Part Two

READING GUIDE – LAW AND SOUND: MUSIC, NOISE, GENOCIDE

Stream overview

Law is deeply implicated in what we hear and how we listen. Our iPhones, loudspeakers, radios and headsets are all proprietary, as is the music we listen to on them and the audio-formats on which that music is encoded. Law regulates and fails to regulate the volume and acoustic character of our streets, skies, workplaces, bedrooms, and battlefields. As yet another music venue, airport, housing development or logging venture receives approval, new sounds enter the world, others leave it and our worlds are subtly reconstituted as a result. Not just that. Legal practice itself is soundful. When Simon Bikindi stood trial at the International Criminal Tribunal for Rwanda, accused of inciting genocide with his songs, witnesses sang, audio and audio-video recordings had to be entered as evidence and played aloud to the court. How were they received? Why? And what can this tell us about the acoustics of legal proceedings more generally? Because even when songs don't feature at trial, the diversity of the courtroom as an acoustic environment is striking: the knock of the judge's gavel, the swearing of oaths, an aggressive cross-examination, the pronouncing of judgment; and all of this increasingly into microphones, through headsets, and transmitted via audio-video link to prisons and elsewhere. There is a reason it is called a hearing.

This elective explores the many relations between law and sound, both in and out of court. Following the introductory seminars in weeks 1-3, students will design their own research project, focussing on an aspect of the law-sound relation of their choosing. This research may draw on analyses from a range of disciplines in addition to law, including sound studies, musicology, media studies, philosophy and sociology.

Elements of the course

Week	**Tasks**
1: Seminars	
Week 1	Law and Sound
Week 2	Law's Sonic Imagination
Week 3	The Judicial Soundscape
Week 4	The Soundscape as Lawscape / Soundwalk
25 March-3 April: Non-Teaching Period	
2: Research skills	
TBC	The Law Library and Legal Research Skills Adviser will be offering workshops and resources to ensure students undertaking this subject

	have the research skills necessary to complete the required research project. The dates and times of these workshops will be announced on the LMS once semester begins. Please email Trung Quach to register: trung.quach@unimelb.edu.au
3: Individual consultations	
Week 5	First 15-minute consultation with the subject teacher to discuss your research proposal (submitted in advance).
Week 8 or 9	Second 15 minute consultation to discuss your essay outline (submitted in advance).
4: Oral presentations	
Week 11 and 12	Oral presentations (hurdle requirement). Each student will give a 10-15 minute presentation on their project, with 5-10 minutes for questions (total 20 minutes). Please note that class members are expected to attend and provide comment on others' presentations.

Required readings

An outline of the topics that will be explored during seminars in the first four weeks of semester, together with a list of the required readings for those classes, is provided below. The required readings are either readily accessible online, or are provided in the Resources folder on the stream webpage. A list of further readings has been provided mostly as a starting point for your research essays, but any additional reading you choose to do during semester will only be of benefit. All further readings are available either at the Law Library or the Bailieu, and in some cases as e-books via the library website.

Completing the readings in advance of class is essential to participation in class discussions and activities.

Seminar topics and readings

Seminar 1: Law and Sound

We will take some time in the first part of this class to introduce ourselves, the subject and its assessment requirements. The main focus of class, however, will be a discussion of the required readings below, which set up some of the course's key themes, analytical tools and topics.

Required readings:

- John Cage, 'The Future of Music: Credo' in *Silence: Lectures and Writings* (Wesleyan University Press, 1961), 3-7. **(LMS)**
- Jonathan Sterne, 'Sonic Imaginations' in *The Sound Studies Reader* (Routledge, 2012), 1-12. **(LMS)**
- Jonathan Sterne, 'Hello' in *The Audible Past: Cultural Origins of Sound Reproduction* (Durham, Duke University Press, 2003), 1-30. **(LMS)**

- James E K Parker, 'Towards an Acoustic Jurisprudence: Law and the Long Range Acoustic Device' *Law, Culture and the Humanities* (2015), 1-17. **(LMS)**

Further reading:

- Michael Bull and Les Back, *The Auditory Culture Reader* (Berg, 2003), 1-24.
- Trevor Pinch and Karin Bijsterveld, *The Oxford Handbook of Sound Studies* (Oxford University Press, 2011). (e-book available via UniM)
- James E K Parker, 'Listening to Law' in *Acoustic Jurisprudence: Listening to the Trial of Simon Bikindi* (Oxford, Oxford University Press, 2015), 15-43.
- Desmond Manderson, *Songs without Music: Aesthetic Dimensions of Law and Justice* (University of California Press, 2000). (e-book available via UniM)
- Desmond Manderson, 'Towards Law and Music', *Law and Critiqu*e 25(3) (2014) 311. http://link.springer.com.ezp.lib.unimelb.edu.au/article/10.1007/s10978-014-9142-8/fulltext.html
- Lionel Bently and Leo Flynn (eds), *Law and the Senses: Sensational Jurisprudence* (Pluto, 1996).
- Jacques Attali, *Noise: The Political Economy of Music*, trans. Brian Massumi (University of Minnesota Press, 1985) [trans of: *Bruits: Essai sur l'économie politique de la musique* (first published 1977)]
- Bruce Johnson and Martin Cloonan, *Dark Side of the Tune: Popular Music and Violence* (Ashgate, 2009).
- Sounding Out! http://soundstudiesblog.com/

Seminar 2: Law's Sonic Imagination

In this seminar we will consider how legal institutions conceive of sound in various different adjudicative and regulatory contexts. We will be focusing in particular on three case studies: the trial of Simon Bikindi by the International Criminal Tribunal for Rwanda for incitement to genocide with his songs, the debates around noise abatement in the US at the start of the 20th century, and the use of so-called 'voice analysis' in asylum seeker cases in Australia and elsewhere.

Required readings:

- Emily Thompson, 'Noise and Modern Culture, 1900-1933', *The Soundscape of Modernity: Architectural Acoustics and the Culture of Listening in America 1900-1930* (Cambridge, MIT Press, 2002), 115-168. **(LMS)**
- James Parker, "The Musicology of Justice: Simon Bikindi and Incitement to Genocide at the International Criminal Tribunal for Rwanda" in Morag J Grant and Ferdia J Stone-Davis (eds.), *The Soundtrack of Conflict: The Role of Music in Radio Broadcasting in Wartime and in Conflict Situations* (Olms Verlag, 2013), 198 **(LMS)**

Required listening:

- Lawrence Abu Hamdan, 'The Freedom of Speech Itself' https://soundcloud.com/safina-radio-project/sets/lawrence-abu-hamdan-the

Further reading:

- James E K Parker, 'The Musicology of Judgment' in *Acoustic Jurisprudence: Listening to the Trial of Simon Bikindi* (Oxford, Oxford University Press, 2015), 63-84.
- Lily E Hirsch, 'Rap as Threat? The Violent Translation of Music in American Law' *Law Culture and the Humanities* (2014), 1-19.**(LMS)**
- Lily E Hirsch, *Music in American Crime Prevention and Punishment* (University of Michigan Press, 2012. (e-book available via UniM)
- Simon Frith, 'Why do Songs have Words?' 5 *Contemporary Music Review* (1989), 77-96. **(LMS)**
- Saeed Hydaralli, ''What Is Urban Noise? An Inquiry Into Its Formal Properties,'' in Michael Goddar, Benjamin Halligan and Paul Hegarty (eds), *Reverberations: The Philosophy, Aesthetics and Politics of Noise* (London: Continuum, 2012).
- Lawrence Abu Hamdan, 'Aural Contract: Forensic Listening and the Reorganisation of the Speaking-Subject', *Cesura//Acceso: Journal for Music, Politics and Poetics* (2014) 200-224.
- Suzanne G Cusick, "You are in a place that is out of the world...": Music in the Detention Camps of the "Global War on Terror" 2(1) *Journal for the Society of American Music* (2008), 1-26. **(LMS)**
- Morag Grant, 'Pathways to Music Torture' 4 *Transposition* (2014), 1-19. http://transposition.revues.org/494
- Simon Frith and Lee Marshal, *Music and Copyright* (2nd edn, Routledge, 2004).
- Dennis Kurzon, 'Peters edition v. Batt: the intertextuality of silence' 20 *International Journal for the Semiotics of Law* (2007) 285-303. http://link.springer.com.ezp.lib.unimelb.edu.au/article/10.1007/s11196-007-9050-4
- Lawrence Lessig, *Remix: Making Art and Commerce Thrive in the Hybrid Economy* (Penguin, 2008). (e-book available under Creative Commons licence at http://www.scribd.com/doc/47089238/Remix)
- Joanne Demers, *Steal This Music: How Intellectual Property Law Affects Musical Creativity* (University of Georgia Press, 2006).
- Siva Vaidhyanathan, 'Hep Cats and Copy Cats: American Music Challenges the Copyright Tradition' in *Copyrights and Copywrongs: The Rise of Intellectual Property and How it Threatens Creativity* (New York University Press, 2001). (e-book available under Creative Commons licence at http://www.scribd.com/doc/49901015/Siva-Vaidhyanathan-Copyrights-and-copywrongs)

Further listening:

Lawrence Abu Hamdan, 'The Whole Truth' http://www.forensic-architecture.org/file/forensic-listening/

Seminar 3: The Judicial Soundscape

In this seminar we will explore the role of sound and listening in judicial proceedings: in the giving of testimony, the hearing of oral arguments, the interpretation of evidence and so on. Time will be allowed during this seminar to hear from some students about their tentative research topics and approaches.

Required readings:

- R Murray Schafer, 'Introduction', *The Soundscape: Our Sonic Environment and the Tuning of the World* (Rochester, Destiny Books, 1994), 3-12.**(LMS)**
- Sterne, Jonathan. 'Sounds Like the Mall of America: Programmed Music and the Architectonics of Commercial Space.' *Ethnomusicology* 41 (Winter 1997): 22-50. http://www.jstor.org.ezp.lib.unimelb.edu.au/stable/852577
- James E K Parker, 'The ICTR as Soundscape' in *Acoustic Jurisprudence: Listening to the Trial of Simon Bikindi* (Oxford, Oxford University Press, 2015), 180-208.**(LMS)**
- Helen Fraser, Bruce Stevenson, and Tony Marks, 'Interpretation of a Crisis Call: The Persistence of Primed Perception of Speech', *The International Journal of Speech Language and the Law* 18(2) (2011) 261–92. https://search-ebscohost-com.ezp.lib.unimelb.edu.au/login.aspx?direct=true&db=ufh&AN=98171155&site=ehost-live

Further reading:

- James E K Parker, 'A Musical Trial' in *Acoustic Jurisprudence: Listening to the Trial of Simon Bikindi* (Oxford, Oxford University Press, 2015), 85-109.
- Peter Goodrich, 'Modalities of Legal Annunciation' in Peter Goodrich, *Languages of Law: From Logics of Memory to Nomadic Masks* (Weidenfeld and Nicolson, 1990).
- Linda Mulcahy, *Legal Architecture: Justice, Due Process and the Place of Law* (Routledge, 2011) 1.
- Grace Koch, *We Have the Song, So We Have the Land: Song and Ceremony as Proof of Ownership in Aboriginal and Torres Strait Islander Land Claims*, AIATSIS Discussion Paper 33 (July 2013) http://aiatsis.gov.au/sites/default/files/products/discussion_paper/we-have-the-song-so-we-have-the-land.pdf
- Brandon LaBelle, 'Prison' in *Acoustic Territories: Sound Culture and Everyday Life* (Continuum Press, 2010), 66-71. (e-book available via UniM) **(LMS)**

Seminar 4: The Soundscape as Lawscape / Soundwalk

This seminar puts some of our thinking over the last few weeks into practice. We will take a walk – a 'soundwalk' – down to Melbourne's legal precinct, turning our ears both to the role played by law in the construction of the contemporary soundscape and to the role played by sound in legal practice.

Required readings:

- Hildegard Westerkamp, 'Soundwalking' 3(4) *Sound Heritage* (1974/2001) http://www.sfu.ca/~westerka/writings%20page/articles%20pages/soundwalking.html
- Michel Chion, 'The Three Listening Modes' in *Audio-Vision: Sound on Screen* trans. Claudia Gorbman (Columbia University Press, 1994), 25-34. **(LMS)**
- Michael Bull, 'The Audio-Visual iPod', Ch 18 in *The Sound Studies Reader*, 197-208. **(LMS)**
- Andreas Philippopoulos- Mihalopoulos, 'Atmospheres of Law: Senses, Affects, Lawscapes' 7 *Emotion, Space and Society* (2013) 35-44. http://www.sciencedirect.com.ezp.lib.unimelb.edu.au/science/article/pii/S1755458612000266

Further readings:

- David Paquette and Andra McCartney, 'Soundwalking and the Bodily Exploration of Places' 37 *Canadian Journal of Communication* (2012), 135-145. https://search-ebscohost-com.ezp.lib.unimelb.edu.au/login.aspx?direct=true&db=ufh&AN=75262594&site=ehost-live
- Karen Bjisterveld, *Mechanical Sound: Technology, Culture and Public Problems of Noise in the Twentieth Century* (MIT, 2008).
- Steven Feld, 'Rainforest Acoustemology', Ch 12 in Bull and Back, *The Auditory Culture Reader*, 223-240.
- Alain Corbin, *Village Bells: Sound and Meaning in the 19th Century French Countryside*, trans. Martin Thom (Columbia University Press, 1998) [trans of: *Le cloches de la terre: Paysage sonore et culture sensible dans les campagnes au XIXe siècle* (first published 1998)].
- Jean-Francois Augoyardn and Henri Torgue, *Sonic Experience: A Guide to Everyday Sounds* (McGill, 2006).

Further listening:

- Soundscapes of Canada - original broadcasts from the World Soundscape Project: http://www.musiccentre.ca/search/node/soundscapes%20of%20canada (requires login - free).