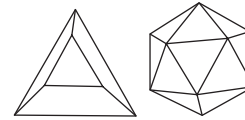


The Inflicted Voice

Markus Stickler

The Relationship between Sound and Power
in Lawrence Abu Hamdan's The Freedom of
Speech Itself



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The Inflicted Voice

Markus Stickler

The Relationship between Sound and Power
in Lawrence Abu Hamdan's *The Freedom of
Speech Itself*

I.

Giorgio Agamben once wrote that to be contemporary means to insert ruptures and discontinuities into the chronological flow of time in order to make it readable.¹ *The Freedom of Speech Itself*², a 35-minute audio documentary by Lawrence Abu Hamdan, is an example of such a practice of opening up given notions for us to examine. In this work the artist focuses on the performativity of listening and the political impact governmental listening can have. More precisely it deals with the practice of forensic voice analysis in asylum seeker's cases. Recently the UK's government, as well as other European states, such as Germany, Sweden and the Netherlands have used this practice.³ Emanating from four speakers on a table surrounded by plastic chairs, the sound piece expounds the problems of basic processes of generating power-relations referring to language applied in contemporary societies. Adopting the form of a radio program, it collects contributions by different people involved in or concerned with the practice of forensic voice analysis of the asylum seeker's accents – at times distorted through sound altering effects. Among others, lawyers, phonetic experts and asylum seekers themselves are talking about their experiences with and doubts about the practice of forensic voice analysis. It soon becomes clear that this practice is not as precise and accurate as the officials in charge want and declare it to be. It much more portrays the “pervasion of the law deeper into the cultural and biological

space of its subjects”⁴.

Although his audio piece remains an original and independent work, Lawrence Abu Hamdan continuously searches for ways to expand, paraphrase and translate his documentation into visual space. So is – not in the original exhibition at The Showroom but one later on – *The Freedom of Speech Itself* accompanied by two sculptural forms. Each of them represents a 3D-model of the voiceprint – a visual representation of the spectrum of a sound – of a person uttering the word “you” (Fig. 1).⁵ Their form resembles the tectonic structure of geographical maps as well as the cartographic distribution of phonemes in linguistic studies. It is important that the sound piece and its manifestation in the context of an installation are understood as complementary practices which aim to endow each another with multiple layers of representation.

I aim to show in the following that Lawrence Abu Hamdan expands common notions of performativity through the accentuation of the constitutive role of the human voice in the context of law and its concept of the performativity of the act of listening – including the technologies involved in its procedures. Furthermore he lays bare processes, practices and power-relations that open up a new discourse about the conditions of basic human rights and one’s existence in both democratic and bureaucratic systems.

II.

One of the key aspects of Lawrence Abu Hamdan’s understanding of and engagement with the human voice is Mladen Dolar’s concept that the voice is the one unavoidable entity, which is necessary to execute the law.⁶ Even though the law – at least in our culture – has to exist in written form, it is powerless unless it gets “delegated to the voice”⁷. A whole cluster of different voices precedes every judgment: Voices from interrogations, verdicts, prosecutions, oaths, alibis and pleas. Each and every one of them – including the judgment itself – has to be spoken out loud to gain its performative force.



Fig. 1 Lawrence Abu Hamdan, *The Freedom of Speech Itself*, Voiceprints, acoustically absorbent foam, 2012.

Building upon the notion that the law highly depends on its execution by voice, Lawrence Abu Hamdan focuses on the concept of the law as a “vocal architecture” and “sonic infrastructure”⁸. He insists – in his theoretical writings as well as in his artistic practice – on the notion of the law as a space constructed through voices rather than through the actual materiality of a building, for example a courtroom.⁹ In this respect Lawrence Abu Hamdan aims to re-spatialize the realm of law by trying to break up its close link with a specific fixated site that separates the law from other aspects of life. Instead he agrees with Dolar and suggests a more accurate understanding of the law as something that exists as an “auditory environment born in vocal performance”¹⁰.

As an example, Abu Hamdan discusses the *Miranda Warning*, also known as the *Miranda Rights* or the *Right to Silence*. The *Miranda*

Warning is an important part of Anglo-American jurisprudence and has to be uttered by every policeman or official before he or she can take somebody into custody. It reads as follows :

“You have the right to remain silent but it may harm your defense if you do not mention now, anything you later rely on in court. Anything you do say may be given in evidence against you.“

Now, what does this warning mean? First of all, it means that you now are officially under arrest. Therefore, the warning removes the suspect from the conditions of everyday life and relocates him or her into legal territory. There everything he or she says is liable – a vocal architecture has been set up. Moreover, the *Miranda Warning* not only establishes the law at the moment of its utterance, but also has drastic effects on the voice of the suspect – before your physical body can be taken into custody, your voice must be.¹¹ This shows that the access of the law on subjects is not limited to a courtroom or other official institutions, but that it can be implanted at every given moment, at any given location through the voice of an official. By creating new – liable – subjectivities in the moment of its utterance, the *Miranda Warning* calls to mind Althusser’s notion of “interpellation”.¹² However, we also have to be aware that once the *Miranda Law* is stated, the number of ears that are listening grow considerably. They are no longer limited to the ones of our interlocutors, but include those of everyone involved in the legal process that follows.¹³ As I will elaborate all of these aspects are key to *The Freedom of Speech Itself*.

Lawrence Abu Hamdan’s work can be characterized by its interest in the sonical construction of the space of law and questions of control related to the cluster of voices, which define the sphere of the law. Who is allowed to speak before the law and who is not? What has to be done to be heard? Who decides which voices will be heard and which not? In which ways am I going to be heard? All of these questions emphasize that in reality the most important question is not who is speaking, but rather who or what is listening.

In conclusion Abu Hamdan’s work is trying to establish an understanding of the performativity and political impact of listening opposed to the prevalent notion of society as a speaking and self-representational one.¹⁴

III.

The Freedom of Speech Itself concentrates on political listening in the form of forensic voice analysis in asylum seeker’s cases. In short, the basic aim of this procedure is to determine through the linguistic analysis of an asylum seeker’s accent whether or not he/she is lying about his/her national origin. It is a tool that allows rejecting them on the ground of their untruthfulness.¹⁵

The cornerstone for this development was set in 1984 with the passing of the *Police and Criminal Evidence Act (PACE)*¹⁶ by the British government. In response to criticism concerning the falsification of testimony during police interviews this act demanded that every subsequent police interview had to be recorded. This alleged step towards increased transparency and reduced opportunity of abuse of power soon turned out to have further consequences – namely the birth of the scientific field of forensic audiology. At the beginning of this scientific practice was the realization that the constantly increasing amount of recorded interviews could be used for speaker comparison and voice identification.¹⁷ The forensic audiology’s activities are constantly growing and today it has three major fields of operation – the authentication of recordings, the analysis of sound in connection to crime scenes and the already mentioned speaker comparison and speaker profiling.¹⁸

Forensic voice analysis focuses on the smallest element of human language as means to infiltrate the body of its subjects. In doing so it coincides with Michel Foucault’s thesis that disciplines primarily aim to control the details in order to subordinate the body – not because they contain meaning, but because they present power with the mere possibility of access.¹⁹ Similarly, phones, as the transporter of physical sounds, which constitute our language,

do not possess meaning in the first place. Nevertheless they open up a way to access the body of a speaking subject that empowers the intruding force to exercise a tightened hierarchical form of surveillance that goes unnoticed – like the gaze that sees without being seen.²⁰ Therefore forensic voice analysis can be seen as a powerful tool not only for passive observation and documentation, but rather for active influence and the production of subjectivities – an idea Lawrence Abu Hamdan enforces in his documentary.

Concerning the appliance of forensic voice analysis in the case of asylum seekers, three major issues emerge throughout *The Freedom of Speech Itself*, namely (1) the lifelong consistency of an accent, (2) the strictly separated spatial existence of accents, and (3) the way in which the interviews are conducted in general.

ad 1) To enforce the mentioned technique of speech analysis to determine one's origin is to neglect the fact that language itself is an unstable and changeable thing. The language we use, varies heavily in different situations and contexts. In the case of refugees it is even more obviously the case, because they oftentimes have to undergo several spatial transitions throughout their flight. Travelling from country to country, often under great danger and distress certainly leaves its traces on a person's language. Refugees may lose some characteristics of their original language while adopting other characteristics from places they were staying. It is therefore more than likely that the uprooting of a person's body coincides with the uprooting of his or her language.

ad 2) As second point the documentary expounds the problem that languages are not as strictly divided as the bureaucratic notion of borders between nations might be. It is not hard to agree that national borders do not always match language borders – if such a thing should really exist at all.

ad 3) Last but not least *The Freedom of Speech Itself* draws

attention to the way in which forensic speech analysis is applied in the interviews with asylum seekers.

First of all, the interviews happen without previous announcement. The asylum seeker is asked by an interviewer to talk about certain things – for example his or her hometown – without knowing the reason for the interview nor having any visual clues about his or her interlocutor.

Furthermore, even though the interviews are usually held in the mother tongue of the refugee – except in Germany, where they are conducted in English – the interviewer in many cases does not speak the same accent as the person being interviewed. Therefore, it is likely that the refugees – for the sake of mutual understanding – try to adapt their way of speaking to the one of the interviewer. Another crucial point is that people who are not qualified linguists hold the interviews. In other words the presented alleged linguistic evidence has not been gathered by linguists. Experts also criticize the stunning certainty of the reports made subsequent to the interviews – certainty, which one would rarely find in professional linguistic research. However, this is not very surprising considering that private companies who get paid to yield results usually do the evaluation of the interviews.

All of these issues were recognized by a large group of linguists and other specialists, who, in response, published the *Guidelines For The Use Of Language Analysis In Relation To Questions Of National Origin In Refugee Cases*.²¹ In these guidelines the stated drawbacks were put forth and the increased trust in the application of forensic speech analysis to determine national origin by western governments was confronted.

IV.

As Foucault wrote, two cohering developments went along with the installment of the examination in the rise of disciplinary societies. First of all, it offered the possibility to constitute individuals as analyzable objects while secondly, it allowed to set up a system of comparison for measuring global phenomena. In doing so the examination turns every individual into a case through its techniques of documentation. Paradoxically this newly discovered individuality, which before has been strictly reserved for privileged and high-ranking subjects, was in no way a trend towards increased equality and personal freedom, but rather a means of classification and control. Therefore Foucault sees the examination not as a mere receptive and reflexive tool, but as a highly productive one, for it creates realities.²²

This definition of the examination coincides with Abu Hamdan's assessment of forensic speech analysis : It does by pointing out the fact that each time we speak in front of the law, we are not only identifying and testifying ourselves, but are providing the basis for the identification of all other voices through the possibility of comparison.²³ When we think of the *Miranda Warning*, which first of all takes our voice into custody, we now see that – through forensic speaker comparison techniques – it “will never be released”²⁴ from this custody.

Since the passing of the PACE act one can see how the development of forensic audiology put the voice under pressure. While before the attention was focused on the things we say, it shifted now to the way, how we are saying them. Thus, the voice is used as a gateway to enter the body of a speaking subject in order to gather information without the affected noticing. In conclusion you could consider the sound of the voice as a new form of speech itself, containing more information than the actual words we utter. This endowment of the voice with its own speech is not a new concept; psychology and other disciplines have long taken the expressive function of the voice itself into account. Nevertheless, on a legal

basis it is a rather new development that these aspects are being taken into account and create liability. The result is that the performative force of the act of forensic listening equips “a sound with the orality that in turn allows it to operate politically”²⁵ – thus confirming the Foucauldian notion that the tactics of governance allow to determine what is public or private, governmental or non-governmental business at any given time²⁶. This distortion of the voice is implicated in Lawrence Abu Hamdan's use of sound altering effects within *The Freedom of Speech Itself*.

Nonetheless it is important to come to terms with the fact that the agency of this form of listening does not limit itself to the aspect that it expands the bandwidth of audible speech. Rather – as we saw with the example of the examination – we have to consider that this kind of monitored listening contains the option of actively manipulating and altering the realities of its subjects. Updating Althusser's interpellation, the constitution of a subject can now be found within the act of listening rather than speaking. This becomes especially apparent in the case of forensic voice analysis in connection with the procedure of granting asylum as highlighted in *The Freedom of Speech Itself*.

The same way the sculptures accompanying the sound piece pinpoint Abu Hamdan's interlinkage of forensic voice analysis and its effects on the territorial transplanting and fixation of its subjects. Just like the documentation itself, the sculptures – in their almost abstract indistinguishability and likeness – question the accuracy of the classification gained through forensic voice analysis. Furthermore, the acoustically absorbent foam, out of which the sculptures are made of, not only draws more attention to the sonic medium of the artwork, but also amplifies the extent to which our voices can be manipulated and almost extinguished in modern societies.²⁷ The voiceprints not only illustrate the content of the immaterial documentary, but manage to create an even better understanding and multidimensional perception of the artwork and the issues it raises.

Abu Hamdan’s documentary reveals and analyzes political effects of forensic listening for the probed subject’s voices, as well as their physical and cultural existence. In doing so it adds even more weight to the notion that the traditional idea of how we exist in and act through language, as well as the fundamental idea of democratic participation can no longer be kept up. This holds particularly true for the age-old conception of the voice as a means of constituting and representing oneself. Rather the feeling arises that contemporary forms of listening undercut and pervert named concepts in order to consolidate and expand governmental control. What remains is the notion that instead of our voices being the subjects of a conversation they are being transformed into carriers of information – without us even noticing.²⁸

Autor

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Anmerkungen

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- 25 Abu Hamdan 2010, p. 26.
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- 28 Foucault 1994, p. 257.

Abbildungsnachweis

Fig. 1 Lawrence Abu Hamdan, The Freedom of Speech Itself, URL : <http://lawrenceabuhamdan.com/#/fosi/> [31.07.2015].