunderstanding about the nature of the work. The men on Manus were not participating in the recordings, but ‘making’ them. The Melbourne collaborators would facilitate, and, where necessary, edit the recordings. The suggested terminology devoiced the men on Manus in precisely the way the project set out to counter. The Potter’s legal services suggested an altogether separate set of terminology for the loan agreement: ‘The Artist’ would be Liquid Architecture, ‘The Producers’, the men in Melbourne, and ‘The Refugees’ the men on Manus. Parker and I suggested, alternatively: ‘The Curator’ being Liquid Architecture and Joel Stern, ‘The Producers’ being Dao, Tjhia, and Green, and the ‘Artists’ being the men on Manus. We also queried why the men on Manus would need to be named as ‘refugees’ in this context. The administrative entanglements had, at this point, become tedious and time-consuming, and yet illuminating of the force of the work and its effects. The legal administrative process revealed the way in which *how are you today* problematised and resisted the Museum’s classification systems, and, by extension, the Museum’s modes for understanding the world, and for communicating this world to its audience.

Ultimately, we agreed that the Manus Island and Melbourne collaborators collectively were ‘The Artists’. The legal brief concluded: ‘The men may or may not record their own voices, but they do have control of the recording tool, and decide the content.’ This was enough to establish them as ‘artists’. This attribution, though, had yet other implications. Who, then, would own the work after the exhibition? The Museum proposed that following the exhibition they return, or destroy the work. We replied: We have no view on this. ‘The Work’ lives in a Dropbox folder, so there will be little to retain or destroy. Another question haunted this process, but was never explicitly posed. Was it legal for the men to record inside the Australian detention facility on Manus? We didn’t know, but in the absence of any knowledge otherwise, presumed so.

V. The Artists

Manus Recording Project Collective

Abdul Aziz Muhamat is from Darfur, Sudan, of the Zaghawa ethnic group. He arrived in Australia by boat in 2013 and was taken to Manus Island, where he was detained for six years. He became a public voice for the men there through his award-winning podcast, *The Messenger*. In 2019, ten leading human-rights NGOs awarded him the prestigious Martin Ennals Award for Human Rights Defenders. Aziz arranged a special visa from the Papua New Guinea government to fly to Switzerland to receive the award. Once there, he successfully claimed asylum.²¹⁰

Farhad Bandesh is a Kurdish musician, painter, and poet, who has been detained on Manus for over five years. Before seeking asylum, he worked as a guitar maker. While in detention,

²¹⁰ The second part of Abdul Aziz Muhamat’s biography was added after the Ian Potter Museum of Art exhibition and before the City Gallery exhibition, to reflect his current situation.

he has produced solo and collaborative works of music, art, and writing. He loves nature and is a keen gardener. His sisters now look after his plants.

Behrouz Boochani is a Kurdish-Iranian writer, journalist, scholar, cultural advocate, and filmmaker. Before fleeing Iran, he was a writer for the Kurdish-language magazine *Werya*. He writes regularly for *The Guardian* and other publications. Boochani is also co-director (with Arash Kamali Sarvestani) of the 2017 feature film *Chauka, Please Tell Us the Time*, and author of *No Friend but the Mountains: Writing from Manus Prison*, which won the Victorian Prize for Literature in 2019. He has been held on Manus Island since 2013.

Kazem Kazemi is a Kurdish heavy-metal and rock songwriter-musician, and a poet. Before seeking asylum in Australia, he lived in Khorramshahr, Iran, and worked as an electrician.

Shamindan Kanapathi is a Sri Lankan Tamil refugee. In Sri Lanka, he was a marketing executive and student.

Samad Abdul is a Pakistani refugee who has been detained on Manus for the last five years. He loves cricket and his only dream was to be a professional cricketer. He now wants to be a social worker.

Michael Green is a writer, radio-maker, and producer. He is the host of *The Messenger* podcast, for which he has won national and international awards, including the 2017 Walkley Award for Radio/Audio feature. He has travelled to Manus twice.

André Dao is a writer of fiction and non-fiction. He is one of the founders of *Behind the Wire*, an oral history project documenting immigration-detention experiences, and Deputy Editor of *New Philosopher*.

Jon Tjhia is a radiomaker, musician, and writer. As its Senior Dig-i-tal Editor, he led the Wheeler Centre's col-lab-o-ra-tion with Behind the Wire to pro-duce *The Mes-sen-ger*. He's a co-founder of *Paper Radio* and the *Australian Audio Guide*.

As the remainder of this chapter demonstrates, these biographies and geographies, agendas and aspirations, undergird and course through the sonic archive of *how are you today*, informing how, and what, we ultimately hear when we listen to it.

VI. Didactics

Appropriate terminology arose again as an issue with the didactic panels, and specifically artists' biographical details, the standard designation being: place of birth; date; lives and works. For example: 'Sean Dockray, born Boston, United States 1977; lives and works in Melbourne'. From the curatorial perspective, it was problematic to write, for instance: 'Behrouz Boochani, born Ilam, Kurdistan 1983; lives and works on Manus Island', without acknowledging the circumstances under which he lived and worked. Our simple alternative was: 'Behrouz Boochani, born Ilam, Kurdistan 1983; detained on Manus Island'. However,

this was rejected. When the Australian Government closed Manus Regional Processing Centre on 31 October 2017 and relocated the men to three centres on Manus Island—East Lorengau Transit Centre (ELTC), West Lorengau Haus, and Hillside Haus,²¹¹ they classified the new centres as ‘accommodation’, claiming refugees and asylum seekers ‘can come and go as they please’.²¹² Accordingly, the Museum argued, for the purpose of the didactic, the men could no longer be described as ‘detained’. Parker and I argued otherwise, referencing the Refugee Council of Australia’s report describing the new centres as a ‘heavily securitised environment ... not open in the sense that anyone can come and go as they please, and access remains restricted even for human rights and humanitarian organisations.’²¹³ My curatorial ethics told me that a museum should not accede to government attempts to dictate and enforce the terminology of their didactic labels.



Buildings at the East Lorengau Refugee Transit Centre and West Lorengau Haus on Manus Island. Photograph: Australian Federal Government.

To resolve the issue we sought advice from Professor Michelle Foster, Director of the International Refugee Law Research Programme and the Centre on Statelessness at Melbourne Law School. Foster agreed that the word ‘detained’ was accurate. However, she added that for stronger legal authority, we might consider ‘forcibly transferred from Australia to Manus Island, Papua New Guinea’, this being the language of the Papua New Guinea Supreme Court’s 2016 decision declaring the Manus Regional Processing Centre illegal. An indicative passage from that judgement follows:

²¹¹ ‘Until When’.

²¹² Liam Fox and Louise Yaxley, ‘Manus Island: Papua New Guinea Army Prepares to Enter Detention Centre, 600 Men Still Inside’, *ABC News*, November 1, 2017, <https://www.abc.net.au/news/2017-11-01/manus-island-army-to-remove-600-men-from-closed-centre/9106700>, accessed November 20, 2019.

²¹³ ‘Until When’.

In the present case, the undisputed facts clearly reveal that the asylum seekers had no intention of entering and remaining in PNG. Their destination was and continues to be Australia. They did not enter PNG and do not remain in PNG on their own accord. This is confirmed by the very fact of their forceful transfer and continued detention on MIPC by the PNG and Australian Governments. Naturally, it follows that, the forceful bringing into and detention of the asylum seekers on MIPC is unconstitutional and therefore illegal.²¹⁴

This terminology was subsequently adopted by the United Nations High Commissioner for Refugees and used in the opening lines of the ‘UNHCR Fact Sheet on Situation of Refugees and Asylum-seekers on Manus Island, Papua New Guinea’ published on July 5th, 2018.²¹⁵ The fact sheet states: ‘3,172 refugees and asylum-seekers have been forcibly transferred by Australia to facilities in Papua New Guinea and Nauru since the introduction of the current ‘offshore processing’ policy in 2013.’²¹⁶

On the basis that it was both neutral and accurate, we proposed the following didactic label wording:

Shamindan Kanapathi, born Colombo, Sri Lanka, 1990.
 Samad Abdul, born Quetta, Pakistan, 1990.
 Abdul Aziz Muhamat, born Geneina, Sudan, 1992.
 Behrouz Boochani, born Ilam, Kurdistan, 1983.
 Farhad Bandesh, born Ilam, Kurdistan, 1981.
 Hass Hassaballa, born Kutum, Sudan, 1988.²¹⁷

Forcibly transferred from Australia to Manus Island, Papua New Guinea, where they remain.

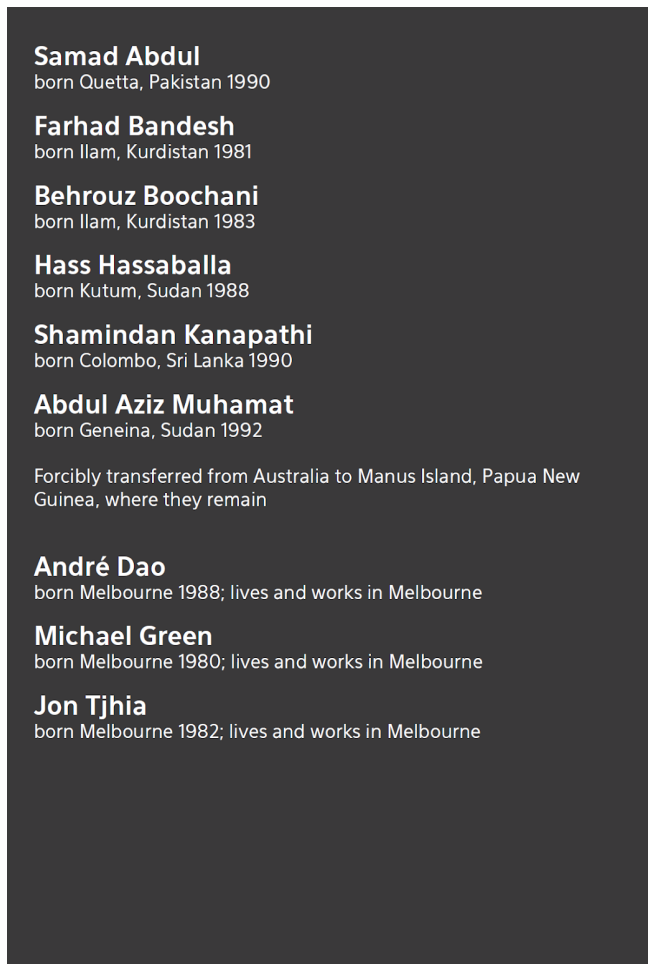
This suggestion was accepted. The negotiation over didactic labels for *how are you today* was notable for the extraordinary fact that a ruling in the Papua New Guinea High Court was the deciding factor in the wording. This suggested jurisdictional authority of the Court and Law School over the language used by the Museum, leading to terminology more suggestive and explicit, in terms of attributing responsibility, than the original text.

²¹⁴ Kelly Buchanan, ‘Australia/Papua New Guinea: Supreme Court Rules Asylum-Seeker Detention Is Unconstitutional’, *Library of Congress*, <https://www.loc.gov/law/foreign-news/article/australiapapua-new-guinea-supreme-court-rules-asylum-seeker-detention-is-unconstitutional/>, accessed November 20, 2019.

²¹⁵ ‘UNHCR Fact Sheet On Situation Of Refugees And Asylum-Seekers On Manus Island, Papua New Guinea’, *UNHCR*, July 5, 2018, <https://www.unhcr.org/en-au/publications/legal/5b3ea38f7/unhcr-fact-sheet-on-situation-of-refugees-and-asylum-seekers-on-manus-island.html?query=manus%20island>, accessed November 20, 2019.

²¹⁶ *Ibid.*

²¹⁷ Hass Hassaballa subsequently dropped out of the project to be replaced by Kazem Kazemi.



Didactic label for Manus Recording Project Collective, *how are you today*, 2018 for *Eavesdropping* at Ian Potter Museum of Art, University of Melbourne, Melbourne.

VII. Preparation

As the exhibition drew nearer, the Manus artists prepared for recording. Zoom H1 recorders—small, durable, and inconspicuous—were selected. Used effectively, they produce stereo recordings of broadcast quality. This upgraded the technology significantly from *The Messenger*, which used mobile phone microphones. The higher-fidelity devices would enable subtler, quieter, and more complex sounds to be recorded. Three Zoom H1s were delivered to Manus by an intermediary in July 2018. Instructions and recording tips were sent as a PDF via WhatsApp. The Manus artists were paid (an equal division of the total artist fee) with extra money for the mobile data required to upload and transfer the files. A technical infrastructure for *how are you today* playback was also developed. The six men on Manus would upload one recording each per week to a Dropbox folder. The three Melbourne artists would each support two Manus artists. Facilitation required receiving the recording, editing for duration and volume, and naming and transferring the file to the folder from which it would stream. Facilitation was also creative. Preparatory conversations between Melbourne and Manus artists addressed questions of what to record and how. The following indicative transcript, for instance, is of an exchange between Kazemi and Thija conducted two days prior to the exhibition opening:

Kazem, 22 July 2018

Voice-Messages

7.04 PM Kazem: You know, some people here don't like to record their voice, and that's why it's really difficult to find someone who will be, you know, happy to do that. But I try to send you different, you know, topics, on Manus Island. And daily lives on Manus Island. Ah—let's see what will happen at the next.

...

11.20 PM Kazem: And, another topic is ... that I want to, you know, work on it—cooking. I want to cook and record the voice of cooking, that I want to do. What do you think about that?

11.20 PM Kazem: And another one is—someone, you know, he just watching movies in his room, and nothing to do every day. And that's another topic.

...

11.24 PM Kazem: Ah, what about taking shower? I want to take shower, and record that. What do you think about that? Is it good or not?

11.25PM Jon: Yeah! That sounds great too. I think ... what is really good about these ideas that you have is that they sound pretty different, so you'll produce a lot of stuff that opens up lots of different sides of life on Manus, and I think that's great.

Congratulations—these are very good ideas.²¹⁸

In consultation, the collaborators would produce a short title description of each recording to be projected while it was playing in the gallery. Kazem subsequently realised some of the above ideas. For example, 'KAZEM, ON SATURDAY, TAKING A SHOWER' from September 6th, 2018 and 'KAZEM, ON MONDAY, MAKING A CAPSICUM, MUSHROOM AND CHICKEN PIZZA' from September 12th, 2018.²¹⁹ In the gallery, the titles did much to orient the listener, and signpost what they were hearing, albeit mostly in the sonic foreground. As the work subsequently transformed into an archive, the titles grew in importance, becoming the index through which a listener might navigate from one recording to another.

VIII. how are you today at the Ian Potter Museum of Art

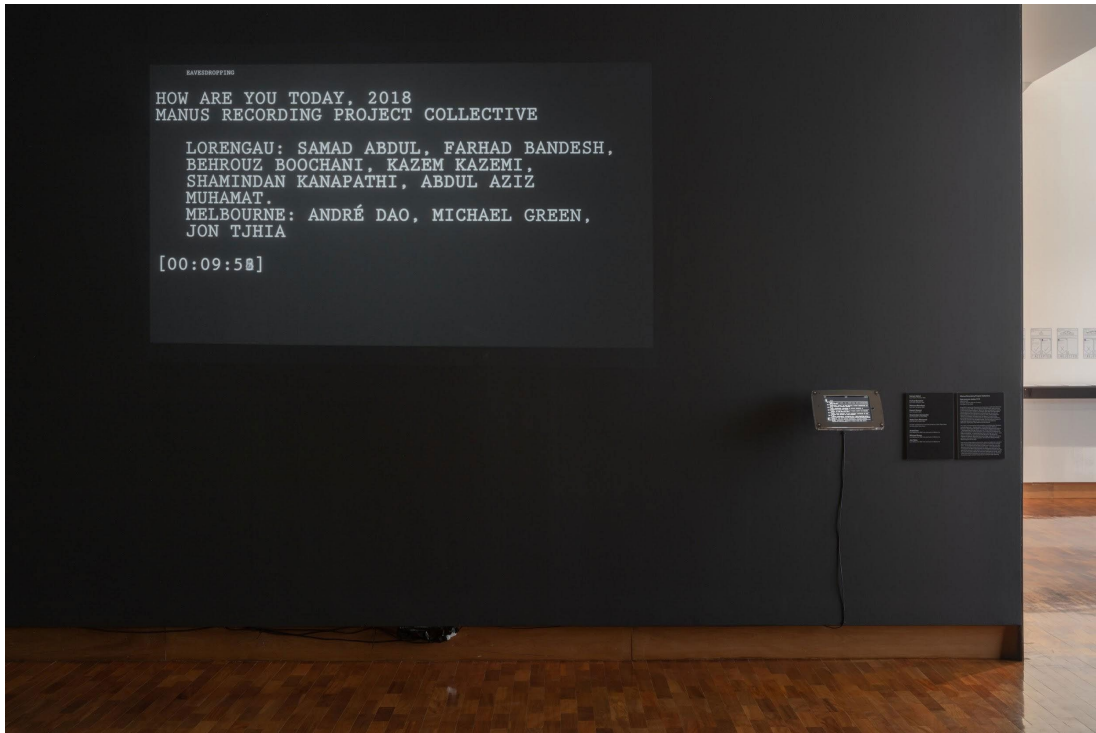
²¹⁸ Manus Recording Project Collective, 'how are you today', in *Eavesdropping: A Reader*, 188.

²¹⁹ To listen to Kazemi's recordings, visit 'Kazem', *Manus Recording Project*, <https://manusrecordingproject.com/?filter=kazem>, accessed November 20, 2019.

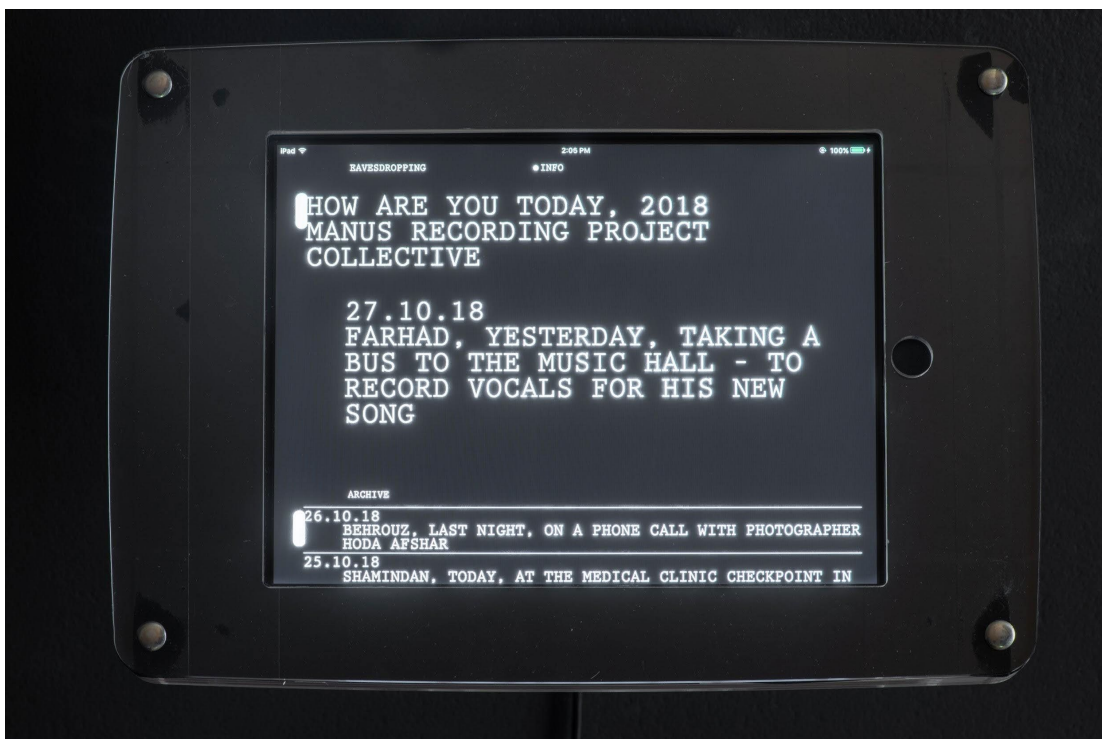
how are you today was installed at The Potter in a large rectangular gallery with a floorspace of approximately eight by twelve metres, and with five-metre-high ceilings. The walls of the gallery were painted charcoal black, and a single bulb in a parabolic lamp shade in the centre of the room provided the lighting. The sound system comprised four monitor speakers, angled inwards at forty-five degrees, suspended from the ceiling on drop poles. The four speakers formed a square of approximately three metres in the centre of the room. Twelve small white square stools arranged in four rows of three designated an ideal listening position. On one gallery wall, the work details were projected, featuring a time counting from 00:00 to 10:00 minutes, the duration of each recording. Underneath and to the right of the projection, a wall-mounted iPad showed the the title of each day's, and the previous days, recordings.



While this image depicts a number of works in situ, it also gives a sense of the space in which *how are you today* was situated as part of *Eavesdropping* at Ian Potter Museum of Art, University of Melbourne, Melbourne.



Manus Recording Project Collective, how are you today, 2018, *Eavesdropping*, Ian Potter Museum of Art, University of Melbourne, Melbourne. Photograph: Christian Capurro



Manus Recording Project Collective, how are you today, 2018, *Eavesdropping*, Ian Potter Museum of Art, University of Melbourne, Melbourne. Photograph: Christian Capurro

On July 24th, 2018, the opening day of the exhibition, the first recording from Manus played in the gallery, 'AZIZ, LAST WEEK, WATCH-ING THE WORLD CUP FINAL WITH THE GUYS'. We hear the instantly recognisable sound of a stadium crowd played back through

television speakers, and a commentary voice saying the word ‘Modric’. Then, the voices of a number of men, perhaps five or six, speaking quickly, excitedly, in Arabic. They chat, occasionally falling silent, perhaps in response to the game on screen. A few minutes pass, then rather suddenly ‘GOAL!’, shouting, laughing, a number of voices layering the soundscape. The recording continues, as the men laugh and talk, before, at precisely ten minutes, the sound cuts abruptly. This was neither a narrative, nor an unadorned document, but something else. At no point did anyone acknowledge the microphone, or listener. Dao writes about the same recording:

I could hear the men speaking to each other but I couldn't understand what they were saying. I didn't know if they were talking about the game, which I knew was the World Cup Final between France and Croatia, a game that I myself had been watching at the very same time as the men in the recording. Perhaps they were talking about Manus, the Pacific island off the coast of Papua New Guinea where they have been detained for nearly five years. Perhaps they were talking about home, which I guessed—drawing upon what I already knew about Aziz, the man who had placed the microphone in the room in the middle of these voices—I guessed that for most of them home was Sudan.²²⁰

On August 24th, 2018, one month after the exhibition opened, a recording titled, ‘BEHROUZ, YESTERDAY, SPEAKING AT MACQUARIE UNIVERSITY VIA WHATSAPP WITH HIS TRANSLATOR’ plays in the gallery. We hear Omid Tofighian, translator of Boochani’s book, *No Friend But the Mountains*, dialling in from Sydney, his voice filtered by the narrowband fidelity of the mobile phone. He is speaking Farsi. Boochani is on the other end of the line, in Manus. Tofighian’s words are cutting in and out, distorted, glitching to the point of indecipherability. Boochani listens patiently. There is a ‘politics of fidelity’ at work here, in how ‘offshoring’ on Manus Island registers in the degraded quality of the audio signal. Communication becomes laborious and imprecise. The recording we hear, of course, is Behrouz’s. So, while Tofighian’s voice is distorted, the Manus soundscape in which it resounds is rich and clear. The multiple fidelities at work remind us that the medium of *how are you today* is not so much audio, but the offshore detention complex itself, and the desperate logic that structures it. A broken voice on a bad connection is one of its audible effects, that the work sets out to expose and explore.

On the same day that Behrouz and Omid are heard in the gallery, August 24th, 2018, Scott Morrison deposes Malcolm Turnbull as Prime Minister of Australia, defeating Peter Dutton in an internal vote. Morrison and Dutton as former Immigration Ministers were co-architects of ‘Operation Sovereign Borders’, a policy that militarised Australian borders, based on the rhetoric of “illegal arrivals” and “illegal boats”. The new Prime Minister, Morrison, is pictured in his office with a trophy: ‘a laser-cut block of metal in the shape of an Asian fishing boat, sitting on a gently curving wave, with the thick black lettering: “I stopped

²²⁰ André Dao, ‘What I Heard About Manus Island (When I Listened to 14 Hours of Recordings from Manus Island)’, unpublished manuscript, 2019.

these”.²²¹ Morrison, like Dutton, haunts the Manus recordings, although neither are referred to directly. Writer Andrew Brooks notes as much in his reading of the work when his listening reminds him of Morrison’s 2015 appearance on Annabel Crabb’s ABC television show, *Kitchen Cabinet*. Brooks described watching in ‘disbelief as Morrison announced he would cook Crabb a Lankan meal of fish curry and samosas (which he nicknamed “ScoMosas”). His breezy appropriation of Lankan culture—my culture—was a ham-fisted attempt to prove that he is not racist.’²²² Contrast this with the *how are you today* recording, ‘SHAMIN-DAN, LAST WEEK, SPEAK-ING WITH SRI-RAN-GAN WHILE HE COOKS FISH CURRY’ from July 28th, 2018. In the sound of wind, scraping, and water running, we hear Sri Lankan Tamil refugee Shamindan Kanapathi interview another refugee making a fish curry. He begins preparing the meal in the laundry—there is no kitchen—before moving to the more confined space of a shared room. ‘Why do you cook?’ asks Shamindan. ‘I have been in this camp for more than five years. I am sick and tired. There is nothing else to do here. So I cook’, Sri-ran-gan answers. Returning to *Kitchen Cabinet*: ‘The inane kitchen chatter that Crabb and Morrison performed is the sound of patriarchal white sovereignty in action’, writes Brooks.²²³ His insight speaks to the capacity of the *how are you today* recordings to transform our listening ‘onshore’, to insist on co-locating the sounds of Manus and Australia.

The recordings that constitute *how are you today* are heterogeneous, varied, and diverse. As the work unfolded, one recording gave little indication as to what the following day’s would deliver. Recordings accumulated: the men making and listening to music, in the jungle, by the sea, cooking and cleaning, trying to relax, speaking with each other and locals. It became evident that what was being shared, in many instances, were not speech acts, but ‘acts of listening’ characterised by the withholding of narration, perhaps a refusal to reduce the experience of incarceration to a digestible story. The soundscapes reflected boredom, limbo, and time passing, without resolution or promise. Ten minutes spent listening reflected ten minutes spent recording. This sharing of time was powerful for the way it also made legible the twenty-three hours and fifty minutes of everyday of incarceration that went unshared. The ‘everydayness’ of the recordings belied their specificity. Behrouz’s contributions evidence his increasingly intensive journalistic and writing activities with various publishers, translators, and collaborators. Aziz’s activism and advocacy within the camp is audible in a number of his recordings where he supports, organises, and rallies, both within the camp, and externally. Kazem’s and Farhad’s musical identities become clear, as they record themselves playing guitar, trumpet, and singing in various rooms at the facility. Samad and Shamindan started to develop highly idiosyncratic modes of address over time. ‘Hi everyone, it is Samad from Manus Detention Centre’, became a familiar opening. Shamindan’s ‘Dear brothers, dear sisters, dear friends’ felt likewise. Addressing the listener directly and intimately transforms

²²¹ See Helen Davidson, “‘I Stopped These’: Scott Morrison Keeps Migrant Boat Trophy in Office”, *The Guardian*, September 19, 2018, <https://www.theguardian.com/australia-news/2018/sep/19/i-stopped-these-scott-morrison-keeps-migrant-boat-trophy-in-office>, accessed November 20, 2019.

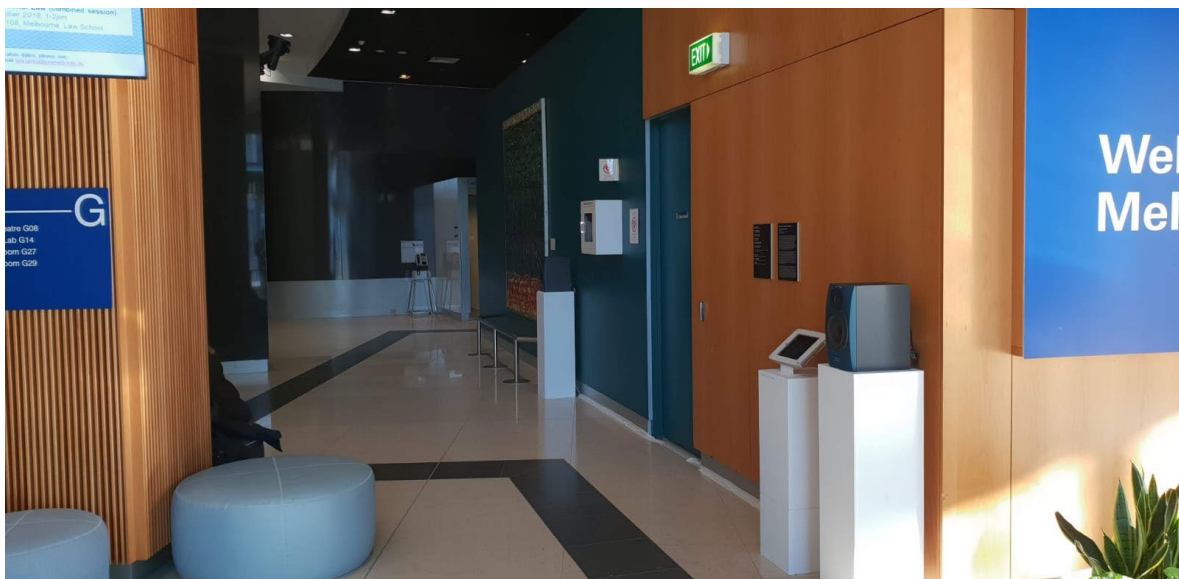
²²² Andrew Brooks, ‘Listening to the Indefinite’, *Runway Journal* 39 (Oceans, 2018), <http://runway.org.au/listening-to-the-indefinite>, accessed November 20, 2019.

²²³ Ibid.

them, in a sense, from eavesdroppers to earwitnesses. We know you are listening, that you've heard, so what happens now?

IX. *how are you today* at Melbourne Law School

Alongside the installation at the Ian Potter Museum of Art, *how are you today* was also installed, on a smaller scale, at Melbourne Law School. Played through two speakers on plinths approximately four metres apart, with an iPad displaying the information related to that day's, and previous, recordings, the work was situated in the foyer of the busy university building during the second semester of the Australian academic year. Two didactic labels provided information on the work and artists. Curatorially, Parker and I were interested in what it would mean for *how are you today* to be heard in a law school alongside a gallery. Melbourne Law School had supported the work materially through funding, academic advocacy, and expertise, and law was certainly a disciplinary prism through which the recordings could be heard. At the law school, the recordings competed for acoustic space amidst sounds of other activities, talking, announcements, and, incongruously, an open-access piano. At The Potter, sounds from other works leaked occasionally, often productively, into *how are you today*, but at the Law School the soundclash was compromising. Students and staff came, and went. Some stopped out of curiosity, but rarely to listen, let alone listen critically. Rather than intervening in how the recordings were heard, the Law School effectively muted them. Indeed, the most active engagement with the work came in the form of sabotage (i.e., turning the speakers down or off, removing the labels, and redirecting the iPad to camera mode, or to play the Disney film *Frozen*), a tendency Parker documented in his contemporaneous journal, '101 Ways to Sabotage a Sound Art Installation.' This experience was a reminder of the contextual framework required for *how are you today* to be legible and listenable.



Manus Recording Project Collective, *how are you today*, 2018, *Eavesdropping*, Melbourne Law School, University of Melbourne, Melbourne. Photograph: James Parker



Manus Recording Project Collective, *how are you today*, 2018, *Eavesdropping*, Melbourne Law School, University of Melbourne, Melbourne. Photograph: James Parker

X. *how are you today* at City Gallery, Wellington

Eavesdropping at The Potter and Melbourne Law School ended on October 28, 2018, and so did *how are you today* as a live project. The final recording, 'SAMAD, AT THREE O'CLOCK THIS MORNING, HOME FROM WORK AND LYING IN BED, LISTENING TO MUSIC', is a goodbye note to listeners. Samad Abdul has relocated from Manus Island to Port Moresby over the course of the exhibition's three months, and, in the recording, he speaks hopefully of a day 'when all of us will get out of jail in PNG ... able to have our real lives, reunited with our families'. The recording ends with several minutes of Pakistani pop music played on small speakers in Abdul's room, against the whirring background noise of a fan as he tries to sleep.

Almost a year later, on August 17, 2019, *how are you today* returned, at City Gallery in Wellington, Aotearoa New Zealand for the next iteration of *Eavesdropping*. Following the ending of the previous show, the recordings were compiled as an online collection, indexed chronologically and by artist. What was initially an open channel for listening in almost 'real-time' became an archive for listening-back on demand. The intervening period had been eventful. In February 2019, Abdul Aziz Muhamat had obtained a temporary visa to travel to Switzerland from Manus Island for the Martin Ennals Award for Human Rights Defenders. He had been nominated by Green on the basis of the activism so powerfully represented in the *The Messenger*. Aziz would win the award and go on to speak compellingly at The United Nations in Geneva, telling the world, 'This award sheds light on the very cruel refugee policy of the Australian Government. It also brings international attention to the dangers and ill-treatment faced by refugees all over the world, including in countries that

claim they uphold the Refugee Convention.’²²⁴ Aziz claimed asylum in Switzerland and was, after some months, accepted, becoming the first of the *how are you today* artists to leave Papua New Guinea. Notwithstanding Aziz’s achievement, the political atmosphere was still unfavourable. In May 2019, Scott Morrison, against predictions, had been returned as Prime Minister, providing further mandate to his detention policies, among other things. Opposition leader Bill Shorten had stated ‘Australia would accept New Zealand’s offer to resettle some of the refugees on Manus Island and Nauru if Labor is elected’,²²⁵ but with his defeat, this promise was never tested. Morrison’s election provoked an atmosphere of despair on Manus, Boochani described it as ‘out of control’, with suicide attempts and self harm spiking dramatically.²²⁶ As the Wellington exhibition opened, five of the six *how are you today* artists remained on Manus Island or Port Moresby, along with hundreds of other detainees.

The City Gallery setting was a cinema space with tiered seating for about 100 people. The recording archive played chronologically throughout the day, the full fourteen-hours taking two days to complete. In that dark space, with high-quality speakers and cinema acoustics, it was possible to hear more in the recordings than ever before. Yet, it was difficult to know what these sounds signified as an archive. Almost a year after they had been made, listening back to them was unsettling. In revisiting those sonic worlds, the frustrations of the time since were foregrounded; the dire situation of the men still in detention, the offer of resettlement from New Zealand rejected by the Australian Government. In June, two months before the Wellington exhibition, Boochani spoke via Skype at Goldsmiths, University of London as part of a symposium called ‘Sound Proofs’.²²⁷ Over a poor, frequently glitching connection, he had said of the Recording Project:

We cannot change this generation. They are following what the government thinks. Unfortunately, this project, my work, and other peoples’ work, is only a record of history. It’s for the next generation ... We have movies, we have books, we have this project, we have many materials. And these materials are important so that researchers are able to do research on the basis of this work, and all of the young generation are able to engage with this... [inaudible] I think we should accept that...²²⁸

²²⁴ ‘The 2019 MEA Laureate: Abdul Aziz Muhamat’, *Martin Ennals Award*, February 13, 2019, <http://www.martinennalsaward.org/1716/>, accessed November 20, 2019.

²²⁵ Jane Norman, ‘Bill Shorten Maintains Labor’s Stance on Boat Turnbacks but Offers More Refugee Places, Cash to UNHCR’, *ABC News*, December 17, 2018, <https://www.abc.net.au/news/2018-12-17/labor-boat-turnbacks-abolish-indigenous-work-for-the-dole-scheme/10626634>, accessed November 20, 2019.

²²⁶ Holly Robertson, ‘Manus Island in “Unprecedented Crisis” as Refugee Self-harm Surges after Australian Election’, *ABC News*, 29 May, 2019, <https://www.abc.net.au/news/2019-05-29/growing-surge-in-refugee-self-harm-since-australian-election/11156064>, accessed November 20, 2019.

²²⁷ ‘Sound Proofs CHASE Ph.D. Workshop’, *Goldsmiths Visual Cultures Centre for Research Architecture*, June 12, 2019, <https://artlawnetwork.org/event/sound-proofs-chase-phd-workshop-goldsmiths-visual-cultures-centre-for-research-architecture-kent-law-school-12-june-2019/>, accessed November 20, 2019.

²²⁸ Manus Recording Project Collective, ‘how are you today’, in *Eavesdropping: A Reader*, 212.

Boochani's dignified resignation was a powerful prism through which to relisten to the archive, lending it the quality of an acoustic ethnography, a future researcher's tool for understanding the sound of Australian offshore detention in 2018. In the beauty and sadness of the recordings, a hidden functionality was coming to the surface, a sense of the recordings as something else, also important: evidence, against the forces of erasure and forgetting.



Michael Green and Jon Tjhia discussing *how are you today* at Tuatara Open Late, City Gallery, Wellington, October 3, 2019.

XI. Coda

In this chapter, I have attempted to account for *how are you today* by Manus Recording Project Collective, foregrounding not only the recordings, but also the curatorial ethics that attended their production, the institutional negotiations that became necessary at different moments, and the shifting political contexts that shaped the project. It is in considering these elements together, I argue, that 'the work', is most legible, and audible, most full in its contextual meaning. Apprehending *how are you today* means attuning to the politics and

ethics of listening that the work demands; it means listening well beyond the ‘frame’ of the recordings themselves, out into the spaces where they sounded and resounded.



Behrouz Boochani (right) with artist Bryan Philips and curator Robert Leonard, next to the work *how are you today* by Manus Recording Project Collective, City Gallery Wellington, November 17, 2019

On November 14, 2019, to the amazement of millions, Behrouz Boochani landed in Aotearoa New Zealand, having left Papua New Guinea more than six years—2,269 days—on from his forcible transfer there by the Australian Government. This was a shock to all but a small group who had been working over a number of months to arrange the transfer. The UNHCR had provided travel documents to leave Papua New Guinea, Amnesty International had sponsored the visa, and Word Christchurch, a small literary festival, had nominated as New Zealand host.²²⁹ At the time of writing, Boochani’s future is unclear, his one-month visa is temporary and Prime Minister Jacinda Ardern has stated that any further developments are ‘totally hypothetical’.²³⁰ Boochani, for his part, has stated of Papua New Guinea and

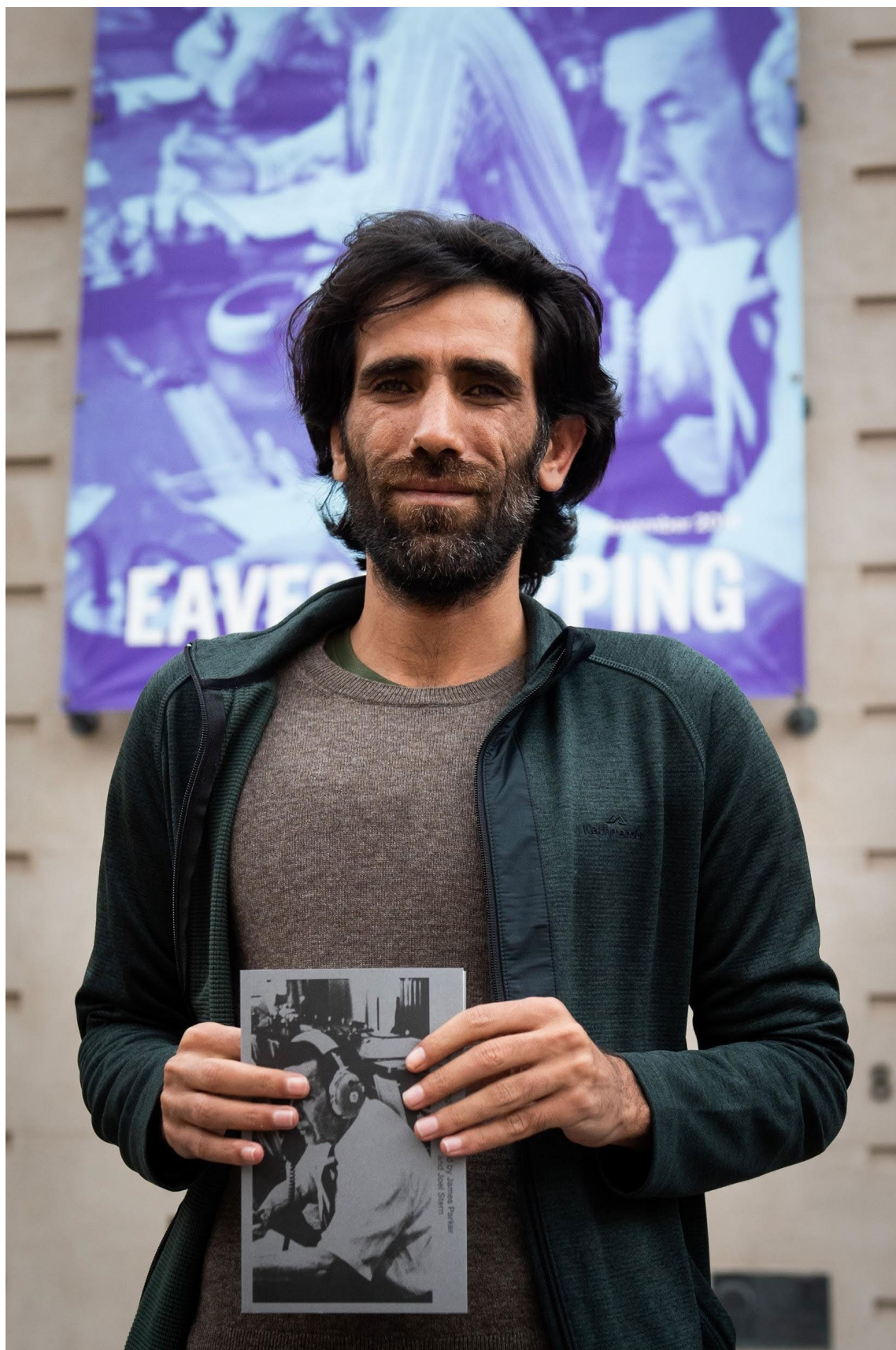
²²⁹ Ben Doherty, ‘A long flight to freedom: how refugee Behrouz Boochani finally left his island jail behind’, *The Guardian*, November 14, 2019, <https://www.theguardian.com/australia-news/2019/nov/14/a-long-flight-to-freedom-how-refugee-behrouz-boochani-finally-left-his-island-jail-behind>, accessed November 20, 2019.

²³⁰ Angela Cuming, ‘Jacinda Ardern Says She Was Kept in the Dark Over Arrival of Manus Refugee Behrouz Boochani’, *The Guardian*, November 18, 2019, <https://www.theguardian.com/world/2019/nov/18/jacinda-ardern-says-she-was-kept-in-the-dark-over-arrival-of-manus-refugee-behrouz-boochani>, accessed November 20, 2019.

Australian detention, ‘I will never go back to that place.’²³¹ On November 17, 2019, the final day of *Eavesdropping* at City Gallery, the exhibition had a surprise visitor. Boochani toured the show, meeting with curators and other artists in the exhibition, before addressing a large audience in the same cinema space where the *how are you today* had been playing repeatedly for the previous three months. He spoke about each of the other five men; where they are now, in Port Moresby, in Australia under the Medevac Bill,²³² and Aziz, in Switzerland. And, incredibly, he was in a position to listen, in the gallery as a free person, to the recordings that he had made, a little over a year earlier, from a place of seemingly indefinite incarceration.

²³¹ Ben Doherty, ‘Jacinda Ardern Says she Was Kept in the Dark Over Arrival of Manus Refugee Behrouz Boochani’, *The Guardian*, November 14, 2019, <https://www.theguardian.com/australia-news/2019/nov/14/behrouz-boochani-free-voice-manus-island-refugees-new-zealand-australia>, accessed November 20, 2019.

²³² ‘Medevac Bill: The Facts’, *Refugee Council of Australia*, <https://www.refugeecouncil.org.au/umt-bill-facts/>, accessed November 20, 2019.



Behrouz Boochani with *Eavesdropping: A Reader* outside City Gallery Wellington, November 17, 2019.

Conclusion

A series of research questions informed this project from its outset. Foremost: What is eavesdropping? Can we trace its history? How might eavesdropping be framed as a critical practice? With what political, ethical, and legal resonances? Are artists eavesdroppers? What are their aesthetic strategies and methodologies?

I approached these questions as a curatorial researcher, thinking and working with others: artists, musicians, writers, activists, and collaborators from different disciplinary backgrounds and places. From the research, a collection of artworks, recordings, objects, archives, texts, and other materials were drawn into relation. These became the stage for an experimental and expansive conversation about eavesdropping. Based in research and realised in practice, the project had numerous outcomes over multiple years: two major exhibitions in Australia and Aotearoa New Zealand, performances, lectures, reading and working groups, and other programs, augmented by a website, archive, and publication.

The introduction to this exegesis narrated and reflected on the genesis of this project through my conversations with James Parker, who subsequently became the exhibition's co-curator. *Eavesdropping's* traction comes from the term's mainstream association with malicious and pervasive listening, by uninvited individuals, or by the powerful states and corporations that now inescapably surveil, capture, and control our sonic worlds. The intervention of this project, then, was that of developing an expanded definition of eavesdropping that could challenge and destabilise this account; one that included contemporary mechanisms for listening-in but also activist practices of listening-back. That is to say, while the project is evidently concerned with malicious listenings, it also and equally engaged with the responsibilities of the earwitness.

The opening chapter tackled the most fundamental research question: What is eavesdropping? It answered this question, first, by exploring the term's legal origins, statutes, history, and meaning, alongside the vernacular and common usages that have evolved in parallel with social, political, and technological conditions. Parsing eavesdropping through legal histories made clear its provisionality (in relation to specific times, places, and contexts) and subjectivity (informed by the positionality, politics, and perspective of the person answering). Secondly, this chapter explored eavesdropping as a conceptual practice by departing from its etymology (linked to domestic architecture and property) to explore its theoretical notions. Three components—eaves, eavesdrop, eavesdropper—were paired, respectively, with theoretical frameworks—threshold, medium, agent—in order to establish a workable ontology and epistemology of eavesdropping.

The following chapters zoomed in on specific artists and some of their curatorial intersections within the *Eavesdropping* exhibition. These thematic clusters are neither exhaustive nor definitive, but offered ways of thinking through some of the most important subthemes of the Ph.D. research. Chapter two drew two historic figures, English jurist William Blackstone and

Jesuit polymath Athanasius Kircher, into dialogue with contemporary artist and programmer, Sean Dockray, in order to illuminate the ways in which, through whatever technological paradigm, power can be exercised audibly at the intersections of acoustics and architecture. Chapter three analysed and compared works by Samson Young and Lawrence Abu Hamdan as a means to reflect on the politics of silence and silencing, and the ways in which strategies of resistance—including forensic listening and covert whispering—operate as tactics and expressions of sonic agency. And the fourth chapter connected artists Susan Schuppli and Fayen d’Evie in a (telephone) dialogue about telelistening, examining the way both artists attune to the ethical, political, and aesthetic questions that arise in the spaces between listeners and far off, far away, or far out sounds.

Chapter five undertook an in-depth account of Manus Recording Project Collective’s *how are you today*, an audio-archive of life in Australian offshore detention in Papua New Guinea. The account foregrounded not only recordings, but curatorial ethics, institutional negotiations, and political debates, arguing that only through apprehending all these elements together is the work properly made audible in its contextual meaning.

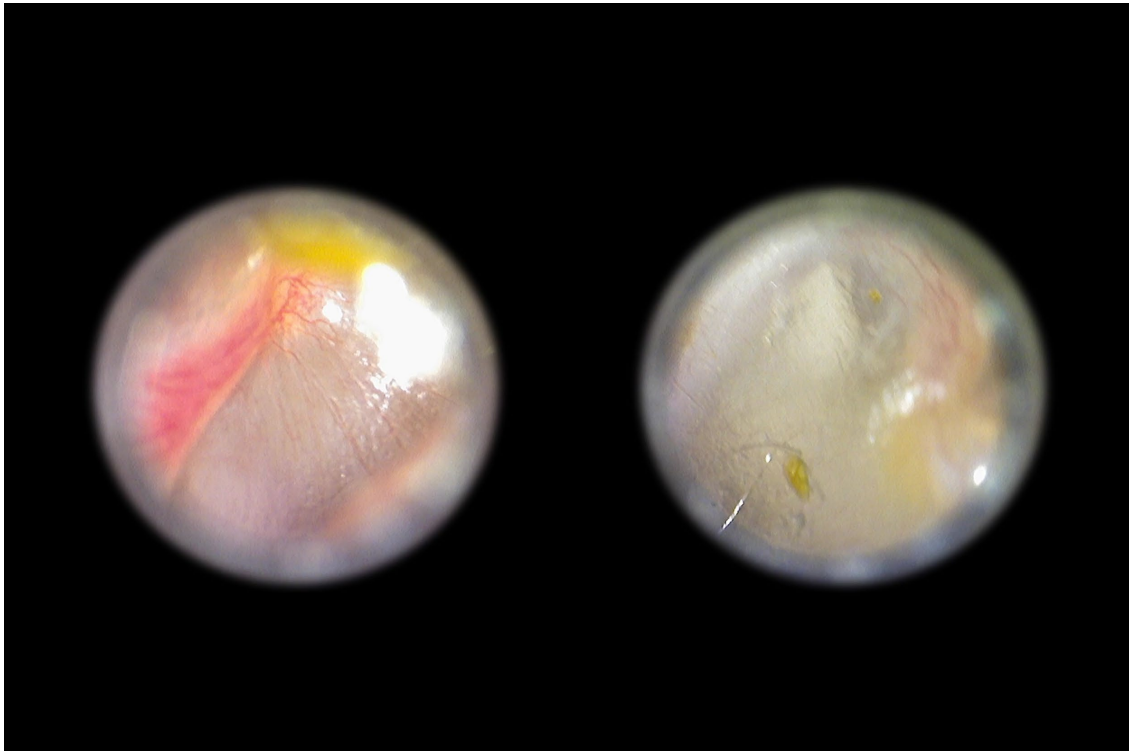
Listening to Manus means, in a very real sense, hearing Australia—in all its political brutalities and violences. On arrival in Aotearoa New Zealand, Behrouz Boochani told *The Guardian*: ‘I was in Manus ... just looking at Australia. I was seeing something that Australians couldn’t see.’²³³ Here, Boochani is referring to the manipulative politico-legal maneuver of offshore processing and detention whereby the Australian government attempts to keep asylum seekers and refugees, and the inhumane and illegal conditions in which they are detained, out of the public view, and earshot. Boochani’s perspective, on an Australia that those ‘onshore’ can’t see or hear, was a crucial part of what he, and the other men on Manus, shared in *how are you today*.

In mobilising eavesdropping as a critical practice, in establishing its political potential, as the Manus Recording Project Collective did in *how are you today*, it is essential to this project to ask, finally and in conclusion: What does it mean to eavesdrop here? What does it mean to eavesdrop in and on Australia? The work in *Eavesdropping* that most explicitly addresses this question is Joel Spring’s *Hearing, Loss* (2018). In the work, we listen as the artist, a Wiradjuri Aboriginal man, conducts a conversation with his mother—prominent researcher, educator, activist, and Indigenous-health worker Juanita Sherwood—about otitis media, an inflammatory disease of the middle ear capable of causing profound hearing loss, and which afflicts Aboriginal Australian children at higher rates than anyone else in the world.²³⁴ Two large images of inner ears projected on opposing walls frame the dialogue. These have been produced otoscopically, making visible the inner ear canal itself; to look at them is to become a literal earwitness. The manner of the conversation between Spring and Sherwood is

²³³ ‘Asylum Seeker Behrouz Boochani Lashes Australian ‘Dictatorship’, *The New Daily*, November 15, 2019, <https://thenewdaily.com.au/news/national/2019/11/15/behrouz-boochani-australian-dictatorship/>, accessed November 24, 2019.

²³⁴ Leach, ‘Bulging Ear Drums and Hearing Loss’.

informal and familiar in a way that immediately conjures the intimacy of family without explicitly acknowledging, speaking to, or invoking another listener. As outsiders, it can feel that we are ‘listening-in’, perhaps with permission, but nothing more. This threshold is one that becomes legible when we hear others speak, but not for us. It reminds us that we are eavesdropping.



Joel Spring, *Hearing, Loss*, 2018. Two-channel video projection; 10 minutes, 9 seconds

Feminist political theorist Krista Ratcliffe has written of the potential for considering ‘eavesdropping as an ethical rhetorical tactic’ for ‘investigating history, whiteness, and rhetoric.’ In her model, we find the ethical eavesdropper ‘standing outside, in an uncomfortable spot, on the border of knowing and not knowing, granting others the inside position, listening to learn.’²³⁵ This definition offers something for a white ‘Australian’ curator, living and working on Aboriginal land, and listening, as two Indigenous activists dissect the racialised mishearings of a colonial system, one that has inscribed those mishearings so violently onto the eardrums of black bodies.

To return to where this exegesis began, Raqs Media Collective suggested in 2015—so generatively, as it turned out—that eavesdropping might take the form of curatorial listening. As my subsequent research uncovered, and as I have argued at each stage of this exegesis, for eavesdropping to be a model of curatorial listening, then it is imperative for this listening to be grounded in sensitivity and ethical attunement, not only to people, but to place. It is

²³⁵ Krista Ratcliffe and American Council of Learned Societies, *Rhetorical Listening: Identification, Gender, Whiteness* (Carbondale, Illinois: Southern Illinois Press, 2006), 103-105.

imperative that this be a form of listening that is also a learning and, in this way, that this be a deeply self-reflexive exercise. Eavesdropping as curatorial listening must allow one to hear one's own positionality, privilege, and responsibility.

List of Works

Lawrence Abu Hamdan

Conflicted Phonemes, 2012

vinyl print, printouts, shelf

Rubber-Coated Steel, 2016

video; 21 minutes, 49 seconds

Saydnaya (The Missing 19db), 2016

mixing console, audio; 12 minutes, 48 seconds

William Blackstone

Commentaries on the Laws of England, 1765

book; collection Alexander Turnbull Library, Wellington

Fayen d'Evie and Jen Bervin with Bryan Phillips and Andy Slater

Cosmic Static, 2018

copper radio-telescope feed, five-channel audio; 13 minutes

Sean Dockray

Always Learning, 2018

Amazon Echo, Apple HomePod, Google Home Assistant, rug, cushions

Learning from YouTube, 2018

video on computer monitor; 11 minutes, 31 seconds

Athanasius Kircher

Musurgia Universalis, 1650

book; collection State Library of New South Wales, Sydney

Manus Recording Project Collective

Samad Abdul, Abdul Aziz Muhamat, Farhad Bandesh, Behrouz Boochani, Shamindan Kanapathi, and Kazem Kazemi, with André Dao, Michael Green, and Jon Tjhia

how are you today, 2018

eighty-four ten-minute audio recordings; 14 hours

Susan Schuppli

Listening to Answering Machines, 2018

seven answering machines, five listening stations, audio; approx. 25 hours

The Missing 18½ Minutes, 2018

colour photograph (584 x 876 mm), fifteen black-and-white photographs (each 438 x 584 mm), audio (18 minutes, 30 seconds), two headphones, printed document

Joel Spring

Hearing, Loss, 2018

two-channel video projection; 10 minutes, 9 seconds

Samson Young

Muted Situation 5: Muted Chorus, 2016

video; 9 minutes, 6 seconds

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