

DOCTORAL THESIS

Law's imagination

towards an understanding of legal aesthetics through performative practice

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**Law's Imagination: Towards an Understanding of
Legal Aesthetics through Performative Practice**

by

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A thesis submitted in partial fulfilment of the requirements for the degree of PhD

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Abstract

This practice research study explores the law as a medium of art and performance-making in order to gain insights into how aesthetics is part of, or characterises aspects of, law. The research was conducted through creating a series of performative artworks culminating in two major projects. *Karaoke Court* was a performance work where people agreed under arbitration contracts to resolve their disputes through a karaoke sing-off hearing, which was a celebratory event where an audience-jury decided who would win each case. *Voices from the Courts* was a residency at the Singapore Courts where I created graphic scores, as one among a set of diverse outcomes, through listening to the physical and emotive soundscape of the Courts.

Through the creation of performance artworks, I aimed to discover aesthetic insight and to illuminate how the law can be a vessel for creativity and a site of social potentiality. Employing a wide range of artistic strategies, such as listening, drawing, performance-making, exhibitions-making and collaborating, these projects responded to central concerns in my practice about the relationship between representation and presentation; the importance of legal imagination as a space for redefining legal aesthetics and thereby fairness and politics; and why performance and performativity are primary aesthetic modes through which law and justice are realised. The study presents ways in which law comes into being or into *poiesis* through its potential to be reimagined.

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1. Introduction

"There is quite a distance between groaning, growling or protest and the writing of claim."

Bruno Latour, *The Making of Law*

"I surrender to the fever of dreams, but only in order to derive from them new laws."

Antonin Artaud, *Manifesto in a Clear Language*

"Aaaaa-ha Eeeh-ha, Aaaaa-ha Eeeh-ha, Aaaaa-ha Eeeh-ha, Aaaaa-ha Eeeh-ha"

Adam Ant & Marco Pirroni, *Prince Charming*

In the case of *R v Sussex Justices, Ex parte McCarthy* ([1924] 1 KB 256, [1923] All ER Rep 233), it was established famously that "justice should not only be done, but should manifestly and undoubtedly be seen to be done" (Lord Hewart C.J.). In English law a certain visibility, transparency and exposure has to be performed in order for justice to be served. Law's performances create new realities. In aesthetic terms, what the law offers is not only representation¹ or pure image, but performatives: actions or words that create social or legal realities. In my doctoral practice I wished to *present* the law itself within artwork rather than to *represent* it via artwork, a difference that Skantze describes as a "...move beyond 'illustration', a paint-by-number rendering of the idea into the Performance" (Skantze, 2019). This practice research project explored the law as a medium of art and performance-making in order to gain insights into how aesthetics is part of or characterises aspects of law. By 'law', I take as my

1 I use Hartley's definition of the term 'representation', see section 4.3 below for a discussion of 'representation' and 'presentation'.

context the English tradition of Common Law² where, aside from legislation, law is created via cases tried in court, acted out in the adversarial system of litigation and framed theoretically within (broadly) the Anglo-American and British Commonwealth canon of jurisprudence . I undertook this research by creating a series of performative artworks culminating in two major projects: *Karaoke Court* and *Voices from the Courts*.

My interest in law as an area of artistic research came initially from a dissatisfaction with the early performance works that I had devised during the first year of my PhD studies where I was exploring the themes of civil rights and historic anti-racist struggles. Firstly, I saw that I was creating representations *about* civil rights and as such I felt that the works stopped short of engaging with real world relations and struggles in a direct way. Having been a civil rights activist I wanted my artwork to do more than observe, comment on or illustrate social justice concerns. At that point, I did not know what else art could do aside from *representing* issues until I encountered the theories and practices of performativity found in Austin (Austin, 1975), Butler (Butler, Segal, & Osborne, 1994), Tania Brugera (Brugera, 2017; Posner, Mosquera, & Lambert-Beatty, 2009), the Artist Placement Group (Sainsbury & Hudek, 2012; Slater, Latham, & Seveni, 2001), and the Center for Political Beauty (S. Merrill, 2018). As a result, I found that making performances and/or performatives allowed me to connect artistic practice with live politics, or at least to bring them close enough to each other to resolve the dissatisfaction in my personal practice.

Secondly, I became increasingly aware that while the call for civil rights was a demand for equality, it was also a demand for changes to be made practically, administratively, morally and conceptually in the law: both the ethical and legal demand were entangled. I understood that a double work had to be done in civil rights, of making the moral and emotional case as well as the legal one. With my background in law, having gained an undergraduate law degree, undertaken a solicitor's training and conducted civil rights casework, I had some technical insight into the law

2 The beginnings of the Common Law can be traced to the Norman Conquest of England in 1066 when King William I began a series of major reforms and brought in centralised administration alongside the existing Anglo-Saxon way of governance. This prepared the ground for the later conception and development of the Common Law in the reign of Henry II (1154 - 1189) where we saw the growth of the use of juries, itinerant judges, assizes, land rights and consensus on the definition of law courts. (Plucknett, 2001)

and understood it to be a complex set of practices and discourses that operated within a mode that it had devised for itself, i.e. I was interested in law as praxis, and one that continues to be developed, contested and reformed. As an artist, I perceived this to be a sensory field structured by the requirements of relationality, subject recognition, appearance, voice/hearing and performance. In other words, *legal aesthetics* underpinned and comprised the vehicle through which rights and equality could be recognised, debated, realised and delivered. I considered also that legal aesthetics was not a value-neutral operative field: how one saw, heard, handled and performed the law was informed by how the gaze, the auditory, the tactile/material and the performative has been constructed in Western society. I understood that the law had, or operated within, an aesthetic field with aesthetic rules. As such I sought to understand how the law worked aesthetically: what aesthetic assumptions underlay or were entangled with how the law worked and to make these assumptions visible. Researching my artistic practice enabled me to understand practice itself as a knowledge object and to slow down my instinctual understandings of what informed my work in order to be able to think through it.

Aims and Approach

The aims of the study were:

1. To invent new forms of performative artworks to interrogate law as a medium and context,
2. To think through the artistic process in its ongoing documentation and publication,
3. To consolidate insights from the artworks about aesthetics and/of law in a thesis.

My approach was to consider the law as an art medium, and in doing so, to create works of art based in performance and performativity. To begin with, it was important for me to acknowledge the binaries that existed within the law as an epistemological norm: that of factual/legal versus emotional content in legal cases, of prosecution versus defence, of Judge and Jury, of the represented (client, facts, social circumstance) versus the representor (lawyer, legal document, court scene). In order to question and 'mess up' these norms, my methodology was to bring the law into *poiesis*, i.e., to create performance artworks with law. In doing so, I attempted to tease out

the difference between *representation* ('standing in for') and *presentation* ('bringing something into being or presence') and to explore how these philosophical concepts informed my practice projects. I searched for artistic pathways that enabled me to understand the interplay between representation and presentation in the process of interrogating legal aesthetics. An approach emerged that kept performativity and process and thus *presentation*, as the centre of gravity in my works rather than the 'gallery-ready' visual (e.g., to produce drawing, painting, sculpture, film, etc as the main outcome or only outcome that carried meaning). This is not to say that visual works could not be performatives, but that the social nature of the contexts in which I was working required me to prioritise the unfolding of relationships in real time.

In devising the two projects *Karaoke Court* and *Voices From The Courts*, I employed a wide range of artistic strategies, such as listening, drawing, theatre-making, exhibitions-making and collaborating, being mindful of how these strategies interfered³ with legal practice to produce particular insights. These projects came out of and responded to central concerns in my practice about the relationship between representation and presentation; the importance of legal imagination as a space for redefining legal aesthetics and thereby fairness and politics; and why performance and performativity are primary aesthetic modes through which law and justice are realised. I also considered the existing theoretical and practice landscape in the field of law and art (Section 3). This landscape includes scholarship about legal aesthetics derived from literary criticism and Critical Legal Studies, as well as current law about artworks, and art made about law. I identified a number of themes which I attempted to address by undertaking practice research and creating two major projects.

This thesis offers a narrative overview of my doctoral practice research and sets out the theoretical, art historical and methodological contexts that inform the two practice projects. The insights gained from this study are articulated in different ways, in both this thesis text and in the live research works themselves. The insights offered about legal aesthetics in this thesis by

3 I use the idea of 'interference' In the Baradian sense (Barad, 2007), to mean a form of intra-action between two bodies, for example sound or light waves creating an interference or diffraction pattern that manifests in unexpected representations. I explain in Section 2.2.3 below how I apply the idea of 'diffraction' as a methodology in my work.

definition are those that are capable of being articulated verbally, rationally and conceptually. However a different set of understandings can be gleaned by a direct experience of the artworks or through a close examination of their documentation, some of which is contained in the appendices. In this regard, I urge the reader to consider this thesis as the part of the research that poses a number of verbally articulable questions to which the artworks reply, answer or exceed.

The Law as an Art Medium

As a trained ceramicist, I attempted to treat the law as a material, form or format in the same way I would if I was approaching a new clay that I had never worked with before. The artist Theaster Gates also adopts a similar aesthetic methodology in his work on urban planning and city regeneration where he applies pottery practice to his politically and socially engaged artwork. He says: "I feel like as a potter you also start to learn how to shape the world." (Tate, 2015)

In a similar way, I approached the law in my practice as a medium that had its own operational characteristics and idiosyncrasies. This also meant accepting that I had limited knowledge about how that material functioned and that I would have to test the material to learn its characteristics: what it could do, what it could not, what it flourished doing, and what it resisted. As with any artistic medium, the material cannot always be forced into what I would want it to do. However, a reconciliation and working out between me and it results in an emergence of work between us.

The difficulty with taking this approach was the overwhelming and instinctual desire in me to be pulled away from allowing work and meaning to emerge towards creating work *about* legal content. For example, in the two research projects, I had to be vigilant against seeing the work as a message *about something*, e.g., Inuit rights, lack of legal access, litigant poverty, theatricalisation of power, etc. While such conceptual content is included in the research, and indeed cannot be avoided because the law is not value-neutral and is always about something, my aim was to hold fast to the material quality of the law and to work with the inherent characteristics of the medium. As discussed below, in *Karaoke Court* this meant finding a new shape for arbitration law, and in *Voices From The Courts* it meant working with an unpredictable material and complicated making 'equipment', i.e., the courts, the civil service and the art biennale system.

By taking this approach, I also had the advantage of clarifying the tension between politics and art in my work. I struggled between wanting to promote certain social justice agendas and yet firmly believing that art should not be instrumentalised for politics, justice, equality or for any other field of ethics or knowledge. Politics and art scholar Bernadette Buckley for instance states that the “aesthetic does not *need* to legitimate itself in relation to any presumed to be ‘more real’ realm of political science or international relations.” (Buckley, 2009; Möller, 2016) However, while the aesthetic does not “need to legitimate” or justify itself as being useful to another discipline, my own personal interest and embeddedness in politics made me want to create work that was near politics. By taking the law as my starting medium (in particular specific sub categories of law such as arbitration and indigenous or folk dispute resolution in *Karaoke Court*, and court procedure in *Voices From The Courts*) and concentrating on what that medium could do rather than pushing my own political agenda. In this way I avoided instrumentalising the artwork or creating sensational political gestures, while at the same time creating a political work nonetheless.

Practice, Process and Procedure

In my practice and artistic understanding, I consider the law to be underpinned by an aesthetics of procedure: the procedure of working out the rules, how to implement them, and how to reform them when necessary. From my past experience as a visual artist and a legal practitioner, I consider the law to be a process-oriented medium akin to pottery, film photography, bronze-casting or lithography where the nature and limitations of the material, together with the available apparatus or technology of the day, dictates the procedure that has to be followed. The lawyer, like the artist, then applies, adapts, bends, stretches or even breaks the procedure in order to accomplish what they intend.

The UK civil procedure rules are now at their 107th update, while the UK criminal procedure rules run to 900 pages (<https://www.justice.gov.uk/courts/procedure-rules>). Legal legitimacy relies heavily on mutually agreed and transparent procedures, which in turn contain conventions of phrasing, terminology and jargon aimed at preserving common understandings. At the same time, these agreed procedures are framed as ‘practice directions’ and guidance on how lawyers and courts should behave or proceed. In fact, the seminal classic text on legal procedure is titled ‘How

To Do Things With Rules' (Twining & Miers, 1999) with no prescription on what must be done. As such, I was curious within my own emerging methodology about how artistic practice might explore the relationship between written codes of language and the demands of performance artworks to improvise, adapt, take directions from or indeed to stick closely to the text.

2. My Practice in 2 Projects

As my practice developed over the course of this research, my insights centred around what I came to call 'law's imagination'. I adopted this term to describe the capacity within art practice for law to be reimagined. In particular, two major projects explored this through interventions in relation to court life and arbitration. Firstly, *Karaoke Court* was a contemporary adaptation of various folk and indigenous song duel⁴ formats. In this project, participant-litigants agreed to settle their disputes under binding arbitration contract via a celebratory karaoke sing-off event where a jury-audience voted for the winner. Subsequently, and second in this thesis, *Voices from the Courts* was a yearlong collaboration with the Community Justice Centre (CJC) in Singapore, a court-based charity that supported litigants-in-person ("LIPs") and "needy"⁵ court users. Through the CJC, I undertook a residency at the Singapore Courts where I created a vocal portrait of the courts through performed graphic scores. Documentation from these two projects are appended to this thesis in two parts. Appendix A is included at the end of this thesis document and comprises digital photos or text copies of physical materials used in the production of artworks. Appendix B comprises original materials or extra copies of materials used in the 2 projects as well as audio and video files.

4 A discussion of 'song duels' can be found in Section 2.1.1 below.

5 The term 'needy litigants' was a term used by the Community Justice Centre to describe people living in financial or economic hardship in the Singaporean context.

2.1. Karaoke Court

*Karaoke Court*⁶ was a performance work that combined a singing event with the law. In this work, pairs of litigants agreed to resolve their disputes under arbitration contracts and through karaoke sing-offs at a celebratory event where the audience would act as jury and decide who won. I will use material from two iterations of *Karaoke Court* for this study: the Institute of Contemporary Arts Singapore hearing within my solo show 'How To Do Things With Rules' (13 Aug - 29 Sep 2015) and the Yard Theatre (Hackney Wick, London) hearing within my curatorial residency 'Law's Imagination' with digital and performance gallery *arebyte* (3 May - 26 Jun 2016).



Tan, J. (2015). *Karaoke Court* [performance, installation]. Institution of Contemporary Arts Singapore.

Although *Karaoke Court* appeared to present the form of a modern court in having a judge, litigants and a jury etc., what I attempted to produce behind the shape of these things was a different jurisprudence altogether. Most of the legal roles within the Karaoke Court were twinned

6 Where 'Karaoke Court' is formatted in italics, the words refer to the artwork or project or their title. Where the non-italicized phrase 'the Karaoke Court' is used, it refers to the court or the karaoke hearing.

with a theatrical role: the judge (who were real, qualified and practising judges) was in the role of an MC; litigants were singers; legal advisers / lawyers were vocal coaches; and audience members were jury members. This twinning of people's roles began at the moment of registration, where administrative processes for producing an exhibition or theatre were mapped onto legal administration. For example, ticket sales and the tickets themselves were also jury summonses⁷, where, upon registration, the familiar dynamic of audience as consumer turns into that of the summoned jury member.

2.1.1. Legal Anthropological Basis of Karaoke Court

Karaoke Court explored anthropological research into Eskimo⁸ or Inuit 'Song Duel' by linguistic scholar Penelope Eckert and Inuvialuit community representative Russell Newmark (Eckert & Newmark, 1980) as a way of unsettling and reimagining the Western jurisprudential basis for litigation. Song or performance duels arise in a number of cultures as surveyed by anthropologist Valentina Pagliai, such as the Basque *bertsolaritza*, the Ghanaian *halo*, Fijian *song challenges*, Nigerian *udje* or the Sumatran *didong* (Pagliai, 2009). These however, do not serve a formal legal function in the way that Inuit song duels do and are for ceremonial or entertainment purposes, and for displays of wit.

One practice that comes close to the Inuit use of song and performance as law is the *ateetee* sung ritual of the Ethiopian *Arsi Oromo* community (Qashu, 2019). Here, where a woman's right to respect has been infringed by an offender, women conduct an *ateetee* ceremony in front of the offender's house, with up to two hundred women in some instances, singing insults and prayers at the offender. Community elders negotiate on behalf of the offender until appropriate compensation is agreed, after which the women bless the offender and leave. However, the *ateetee* is a remedy for one specific right—a woman's right to honour and respect—rather than being a more broadly applicable dispute resolution method for society.

7 See Appendix B for a sample copy of the jury summons used.

8 "Eskimo" is still used in Alaska as an umbrella term to describe the two indigenous groups there: the Yupik (a non Inuit ethnicity) and Inupiac (an Inuit ethnicity). In Greenland and Canada, the term "Inuit" is used by indigenous peoples.

The Inuit Song Duel by contrast is more versatile as a vehicle for expressing grievances over a wider range of interpersonal conflict, or even for no particularised grievance at all but instead for a general breakdown of trust between persons. While Western legal systems place emphasis on apportioning guilt and assigning blame to one or other party, the Inuit sung legal tradition places “the emphasis on working out feelings” where the “purpose of the song duel is to reintegrate both parties in a conflict into the normal function of the community” (Eckett & Newmark, 1980). This is important considering that interdependence and cooperation among the members of a community is essential for survival in extreme environmental conditions such as the Arctic.

When I was devising the work, I was trying to find a form of public singing in the UK that had the equivalent social function as song and ceremonial duels. I regarded karaoke as a popular form of public singing where participants did not necessarily have to be professional singers, and where the situation was amenable to being celebratory and social. Karaoke has also become a widely practiced folk form of social singing in places such as pubs and bars, which meant that the element of fiesta and feasting had a natural fit with it.

In *Karaoke Court*, I was not attempting to recreate the Inuit song duel or even to apply it to urban Western contexts. This would be a highly difficult task considering the extreme differences in both types of societies. However, the Inuit tradition of the Song Duel as a historical legal and cultural practice allowed certain questions to be asked about the assumptions made about Western jurisprudence and the current conflict resolution practices within the Common Law, for example:

- Why is the idea of justice conflated with blame in our society?
- Why can't litigation be fun?
- Why is performance, theatricality, music, passion, bodily encounter, movement and spectacle separated from legal reasoning and legal judgment?
- How can justice be restorative, between litigants as well as between litigants and the community, rather than it being adversarial, competitive and antagonistic?
- Why is litigation and conflict resolution in the West something that individuals do and not something that concerns or is the responsibility of the community?

I tried to address these questions in the *Karaoke Court* art and performance work. The work not only suggested that on a practical level some of what Llewellyn calls the ‘law jobs’ (Llewellyn & Hoebel, 1967), such as dissipating community tensions, have to be done in any society, but that singing resolved formal disputes in a way that was more holistic and addressed relationships on a societal, interpersonal and bodily level.

2.1.2. The Arbitration Contract

The Karaoke Court arbitration contract formed the central object that held together and legally validated this work. I viewed it as both a set of agreed legal rules and a performance score because it guided the parties on how the arbitration operated and how the performance was to be produced and performed. I drafted the first contract using English Arbitration law and in consultation with a leading UK Legal 500⁹ law firm. It was drafted as an international arbitration contract, meaning that the arbitration could accommodate both domestic and international disputes. This was helpful since the work now, in the period since the first iteration of my doctoral research, has been produced in England, Singapore, Beijing and Hong Kong. The wording of the contract was reviewed each time by international arbitrators and lawyers to ensure its validity and enforceability within each jurisdiction.

I also drafted it as a contract for “ad-hoc arbitrations” (Mark, Lucy, & John, 2018). Arbitration clauses normally stipulate an arbitration institution to conduct the arbitration, such as the International Chamber of Commerce or the London Court of International Arbitration. These institutions provide independent professional services to disputing parties such as administrative facilitation of the arbitration, conference rooms, a qualified arbitrator, tried-and-tested procedures.¹⁰ Ad-hoc arbitrations do not stipulate an institution to administer the proceedings and allow the

9 Legal 500 is a ranking directory and review publication that assesses the quality of law firms in the UK and in other jurisdictions. <http://www.legal500.com/assets/pages/about-us/about-us.html>

10 The full range of arbitration services that the International Chamber of Commerce can be viewed here, including the cost normally incurred: <https://iccwbo.org/dispute-resolution-services/arbitration/>

parties to agree the format and mode of arbitration (Reuters, 2019a). So I was interested to see if the open approach to ad-hoc arbitration in UK and international law could include formats such as karaoke and theatrical event. However, as a minimum, arbitration agreements must include the following key features (Lexis, 2019a):

- number of arbitrators and the procedure for their appointment or removal;
- the seat of the arbitration, i.e., the jurisdiction;
- governing law;
- language of arbitration;
- procedural rules, e.g., on submissions, evidence, disclosure;
- hearing venue; and
- declaration that the arbitration award is final and binding.

In *Karaoke Court*, the arbitration was typically devised as a tribunal of one arbitrator: the Karaoke Court Judge, who although had the final say on who won the arbitration, would take into serious consideration the audience's vote on each case when making his or her decision. The seat, governing law, language and venue in *Karaoke Court* was normally drafted as being in one jurisdiction. Arbitration law allows for all of these elements to be separate because, for example, complex international commercial conflicts may comprise parties resident in different countries in dispute over a contract that was to be performed in a third country and in a different language. However, since all the *Karaoke Court* disputes have usually been simple, there has been no conflict so far between the seat, governing law, language and venue of arbitration.

An example of the facts and award (or 'remedies') as well as essential elements of a valid arbitration can be seen in the London Karaoke Court case, *Marissa Ashley McKinnon (Claimant) - v- Tom-Robert Ablott (Respondent)*¹¹ which was a domestic relationship dispute. Here a couple who wanted to spend the foreseeable future together disagreed on whether to make a life together in London and the UK, or overseas. The contract set out the following in accordance with the

11 The full contract which includes the arbitration procedure ("Karaoke Court Rules") can be viewed in Appendix A.1.1 and here: <https://drive.google.com/file/d/1WTfUmo7aFmc19p7F2-wbj8H6gyXa6A7a>

minimum features of an arbitration:

- a. The facts of the disagreement: “The parties disagree on whether to live in the United Kingdom together or to leave the United Kingdom. The Claimant wishes to remain in London as it is her home and because of the opportunities available in the city. The Respondent wishes to leave the United Kingdom because he considers it no longer a good place to raise a family and is deteriorating in terms of social attitudes in the country.”.
- b. The award should either party win: “Should the Claimant win, the Parties will remain in the United Kingdom for a period of no less than 3 years starting on 1 April 2017. Should the Respondent win, the Parties will leave the United Kingdom for a period of no less than 3 years starting on 1 April 2017.”
- c. The governing law, seat and language of the arbitration which was England and English.
- d. The procedural rules of the arbitration, the “Karaoke Court Rules”, which included among others the following key items:

“Prior to the arbitration, the parties will submit to the Artist in writing: the facts of the dispute, the list of karaoke songs and versions thereof to be performed in the arbitration, the agreed remedy.”

“The arbitration agreement will be signed at any time prior to the arbitration.”

And procedure to be adhered to at the arbitration itself included:

“The Arbitrator will introduce the Parties and the facts of the dispute.”

“The Claimant will present his or her karaoke song. Thereafter the

Respondent will present his or her karaoke song.”

“The Arbitrator will decide who wins by interpreting the audience’s response to the songs presented by the Parties. The Arbitrator may use any means he or she deems necessary in order to ascertain the audience’s response.”

2.1.3. Recruitment and Case Development

Because *Karaoke Court* was both a work of performance and law, each production stage had twin aspects. The arbitration contract, for example, was also performance score. Recruitment of litigant-performers was both a show casting activity and a marketing activity that any law firm would do in order to acquire clients. Recruitment for *Karaoke Court* was done via¹²:

- press releases sent to mailing lists of host institutions;
- posters in the vicinity of the intended hearing venue (see image below);
- social media marketing;
- leaflet distribution in the vicinity of the intended hearing venue (see image below);
- publicity through journalism:
 - broadsheet press: “Karaoke Court: let Craig David and the Carpenters settle your arguments” (The Guardian, 22 June 2016), “Karaoke Court: settle your disputes with a sing-off” (Today Newspaper, 17 Jun 2015),
 - art press: “Singapore’s first Karaoke Court settles disputes through a legally binding sing-off” (Singapore Art Gallery Guide, 2015)
 - legal press: “Karaoke Court is actually a thing” (Legal Cheek, 22 June 2016), “Gimme! Gimme! Gimme! Arbitration” (The Law Gazette, 2 May 2016)
 - radio: “Law in Action” at about 19 mins in (BBC Radio 4, 21 June 2016)

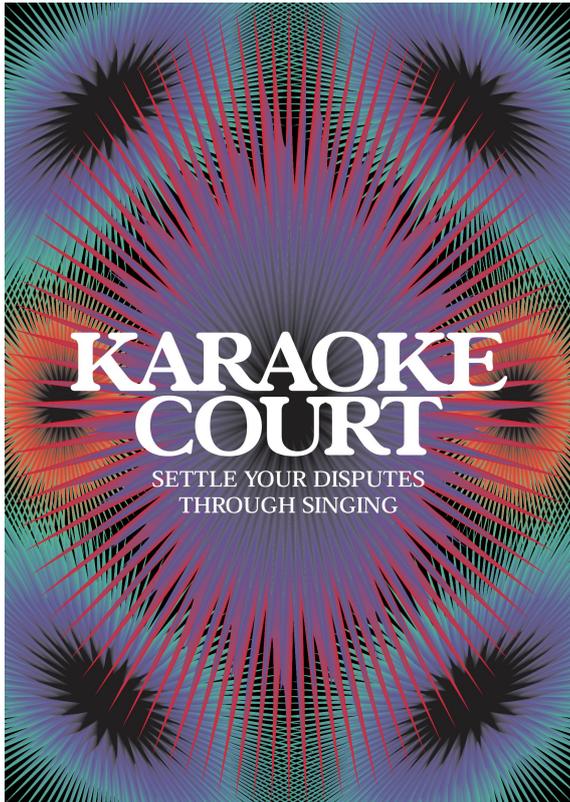
12 See Appendix A for samples of these documents. See Appendix B for a sample of the recruitment leaflet and a recording of the “Law in Action” radio programme.

The Karaoke Court's format allowed for the resolution of any matter from informal (or even imprecise) grievances, such as a family disagreement on where to go on holiday or a neighbour relationship breakdown, to formal matters, such as employment or contractual disputes. Because of the official arbitration structure underpinning, the work was technically also capable of resolving complex commercial and international disputes, although such cases have never yet been brought to the Karaoke Court. By definition, arbitration cannot deal with criminal matters. However, there could be some capacity for the format to handle cases of "restorative justice" (Van Ness & Strong, 2014), where victims and perpetrators of crime are brought together for reconciliation.



Karaoke Court poster (2016), Hackney Wick, London

People who responded to the recruitment process in both the Singapore 2015 and the London 2016 iterations of the work, brought small and informal matters to the arbitration. The procedure I adopted was to meet with the potential litigants in order to ascertain the facts of the dispute and to discuss agreeable remedies should either party win. Thereafter, I would follow up by drafting the statement of facts and remedies into the standard Karaoke Court contract which I would send to the parties for approval. This contract would then be finalised and signed before the date of the hearing.



Karaoke Court litigant recruitment leaflets (2015), Singapore

OPEN CALL

DO YOU HAVE A DISPUTE WITH A FRIEND OR NEIGHBOUR THAT NEEDS RESOLVING?

HOW TO PARTICIPATE AND BRING A DISPUTE TO KARAOKE COURT

1.1 Bringing a case to Karaoke Court
 If you have a dispute with friend, family or neighbour that you want to finally resolve in a festive, entertaining and supportive environment, bring it to Karaoke Court. Karaoke Court is an arbitration process and live performance where participants select, prepare and perform songs as a way of resolving their disputes with each other. The performance is overseen by a facilitator or 'judge', who invites the audience as 'jury' to decide should win each case.

1.2 How much does it cost?

Using Karaoke Court is free. But what we ask in return is that you provide your time and enthusiasm in preparing for your karaoke presentation, and engaging in the dispute resolution process.

1.3 What will happen?

*** Before**
 Contact the Clerk of Karaoke Court to discuss your dispute and how we can help. If it is a case where we can help, you will both sign an arbitration agreement consenting to the Karaoke Court method of resolving your dispute. We will help you prepare for your presentation with advice on song choice and singing.

*** During**
 The event will begin with drinks and entertainment before the Karaoke Court session formally begins. First, the Judge will call you and your partner to the stage and announce the facts of your dispute to the audience (jury). Next, you will present your songs. Finally, a vote will be taken to decide who wins the case.

*** After**
 The Clerk will issue you with 2 certificates that state the outcome.

BRING IT TO KARAOKE COURT SETTLE IT THROUGH KARAOKE.

ARBITRATION THROUGH KARAOKE COURT IS FORMAL, FUN AND FREE

2.1 What is Arbitration?
 Arbitration is a flexible cost-effective and efficient way of resolving disputes without needing to go to a court of law. Instead, disputes are resolved by independent arbitrators and through private formal agreements between the parties.

2.2 Examples of Disputes in Karaoke Court

- * Travel: where should we go on holiday?
- * Friends: can we go to a different restaurant/pub for once?
- * Neighbours: can you turn the noise down?
- * Businesses: who can use the loading bay in the morning?

2.3 About 'Song Duels'
 Karaoke Court is a work based on the Inuit tradition of the 'Song Duel'. Litigants present their disputes by singing in front of the whole community who is assembled together in a ceremonial Igloo or 'spiggle'. The aim of the Song Duel is to resolve disputes and to restore amicable relations.

REGISTRATION:	KARAOKE COURT OFFICE:	NEXT SITTING:
Email the Clerk of Karaoke Court at: karaokecourt@gmail.com For more information, go to www.karaokecourt.com	anybe gallery 49 White Post Lane Hackney Wick London E9 5EN 12pm-6pm 5 May to 22 June 2016	The Yard Theatre 2A Queen's Yard Hackney Wick London E9 5EN 6pm till late Thursday 23 June 2016

* Karaoke Court is a work of performance art created by Jack Finn and part of a new imagination. It's a cultural residency at anybe gallery in May and June 2016 (sponsoring law and art).
 * MAY 2016

In both iterations of the work, I was surprised to find that most of the disputes were at first unsuitable for performance or for arbitration because they were not disputes at all. For example, parties would claim a dislike of each other's taste in music, have an argument over which genre of film or decade of music was better, or dispute which celebrity wore the best costume at an event. Arbitration procedure was not an appropriate forum for deciding such questions of taste, and further from a theatrical perspective, there was not enough at stake or at risk in these cases to carry a performance or be of interest to an audience. In this sense, I had a vetting role in this first meeting in the way that any lawyer providing an initial consultation or a casting producer interviewing actors would have.

However, for those who I sensed had authentic stories, I allowed space and time for these to emerge during that initial meeting even if the potential participants were not able yet to articulate these yet. In the case of *Pamela Ng -v- Pauline Ng* for example, Pamela and Pauline were daughter and mother respectively. Pamela appeared to me to be interested in participating while Pauline appeared much more shy but was willing to join in in order to support her daughter. They claimed at first that they had no dispute even though they were interested in participating. I

normally would have declined such cases because the project has tended to attract would-be professional singers who desired to use the event to gain greater exposure for themselves. However, Pamela and Pauline did not fit this profile and so I continued with the meeting and opened the conversation out. Eventually, after over an hour's conversation, it transpired that there was indeed a point of contention that had been ongoing for many years. This was a curfew that Pamela, a woman in her mid twenties, was subjected to since she was a teenager because she was still living with her parents. It became clear that this was a serious issue that had contributed to long term tension in the mother-daughter relationship.

We discussed the possibility of taking this particular dispute to *Karaoke Court*. It is worth noting that at this point, as with a few other cases, some participants would deny that they had a "dispute" between them at all and did not like the use of that or other adversarial words like "conflict" or "argument" to describe their relationship. They preferred their case to be framed as a "disagreement" or an "issue" that could be resolved at the Karaoke Court. This part of the conversation often took some time as participants would be trying to understand and to get used to the idea of presenting a real and often private dispute in public which could feel exposing. Further, for the participants who were not natural singers or performers, doing this via singing could create the feeling of being doubly exposed. For this I offered vocal coaching which I detail in the next section of this thesis.

Once I considered that participants have understood and consented to the idea of resolving their conflict via song duel, I then began the process of narrowing down their thoughts and feelings about their case into a set of key facts that both parties could agree on. I did this by producing a template copy of the Karaoke Court contract which I gave them time to read. This would help focus their minds on the task of articulating the core issues in dispute, and to pin down what outcomes or penalties would be agreeable should either party win. Showing them the contract was often a sobering moment in the discussion, with many participants exclaiming that up until that point they had not believed me or the publicity literature when I or it said that the Karaoke Court was a real legal process.

In *Marissa McKinnon -v- Tom Ablott* for example, a couple in dispute over whether to remain in the UK or to emigrate, Tom (the emigrator) reacted very strongly upon seeing the contract and then refused to participate as he did not realise that this was “real”. I explained that the arbitration was indeed real and that he would be legally obliged to carry out the remedies in it if Marissa (the remainder) were awarded the arbitration. However, I attempted to reassure him (and people in other cases too) by explaining that the remedy would be co-drafted by both parties so he had a full say in what was awarded, that arbitration only appeared litigious when it was actually a reconciliatory process, and that it was unlikely that the winning party would enforce¹³ the contract should the losing party fail to perform their obligation.

In the cases so far where people expressed anxiety about the legality of the process, few people in my observation were actually completely reassured by my explanation. Even as non-lawyers, the participants were all alert to the seriousness and palpability of the operation of law. My reassurances may have addressed their thinking about their legal obligation but did not lighten their instinctive sense of the weightiness of it. The next step of the process, where participants were asked to choose songs, was more successful in shifting their focus from viewing the arbitration procedure as one of finding blame to one of reconciliation.

Once the serious business of drafting the facts of the dispute and ascertaining agreeable remedies were completed, I asked the participants to start thinking of karaoke songs that would encapsulate in humorous, poignant, explicit or subtle ways, their position in their case. This point of moving from the head space of facts, remedies and statements into an aesthetic one of song choice, music and lyrics, often seemed to liberate participants’ views of their dispute from being a chore (and often literally causing them to frown) to being an activity or a *techne* (where in contrast they tended to grin or smile a lot at this stage). The seriousness of their legal obligations under the arbitration contract did not go away, but the arbitration was repositioned and their dispute metaphorically turned on its side, so that it could be encountered anew.

¹³ However, arbitration awards can be enforced through the courts on the basis and showing proof of a valid arbitration (Lexis, 2019b). In this case, a party would apply to a court of law using the signed Karaoke Court contract and the sealed *Karaoke Court Order* (see Appendix B) as proof of the valid arbitration.



Duchamp, M. (1917/1964). *Fountain* [Ceramic, glaze, and paint]. Retrieved from <https://www.sfmoma.org/artwork/98.291/>¹⁴

2.1.4. Songs and Vocal Coaching

Choosing the right song in karaoke litigation was both an enjoyable and a serious activity. At the first meeting, there would be a little brainstorming right after agreeing draft wording of the arbitration contract. Litigants would run through all the songs they loved singing during the discussion; yet at the same time they were aware that these songs served an advocacy function. But rather than allowing the participants to get fixated on any particular songs at this point, I would usually ask the litigants to return home and think a little more about their dispute and the contract wordings that I would send on to them. This was because it was important to me that song choice was an emergent process. Over the following few weeks, through emails exchange, meetings or phone conversations, song choices were finalised. I discuss below one example where a song got fixated too early on and so there was a disjointedness in its use, which in my opinion contributed to the singer losing.

14 This image illustrates how I used Marcel Duchamp's sculptural approach of turning something onto its side (and in my case it was arbitration law and procedure), thereby transforming how one views an object anew.

Where possible, I enlisted the help of a vocal coach with song selection and singing rehearsals, such as happened at the Singapore hearing. Because the songs themselves were the advocacy, the vocal coaches occupied a barrister or legal adviser role within the process. The vocal coach would help their client choose the song with the style of music that would most accurately encapsulate the emotional content of their case, and one with lyrics that represented the litigant in the most witting, refreshing or poignant manner possible. In effect, the vocal coach had to help choose and rehearse a song to make it as persuasive as possible in presenting their client's case in the dispute. For the Singapore hearing, the vocal coach and I split the litigants in each case between us and we each coached one side of any dispute.

In the London hearing, I did not have the funding available to hire a vocal coach and therefore I helped both sides. This would normally be a conflict of interest and disallowed if this were an arbitration conducted according to institutional procedures. However, because this was an ad-hoc process aimed at reconciliation through humour and performance, a single vocal coach in this artwork would assume the role of a mediator who would normally help represent each party's case to the other, and as professional mediation standards would require¹⁵, in a focussed and unbiased manner. However, I was aware of academic critiques of such professional standards in that mediators and facilitators were "neither neutral nor impartial, but are automatically engaged in a constructed relationship with all the parties – and they in turn with us" (Wilson, 2010). The mediator could be said to be embedded in the relationship between and among the two parties, the songs and contract text who all emerge from their "entanglement" (Barad, 2007).

If the dispute resolution process was to work in my view, the labour of reconciliation began at the point of song choice. Up until this point, both parties would be arguing against each other, i.e., using spoken words and speech to represent themselves adversarially to each other. Singing to or against each other was a form of exposure beyond speech, and discovering what songs the other

15 The Financial Industry Regulation Authority, a USA-based investment services regulator, for example states that mediators sift "through the facts, emotions and individual interests of the parties involved to determine what the issues are and what a fair outcome could be for the parties." They "clarify the issues and assess the strengths and weaknesses of each party's case. The mediator also offers creative approaches and innovative solutions, while maintaining an unbiased perspective." (FINRA, 2019)

person might sing was the beginning of this exposure. Marissa and Tom, in their radio interview (extract transcribed below and audio recording available in Appendix B) (Rozenberg & Tan, 2016), explained how arguing in words created a blockage of communication or an *aporia*. It is important to note that in the radio interview, the couple were able to talk about their dispute in a calm manner because by this point, they had already chosen their songs, were looking forward to performing their dispute, and further had engaged in helping me publicise the project. So both the song-choosing and the novelty of being on the radio had begun to enable them to overcome the *aporia* that had been created by their arguments over the topic. However, in the initial exploratory meeting when I first met them, the atmosphere was much more heated and tense when we started discussing their dispute and each of their positions.

“Marissa: He wants to travel yeah? I don’t mind travelling but as long as I have a home to come back to.

Radio presenter: You’ve obviously had arguments about this. It can’t be easy for you.

Tom: It’s something that gets under both of our skin.

Marissa: Yeah it gets really heated ...

Tom: Gets really heated bickering so then we just stop talking to each other.

Marissa: Yeah.

Tom: And we won’t talk for hours. It’s just hard for us to come to terms with what each other wants.

Marissa: Like there’s no agreement.

Radio presenter: You needed somebody to sort this out.

Marissa: Yeah, pretty much. [laughs]

Radio presenter: And you are going to the Karaoke Court?

Marissa: Yeah we are.

Tom: When she first told me about it, I didn't actually believe that people settled like this in real life. I thought well it's not actually law. And then obviously reading the contract it is something that we can actually settle this with so ...

Marissa: Yeah I think it is best to leave it to the jury. [laughs]

During the weeks after meeting Marissa and Tom, I sent them both different suggestions for songs. For me, as the person guiding both parties to their songs and then towards their performances, I was interested in how the song would not just represent their case and play to their musical strengths, but also how they could embody who they are in the song. I was aware of the fact that the audience like a jury in a court of law, would themselves be alert not just to the content of the song but to the way in which it was sung, i.e., how who they were as persons would come through in the performance. Skantze quotes from and comments on Yopie Prins and Virginia Jackson's writing about lyric theory:

"In their Lyric Theory Reader Prins & Jackson write 'reading lyric, where lyric is the object of interpretation involves lyric reading ... not as an object of thought but as a mode of perception, an instrument of thinking', Oh yeah It's not the meat, it's the method that makes

my baby want to shout. It's not the meat

it's the method that turns her inside out." (Skantze, 2018, p. 32)

Indeed as Skantze emphasises "it's not the meat, it's the method", or as I understand it, the way of embodying and performing a song that resonates with an audience or jury, and allows them to come alongside and think through with the singer. Lyric content of course is also important because the right content creates a *poiesis* of the singer's subjectivity that the wrong content would hinder.

In karaoke of course, song lyrics are not the singer's own words but those written by another. So interpretive work has to be done by the singer in order to make the words their own. Media scholar Johan Fornas writes that a karaoke singer "may experiment with strange songs, but it seems to be of continual importance to be able to recognize the voice as one's own, in order to identify authorship and hear the result as something done 'my way'." (Fornas, 2005, p. 129). Like courting couples who have 'our song', so do karaoke regulars. It is in this mode of ownership, the karaoke litigant chooses a song from within their personal musical landscape to facilitate a *poiesis* of being or feeling that may otherwise not be articulated as well with their own words.

Further, lyrics are only one element in the karaoke experience since this is a multimedia format comprising the elements of lyrics, music, moving image/video, and live performance. Fornas explains that the interpretation of a karaoke song comes from the intersection of these elements. Its meaning is to be found "in the complex interplay between them rather than in any one of them alone." (Fornas, 2005). He goes on to explain that because karaoke exists within the changing and associative sphere of popular culture, the meaning that arises from the intersection of these elements also dynamically references prevailing memories of film, TV, music and other genres of popular culture. Fornas writes:

"The intertextuality in associations to various artists, songs, films and genres demands a choice of which of these, in principle, innumerable references are most relevant to an understanding of this particular karaoke performance. The

interactivity between works and their users—between audience performer and video in a context of use—adds still more complexities, including subjective identities as well as intersubjective relations.” (Fornas, 2005, p. 119)

These free intertextual associations are what creates meaning in a karaoke song and in how the performance creates and strengthens the network of “intersubjective relations” between singers, and singer and audience. As such, how persuasive a song is as it pertains to dispute resolution in the Karaoke Court arbitration process relies also on how rich these associations are. We see in the case of Marissa and Tom, how these meaningful associations were enhanced and undermined by song choice.

Marissa fixed on a song early in the process, a song she could perform well but which ultimately had lyrics that conflicted with her case facts. Tom on the other hand, had a longer struggle with song selection but ultimately chose one with a good musical and lyrical fit, so much so that he was comfortable enough to use particular lines in his song during his performance to improvise different meanings. Demonstrating an ability to improvise or reframe a song’s meaning is particularly persuasive to an audience. In contrast while Marissa performed skillfully—had a good voice, was vibrant, charming, moved well—she did not communicate in the same way. Over the course of the two iterations of *Karaoke Court*, I have observed that audiences are able to distinguish between communication and performance, and they have rewarded poorly sung good communication over skillfully performed less good communication. The case examples in the next section also bear this out.



Marissa singing in Karaoke Court, 2016, The Yard Theatre, Hackney Wick London.

For Marissa, the song choice led to a diminished ability to mean what she sang. It was difficult to convince the jury-audience that the couple should remain in London with the lyrics of the song she chose, [‘LDN’ by Lily Allen](#), which appeared to cast London in a negative light.

Tom, however, was able to use the lyrics in [‘Walking Away’ by Craig David](#) to great effect often directing specific lines at his opponent.



Tom singing in Karaoke Court, 2016, The Yard Theatre, Hackney Wick London.

The hearing and Marissa and Tom's performances can be viewed in Appendix B or here:

<https://www.youtube.com/watch?v=L4ojt8WuEQ4>

For Tom (and to a lesser extent Marissa), song choice and performance comprised an opening up of the singer in the song: a coming into his voice of his own presence which is offered in openness to the audience and to his opponent. Australian language teacher Janet Dyne connects openness, singing and reconciliation in her paper about indigenous land rights in Australia (Dyne, 1996). She writes that reconciliation between people or cultures may require first "a sense of reconciliation within ourselves" and a "*poiesis* of loving" achieved through the "radical openness of "singing the land"¹⁶. I do not cite Dyne to show that Tom and Marissa were recreating a form of Australian aboriginal land singing, but that there exist systems of knowledge and ethno-legal practices that connect body, voice, rights and reconciliation. More significantly, there exist reconciliation practices that focus on openness or an unfolding between parties as a means to achieve justice or equilibrium. Such opening or unfolding (which is *poiesis* as practice) is the opposite of normal litigation processes where a dynamic of closing down prevails, where the aim is to isolate good evidence, prove discrete facts or deliver the 'killing blow' argument (which is analysis and rhetoric as practice). At its core and if done at its best, the singing in *Karaoke Court* was paradoxically an act of generosity within competition, whereas in normal court advocacy the purpose is a defeat or eradication of the other.

2.1.5. Festival

Clerking and Preparing Court

In the weeks leading up to the event, preparations were made both theatrically and legally. In a court of law or tribunal, court clerks would ensure that the courtroom was clean, the microphones

16 Singing here refers to the Australian aboriginal cultural practice of *Dreaming*: 'In Reading the Country, Stephen Muecke observes that in Aboriginal culture the phenomenon of the Dreaming is not just a mythological depiction of events that happened in the past, "it is alive as a way of talking," and it depends on an on-going sense on "people living in the country, travelling through it and naming it, constantly making new stories and songs." (Dyne, 1996)'

and lights worked, the heating or air-conditioning was on, water was available for key court actors, the day's case listings were pinned up (see image below), the correct files and paperwork were ready at every table, and rosters were confirmed for court invigilators. The Karaoke Court's clerking tasks were no different. In addition to room preparation, the following were legal paperwork tasks in producing the event either because these were required by the arbitration procedure, or mirrored what courts do and would have been largely inconspicuous to the audience:

- ensuring all contracts were signed before the hearing and triplicate copies made (one for each litigant and one for the Karaoke Court);
- preparing unsealed copies of the [Karaoke Court Order](#) in triplicate;
- ensuring the court seal was available to the Judge or the Marshall¹⁷;
- displaying the [case listing](#) at the entrance of the Karaoke Court
- providing an updated case outline and any necessary supporting documents to the Judge, e.g., the schedule or order of the hearings, scripts, stage notes, etc.



This court paperwork was the culmination of conversations, rehearsals, negotiations, arrangements between litigant-singers, the judge, me the artist and clerk, and the hosting institution. After a time, the paperwork gathered within itself a performed 'thickness' or sense of the legal being made "corporeal", as gender scholar Judith Butler uses the term (Butler, 1988). Philosopher and sociologist

ing or clerking function in the Karaoke Court and to ng and serving of Court Orders. He or she appeared ly visible or almost inconspicuous. More importantly, rator, lawyer or judge, the Marshall would have been e legality of proceedings the way that a Magistrates' s Magistrates in court.

Bruno Latour reports how French court clerks describe their legal files and paperwork:

“The file is like a fruit, in the beginning it is green, then it is “just right”, and then we can work with them.” (Latour, 2010)



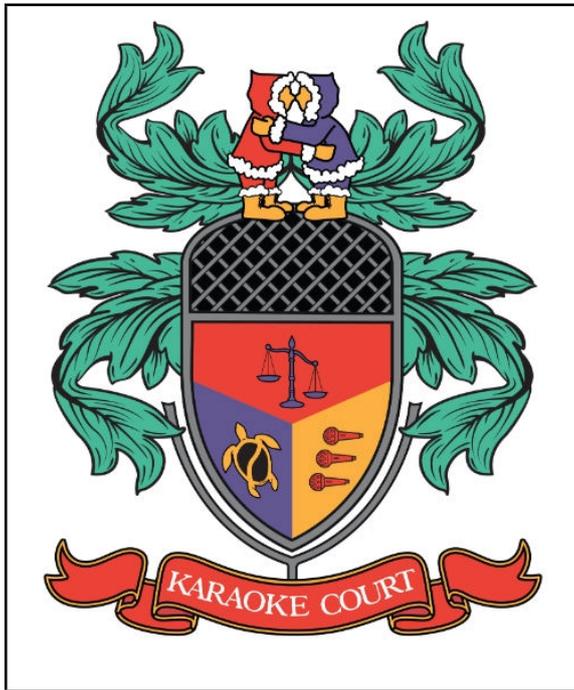
The Marshall sealing the signed Court Orders and serving these to the litigants (Singapore, 2015)

Clerks in the French court know when a file “is ripe for use” and when it should be “harvested”, i.e., sent up to the Judge’s chambers for use in a hearing. By entering, or having become ready to enter, the domain of the live hearing, paperwork became not just necessary props in a performance of law but also ritual objects that contain within themselves the poiesis of law. Containing this legal resonance, they went on to facilitate the legal performatives of a hearing.

Erecting Legal Symbols

As a matter of practice in the artwork, I stipulated for myself and anyone who wished to produce *Karaoke Court* that the minimum requirement for the court to be created was the mounting of the coat of arms in a prominent place in the hearing venue. This transformed the space into a site of legal ritual, very much like the Inuit *qaggiq* or festival house (Mcgrath, 2018) or how national

insignias are mounted above the Judge's chair in courtrooms (Mohr, 2005). But unlike the Inuits or modern courtrooms, the Karaoke Court was framed as an itinerant or travelling court which had no permanent accommodation. Spaces were scouted for or offered by host institutions and I negotiated access, duration and their adaptation for the karaoke hearing.



Karaoke Court Coat of Arms



Judge's bench, Karaoke Court (Singapore, 2015)

In devising the work, I found inspiration and justification for the travelling nature of the Karaoke Court in the history of the English assize courts which operated from the 13th century until 1971 (UK Parliament, 2010) and the current practices of travelling judges in rural China (Upham, 2004). In England, justice was administered in regional "circuits" and judges from Westminster would travel to and around the circuits to hear cases in "assize¹⁸ towns". By the 1580s in the "Northern Circuit" for example, these assizes occurred twice a year with the Summer session lasting 16 days and the Winter session lasting 7 days. By the 1690s, the Summer session took up to 35 days and usually presided by more junior staff from Westminster since chief and senior judges preferred the "more accessible and lucrative" Eastern or Western circuits (Cockburn, 1968).

Such preferences are interesting to note because it reveals the physical nature of assize hearings:

18 "Assize" is derived from Old French 'assise' (act of settlement or sitting down) or 'asseoir' (to sit) (OED, 2019)

the distances that had to be travelled by horse and carriage, the impact of weather, the varying levels of comfort of the converted town halls or grand houses, and availability of good hotel accommodation. Local Lancashire historian notes that Lancaster guarded its “Right of Assize” jealously because “the regular income generated by the twice-yearly influx of lawyers and their clients brought wealth to the town. The inns and taverns were full, social life swung into action” and local people enjoyed “the spectacle of the law in all its majesty as the judges of the Northern Circuit arrived at the castle to administer justice” (Goodier, 2007). In this regard, I understood that the Karaoke Court had to adopt features of a festival (through decoration, food and creating anticipation of participation) in order to frame the hearings more as community activity rather than a one-off consumer entertainment event.



Contemporary itinerant judicial practices can be found in China where judges travel to rural villages in order to set up court (Upham, 2004). I was interested in the logistics of setting up of these courts and in particular, the transportation across great distances and over difficult terrain of the

Court’s unwieldy coat of arms [Image: video still from ‘Faces of China - the travelling court’¹⁹, (ICTV, 2011)]. For this reason, the Karaoke Court is properly and symbolically convened only if its coat of arms is displayed.

Legal Placemaking and Carnival

The litigation in *Karaoke Court* was constructed at the outset as both a festive and legal event, and presented as a festive community activity with food and drink. Communal, embodied, emotive, empathetic and aesthetic knowledge was not separated from the rational in this event and process. *Karaoke Court* tried to enable a space where (dispute) resolution happens in the mind as

19 Video still from ICTV. (2011). *Faces of China - the travelling court* [Digital video]. Retrieved from <https://www.aljazeera.com/programmes/facesofchina/2011/01/201113174840350551.html>

well as in the heart and the 'gut'²⁰.

The judge's bench was set up as the focal point of the stage in front of which the singers would duel in song. A catwalk carpet was laid down from the litigants' changing room to the stage and specially selected music was played as each pair processed to the stage.



Judge's bench and litigants' catwalk, Karaoke Court (Singapore, 2015)

Bunting, posters, video projection and other decorations²¹ were put up and food was catered in order to create a festive atmosphere. Creating a festive space for litigation asks audiences to imagine a different conception and configuration of the legal. Architectural historian Peter Blundell Jones writes:

“Buildings provide prompts for action and frameworks to define relationship with fellow human beings in forming societies and communities. This is why variations in buildings and social practices expose differences in understanding and in conceptions of the world, causing the questioning of things normally taken for granted.” (Jones, 2016, p. 3)

20 I will discuss the role of the jury and how they make “gut instinct” decisions in the work in the next section. As such, by “gut” here, I refer to what organisational behaviour scholars have described as “affectively charged judgments” (Dane, Rockmann, & Pratt, 2012).

21 Sample bunting and animated decorative videos can be found in Appendix B.

This odd use of a festive space for litigation, or wrong use of a legal space for festivity, was an attempt at prompting a reimagination of the viewer's relationship to the law and a rethinking of legal epistemologies that are normally taken for granted. Further, building on this architectural inversion, the use of symbolic decoration, pageantry, music, food and drink at the Karaoke Court created a carnivalesque atmosphere that made the imagination of a different legal world almost real and palpable. Philosopher Mikhail Bakhtin says:

“Carnival is not contemplated and, strictly speaking, not even performed; its participants live in it, they live by its laws as long as those laws are in effect ... The laws, prohibitions, and restrictions that determine the structure and order of ordinary, that is noncarnival, life are suspended during carnival ...” (Bakhtin, 2013, p. 122)



Karaoke Court London menu (2016) Karaoke Court Singapore (2015) jury-audience getting food

However, because everyone present at the Karaoke Court were participants whose agency, particularly as jurors, had significant and potentially long-lasting legal effect, this “carnival sense of the world” (Bakhtin, 2013) extended beyond the end of the performance event. In effect, as valid legal instruments, the contracts and the finalised Court Orders held open and acted as a bridge between this fleeting carnivalesque moment and the ordinary “noncarnival” life.

2.1.6. Role of Juror within Karaoke Court

Jury Orientation

Audience members first encountered the idea of themselves as jurors after they booked a free ticket or sent an RSVP which captured their contact details, and then received a jury summons²² via email or by post. The summons confirmed information about venue and time of the hearing, as well as guidance on their role and duty as jurors.

JURY SUMMONS

YOU ARE HEREBY SUMMONED FOR THE
KARAOKE COURT JURY SERVICE

at: The Yard Theatre
Unit 2a Queen's Yard,
London E9 5EN

on: 6.30 — 9.00 pm
Thursday 23 June 2016



PLEASE REPORT TO ONE OF THE KARAOKE COURT OFFICERS AT THE REGISTRATION DESK WHEN YOU ARRIVE IN ORDER TO COLLECT YOUR VOTING CARDS, IF THESE HAVE NOT ALREADY BEEN SENT TO YOU.

WHAT THE JURY SUMMONS MEANS

Your participation as jury is an important part of Karaoke Court. Karaoke Court is an arbitration process and performance event where opposing parties sing Karaoke in order to resolve their disputes. You will be asked to consider the facts of each dispute presented to you and to listen to each pair of litigants sing.

Then you will make your decision on each case by flashing your voting cards. The jury-audience's response will be interpreted by the Judge and will determine the outcome of each case. The outcome is made legally binding under an arbitration agreement that each pair has signed beforehand.

IMPORTANT INFORMATION FOR JURORS

- Read your summons carefully so that you know exactly when and where to report to.
- If you believe you qualify to be excused from jury service, please inform the Clerk of the Karaoke Court so that other jurors may take your place.
- If you require special access arrangements to participate in the hearing, please contact the Clerk.
- You are permitted to vote even if you are a relation or colleague of any of the litigants.
- You are permitted to photograph or record the proceedings.
- You will also be asked to complete a jury feedback form at the end of your service in order for the Karaoke Court to improve future hearings.



CONTACTING THE KARAOKE COURT

JUROR REFERENCE:

If you have any queries concerning this summons or your role as a jury member, please contact the Clerk of the Karaoke Court at karaokecourt@gmail.com

Office hours:
12pm - 6pm, Thursday to Saturday,
5 May - 26 June 2016

WWW.KARAOKECOURT.COM
#KARAOKECOURT

Unit 2a Queen's Yard, London. E9 5EN

KARAOKE COURT IS A WORK OF PERFORMANCE ART BY JACK TAN AS PART OF HIS CURATORIAL RESIDENCY 'LAW'S IMAGINATION' AT AREBYTE GALLERY, LONDON, UK

WARNING: IF YOU DO NOT ATTEND KARAOKE COURT JURY SERVICE WITHOUT A GOOD REASON, YOU MAY BE COMMITTING A CRIME AGAINST FUN.

Jury Summons from Karaoke Court (London, 2016)

22 A copy of the Singapore 'Jury Summons pack' and London 'Jury Voting pack' can be found in Appendix B.

On arrival, jurors registered their attendance and were then greeted with food and drink in order to begin creating a sense of community and festivity. Within Inuit processes for example, people attending song duels were usually reasonably drunk and replete with food before dueling began because a central component of their judicial worldview was that litigation happened within the meaningfulness of conviviality (Eckett & Newmark, 1980). So already full of good humour, the audience would be called to their tables and seats by an MC just before the formal hearing began.



Jury desk at Karaoke Court London (2016)

Jury desk at Karaoke Court Singapore (2015)

Process and Procession

The jury were asked to rise for the entry of the Judge and Marshall (if there was one) who processed in to the song '[Prince Charming](#)' (1981) by Adam & The Ants. I chose this music in order to satirize the role of the Judge, being the court actor who embodied the supreme authority of the law. 'Prince Charming' also set a playful tone from the outset and balanced out the next more serious (and possibly rather boring) part of the procedure where the Judge had to formally explain the caveat that the Karaoke Court was not a real court of law, but a work of art, even though the arbitration was real.²³

²³ The Judge and Marshall's entry to the music 'Prince Charming' as well as their initial briefings to the audience can be viewed in Appendix B.1.11 (USB stick).



Karaoke Court Judge's procession, Singapore 2015

Next the Marshall briefed the jury on their responsibilities. Legal processes and theatrical procession were thereby enmeshed in the artwork in a productive and affective call and response. The jury were reminded of their live legal roles as decision-makers as set out in the arbitration contract signed by the litigants and under the prevailing arbitration law of the time. Once the Marshall was satisfied that the jury-audience had understood their task, he or she called the first pair of litigants.

Each pair of litigants paraded from the green room walking in to specially selected entrance songs that summarised their dispute, e.g., Marissa and Tom (described above) processed into 'Should I Stay Or Should I Go?' (1982) by The Clash. In the Singapore iteration of the work, fashion design students also dressed each litigant in specially designed costumes that encapsulated their case, and their route to the stage was carpeted as a catwalk. Once the litigants had arrived to the stage, the Judge introduced each party and then read out the facts of the dispute and the remedies as set out and agreed in their contracts. The judge was not permitted to elaborate or express an opinion on these facts because it was important that the jurors, as far as possible, heard only the facts and no rhetoric. The litigants were also not permitted to speak and argue their case.

Thereafter, the Judge invited each party to present their song. The jurors then voted on who should win the case. Through a show of coloured voting cards (both as a form of voting as well as flag-waving) (see Appendix B), the judge, as Arbitrator, determined who won the arbitration and issued a Karaoke Court Order awarding the arbitration to the winner.



Audience-jurors voting at the Yard Theatre in Karaoke Court (London, 2016)

Intuition as Legal Reasoning

My artistic intention was that the art work completed when the juror had to make a decision on how to vote: between what they had just witnessed in the performance and what they had heard in the facts of the case earlier. The aim of the work was to produce this internal crisis of judgement within the audience member, and for them to do the intuitive work of resolving the perceived dichotomy between legal facts and the emotion that was brought about by the performance.

According to organisational behaviour researcher Erik Dane and Michael Pratt, “intuition is a (1) nonconscious process (2) involving holistic associations (3) that are produced rapidly, which (4) result in affectively charged judgments.” (Dane & Pratt, 2007). They further define “affectively charged” as judgments that come from “gut instincts”, those that have affective content or “feelings of knowing”, and ones which often result in an experience of “excitement and harmony” following the decision. This is also acknowledged within legal scholarship. Social psychology researchers Andreas Glöckner and Irena D. Ebert have found that while legal reasoning begins with logic and rationality, “‘hunches’ or ‘feelings’ play a crucial role and are even necessary for appropriate decision making in difficult legal cases” (Glöckner & Ebert, 2011).

While both the organisational behaviour and legal psychology research cited above examine the role of intuition, the practice and policy within those fields habitually filter out affect and emotion because of a belief in their unreliability. For example, in a criminal court under the English system, facts, evidence and directly relevant arguments are the focus of a trial whereas Victim Personal Statements (which contain the personal and emotional story by the victim of the crime in question) (Ministry of Justice, 2013) and pleas of mitigation (which contain emotive information about the personal circumstances of the accused) (Sentencing Council, 2015) are revealed only after the jury has delivered a verdict and these statements are used for sentencing only. However it is evident from the above studies that the use of intuition and non-cognitive skill persists in these fields even if they are not formally acknowledged or even sometimes flatly denied. In *Karaoke Court* however, I was interested in creating a decision-making format that brought intuitive knowledge (which I considered to be a facet of aesthetic knowledge) into parity with legal knowledge, and providing an opportunity for a rubbing up of the two.

2.1.7. Judicial Discernment in Two Karaoke Cases

This work was designed to pit factual judgement against aesthetic judgement, i.e., each juror had to weigh up what they thought about the rights and wrongs of the facts of each case against the performance and vocal presentation of each litigant-singer before they made a decision that they knew would be legally binding on the participants. Growing up in a conservative society at the end of the British empire, I have always been aware that my citizenship, gender, sexuality, race were at some level matters of aesthetic judgement, which could then translate to judicial judgement at the whim of political expediency. This biographical beginning is the seed for a general fascination with how phenomena considered natural are underpinned and constructed by a legal or political aesthetic as meted out through judicial judgement.

Within jurisprudence there is a study of how judges decide things, and a body of writing about what are termed 'hard cases' (Dworkin, 1975, 1978; Galeza, 2013; Hart & Green, 2012; Twining & Miers, 1999). Hard cases are cases which have no precedent or guidance on how to decide them, or cases that pit two principles of law against each other. Most often these cases have to be decided at Court of Appeal or Supreme Court, and it is in those forums that law becomes jurisgenerative. The point of decision making where there are no rules or where rules about how to decide are not clear is where I situate this work.

There are only two main jurisgenerative roles within the law: the judge, and the jury. In making a participatory art work, I made the decision that placing the participant in the role of the jury offered more scope than by suggesting that the participant should adopt the role of the judge. This led me to a performance structure where the participant featured primarily as a juror, or indeed a litigant.

In the English criminal law, the jury is tasked with making a decision of fact. Their role is to decide whether evidence is true or false, or to give weight to the validity of arguments and ultimately to decide whether an accused is guilty or not based on the facts before them. The judge is tasked with supervising legal process. Within Western legal systems, emotion is not considered a valid tool for ascertaining truth. However within systems of song duels, particularly the Inuit tradition,

judge and jury are unified, and wit, humour, emotion and performance are part of the legal process. In this sense, the boundaries between fact, law, emotion, and procedure are made permeable in song duel litigation, and out of this fluidity legal judgments are made. By creating a work where the audience member was both judge and jury, and had both legal, theatrical and factual judgments to make, I attempted to reinvest a holistic form of judicial discernment back into the ordinary viewer²⁴. In two examples below I explore some of the processes involved in that approach to judicial discernment.

*Karaoke Case example 1: Pamela Ng -v- Pauline Ng
(Case No. KC(SG)004)*



This is a case in which a mother and daughter had a long running dispute over thirteen years regarding the daughter's curfew. Although she was now 28, she was still subject to a 10pm nightly curfew, in contrast to her younger sister, who was not. The parties decided to submit their dispute to arbitration via Karaoke Court, whereby should the mother win, the curfew would remain indefinitely; and should the daughter win, the curfew would be lifted. Having explained these facts to the jury-audience, the parties presented their performances. The Claimant-Daughter sang ['Girls Just Wanna Have Fun' by Cindi Lauper](#). The Respondent-Mother sang

['Close To You' by The Carpenters](#).

24 I produced environments where the "viewer" could come and go as they pleased without their entry, exit, participation or non-participation being conspicuous. This simulates the viewership in an art gallery or the law court public gallery.

Among the audience of about 500 people, the majority were the daughter's age. However, they overwhelmingly voted in favour of the mother even though they were well disposed towards the daughter's case on the initial explanation of facts. They changed their minds upon witnessing the performances. This was a surprising turn of events considering how the lyrics of the daughter's song illustrated the facts of her case well, in that the lyrics described a daughter addressing her parents and asking them to understand that "When the working day is done/Oh girls they wanna have fun". Further the daughter in this case was also an outgoing person who was not afraid of the stage whereas her mother was shy, worried about her inability to sing and not someone who enjoyed having the spotlight on her.

Before the hearing, I had expected the daughter to win the case. However, the mother's performance swung the votes in her favour on two grounds. Firstly, she chose a familiar and sentimental song that everyone knew but recontextualised its meaning from that of a lover pining for her beloved (as the song-writer intended), to one of a mother who loved her daughter so much that she always wanted to be in her company. Audience members later praised the way that this song had been reinterpreted, and also how it reframed the curfew no longer as a punitive thing but as a mother's desire to cling on to as much physical time with her daughter as possible while she could. Secondly, in spite of the mother not being comfortable on stage or able to sing well, she ignored the audience and sang directly to her daughter the whole time, and she occupied her own voice in a way that convincingly presented her love for her daughter. Concerning the voice, Philosopher Adriana Cavarero writes:

"In the etymology of the Latin *vox*, the first meaning of *vocare* is "to call," or "to invoke". Before making itself speech, the voice is an invocation that is addressed to the other and that entrusts itself to an ear that receives it." (Cavarero, 2005)

This act of entrusting, of the mother's love-passion-worry-longing to the ear of her daughter through voice and conveyed via sung speech, was intuitively perceived by the jury-audience. Her daughter in contrast, was unable to fully bring a sense of her frustration or deep need for freedom

into her voice or into the words “girls *just* wanna have fun” [emphasis mine]. The next example below shows how this presencing in voice mattered more than skilled performance or having a good voice.

*Karaoke Case example 2: Muhammad Siraj Bin Abdul Aziz -v- Olivia Kwok
(Case No. KC(SG)002)*

This case concerned a long-running and emotive dispute between the members of an indie band, who was represented by the lead singer, and their band manager over the future business direction of the band. The band manager wanted to grow the band’s audience slowly, thereby creating audience loyalty and longevity, whereas the band members wanted her to “hustle more” and to be booked for high impact gigs in order to create a large audience quickly. The parties agreed that the loser would undergo a period of training and industry experience devised by the winner, through which the loser would see the value of the winner’s business strategy. It is worth setting out the relevant clauses from the arbitration contract that describe the facts of this dispute and the remedies agreed in order to show that the Karaoke Court dispute resolution format can also extend to work related disputes:

“WHEREAS

The Claimant is a leading member of a music band that the Respondent manages. They have a disagreement about the direction that the band should take. The Claimant would like Respondent to push the band into doing bigger gigs, i.e. to throw them in the deep end. But the Respondent believes that the band should work up to this kind of profile by embracing all aspects of the career-making process, including doing PR, business planning and admin. The Parties seek a decision from the Karaoke Court on whose approach the band should take. (the “**Dispute**”)

IT IS AGREED AS FOLLOWS

1. The Parties have agreed to submit the Dispute to arbitration (the

“**Arbitration**”) to be finally resolved in the Karaoke Court in accordance with the Karaoke Court Rules.

2. Should the Claimant win, the Respondent agrees to undergo a period of training by shadowing a manager from another band. The trainer and shadowing period will be mutually agreed between the parties.

3. Should the Respondent win, the Claimant agrees that he and three other band members will participate in three networking events selected by the Respondent, and to a programme of training conducted by the Respondent. The length and content of the training programme will be mutually agreed between the parties.”

In this particular case, I did not help with song choice because both parties seemed very clear and firm about what songs they wished to sing, and also because they were music professionals, I chose to defer to their knowledge about songs and music.



Muhammad Siraj Bin Abdul Aziz -v- Olivia Kwok, Karaoke Court (Singapore), 2015

The band's lead singer sang '[Bleed It Out](#)' by [Linkin Park](#). The manager sang '[Home Sweet Home](#)' by [Mötley Crüe](#).

This case was striking in that neither party chose songs that had anything to do with the facts of their case. Some connection perhaps could be made between the band's desire to dedicate themselves to more intense works with big gigs and to "bleed it out", but the link was tenuous. It could be argued that the band manager's song choice was a better illustration of her position: that forward steps should be small and taken from a sense of security like being "Home Sweet Home". But again, there was no wording in this song that enabled the audience to make direct connections to the facts of the dispute. As such, this karaoke duel was an example of a jury having to make a judgment mainly on the singing and not on the meaning of the song lyrics.

The band manager described this situation as a "mis-match", as she claimed she could not sing at all and yet had agreed to resolve this dispute via singing. The lead singer of course could sing and yet the audience overwhelmingly voted for the band manager, including many of the band members. In this, and other Karaoke Court performances, I have observed that an ability to sing is not necessarily valued by the audience. In fact, for the British and Singaporean audiences in the work so far, appearing too polished may be a disadvantage because a display of highly polished singing in this context could signal inauthenticity. But it has not been a rule that all good singers lose at the Karaoke Court.

In this example, as with the one above, the winner's embodiment of who they were as thoughtful and passionate subjects through voice, rather than skill or speech tended to sway a jury-audience. There is a substantial body of legal research that has already acknowledged the role of emotion in jury and legal decision making (Bandes & Blumenthal, 2012; Bornstein & Wiener, 2006; Bright & Goodman-Delahunty, 2006; Holloway & Wiener, 2018). These however come from psychological and positivistic analyses of legal judgment, neither the purpose nor context of my research. Rather, this project attempted to devise a space that enabled aesthetic insights into law, such as the way that voice and performance could cause decision-makers to vote against their vested interests when encountering the decision within an alternative judicial frame. This revealed how

the legal subject's voice and legal speech are not necessarily perceived as one thing by jurors and indeed sometimes could be at odds with each other. Cavarero writes:

"The voice indeed does not mask, but rather unmask the speech that masks it. Speech can play tricks. The voice, whatever it says, communicates the uniqueness of the one who emits it, and can be recognized by those to whom one speaks." (Cavarero, 2005, p. 24)

This dynamic of unmasking from within the mask is an inversion, an act of turning the inside out which becomes a double reveal: revealing a veiled truth as embodied in voice while at the same revealing that the container for that truth, the speech, is just a container. Indeed, legal scholars have also studied how juries are tasked with spotting lies in live witness testimony and whose role therefore is to judge the reliability and truth of any evidence before them by comparing words spoken with the demeanour of the speaker (Fisher, 1997; Rand, 2000). But the Karaoke Court allowed me to understand that judgment of "demeanour" could also mean a jury's ability to perceive a speaker's subjectivity as an act of recognition through voice.

This recognition is more than that of seeing something familiar and therefore matching up what one is currently seeing or hearing with what one already knows from prior knowledge of having seen or heard a similar thing. The recognition of truth in and from voice pertains to what philosophy scholar Heikkilä describes as "*alētheia* or unfolding of being, and truth in the sense of certainty of oneself" (Heikkilä, 2007). As such, the "demeanor" that a jury recognised through voice did not only inform them of whether there might be a lie lurking within the speech, but the voice laid bare their "uniqueness" through a poiesis of the holistic person: their plight, relating, thoughts, emotion, embodiment intention and more. The structure of the Karaoke Court did not stop a jury audience member from deciding that the facts of one party's case before them do not add up or may contain untruths, nor does it guarantee the fairness or rightness of any decision. However, the work enabled them to make a legal judgment on matters of fact holding and having recognised the "uniqueness" of the person they were judging before them as they cast judgment.

2.2. Voices from the Courts



The Community Justice Centre HELP service at the State Courts of Singapore (2016)

Voices From The Courts was a two month residency within a year long collaboration with the Community Justice Centre and State and Family Courts of Singapore. I spent time in legal advice sessions, sat in on court hearings, and employed a strategy of 'hanging out'. My aim was to listen to the courts and its community of staff, volunteers, lawyers and then to echo what I heard back to them via performance and visual art, as well as to amplify this to the general public in an exhibition at the Singapore Biennale 2016/17²⁵. In this regard, I created a series of graphic scores by drawing what I heard in Court which were eventually performed by a choir. However, there were multiple outcomes, which included not only the biennale exhibition but also a fund-raising concert, a catalogue publication, and the work's inclusion in the Community Justice Centre annual report (The Community Justice Centre, 2016) to which I contributed an afterword. An extract²⁶ from my afterword introduces the purpose and task of the *Voices From The Courts* project:

25 <http://www.singaporebiennale.org/sb2016/jack-tan.php>

26 The full afterword can be found in the copy of the CJC Annual Report in Appendix B.

“... I wondered very much what kind of being was the Singapore Courts? What were its rhythms, features and sensory qualities? What do the Singapore Courts feel like? Or to put it more academically within arts studies, what are the ‘legal aesthetics’ of the Singapore Courts? Of course, this was too wide a field and to hone it down I concentrated on investigating these questions through the auditory. And here is what I think I heard.

I was listening to a court that was listening. This is more than having a complaints procedure, toilet cleanliness feedback interface or user surveys. The fact that judges were alert to social hardship of litigants and would refer them to the CJC was a form of listening. Structurally, the fact that the CJC exists within the Court buildings is a listening. And listening - real listening - whether one agrees or not with the speaker is always an empathetic act. It is actually a strange and emotionally intense experience to be listening to listening. It is something akin to what happens when you look directly into someone’s eyes for longer than 10 seconds. The oddness of looking at someone who is looking at you and at your looking is palpable and uncomfortable. In terms of listening to listening, I have encountered this before in visiting Quaker meetings and attending performances of John Cage’s 4’33”. But now, I have experienced it at the Singapore Courts too.

Also, in collaborating with the CJC, naturally I expected to hear the voice of the litigant-in-person. As with any project proposal or plan, I made sweeping assumptions about which I am grateful to have been proved wrong. Firstly, I did not hear the voice of the litigant-in-person. Instead, I heard many voices of different litigants-in-person. There was the grieving-wife-in-person, desperate-company- director-in-person, hungry-child-in-person, worried-immigrant-in-person, and also quite a few people not in person, via video link. And I also heard the answering voices of lawyers-in-person and judges-in-person. Within the limits of accurate and professional words, I heard compassion, welcome, encouragement, well-wishing and of course exasperation at times too! So instead of the voice that I

set out to hear, I heard a chorus of calls and responses, which was why it was appropriate to have a choir sing the graphic scores that I had created from my residency at the CJC.”

2.2.1. Setting the Project Up

The project began with no proposal in mind beyond my desire to undertake a residency within a working legal organisation. I had been interested for some time in the work of the Artist Placement Group (APG) (1966-1989), a collective who placed artists into industry and public sector organisations in order to produce alternative perspectives in and for those organisations (Sainsbury & Hudek, 2012). Indeed at this point, the possibility and quality of encounter (i.e., getting a foot in the door) was more important to me than focusing on particular outcomes or deliverables. Further, I was looking for an institution that would be willing to take an open approach in co-developing the rationale for my presence with them and the outcome of the residency. Geography scholar Simon Rycroft writes:

“The APG’s engagement in a variety of workplace settings resulted in outputs that were characterised by this dematerialised, affective nature. Context was more important than material outputs and recognising the art of work itself was part of this. Indeed, it is the ‘not-art’ – as both object and practice – of the APG placements that is most salient. Successful placements were spaces and moments of co-production curated by the presence of the artist ... The most effective material outcomes of placements were either mundane and not conventionally ‘artistic’: such as improved signage around a factory, community noticeboards, a programme of free time activities on board tankers; or emerged from recognising the art in work at the placement, such as the steel process sculptures of Garth Evans or Latham’s Niddrie Woman. The placements were then models of co-production where the artist is somewhere different and doing something different from their normal process.” (Rycroft, 2019, p. 12)

I will describe later in this section the different material outcomes of my residency at the State Courts and how some of them looked like art, and some like “not-art”, some were ephemeral intimate art-law encounters, some were planned and others unplanned. For me, as for APG, I considered all of these to be valid forms of affective outcome within my practice, ones that potentially informed insights into legal aesthetics.

I began the project by writing to a broad spectrum of public and third sector legal organisations while I was in Singapore researching and producing *Karaoke Court*. I emailed law centres, victim support charities, the courts, lawyers’ societies and of course the Community Justice Centre (CJC). I asked if they were willing to meet with me so I could find out more about their work and the legal landscape in Singapore, and also for me to tell them about my work in art and law. I had responses from some law centres and legal charities who were willing to contribute their publicity literature to my upcoming exhibition of the *Karaoke Court* project. However the CJC was the only organisation willing to meet.

21 Mar 2015²⁷

Dear Community Justice Centre,

I am an artist seeking some help with research for a two-month exhibition I am having at the Institute of Contemporary Arts Singapore later this year. ... It considers the relationship between law and art, in particular, alternative forms of litigation.

A major theatrical work in the exhibition is based on the indigenous Inuit/'Eskimo' tradition of litigation called Song Duels. The litigants sing at each other and afterwards the community decides who wins based on their performances. ...

27 Unabridged emails can be found at Appendix A and this link: <https://drive.google.com/file/d/1Z-XecsneJOr2YumN-mN3sL0oywIwKbxw/view?usp=sharing>

I would be very grateful if I could visit the Community Justice Centre in the coming week and to speak to some of your staff or users about your work and the common presentational issues that litigants-in-person have in Singapore. As an artist, this would really help me contextualise my work much better for local audiences and stakeholders. ...

I look forward to hearing from you soon.

Very best,

Jack Tan

23 Mar 2015

Hi Jack,

Thanks for your email.

Perhaps we can meet first so that I can understand more about the purpose and what is going to be shared with the public before I can give you any approval.

Regards,

Leonard Lee
Executive Director

24 Mar 2015

Apologies Leonard,

Im running about 10 mins late. Only been in Singapore for a week and still not used to bus timings yet.

Yours

Jack

I met Leonard Lee the Director of the CJC and a senior member of the Courts' business strategy staff who were open and interested in the potential of artistic practice within the Courts. I was also taken on a tour of the CJC's facilities within both the State Courts and the Family Justice Courts which included its helpdesks, legal advice rooms and to my surprise a food bank for litigants who had been identified by the Court as being below the poverty line.

I enquired how such 'needy' litigants were identified and was told that their helpdesk, legal advice staff or even Judges may 'pick up on cues' about a litigant's poverty and they would then be referred to the CJC's social support service. This service included counselling, financial advice and food support throughout their time as litigants in court, and thereafter referrals to external charitable and government services, as well as follow up to ensure that they have not fallen out of the system. It was the CJC's (and through them the Courts') contention that equal access to justice meant supporting litigants and their families as much as was reasonably possible for as long as they were court users. For the CJC, a litigant who was facing housing or financial stress, or was hungry or worried about their families being hungry, could not have the peace of mind to litigate and represent him or herself properly in court. In a speech given to the Conference on Community Centers for Promoting Access to Justice in Kyiv, Ukraine (May 2018), the Director of the Community Justice Centre Leonard Lee said (Lee, 2018):

"Apart from the lack of knowledge in navigating the justice system, LIPs may often encounter non-legal issues and emotional pressures. The Friends of Litigants-in-Person (FLIP) programme provides volunteers without legal training to volunteer and help these LIPs. It focuses primarily on providing LIPs with practical and emotional support whilst assisting them with basic court processes, such as protocols and processes of a trial hearing. Social Assistance such as immediate interim financial support and food rations are also readily available on-site to help needy litigants with their immediate needs whilst referrals are made to the social services available within the community for sustainable support."²⁸

28 Mr Lee's speech can be accessed online in full here:

https://newjustice.org.ua/wp-content/uploads/2018/05/NJ_2018_CJC_Conference_Session-



Leonard Lee, Director of The Community Justice Centre (2016)

As such, at this first meeting, I became acutely aware that the CJC and the Courts understood litigants to be holistic beings and not just legal subjects or objects. I explain in the next section why I consider that the Courts act vicariously through the CJC. It became evident that while the Courts conducted business as usual by processing the legal cases in front of them in an objective and lawful manner, they were also alert to the cues from beyond and behind the case file, as it were, that might indicate poverty, financial or medical disadvantage. In this sense, I observed that the Singaporean Courts had the capacity to look out or listen for something beyond the face of things. While my eventual approach of creating a sound portrait of the Courts through graphic scores was as yet unformed, it was this aesthetic skill and capacity of the Courts that influenced my decision to create a methodology of sensing beyond what I see at first instance (i.e., drawing what I heard and not what I saw), thereby mimicking the Courts' existing aesthetic practice.

I proposed during this meeting that I undertake a short two-month research residency as a testing ground for further collaboration, to which the CJC agreed.

25 Mar 2015²⁹

Dear Leonard,

Thanks so much for the chat and tour around CJC yesterday. ...

I was also very much taken by the fact that CJC had a holistic approach and... At a fundamental human level you and the courts understand that in order to litigate well, people need to be free from the crippling effects of hunger, mental illness and poverty. ...

And I hope that we can continue talking about how we could collaborate on an art project at CJC. ... At this point I don't know how the arts could shed light or contribute. But I am sure that once I get to know the courts and the organisation more, things will reveal themselves.

In this vein, I would suggest a short artistic research residency period early next year at the CJC, with a view to developing a fuller project/exhibition/play later in the year...

All the best
Jack

25 Mar 2015

Hi Jack,

Thanks for coming down yesterday.

In regards to the residency idea, you will be most welcome. Yes do confirm with me when you will be coming down. Fyi I will be on leave the coming Monday.

Regards,
Leonard

²⁹ Full email can be viewed in Appendix A or here: https://drive.google.com/open?id=1TDEdI6-jbGGwWOHhY6AGrklipVn-_MJ1A

2.2.2. The Courts and CJC - a symbiotic structure

The CJC is an independent charity whose main role is to support litigants who do not have professional legal representation, i.e. litigants-in-person (LIPs) or self-represented litigants. A core mission for the organisation is to improve and promote equal access to justice for LIPs. This means helping them navigate unfamiliar legal procedures and court processes, as well as helping with legal aid advice and accompanying litigants in court as a McKenzie Friend³⁰. At the point that I encountered the CJC, their dedication to ensuring access to justice meant that on top of 'black letter' legal services, they took a wider socio-legal approach and thereby also provided small financial grants, support for families of incarcerated persons, payment of medical bills for victims of crime, counselling, food parcels and food vouchers.

The CJC has its main offices in the State Courts, and satellite offices in the Family Justice Court and the Supreme Court. The State Courts are the lower courts of Singapore consolidated within one site and are equivalent to subordinate courts in the UK such as the English and Welsh Magistrates and County Courts or the Scottish Sheriff Courts. The Family Justice Court is also a consolidated court that hears all family and adoption related cases in the country. I undertook my residency within all three sites but concentrated my time at the State and Family Justice Courts.

While the CJC is an independent organisation to the Courts, the CJC's work is actively supported by the Courts or at the very least condoned by them. The Board of the CJC comprises the head and deputy head judges of the State and Family Justice Courts, President and Vice-President of the Law Society, senior civil servants from the Ministry of Law and Ministry of Social and Family Development. The CJC's patron is the Chief Justice of Singapore. As such I considered that the Courts, and to a lesser extent the legal community, were acting vicariously through the CJC for matters that were not strictly court business. It was important for me to establish that there was such a strong link because I viewed the CJC as a sensory organ and an empathetic arm of the

30 Derived from the case of *McKenzie v McKenzie* ([1971] P 33) a McKenzie Friend is someone who accompanies a litigant-in-person to court and is permitted to sit next to them. The McKenzie Friend can take notes, help with documents, provide moral support and quietly advise, but is not permitted to speak in court or act as an agent of the LIP.

Courts, whose job it was to look past the hard law and take notice of the needy, the frightened, the confused, the disabled and those of physical or mental ill health, and to take action.



Our Team 2017, digital photograph, Community Justice Centre, accessed 8 June 2019, <https://www.cjc.org.sg/about/who-we-are/>

2.2.3. Diffraction and the Co-production of Differences

In trying to work out how an artist approaches both the law and social justice charities such as the Community Justice Centre, I was informed by Barad's idea of a diffractive methodology (Barad, 2007). Barad's feminist application of quantum physics to the socio-legal context gave this work a platform for re-thinking expectations within the context of the court management structure regarding clarity of purpose unity of message, or a synthesis of agendas. This in turn released the project from always having to reconcile meanings or agendas on the way to achieving its artistic outcomes, but instead to accept and observe the differences that made the project what it was.

There were three main types of entities/sectors involved in this project:

- (1) Community Justice Centre (CJC) and host - a charity based in the courts that in itself is an intersection of different interests. Its board members comprise institutional stakeholders - the Ministry of Justice, the law Society, the Bar Council, 2 senior court judges, the Chief

Justice - but is chaired by a non-legal person. In this instance someone from the private sector who is a key fundraiser. CJC is part of the Third Sector or Voluntary Sector of legal organisations that are funded to help improve legal access and equality when using the legal system. Other comparable organisations in the country would be the Citizens Advice Bureau, a women's legal advice organisation, migrant rights groups and law centres. The CJC took an open and exploratory approach to the project, and we came up with the idea of creating a concert between us, through which, the CJC would also be able to raise funds for its following year's operations.

- (2) The State Court and Family Justice Court themselves as the site and ground of the research. The courts represent the public sector and so have their own culture and policy norms that were distinct from the CJC. They were willing to host the project themselves initially, but as the project passed through higher levels of approval, it was eventually rejected. However, the court was willing to support the project as a project of the CJC, particularly because one of the project's aims was to raise funds for the CJC.
- (3) The arts sector was represented by me, the artist-in-residence. The work was funded by the National Arts Council (a quango) with a very open-ended outcome because the grant was aimed at artistic creation and development. However, I also accepted an invitation for the project to be included in the Singapore Biennale 2016 and for the work to be exhibited at the Singapore Art Museum. This placed an exhibitions and museums agenda on the project which disrupted the open nature of research since producing a biennale presentation within a time limit created a linearity in the art creation aspect of the project.

Each of the above entities had different but overlapping agendas for the project. Often the same work was used for different purposes by each party. Viewed in this light, the final concert of the project became a strikingly multivalent event. It featured a choral performance of my graphic scores, which could have been considered an unfamiliar and unpalatable soundworld to many attendees. For my purposes, not only the presentation of my graphic score work but also the entire concert became an aspect of 'found performance'³¹ (Wood, 2017) and an integral part of a broader

31 Medical Humanities scholar Stuart Wood considers 'found performance' as a development of the

conceptual artwork. For the Community Justice Centre and the courts, the concert was a major vehicle for fundraising and for promoting access to justice. Ordinarily, I would have been concerned about the instrumentalisation of my artwork and practice for such purposes. However, amongst the new materialism theories, a Baradian understanding of this shared phenomenon between me and the courts was particularly helpful in enabling me to accept that the work was not something that needed to be dictated by any one party, but that it manifested somewhere between us as a co-production of differences. This approach was also particularly helpful during the many obstacles along the way, such as trying to achieve project approval from many different stakeholders. I did not regard each rejection as a failure but as an instance of diffractive differences happening, out of which an emergent phenomenon could be identified.

In particular, I used this concept of diffraction as a basis for advocating for the inclusion of CJC's operations as art in the Singapore biennale when curators were skeptical about the artistic value of my social practice work with the CJC (such as the fundraising gala discussed in a section below). In an email to a Biennale curator, I attempt to explain why and how I applied a diffractive methodology to the project by sending him an annotated copy of 'Diffraction: Onto-Epistemology, Quantum Physics and the Critical Humanities' (Kaiser & Thiele, 2014). In my annotations, I explain the diffractive connections between law, art, voice, human actors, the courts and the archive in the proposed project. Below are selected extracts of my annotations of this paper³²:

Kaiser and Thiele (K&T): ... *the metaphor of 'diffraction' surfaced in 1992 with Donna Haraway's 'The Promises of Monsters' as a feminist tool to rethink difference/s beyond binary opposition/s.*

Jack Tan (JT): 'Silence in Court?'³³ rethinks the apparent

readymade. He says: "Within a century that has seen performativity revise aesthetic relations through found objects (starting with the "readymade" of Duchamp's famous urinal), and found sound (crystallised by Cage's 4' 33), this paper proposes a third category of the "found", located in the social realm."

32 A full copy of my covering email and the annotated paper can be viewed in Appendix A.2.3 or here:

<https://drive.google.com/open?id=1tYLipbqIA0aOHa3fiTV8eU9Bapg2kHNz> and
https://drive.google.com/open?id=1Dw4ARmpbyz6_bNkoG0YH9yzNq7CT93Nh

opposition between Law (reason) and Art (intuition), which in themselves are not pure categories, but are complex and contain combinations of sense and sensibility.

K&T: Haraway adopted diffraction to move our images of difference/s from oppositional to differential, from static to productive, ... from reflective, disinterested judgment to mattering, embedded involvement.

JT: I have not gone into CJC as a disinterested observer to draw inspiration (like a painter studying a landscape). Taking an involved approach, I have allowed a 'cross-contamination' between my artistic and their legal practices.

K&T: 'the nature of the observed phenomenon changes with corresponding changes in the apparatus'

JT: If the courts or 'voice in court' is the phenomena I am observing, the fact (1) that it is being observed, and (2) that the nature of the apparatus is an art project/residency, will change the phenomena.

K&T: 'the very ontology of the entities emerges through relationality'

JT: As such, this phenomena - the voice in/of the Singapore courts and their subsequent production at the Gala - isn't 'natural' or an objective occurrence but one that has been co-produced by my involvement.

33 This was the original title of the project and was changed to 'Voices From The Courts' after senior judges raised concerns about the title 'Silence in Court?'.

K&T: Diffraction ... provides alternatives to 'reflection' as metaphor for our epistemologies; affirms our knowledge-practices as mattering here-and-now and not merely recording after-the-fact;

JT: Social practice often requires taking art into completely different disciplines/fields and so a methodology such as Diffraction that factors in the importance of 'differentiation' is useful. And because social practice is often dealing with ethics and human relationships, a 'here-and-now' approach matters in order to value the present life of organisations and people.

K&T: diffraction highlights the systemic intra-actions and unavoidable 'agential cuts' that co-constitute subjects, objects and the ongoing pattern-formations in which they/we participate.

JT: ... agents, like me, you and CJC 'matter' to each other and we co-produce phenomena. This phenomena is many things: the courts' voice, my art, the biennale, the funds/fundraiser. Diffraction enables us to see the subjects and objects involved as being co-constituted. It also takes us out of thinking that the installation, gala or biennale are fixed things but that they are an ongoing pattern-formation. To me the pattern you, I and Leonard are creating may reverberate beyond 2017 in the courts. This is more interesting than thinking of this project as an output achieved through linear planning that then gets noted in a report and archived after it is over.

2.2.4. Proposals and Approvals

Soon after my initial meetings with the CJC and court staff, the project moved into a conceptualisation stage because the CJC needed to obtain formal permissions from the Court and their Board. On my part, I had to begin looking for ways to fund the work and therefore also had to conceptualise possible outputs. So two months later I sent the CJC a formal proposal³⁴ that set out an exploratory artist's residency at the Courts and a possible idea for a walking vocal performance where audiences followed singers on a journey to points around the court building marked by *Kudurru*³⁵ sculptures. This proposal was based on my desire to take advantage of the cathedral-like acoustics and spaces inside the court building.



Lim Yaohui 2017, *The airy atrium*, digital photograph, Singapore Home & Decor magazine, accessed 9 June 2019, <https://www.homeanddecor.com.sg/articles/92568-beauty-singapore-s-state-courts>

34 Original concept proposal can be viewed in Appendix A.2.4 or here:

<https://drive.google.com/file/d/0BwFVi346435oYjlyZ3FLUVU1N3M/view?usp=sharing>

35 Kudurru, or boundary stones, are Mesopotamian legal documents containing contractual clauses that record the ownership or grant of land in the form of a standing stone. Originals were usually archived in temples and ceramic copies were given to landowners. (Paulus, 2017)



Images from proposal document, 2015 (Appendix A.2.4)

I use proposals in my practice, no matter how detailed and seemingly finalised they are, as snapshots of what I know of the current parameters or rules of any project and of my ongoing desire, hope and intention for it. They are, as such, an aesthetic tool, and similar to sketching or modelling within my practice: an initial 'mini' poiesis of an idea as it begins to take embryonic material form. A proposal for me is an invitation from proposer to proposee and back again to enter into an unsettled space in order to co-imagine the possibility of different "worlding", which feminist scholar Donna Haraway defines as a "storytelling and fact telling; it is the patterning of possible worlds and possible times, material-semiotic worlds, gone, here, and yet to come." (Haraway, 2016, p. 31).

While the spirit of openness and proposal can be kept alive throughout the project, the paper proposal eventually had to be locked down into material outcomes and be declaratory of the real parameters of the working context, i.e., financial, social, political, physical or ethical. These parameters were both explicit and implicit within institutions and so had to be discovered and signaled or declared. In this regard, my proposal for this project had to signal the “OB markers” that I would not cross, for example. “OB markers” (or out-of-bounds markers) is a golfing term used within the Singapore public sector to denote “areas where civil society activists dare not venture because they are deemed to be too politically sensitive and thus “out of bounds” ... “ (Lyons & Gomez, 2005). OB markers are something that any creative or media practitioner in Singapore has to identify, observe and declare. I was no exception and so OB markers were something that I had to signal clearly, i.e. that my project would not comment on politics, race, sexuality or religion in Singapore.



Jack Tan 2018, *Out-of-Bounds markers at St Medan Golf Club (Port William, Scotland)*, digital photograph

Proposals are in themselves also transitional objects and a form of ventriloquism through which the artist attempts to speak to and be heard by different audiences. Due to the different sets of gatekeepers from whom we were seeking approval for the project (the Courts, the charity Board, arts funding, venue hosting), different versions of the proposal and different presentations had to be created for each panel in a format and tone that resonated with them. This ventriloquism however was not done in an electioneering or advertising approach, where I was attempting to convince people to buy an idea through 'mere puff'³⁶. Indeed this is a risky approach in any socially engaged work because, if approved, one has to work closely and collaboratively with the people one has sold the idea to. Instead, the labours of translating and retranslating the proposal were attempts to find the best form in which each panel/audience could encounter the 'mini-poiesis' of the proposal. Below is a list of proposals and presentations created for this project in chronological order which can be seen in Appendix A:

1. Formal proposal to the CJC as discussed above following initial meetings with the Director of the CJC (Appendix A.2.4): <https://drive.google.com/open?id=0BwFVi346435oYjlyZ3FLUVU1N3M>
2. My proposal that the CJC translated into a civil service format which was presented to the Presiding Judge and Deputy Presiding Judge of the State Courts. Note the forefronting of an 'executive summary', the budget and an 'evaluation' section which is absent from my artist's proposal in (1) above (Appendix A.2.5): <https://drive.google.com/open?id=0BwFVi346435oajgwSW43RVdtWVU>
3. My slide presentation to the Presiding Judges and other senior judges in a two hour meeting (Appendix A.2.6): <https://drive.google.com/file/d/0BwFVi346435oYmtvdVZ2LUVZdXc/view?usp=sharing>

After a 45 minute presentation, which on hindsight I realised was too long and contained too much content, the Judges were generally critical of the proposal. While they had no issue with my artistic background or grasp of court and legal procedure, they were not keen on the past performance works that I had included in the presentation, namely *Karaoke Court* and

36 *Carlill v Carbolic Smoke Ball Company* [1892] [EWCA Civ 1](#)

Will You Won't You. Taken together with how I described my interest in utterance and vocality, the project was too 'avant-garde' for them. They also pointed out what they perceived to be conceptual contradictions in the proposal, i.e., that I had confused the LIPs voice with the Court's voice, and highlighted the logistical problems of hosting a performance work at the Courts.

4. A revision of my initial proposal incorporating feedback from the Presiding Judges which I resubmitted to the CJC (Appendix A.2.7):

<https://drive.google.com/file/d/0BwFVi346435oZm9zVm4tT04ybEU/view?usp=sharing>

At this point, in spite of gathering more input from stakeholders and incorporating the Presiding Judge's concerns, the project proposal was ultimately rejected by the State Courts. Helpfully, the Judges suggested that the project be relocated to the National Gallery of Singapore which was the old Supreme Court. Although I was disappointed, nonetheless I was happy that the project had already produced the kind of engagement and thinking about art and performance across the courts. Indeed, the process of co-producing the string of proposals with CJC and Court staff, and the time taken by a number of senior judges to digest the paperwork and debate my presentation was what I regarded as an APG-type "material outcome".

5. Revised proposals for funding applications at the National Arts Council (Appendix A.2.8) and the Toteboard (a national lottery organisation)(Appendix A.2.9):

<https://drive.google.com/file/d/0BwFVi346435oZVdWdDRXVWZOVDQg>

<https://drive.google.com/file/d/0BwFVi346435ocHZLSVNiREMyZVk>

<https://drive.google.com/file/d/0BwFVi346435oQI9KcVFndDJOMFk>

In the meantime, I had submitted various funding applications to Arts funding bodies and successfully obtained funding to create the work. However, I had not included a budget for venue hire as I had presumed wrongly at the outset that the Courts would be willing to host the performances.

6. Curatorial proposals to the Singapore Biennale (Appendix A.2.10):

Concurrently, I had been invited to participate in the 2016 Singapore Biennale for which I had proposed a separate idea. However, the Biennale asked me to present *Voices From The Courts* because they would save on the commissioning fee since the work had independent funding. At this time, I was looking for a new free venue having been rejected by the courts, and so I agreed to participate. I view this now as a mistake, which I will explain briefly in the next section below, because the biennale curatorial process compromised a number of important features of my artistic intentions for this project, namely the presentation of found performance, social sculpture and performatives.

7. Back to the drawing board proposal made to the CJC Board (Appendix A.2.11):

<https://drive.google.com/open?id=0BwFVi346435oR1VORmlObVQtaUE>

After securing a new venue with the Biennale, I reconceptualised a proposal for the CJC which included a new venue at the Singapore Art Museum that I had negotiated with the Biennale. Although the Board comprised the judges who had initially rejected my proposal, in their role as board members for the CJC, they approved the proposal.

2.2.5. Found Performance

I will describe in this section the overall concept of the project and how that concept did not manifest in the way that I had originally envisioned. While it may seem counterintuitive to be dealing with the overall concept and aims of the work after sections where I have already described setting up the project and creating proposals, in reality, this project's concept was something that emerged alongside and after the inception of those activities.

I had ascertained from the very positive engagement and openness of the CJC, and their strong ability to translate artistic ideas into notions that could resonate within the public and legal sector, that the core interests of the work could find a space within this relationship. This meant that in addition to an interest in legal aesthetics, I was also able to articulate a wish to explore

performativity, and in particular the idea of the law or legal culture as 'found performance' (Wood, 2017).

It was for this reason that my initial proposal to the CJC stated that I wished to listen to the soundscape of the courts (its audial profile, the utterances heard in court rooms and corridors, the ambient sounds) and to musicalise these as vocal performances to be sited within the State Courts building itself. These performed sounds would echo back to court users their own sounds. In this, I hoped that during the silences after and in between the performances, some recognition and resonance would occur within audiences of how the court was alive with sounds, and that they could begin to perceive the entire court building, which is a site so strongly associated with objectivity and rationality, as a 'found' sounding, a resonant and aesthetic entity (Erlmann, 2010). In this way, through John Cage's notion that "everything we do is music" when facilitated through some listening means such as a microphone (Kostelanetz, 2003) and Duchamp's creation of sculpture by reframing a readymade object (Kamien-Kazhdan, 2018), I would appropriate the soundscape of the Courts, and indeed the court itself and all its internal activity as a found performance.

Because the Courts did not approve my use of their building, I had to conceive of a way of producing found performance outside of the courts. I had to find a way of framing legal activity within artistic knowledge no longer by bringing the gallery to the law, but by bringing the law into the gallery. I sought the CJC's advice on what court activity could be brought into a museum context and we agreed that the Court's annual charity fundraiser would serve this purpose. This was formulated into a revised proposal (point 7 in the previous section of this thesis) which was formally approved by the CJC Board.

In my revised proposal therefore to the curators of the Singapore Biennale, I stated that I would produce a court fundraising music concert as an official Biennale performance event which audiences could also attend via a booking system. A number of my original sound works would feature as part of the concert thus giving me an opportunity to echo the court sounds back to the court community. The aftermath of the event (concert brochures, litter, drinks bottles, left items,

posters, etc.) would be left for the duration of the Biennale and framed as an installation of legal remnants and found objects. This is not dissimilar in approach to Elmgreen and Dragset's installation of a gay nightclub at the Victoria Miro Gallery in 2008 (Elmgreen & Dragset, 14 October - 15 November 2008) where audiences encounter what appeared to be a place that patrons had just vacated. Alongside this installation, I proposed presenting video documentation of the event as well as my sound works in full in a room next to the installation. I considered that this was a good alternative if I could not use the court itself as a site.

However, through a protracted series of proposals and revisions, this vision for presenting a found performance was shaved down to a presentation of only the sound works as a standalone artwork. This was achieved through the administrative device of an invitation to tender: after selecting me as an artist, I was then invited to apply to be a part of the Biennale by submitting a detailed proposal. Then over a period of 12 months, the Biennale requested revisions of the proposal until it was in a form in which they were satisfied before giving official approval for me to be included in the Biennale and issuing a formal contract. Revisions included the removal of the found performance aspects my proposal (i.e., the concert) because they did not want to facilitate the fundraising of another organisation, and specific instructions to not use particular art materials and processes (i.e., my desire to present my graphic scores as batik). In this way, the curatorial team was able to maintain significant control on my artistic direction because my participation in the biennale was kept precarious and not guaranteed until my detailed proposal was to them in an acceptable form.

Eventually, all parties came to a compromise about which parts of the project were to be included in or excluded from the Biennale, and as such the work was presented in a fragmented manner. The standalone artworks were presented in the main Biennale site at the Singapore Art Museum as a work called 'Hearings'. A day of vocal performances were held at the Old Parliament Chamber at The Arts House (a named venue of the Biennale). While the court fundraising concert was also presented in the Old Parliament Chamber, it was not recognised part of the Biennale and therefore there could be no installation remnants or video of the event. The remnants exist now as

photographs of the pre-concert reception, and the video exists as a corporate promotional video³⁷ for the CJC. In this regard, 'Voices From The Courts' is yet to be installed as one synthesised and entire work.

In the next two sections I return to the drawing and listening work I undertook during the residency, and then describe aspects of the choir rehearsals that turned the drawings into music. Thereafter I describe the Courts' charity concert and briefly how the standalone Biennale work 'Hearings' was set out. A version of 'Hearings' will be exhibited as part of this research submission.

2.2.6. Listening: Turning Sound into Image

By the time I officially started the residency, we had established (through the extensive proposal and approval process) the specific activity that I was undertaking in the court. I was an artist-in-residence with the CJC and would be hanging about in the Court building, attending hearings and joining in on legal advice sessions taking notes and drawing for the purposes of creating an artwork of graphic scores. The CJC was always very open and respectful of the artistic process and I rarely ever had to justify or explain artistic decisions or requests for access. So while I had an official role as court artist (in spite of the fact that I could not draw well), the possibility for the work to become something unplanned and complex for was always kept alive. However, unless someone was particularly interested in delving more deeply into the project, my presence was most easily and quickly explained (for busy security guards, police, receptionists, translators, advocates and litigants) as an artist drawing in court.

Listening, Awe and Subjectivity

The types of listening I became aware that I was doing emerged over the period of project and the residency. When I first visited the State Courts, which is the location of the main office of the CJC, I was struck by the cathedral-like acoustics of the building. The State Courts, built in 1975, was

37 This video can be viewed in Appendix B.2.3 or here: <https://www.youtube.com/watch?v=-VMamow77Eo>

designed around an octagon with a central floor to ceiling airwell and communal atrium space. Sound here was designed so that listening was imposed on or happened to the listener, i.e., it was hard to escape being a listening subject. The sound quality was markedly different from the street and outdoors. The echo and amplification of ambient sound in the central octagonal atrium space created a sense that a lot was happening but at the same time I could not quite distinguish or isolate the sounds since they blended together into a cavernous soundscape. However, I also felt that any sound I made was sucked up into the atrium to contribute to this noisy hush. Thus I became aware that my sounds were public sounds and that the space was listening to me, and that I was part of a coordinated larger soundscape. The effect of this architectural design was a bodily and aural self-consciousness of my smallness and the Courts' largeness and sacredness. Legal scholar, Piyel Haldar writes about court architecture:

“To enter a space constructed of invariable geometric proportions is to enter an abode of eternal and absolute truth. We are ushered into an exclusive space where the only geometers of a community reside, organising the turmoil of the cosmopolis into a universal and metaphysical order, surrendering the chaos of the *polis* to the harmony of the *cosmos*.” (Haldar, 1994, p. 201)



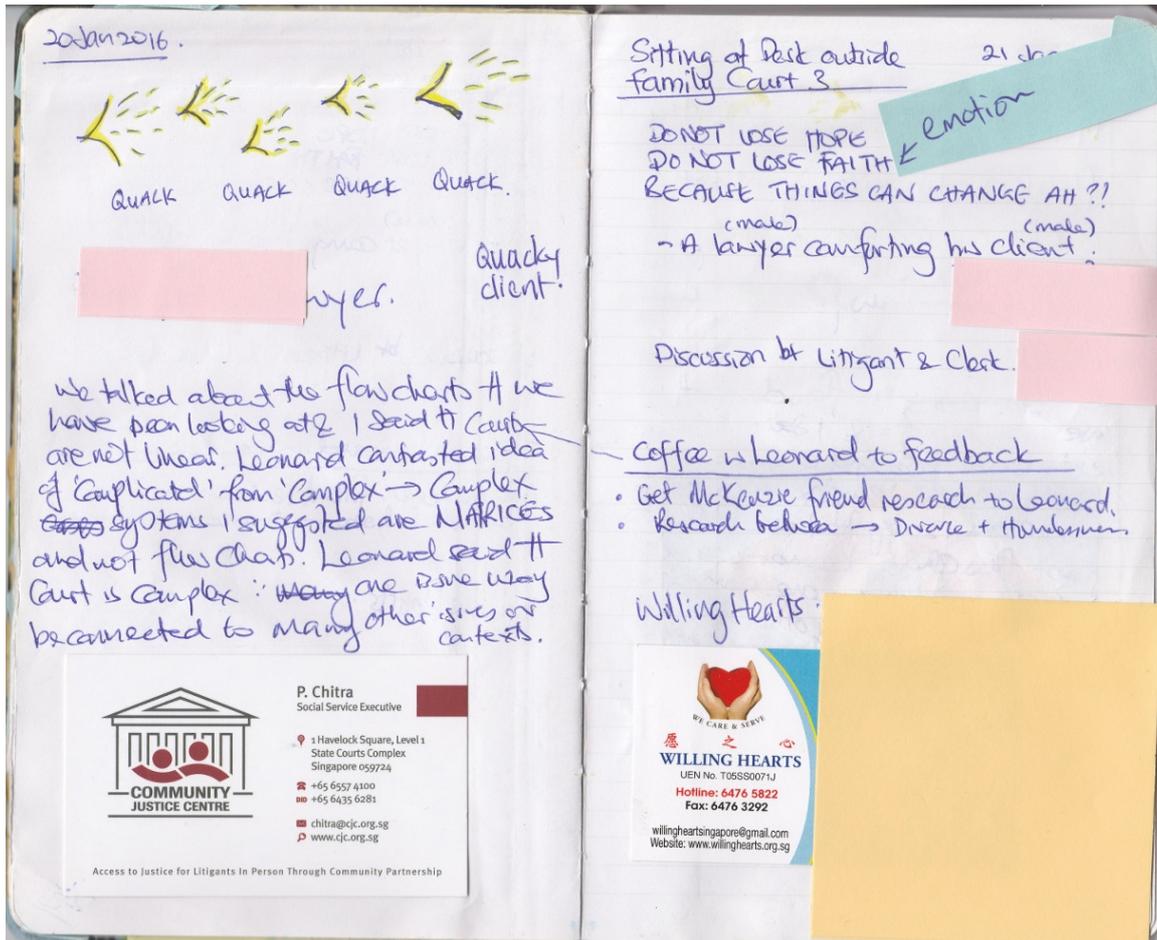
Chen Siyuan (14 July 2014), *The State Courts of Singapore (formerly the Subordinate Courts) prior to renovations*, digital photograph, accessed on 13 June 2019, CC BY-SA 4.0., https://commons.wikimedia.org/wiki/File:State_Courts_of_Singapore_prior_to_renovations_-_20140714.jpg

Because I returned daily to the Courts for my residency, this sense of awe lessened somewhat over time, and I was then able to gain control of my own listening more. However, as I met with court users and litigants, hearing their stories and details about why they had come to court, I kept in mind that as occasional visitors to court, their behaviour, identity and listening was influenced by this architecturally and audially constructed “solemnity of Law’s majesty and mood” (Halder, 1994), and that as they entered through the front doors of the court house, vetted and scanned by security, they were created into legal subjects.

Eavesdropping and Listening in

However, the Courts also included spaces of intimate listening (aside from the courtroom itself which I will discuss later). Chairs or benches lined the corridors outside the courtrooms of the State Courts, and there were separate and more secluded public waiting areas in the Family Justice Courts where litigants, families and their lawyers could meet or discuss cases.

For example, outside Court 3 at the Family Justice Court in a public meeting area, I overheard a lawyer comforting his client following a disappointing hearing, saying, “Do not lose hope, do not lose faith, because things can change, ah?!”. The “ah” appended at the end of the statement in Singaporean English emphasises the imperative quality of the statement, while at the same time softens it and makes the sentiments more personal. This quality that combines both the formal and intimate is something that recurs in other aspects of court function and litigation and is to my mind a feature of legal aesthetics.



Photograph of Voices From The Courts artist's notebook (2016)

Listening in Court

Courts are a particularly auditory place, centred around sessions that are, of course, called hearings. It is a fundamental principle of litigation that both parties must have their say and be heard. Listening in court is not just functional, it is a fundamental aesthetic skill. By listening, I don't refer only to sounds heard through the ears. Listening in court is a holistic act of perceiving the state of a case or a person initiated by hearing their words. Words are the starting point of a broader perception and understanding of the socioeconomic and legal position of the person or dispute in front of them. For example, during the residency, I encountered a number of judge-initiated referrals of litigants who appeared to be in financial distress or needing additional support. These referrals arose out of judges not only hearing the facts of a case, but listening out for other indicators which may impact on the fairness of proceedings, such as poverty, mental ill-health, or social deprivation. Within this, the courts themselves are very aware of the tension between

objectivity and emotion. This balancing act between the two is characteristic of legal aesthetics in court.

An instance of the formal-intimate aesthetic occurred in one of my listening-in-court sessions in Court 26. This was part of an initial pilot study day I undertook as part of the process to obtain approval from the State Court Judges for the project. Undoubtedly, Court 26, the Criminal Mentions Court, was the busiest court at the State Courts. The Mentions Court³⁸ dealt with cases very quickly with some cases being heard in only a few minutes. Cases were literally mentioned before a judge: if an accused pleaded guilty, they were sentenced, and if not guilty, the case was directed to a different court to be heard at a later date. The Mentions Court also heard application for bail, detention or to fix dates for pre-trial conferences of all parties. To me, it seemed that this court was the law's inbox where straightforward items were settled immediately, and more complex cases are sent along appropriate channels. There was an administrative quality in the air, as if I was in a postal or electoral sorting room, and all eyes were concentrating on screens or documents, and things moved along at pace. There was also a constant background murmuring and flow of people coming in and out of the public gallery, to and from the advocates' desks and the witness box due to the quick turnover of cases and therefore legal actors. Below is an extract from a proposal I submitted to Senior Judges containing a detailed description of the soundscape of Court 26 (and the full proposal can be viewed at Appendix A.2.7 below):

“To provide a sense of what could be possible, I listened to Court 26 for half an hour on 20 July, 9.30-10.00am. This is what I heard and saw and how these could be translated into art works.

There were a large glassed-off area inhabited by the Judge, lawyers, police and interpreters, a barred area for court participants who were in remand, and the public benches where people came and went. These created separate audio-visual spheres with varying degrees of audibility coming from each area. Microphones were also set at

38 This publicity leaflet by the State Courts explains the operation of the Mentions Court:

https://drive.google.com/open?id=1CBCE2JfXOzaVFpEWn3GROXtF0N9SYzR_

different levels: the Judge and clerk were very loud, the interpreters were softer, while the prosecuting police lawyer mostly produced incomprehensible murmurings. There was whispering or very quiet speaking in the public benches. This layering of different auditory elements created a complex and textured soundscape which I would seek to recreate in a performance. I would achieve this by **varying the volume** of different groups of singers, and positioning them at different distances to the audience with a group vocalising from off-stage even.

These human sounds were also accompanied by non-vocal elements, such as the creaking of the chairs whenever someone got up or sat down, footsteps, rustling paper or the opening and shutting of the door. Taking John Cage's work 'Four minutes, thirty-three seconds'³⁹ as a reference point, these would also be significant players in what makes up the 'orchestra' of the court. This inspires me to consider including **percussive** noises such as playing creaky hinges or foot-shuffling.

The Judge was the conductor in this scenario using words as a way of directing and processing proceedings. He was largely monotone except when he made declarations such as "DAC 92723", or when he addressed the litigant/accused directly. His intonation of the case numbers was very particular with his voice descending over "DAC" then rising over "92723". I would turn this into a **chant** of case numbers which would copy his intonation exactly.

However, his tone when addressing the litigant/accused was much more conversational, pastoral and lyrical. I selected the following phrase which I considered to have enough musical and dramatic content from which to create a tune: "THIS / will HELP / you KEEP / on a STRAIGHT / PATH". The words in caps indicate the vocal stresses in the spoken sentence which created a pentameter. As the strongest rhythmic element that I

39 This was composed in 1951 and is a score for any instrument where the instruments are 'played' in silence for 4 minutes and 33 seconds. This induces a situation in the concert hall where audiences are alerted to ambient noise (coughs, shuffling, humming of the ventilation system, etc) which John Cage also considers to be music.

heard in Court, I would choose this phrase to set the rhythm of the entire performance piece, i.e. 2/4 or 6/8 timing. In this particular case, both the accused and his interpreter were involved in a conversation with the Judge. Various parts of this conversation could be extracted to create **a central refrain** of three voices that reiterates the idea of keeping on a straight path.

Finally, the clerk (or announcer) and the prosecutor created for me a dichotomy of audibility. The clerk's extra loud microphone boomed the names of the litigants to call them to the stand: "Goh Tee Chian!", "Lin Wei Shiang!", "Elson Quah Jen Siong!". These behaved like interruptions into the normal soundscape of the court and into our attention. The prosecutor on the other hand, did not use her microphone very much which was turned low, moved frequently across a few desks and spoke from a number of unmiked spots. Her voice was therefore fragmented and her words were hard to make out. As such I would create one chorus that would alternate between **shouting** out names and making incomprehensible **murmurs**."

However, underpinning and pervading the court's sound, activity and processes was an administrative aesthetic that was invisible until the administration broke down one day in the form of a computer problem. At the point when the judge had to transfer a case to the High Court, something went wrong with the case management system software and a pause was created in the court, and the rush ceased for a short while:

Judge: So you want me to transfer this case to the High Court?

Prosecutor: Yes.

Judge: Hold on ah. I just need to look for the 'click' that allows me to transfer to the High Court.

[A pause as the Judge looks intensely at his screen and clicks at various parts of it. Prosecution, Defence and Clerk offer some suggestions to him that I could not hear because they did not speak into their microphones. However, I gathered that the Judge's screen or desktop interface did not match the lawyers'.]

Judge: Click on tab 'MY COURT EVENT', is it?

[More suggestions from court floor.]

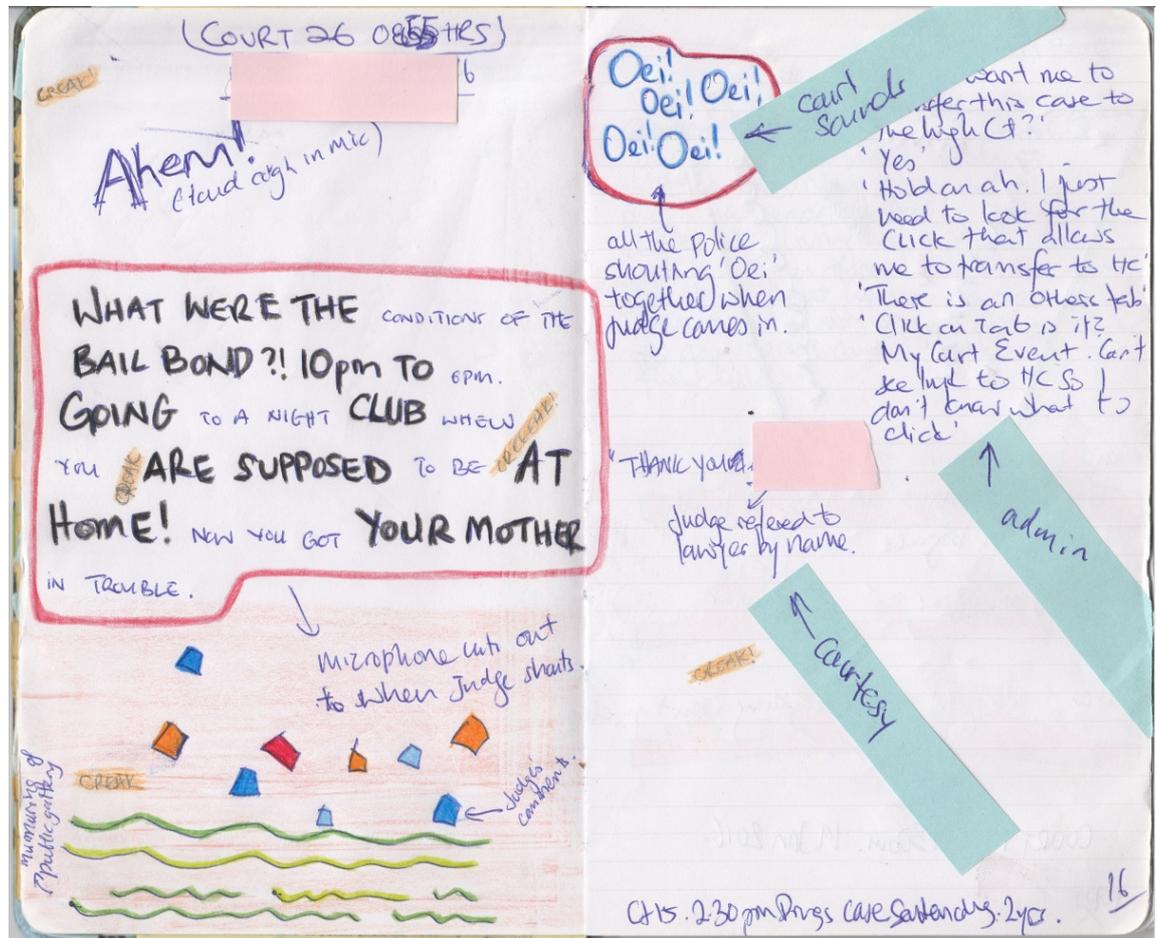
Judge: I can't see link to High Court so I don't know what to click.⁴⁰

Eventually, after some conferring with a Clerk, the Judge found a tab that would work and was able to dispense with that particular case. The speediness of court business then resumed. In this instance of breakdown, administration as a sensory quality in court became evident. The Courts were underpinned by a case management computer system whose logistical design not only facilitated the administration of justice, but in many ways framed and underscored it. As such, court processes were very much about filling in the online forms that guided and mapped the hearing, and finding the right 'clicks'. With the pressure of litigants and lawyers waiting in the wings for their turn, and the Judge's own daily case targets, it was easy for me to start viewing the law and the judge as producing an aesthetics of administration and algorithm. As management and postcolonial studies scholar Stefano Harney says, "Algorithms never rest" in pursuing the formula and praxis of "Access plus speed" (Harney, 2017, p.450).

However moments of ritual in court pulled the proceedings out of the computer screen, such as the police chanting "Oei! Oei! Oei!" in unison when the Judge entered the court, or when the judge and an old lawyer observed a ritualised courtesy with each other out of mutual respect, or when a judge broke formality and expressed something emotional or personal about a case, as happened in this session described below that I observed. I also came to appreciate later as the project

40 This transcript comes from contemporaneous notes that I took during the hearing which can be seen in the top right of the photo below.

unfolded after this very initial listening session, that the CJC was a kind of 'Jiminy Cricket' to the law's 'wooden head'⁴¹ propensity for efficiency, or indeed was that part of the Courts' organisational body that countered the aesthetic and social effect of its underlying algorithm.



Photograph of Voices From The Courts artist's notebook (2016)

On this occasion, the judge was dealing with a young man who had contravened the conditions of his bail. The judge started lecturing the man about his responsibility and having ascertained that the man's mother was in court, how he was inconveniencing his parents by breaking the bail conditions. The judge eventually elicited the man's reason for contravening the bail conditions: he had been clubbing with friends and had not returned home by his 10pm court imposed curfew. It

41 'Jiminy Cricket' was a fictional animated character in Walt Disney's film Pinocchio (1940). He was the conscience of Pinocchio, the puppet hero of the film. In Carlo Collodi's original published stories and book 'Le Avventure di Pinocchio' (1881-1883), the cricket was unnamed and simply known as 'Il Grillo Parlante' (The Talking Cricket): an educating, moral and prophetic voice in the stories. In their first meeting, the Cricket pronounces a judgment of Pinocchio: "Poor Pinocchio! I really pity you! ... Because you are a puppet and, what is worse, because you have a wooden head." (Collodi, 1892, p.19)

was at this point that the judge showed some exasperation and his voice became louder and more sharp in tone. He said somewhat paternalistically:

“What were the conditions of your **bail bond?! 10pm to 6am! Going** to a nightclub when you **are supposed** to be **at home!** Now you got **your mother** in trouble!”

[The text in bold indicates when the judge raised his voice to a point where the microphone cut out.]

[The accused was looking at the Judge and intermittently looking down at the floor and was mostly silent.]

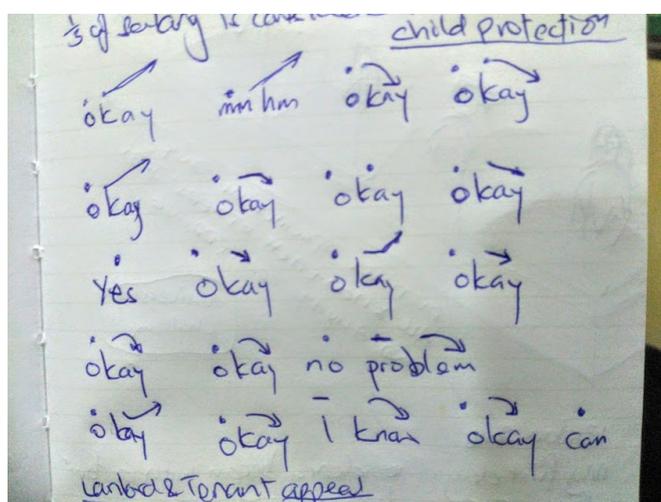
I was not able to ascertain how the case was dispensed with because following the short admonishment, the discussion between the judge and lawyers was very quick. However, I considered that this interlude showed the ability of formal legal processes to contain, stop or open out for personal, intimate and/or emotional content. A point of the formal-intimate was achieved here as with the divorce lawyer consoling his client above. Indeed, in another case in a different court, a judge declared:

“This is a court of fact, not a court of emotion!”

Ironically, it seemed to me that the Judge was delivering this statement in a considerably emotional manner. In this sense, I understood that the formal, the legal, the live and the emotional were constantly wrestling with each other, with one or other aspect breaking through and then falling back again. I observed more clearly this operation of breaking through during legal advice sessions that I had the privilege to sit in on.

Listening in Legal Advice Sessions

I attended a number of free legal advice sessions offered by the CJC to litigants-in-person (LIPs) which were pre-selected for me by senior CJC staff. These were intimate roundtable settings in small meeting rooms with the lawyer, a law student volunteer who took notes, the litigants and me. I was introduced as someone doing an arts project with the CJC and would be taking notes of the meeting to use in the project. The LIPs were asked if they were ok with this and were given the opportunity to object and ask me to leave if they were not comfortable with my presence. My participation had been approved by the CJC board, and any direct or personal contact I had with staff or service users during the research was vetted or supervised by the Director, senior staff or volunteers. My on-site observations in court happened in the capacity of a member of the public who has the right to attend court and be in any public area of the court building.



Listening in at legal advice sessions was qualitatively very different to being in courtrooms or in the public spaces of the court building. I could not be anonymous, come and go at will, or be too exuberant with drawing (in contrast to being in court where I would have all my colouring pencils in front of me as I created diagrams and illustrations). I also had to

employ a style of interpersonal human listening that would normally happen in conversations between people, as opposed to listening to a soundscape whose sounds are less attached to a particular person, body or human narrative directly in front of me. As a way in to this new situation in my first couple of sessions, I concentrated on technical aspects like tone and sound. In a child protection case, the litigant spoke very little except to say “okay” when the lawyer gave advice. I noticed and noted (see photograph above of my notebook) how expressive the word “okay” could be and how she used it to mean many different things.

However, this litigant was more an exception than the rule because most LIPs were very emotional, spoke a lot, and had difficulty, naturally, in understanding which parts of their narrative and their emotions were legally relevant. In these circumstances, lawyers had to try and penetrate the barrier or fog of legal incomprehension, anger against an opponent, or grief about a breakup in order to advise the LIP on the best way to argue their case. Lawyers were also under some pressure to be of real help during the session because LIPs were entitled only to one free 20 minute legal advice session.

For instance, in a particular divorce advice session, the lawyer had to acknowledge grief and hurt, and yet at the same time focus the LIPs attention on legal outcomes and the legal issues of the case. In contrast to the session he conducted immediately before, the lawyer used very short phrases in a staccato manner in which he emphasised certain words onomatopoeically as a way of getting through to the listener:

“CruX!”

“Pum!”⁴²

“Now!”

He also used questions as a way to get the LIP to concentrate on solving problems rather than getting caught up in regret or frustration. For example, he asked:

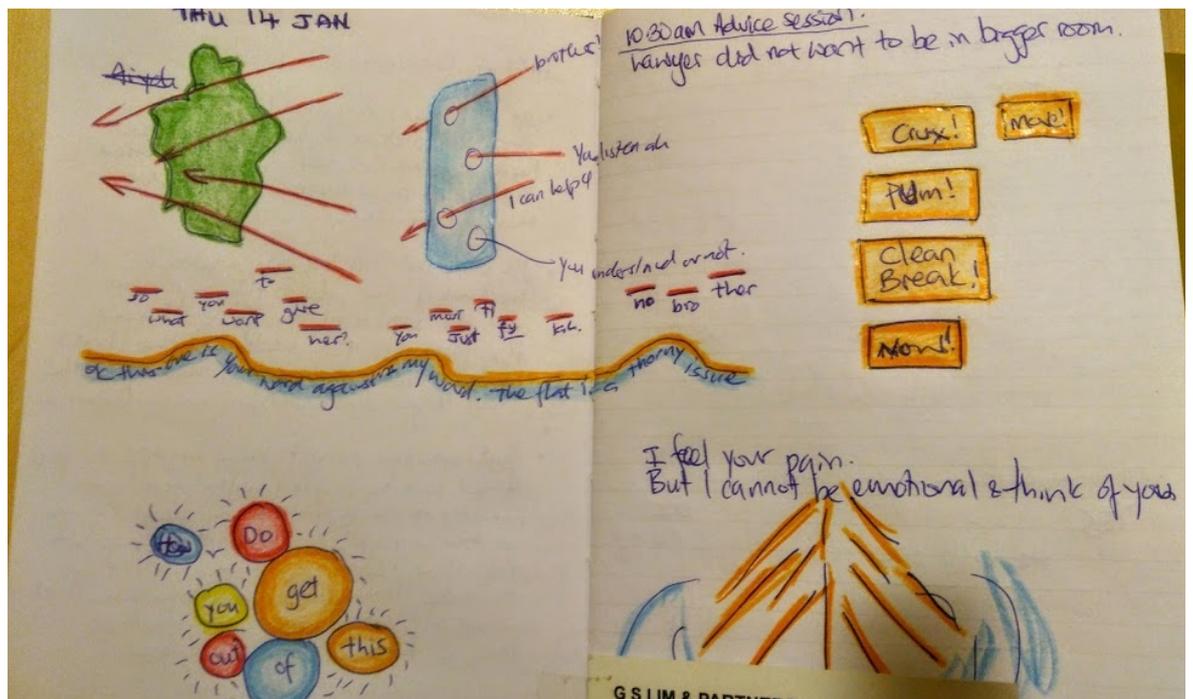
“So what you want to give her?”

“You understand or not?”

“How do you get out of this?”

The last question above was asked in a particularly pointed manner with every word in the question stressed. Also the ameliorative “ah” was used frequently, such as “You listen ah?”, to indicate compassion and empathy in the attempt to create legal clarity within the LIP.

42 A Singaporean way of saying “Pow!” or “Boom!”.



Photograph of *Voices From The Courts* artist's notebook (2016)

This and other legal advice sessions gave me the impression that the Common Law (i.e., law that is established through the hearing of cases) is something that arises out of and penetrates through and among the mess of human lives, emotion and strife. In casework, lawyers attempt to extract the legal issues and principles from the messiness of human situations so that 'objective' and relevant facts can be distilled for court. Indeed the lawyer in the above example asked the LIP that he was advising what was the "cruz" of his case, and was at pains to emphasise that the LIP needed to legally justify anything he put forward in court. However, I question the nature of this penetration and whether it creates the kind of pure dispassionate legal thought so prized by lawyers. In my observation during these sessions, the emergence of legal argument, insight and even logic into any particular case did not come in spite of human stories, narrative mess and social embeddedness, but because of them. Hence, the penetration of law through life is not so much like a shaft of light through and dispelling clouds, but to me more like the image of fungi emerging through soil as part of forest undergrowth or field edges.

Anthropologist Anna Tsing in her study of fungus ecology, considers that "standardisation" as a project of modernisation reduces the resilience of agricultural systems. She writes:

“Since the nineteenth century, scientific agriculture has surpassed the efforts of earlier domestications in standardising crops; it has made standardisation itself the “modern standard”. ... Yet standardisation makes plants vulnerable to all kinds of disease, including fungal rusts and smuts; without the chance to develop resistant varieties, the crops may all go down at once.” (Tsing, 2012)

Indeed while standardisation creates a centralisation of perspective which enables the possibility of linear planning, resource management and efficient control, and produces a sense of security, it also creates a vulnerable system. Monocrop farming, through a removal of biodiversity and the design of sterile pest-free growing environments, may increase yield but decreases resilience, sometimes with disastrous social consequences such as the Irish potato famine of the 1840s. Instead, the resilience of diversity arises in the absence of centralised control and often at the margins where messier, unboundaried, symbiotic interactions can take place. Tsing writes:

“Yet most everywhere a negative correlation exists between diversity and the intensity of capital investment and state control! ... Many favoured mushrooms flourish in agrarian seams: between fields and forest, and at the margins of zones of cultivation”.
(Tsing, 2012)

In my encounter with the Courts, I saw the working law presenting itself as an autonomous, rational and ordered platform with an aim to achieve justice through logical argument, discernment of admissible evidence and the standardisation of legal reasoning, precedent and procedure. My eyes confirmed this since they were continually fed with images of orderly waiting rooms and queues, structured court forms and flowcharts, geometric and imposing court architecture, x-ray security entrance checks, robed or suited (i.e. uniformed) lawyers and published court timetables. However, my ears told me a different story. My ears while of course also hearing rational legal argument, they also heard fear, joy, relief, defeat, hope, body, class, empathy, defensiveness, protectiveness, breathlessness, breathfulness, bodies, implicit intention, i.e., tone, and more. This tone, or mess of feeling and knowing (which was encapsulated formally in the role of the CJC

within the court system), is also what I consider to be the law, except that it forms the productive margins of the law and lend to it resilience, resonance and relevance.



Example of the Court's orderly visual language. Small Claims Tribunals at the Singapore State Courts. Image source: <https://www.statecourts.gov.sg/cws/AboutStateCourts/Pages/History-of-State-Courts.aspx>

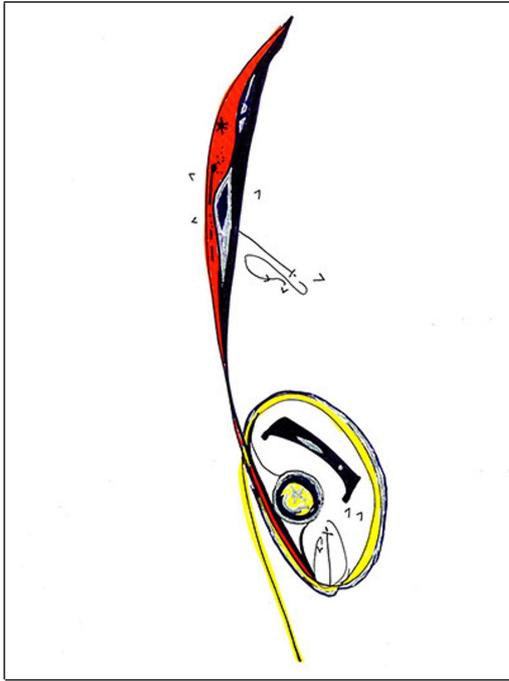
Indeed, it seems likely to me if the law was as clear, as rigidly standardised and as algorithmic a system as it presents itself to be, that the deep vulnerabilities of any such system that Tsing speaks of would have led to dramatic failures in its history as a useful mode of doing society. Instead what we have seen in the Common Law is a gradual, responsive, trial-and-error, feel-and-grow approach, i.e., its fungal characteristic, that has given this system of ordering human activity the resilience to exist for about 850 years⁴³ so far. It is the capacity of all legal actors—from the system itself, the legislators and judges down to court volunteers and lawyers advising their clients—to listen to the space between and behind the Ah's, Pum's and Okay's of human lives that enables the law as a consensual mode of being together to survive and flourish.

43 See Footnote 2 above for a history of the Common Law.

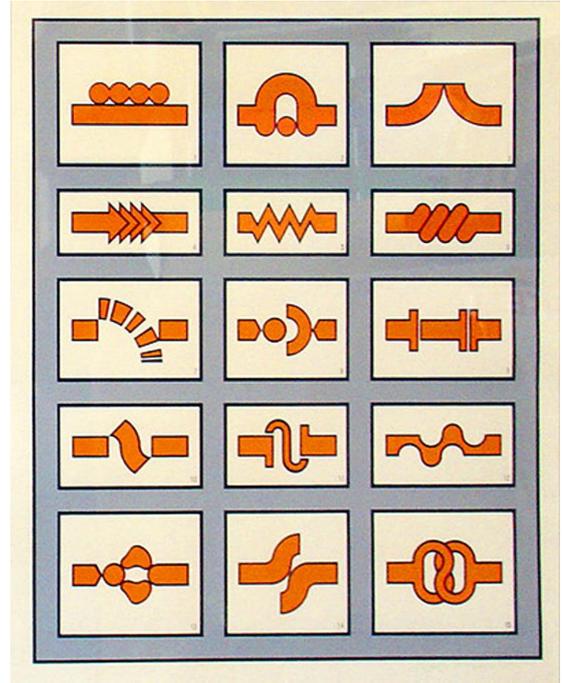
Listening to Draw to Sing

Drawing from listening in court involved being alert to how presence and representation was being produced. I drew words mainly because legal cases were primarily expressed in spoken word at court, but also I tried to sense what manifested within, behind and through those words. This form of listening forced me to access the spatial and physical content of the words as much as understanding their rhetorical or rational meaning. This is because drawing is a spatial (in creating and dealing with the space on a page by mark-making) and a physical (in the articulation of sense perception through the movement of eye, hand, balance and posture) activity. Drawing legal speech as a self-imposed rule therefore also allowed me to seek what Artaud calls the “concrete language” (Artaud, 1958) of theatre, or in my case, the courts as theatre. By relegating speech to a secondary role in the work, I was more able to “let the discursive, logical aspect of speech disappear beneath its affective, physical side” (Artaud, 1958). I hoped, with this Artaud-inspired framework, “to bring into the light of day by means of active gestures certain aspects of truth that have been buried under forms in their encounters with Becoming.” (Artaud, 1958). However, the “truth” I was seeking to uncover was nothing grand or revelatory, but the reality of daily personal struggles, worries, confusions, embodiment of the court user or litigant-in-person as they encountered the law during their time in court.

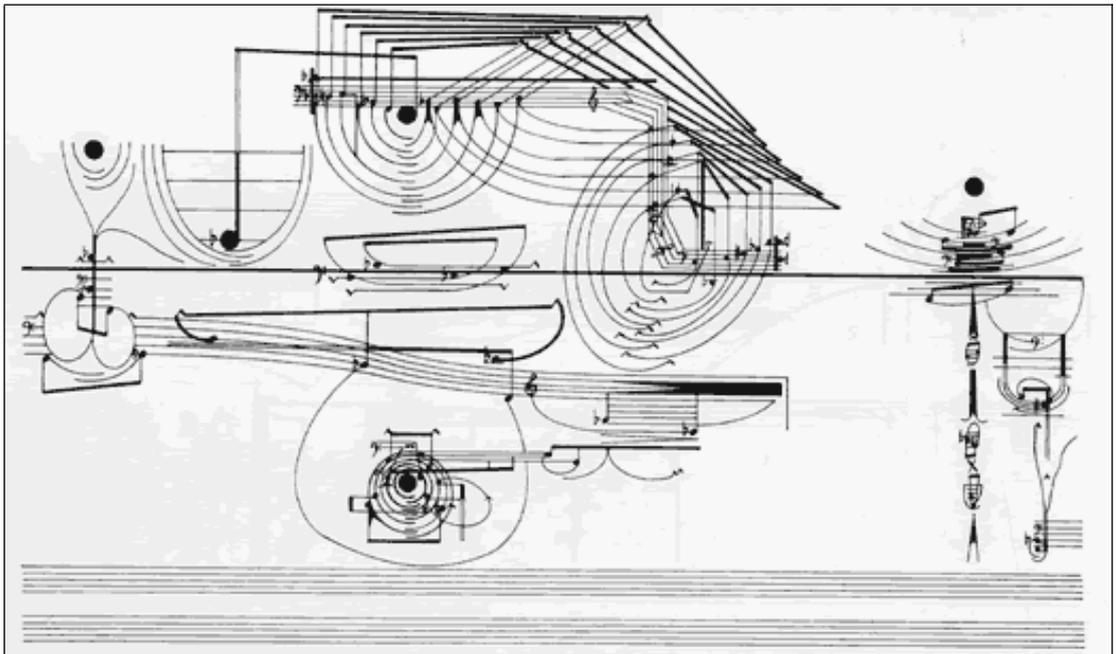
In all the three listening scenarios above, I was aware that I was listening in order to create images from which a choir would eventually sing. Before embarking on the residency, I had researched the history of graphic notation, and was particularly drawn to the following:



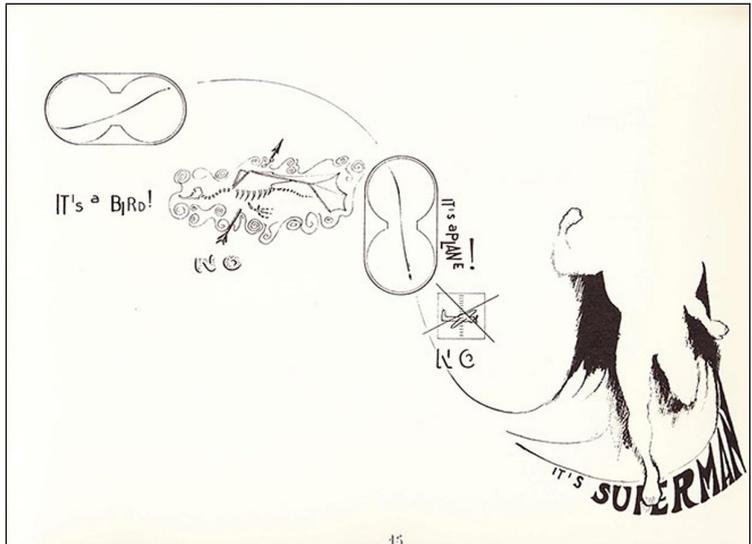
"Luminous Axis for trumpet and electronics"
by Wadada Leo Smith



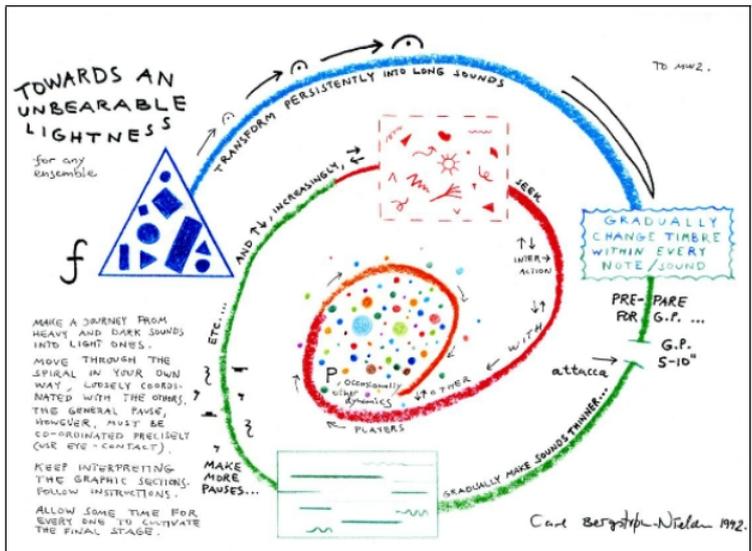
"Ornamentik" by Tom Phillips



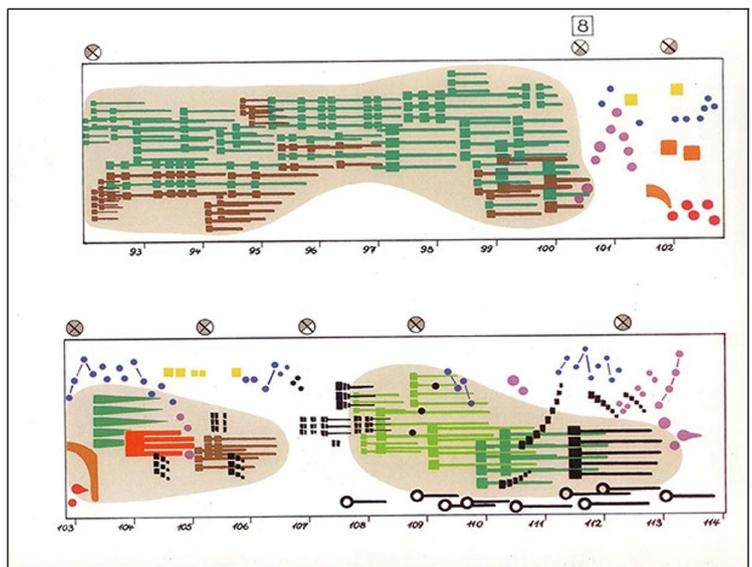
"Treatise" by Cornelius Cardew



"Stripsody" by Cathy-Berberian



"Towards An Unbearable Lightness" by Bergström-Nielsen



"Artikulation" by Ligeti

Because I knew that I would be working with singers who were not necessarily accustomed to interpreting images or had any previous interest in the visual, I decided to adopt visual conventions that already existed within the sphere of musical practice such as the graphic scores above. Graphic scores can appear as very complex and dense images or more simple and diagrammatic as the ones depicted above. I chose to be inspired by the simpler style of scores because these were likely to be easier to read for singers who had no experience interpreting graphic scores, and also easier for me to draw since I had only very rudimentary drawing skills.

I chose to draw in a way that facilitated the creation of performance scores later. This meant that I was not inclined to sketch whole court scenes or create portraiture but was interested in making more diagrammatic or graphic images that could be easily interpreted by musicians who had never sung graphic scores before. So even as I listened and made drawings in the Courts, I wished to capture elements (sounds, feelings, ideas) in a way that could be translated back into sound and that would inform the overall flow and timing of sung pieces.

Following the residency at the CJC and Courts, I spent a period of months digesting the experience, my notes and the organisational literature I obtained. This organisational literature included publicity literature as well as internal training manuals and organisational flowcharts. I discuss the richness of the documentation in a separate section below and how the communication design of this project was inspired by the bureaucratic aesthetics of the CJC and Court documentation. At the end of this period of studio work, I created 8 draft scores which I then workshopped⁴⁴ using Voice, Violin and Oboe during the launch event of a curatorial research residency “Law’s Imagination”⁴⁵ that I undertook at arebyte gallery in Hackney Wick, London.

44 A video of the workshopping of my graphic scores can be viewed in Appendix B and here: <https://www.youtube.com/watch?v=dqUu8vR7eFE>

45 More information about the curatorial residency can be found here: <http://lawsimagination.weebly.com/> and a copy of the press release can be viewed in Appendix A.2.12.

2.2.7. Rehearsal: Turning Image into Sound

After workshopping the draft scores, I sent these work-in-progress drawings to the choir. This was a non-professional choir who had some experience in choral improvisation but had never sung graphic scores before. I explained to the choir that I was content to assume the role of composer and therefore was happy for them to interpret the scores in any way they wished. I also said that I could offer them as much or as little background information as they desired, and could be present or not at rehearsals. They decided that they wanted me to give them the background information to each score, a brief statement of my intention conceptually and musically for each, and at points throughout the rehearsal they asked for my opinion on whether they were singing it correctly or not. I stressed that there was no right or wrong interpretation or way to sing the work. But I gave some feedback to encourage the choir to feel free to improvise, to make 'ugly' sounds, and to own the scores. It is worth noting in this section, the Choir Director's words in her statement for the concert brochure:

“We as performers play a second creative role in realising *Hearings*. We actively negotiate this creative space that is usually reserved for the composer and we do this in rehearsal and in performance. This can be both terrifying and liberating all at once.

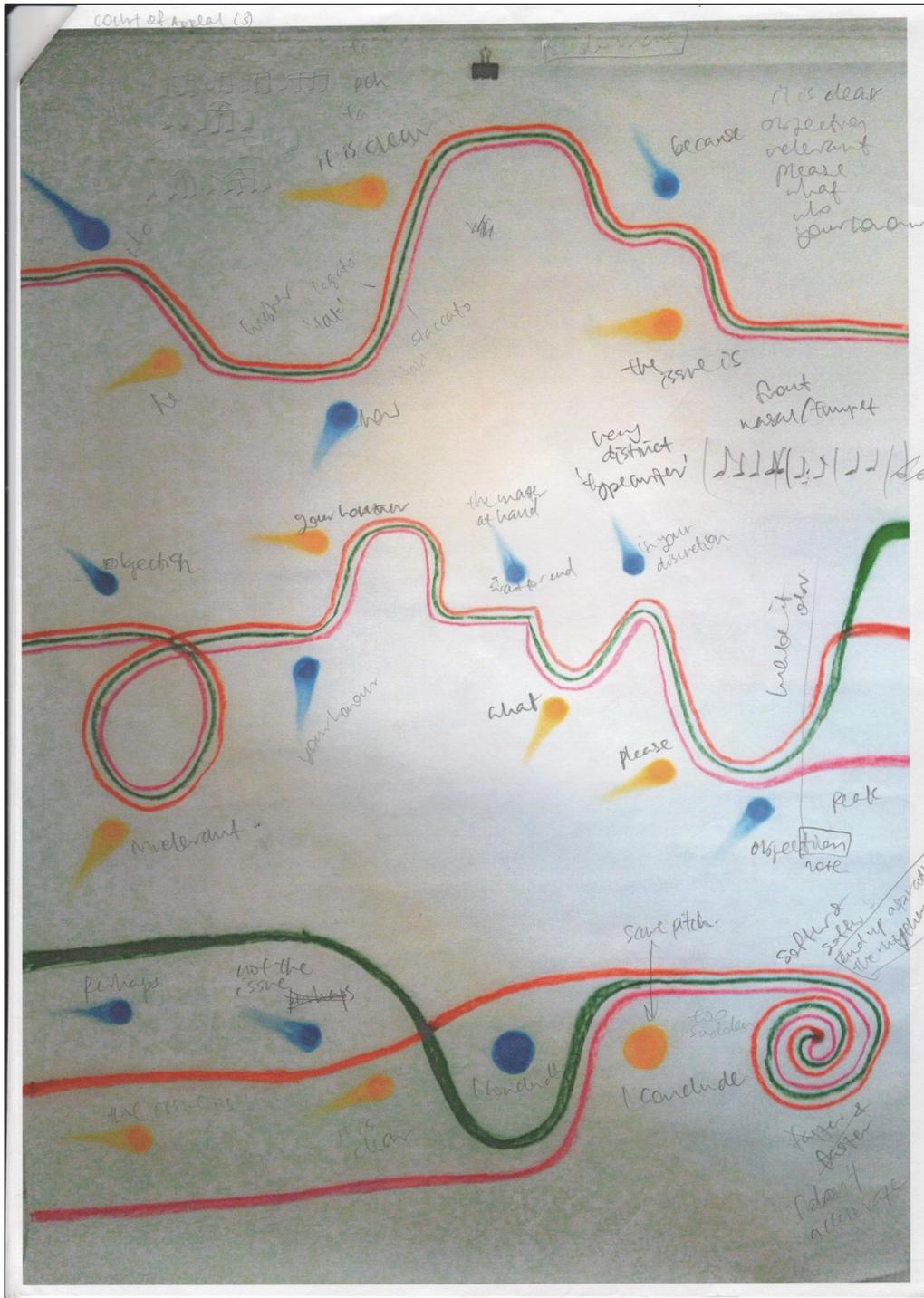
This dichotomy of emotions first rears its head when we are confronted with scores that tell us what we should do and yet do not all at once. We had to reframe our expectations on what a normal score looks like – one marked with the familiar signs and symbols that would normally direct us fairly precisely to make music on several levels. Instead, while directions on how to perform *Hearings* are still in front of us, they however take the form of visual cues such as the lines, dots, shapes, placement, colours and size. The signs and symbols traditionally marked on a score are now released into the hands of the performers, as we draw upon musical ideas and possibilities to create and make music.

In creating and making music in response to *Hearings*, we had to address our own mental models of what music is and how it is made. This required a conscious effort to examine each musical element and dimension separately and explore their expressive potential before combining them in new ways. As a choir, we explored and experimented with melody, rhythm, tempo, harmony, articulation, dynamics, tessitura and texture to respond to shades of colours, size and placement of shapes, and the thickness and interaction of lines and dots. Contrast and continuity, order and chaos, consonance and dissonance were some concepts that were considered in structuring our choices and combinations of musical elements in relation to each movement of *Hearings* and its unique context. Every rehearsal and performance bring new insights - music made in and of the moment demands us to look, imagine, listen, blend and disrupt as we interact with the scores as well as with each other."⁴⁶

Indeed each rehearsal and performance brought out different developments of the scores, and the singing that was recorded for the audio installation of *Hearings* is evidence of just one point in the choir's journey with these scores.

To provide a sense of the work done by the choir to turn image into sound, below are images of draft graphic scores with choristers' annotations accompanied by selected audio recording transcriptions of the choir rehearsals. The vocal interpretation was done over two periods of 4 week rehearsals which culminated in an afternoon in a recording studio, as well as live performances at the Singapore Biennale and the CJC fundraising court concert. A video of the start of the musical programme of the CJC fundraising concert can be found in Appendix B, which includes the opening song performed by two judges (one singing and one accompanying on piano) and then the entry of the choir who perform two the graphic scores from *Hearings*, 'Sentencing and Mitigation' and 'A Court of Emotion'.

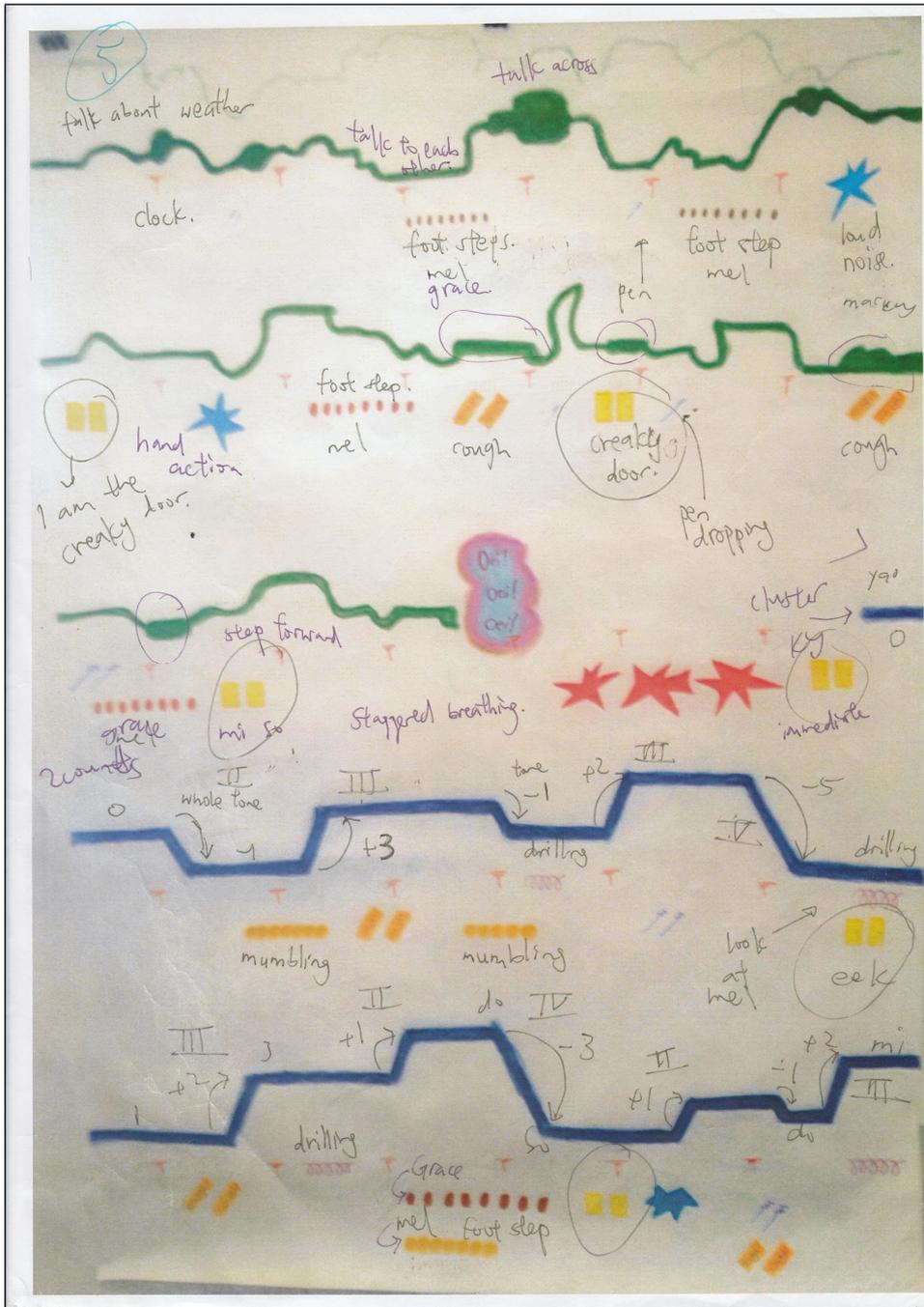
46 The original statement can be found in Appendix B inside concert brochure which is the green binder.



'Appeal and Advocacy', work-in-progress graphic score, annotated, 2015

Appeal and Advocacy

"Let me start from the lawyers' part. So for the blue and orange, I thought that they could be sung to show the rising or falling pushing the Judges' lines along. At first I thought that the Judges' lines could start with voiced whispers to show that it is their inner thoughts being controlled by the lawyers' words. Then as we go to the second system, the last part when they are not so swayed by the lawyers, it then becomes much more voiced or pitched." (audio file 6:00-7:30 mins 4CH0051)

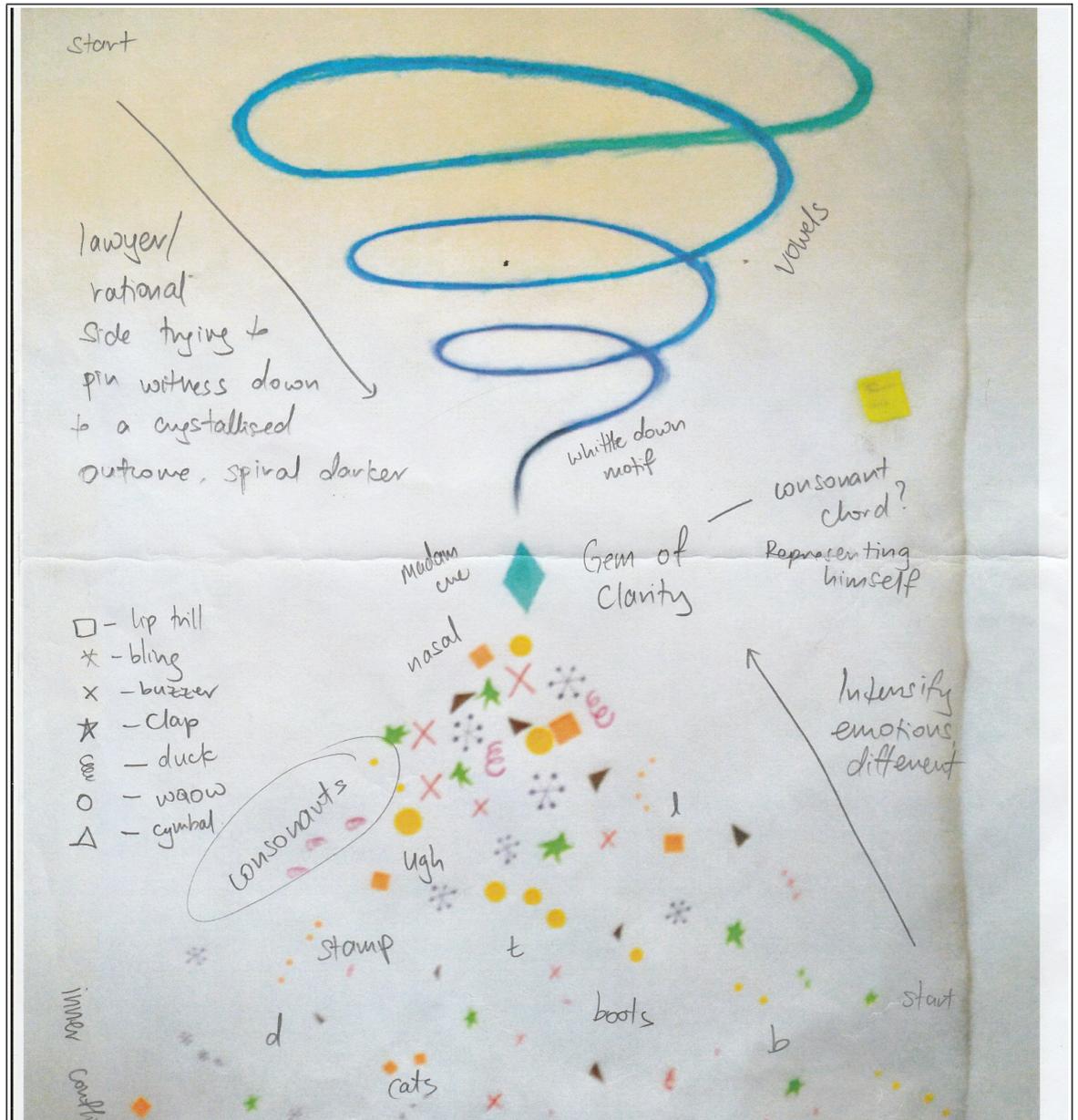


'Waiting for Hearing to Begin', work-in-progress graphic score, annotated, 2015

Pre-hearing court room ambient soundscape

"At the beginning you are going to talk to each other right? You are going to whisper. I want you to be in groups of 4. So you will chatter chatter and then when you come to a blob, can you argue, then after that go back to your chatter. When you come to a big blob, have a conversation. Ok?" (audio file 8:40-8:55 mins 4CH031)

"Before the Oei Oei Oei we can be talking, like a market. In the meantime, it doesn't matter if you have more conversations than is there, but I just need all the sounds written to happen: the doors, coughs, etc." (audio file 10:30-10:50 mins 4CH031)



A Man Who Represents Himself, work-in-progress graphic score, annotated, 2015

Self-Representation

"Lets have 'sounds' at the side and 'singing' please in the front." (conductor organising the singers)

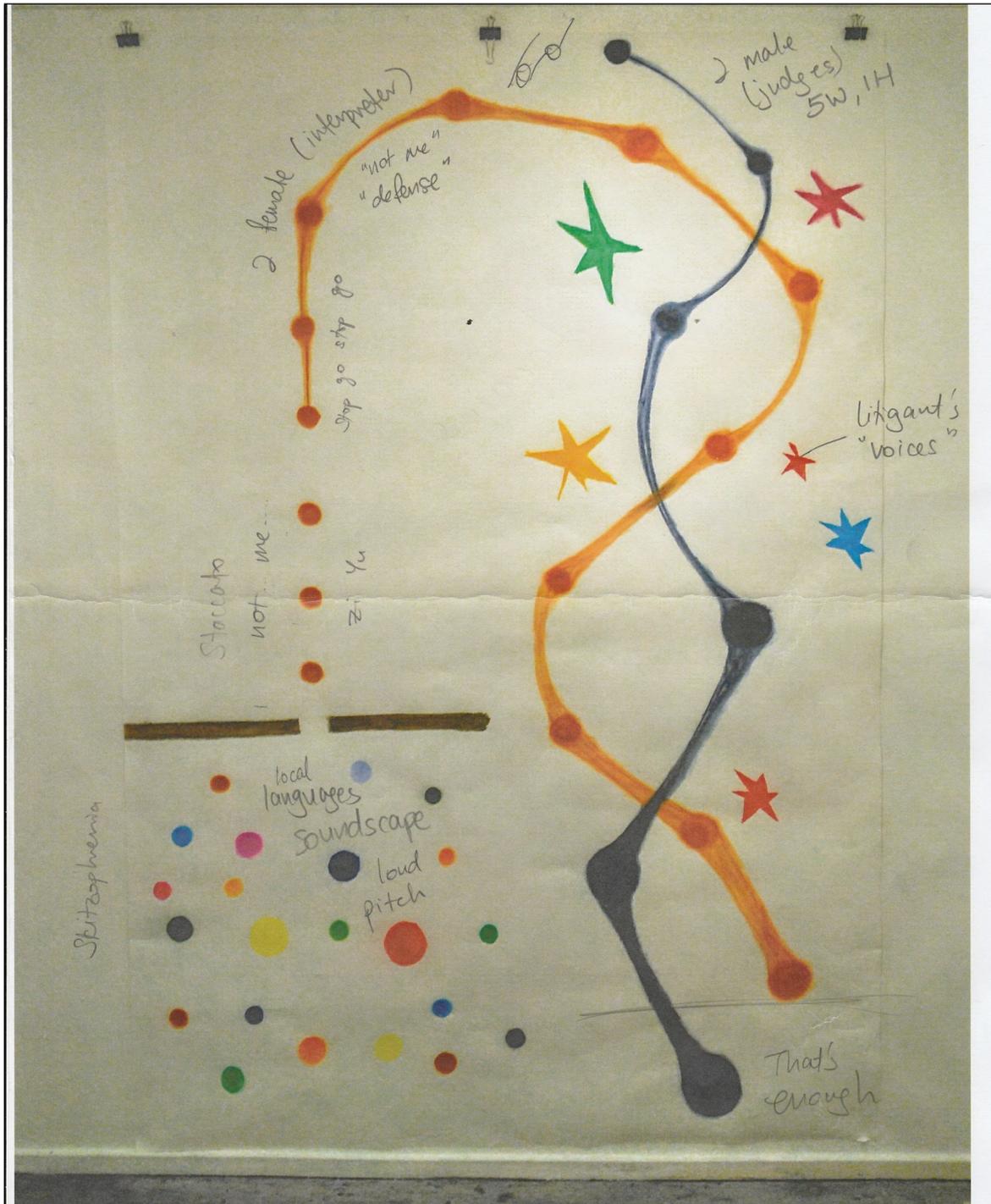
"Prrr" "Meow" "Bing!" (meantime singers are practising their sounds)

"Can I see who is singing though? Who is singing, only three ah?"

"Kwow-wow" "Pi-pi-pi-pi" "Muaeh"

"Maybe Grace, can you sing? Can you stand here?"

"Quack" "Bkrr" "Waeh!" (audio file 0:15-2:00 mins 4CH028)

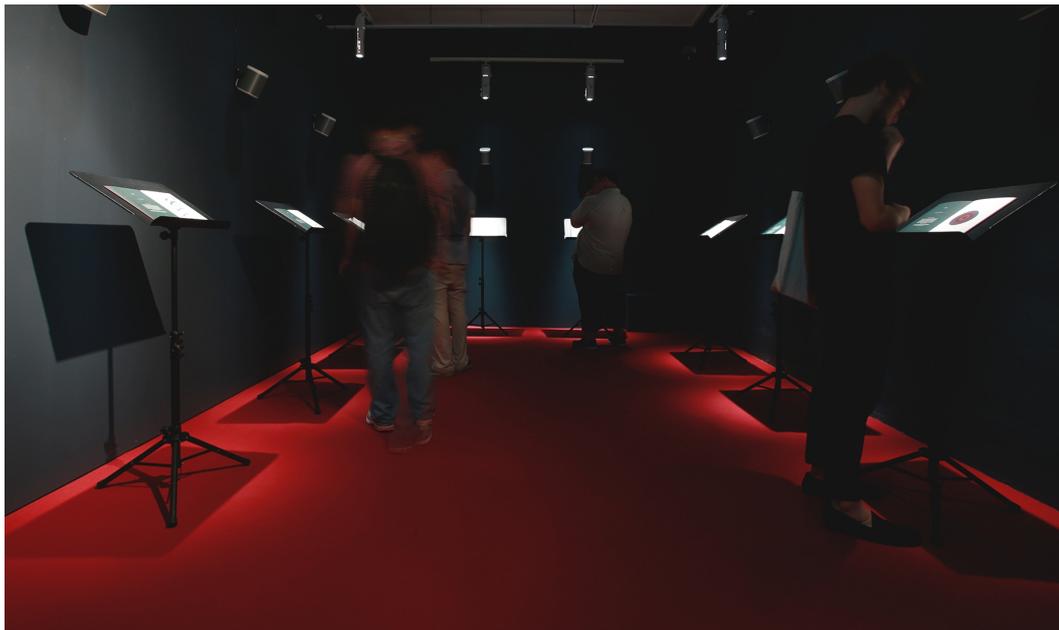


Interpreting States of Mind', work-in-progress graphic score, annotated, 2015

The Court Interpreter

"Maybe when we come in, the sounds after a make it messier, so that it really propels you to say 'That's enough!'. And your singing also gets stronger, maybe less gentle. In the beginning if it is gentle, it's fine. Lets do the ending?" (audio file 0:17-0:45 mins 4CH023)

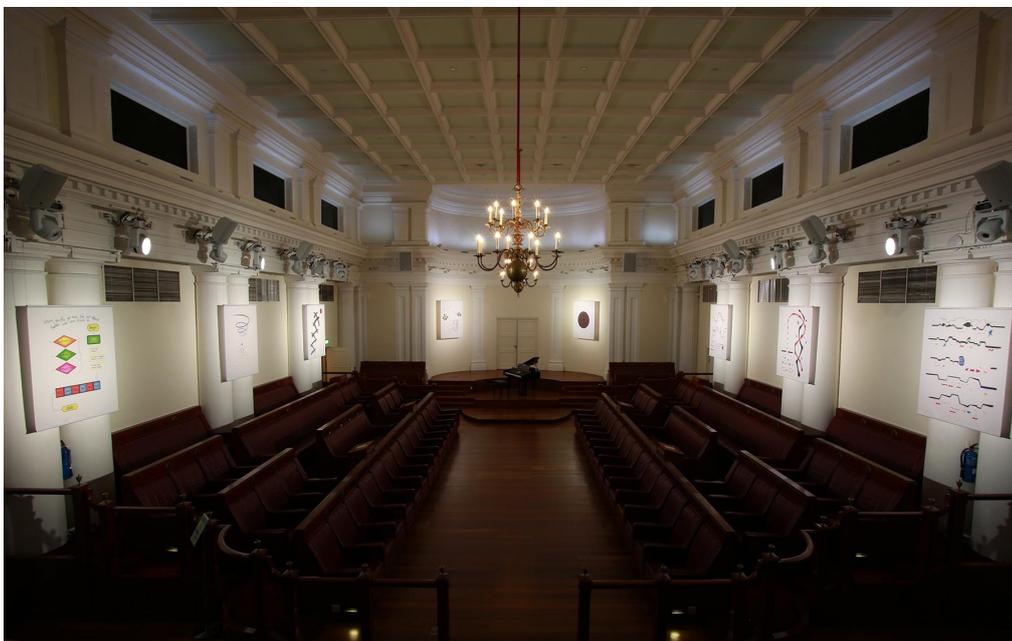
The final studio audio recordings of the Choir's interpretation were installed as an exhibition artwork titled 'Hearings' at the Singapore Art Museum as a set of music books on music stands (see image below). Each book was paired with a speaker that played its respective graphic score. However, only one score was played at a time at random in the room, so viewers and listeners would meander from score to score depending on which one was playing next. Sample page layouts from the music books can be viewed at Appendix A.2.13. Audio recordings as well as all 8 scores can be heard and viewed in Appendix B: USB stick and the exhibition catalogue (Tab IV).



Hearings (2016), graphic scores and audio recordings, Singapore Biennale 2016/17, Singapore Art Museum

2.2.8. Fundraising and Concert

The fundraising concert was a shared event that was a different thing to different people. For me, it was the culmination of the process of listening and drawing where I was able to sing back to the three Courts, via the choir, what I heard from them. The drawings were printed onto textile and hung as a banner and sound installation in the Old Parliament Chamber of The Arts House Singapore (images of selected finalised banner graphic scores at the end of this section). At the start of the concert, the Anglo-Chinese Junior College Alumni Choir performed two of the graphic scores to the audience of 200 staff, volunteers, lawyers, judges and their family. Thereafter, a programme of music, song and dance was performed by members of the court community, including a concert pianist State Courts Judge who played piano sonatas, and a Family Justice Court Judge who sang 'Somewhere Over the Rainbow' from The Wizard of Oz (1939).



Old Parliament Chamber (The Arts House, Singapore)

The variety concert is a familiar popular culture format to many Singaporeans. It also had the advantage of enabling me to embed the graphic scores performances, which sounded strange due to its improvisational and non-verbal character, in and among the music and sound making from the courts. In fact, I did not reject any proposals from the court community to participate in the concert and intervened only in deciding the order of the musical presentations, which was dictated by practical considerations of performers' timing (some had to leave early) and of not putting

instrumental items back to back. It was important for me to place the singing of the graphic scores among the musical and sonic repertoire of the court community rather than to make these a *pièce de résistance* of the concert. They already occupied a spotlight as two sound installations at the Singapore Biennale and I wished for these scores not to be rarified and for the court community to recognise that these were their sounds played back to them, albeit processed through the ears and hands of an artist.

For the Community Justice Centre, this was an opportunity to engage with the arts and to raise funds, eventually totalling approximately \$150,000 (£75,000), which represented a significant portion of a year's running costs for the organisation. Through the Biennale presentation, the CJC was also able to heighten its profile to new audiences and to increase legal literacy among the general public. In particular, the CJC was pressing forward with implementing a new approach in tackling issues of social justice and disadvantage which was their "Tri-Sector Collaboration", a model of collaboration between organisations from the public, private and third sectors (Wang, 2018). For the CJC, their hosting of an artist and use of the artwork's presentation to achieve organisational goals was a way which they could further practice the approach of cross-sector collaboration. The CJC Director, Leonard Lee writes:

"By seeking to unite diverse actors into stronger alliances which obtain the strength to promote and install change, the CJC provides a framework that bridges partners' individual motivations to an overall aim of enhancing the accessibility of justice for the common people." (Lee, 2018)



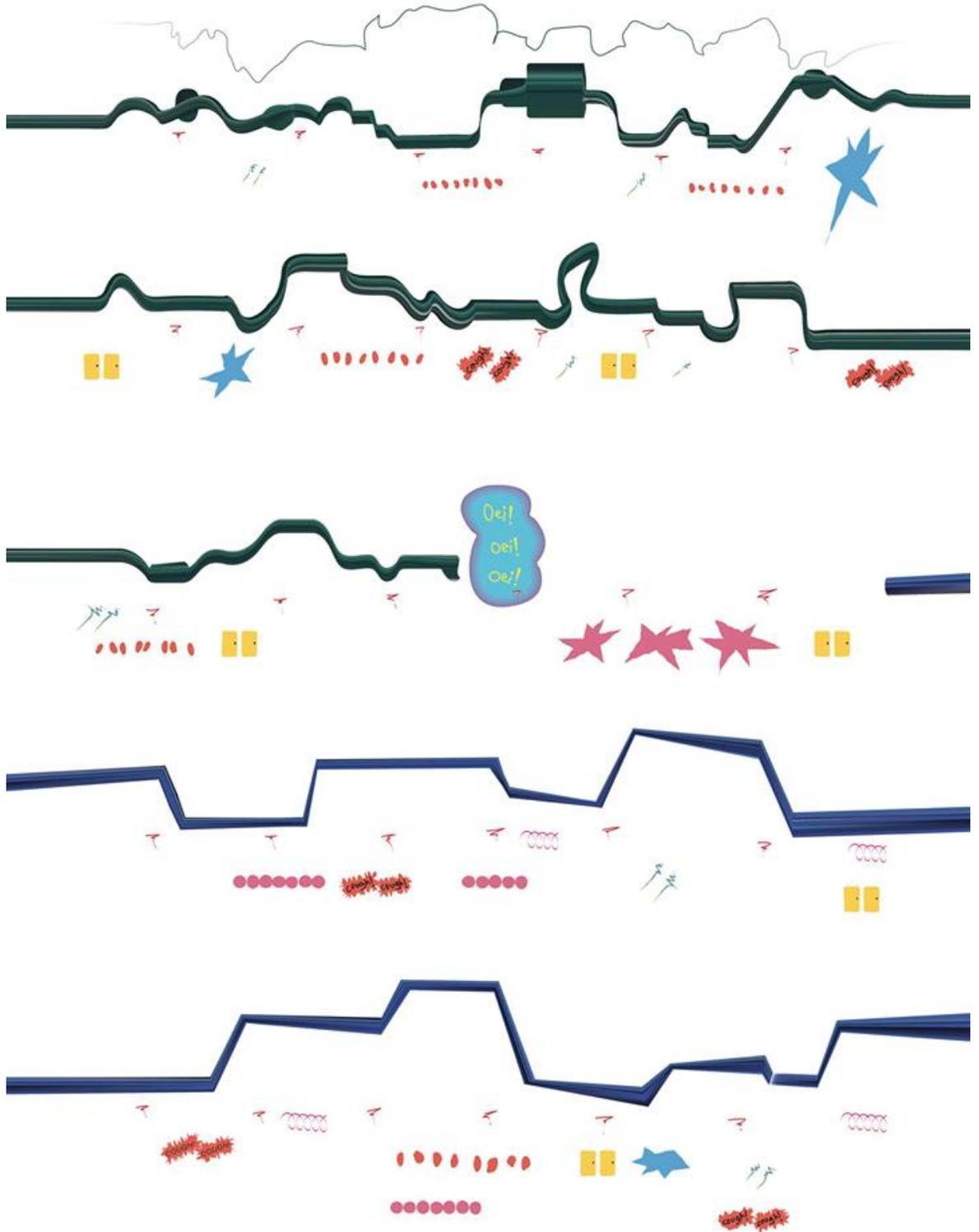
Voices From The Courts (2016). Above: graphic score hangings installed at the Old Parliament House Singapore. Left: graphic scores performed by a choir. Middle: legal community fundraising concert I co-organised. Right: community funds raised of SGD\$125,000 (£70,000)

For me however, I acknowledged and received this notion of a “tri-sector” but understood that the concept came from management leadership thinking, and so I (mis)heard it as “trans-sector” to include and impute the multiplicity of in betweenesses among the “tri”. Performance scholars Emily Orley and Katja Hilevaara expand on this:

“G.D. WHITE [aside] . . . again, critical and creative, how do I work with, or between, or among, which could be the term, or trans, just trans, or inter, or intra, or perhaps con, or cum, criticalcumcreative, criticalitycumcreativity, creatcumcrit . .

FOLDER 1 Each of these modes of writing investigate the transition between theory, criticism and practice in slightly different ways and in doing so open up exciting possibilities for the critic and ask whether critical thinking itself can be used to generate imaginative contexts” (Hilevaara & Orley, 2018, p. 8)

Although Orley and Hilevaara are discussing writing here and not government-private-charity sector collaborations, it was informative to think of my engagement with the CJC as a form of writing practice as much as it was socially engaged art practice because it allowed me to stay alert and keep open to the ever moving and evolving possibilities between thinking (theory), evaluating (criticism) and doing (practice) in the project, which are also a “tri”, and to resist the urge to collapse into ready conceived categories.

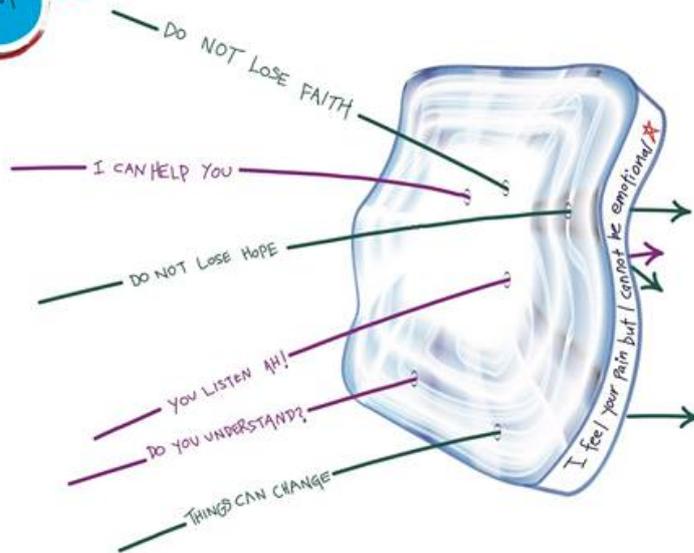


'Waiting For Hearing To Begin' from *Hearings* (2016), graphic score banners and audio recordings, Singapore Biennale 2016/17, Old Parliament Chamber at The Arts House Singapore

* This is a COURT of FACT

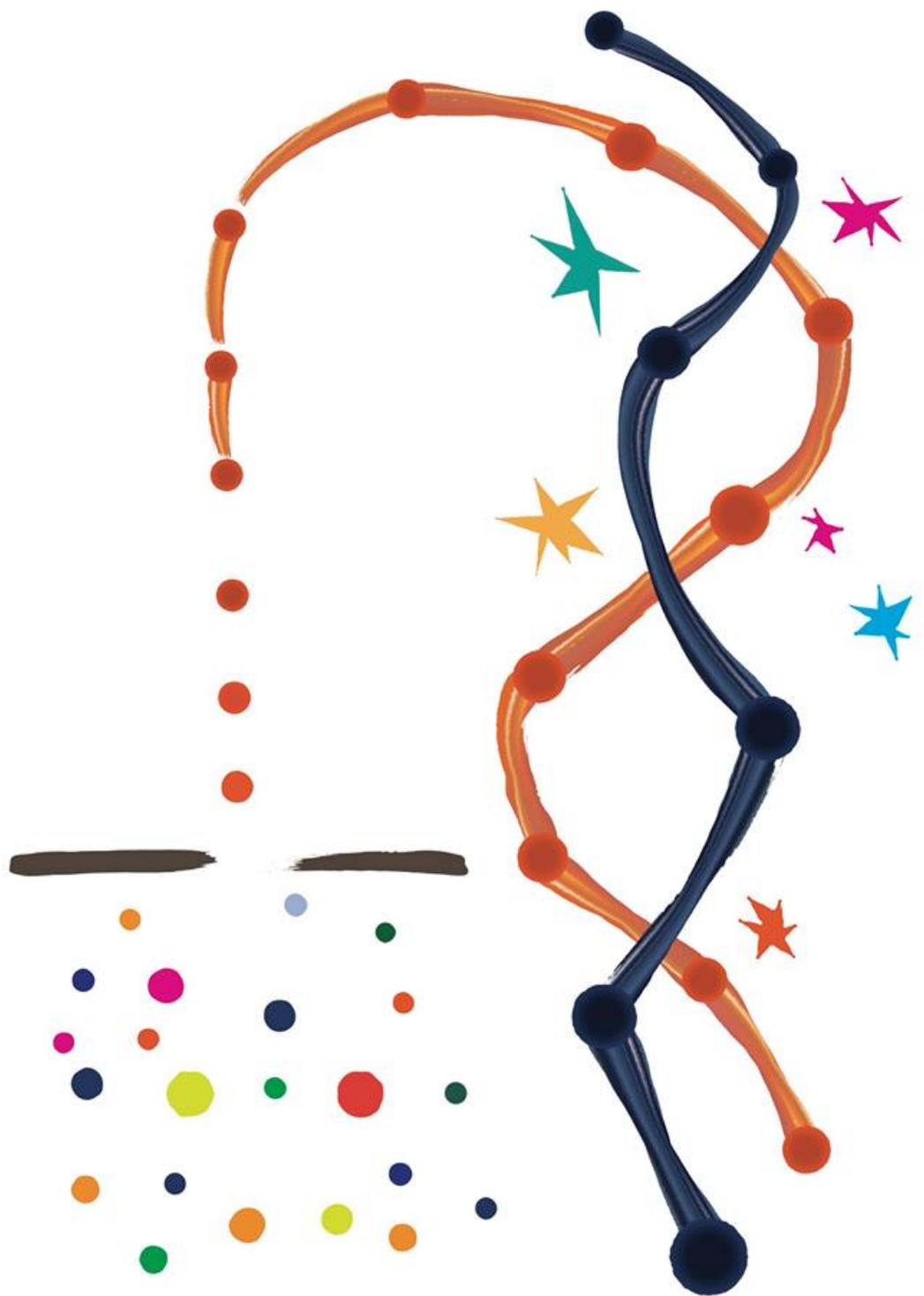
not a
court of

emotion



☆☆

'A Court Of Emotion' from *Hearings* (2016), graphic score banners and audio recordings, Singapore Biennale 2016/17, Old Parliament Chamber at The Arts House Singapore



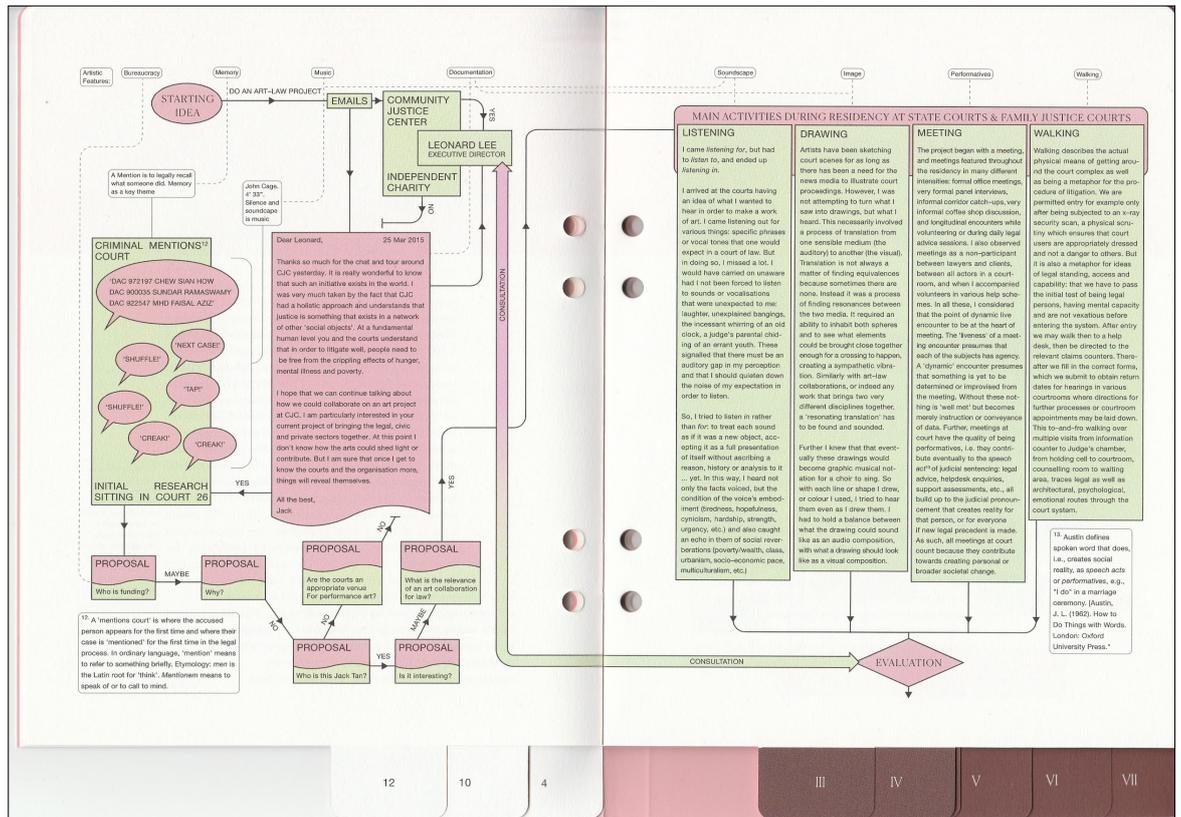
'Interpreting States Of Mind' from Hearings (2016), graphic score banners and audio recordings, Singapore Biennale 2016/17, Old Parliament Chamber at The Arts House Singapore

2.2.9. Documentation

My aim in this project was to produce documentation that combined forms of documentation derived from the theatricality of both music and the law. The catalogue looked like a statute book but functioned as a concert brochure on the afternoon of the performance. It achieved this by utilising visual tropes such as flowcharts, the legal rulebook, the concert brochure, and the musical score samples of which are included in the appendix to this thesis.

My artistic commentary and documentation used flowcharts in Press Releases, as an essay form, and as a visual language in various other motifs. Flowcharts are a snapshot of how court processes are working at any given moment. They are functional objects, capturing a dynamic moment. Flowcharts were a prominent feature of how communication happened in the Singapore Courts, both in communicating information from the Courts to the public as well as among the court staff and departments internally. Court procedures were explained to the public visually using flowcharts. These often mapped not only the flow of documents that were produced in litigation, but also the physical flow of where people had to be, and of time.

The Community Justice Centre used a lot of flowcharts especially in its training materials for staff and volunteers. The flowcharts mapped steps in doing a task and organisational processes, while other flowcharts described legal procedure. The metaphor of flow was pertinent to the way the Community Justice Centre viewed law itself. That allowed me to perceive the law as a dynamic flowing entity in which there was an element of predictability but also an element of contingency, depending on the conditions of each working day. One of the key characteristics of law courts is that they look static but they are in fact never still. Any snapshot of the courts, whether in a flowchart or a drawing of a soundscape, is an entry into a flow that is the mutability of any encounter with the law.



Photograph of Voices From The Courts concert brochure and exhibition catalogue (2016) (See also Box File)

The documentary 'snapshots' of this work can be found in the following places⁴⁷:

- The Voices From The Courts catalogue and concert brochure (Appendix B.2.2)
- Archived graphic scores and audio: Catalogue (Article 2, Tab IV)(Appendix B), music books (sample in Appendix A.2.13), sound files (Appendix B.2.5), digital images and soundcloud (<https://jacktan.wordpress.com/art-work/hearings/>)
- Websites:
 - The CJC: <https://www.cjc.org.sg/media/videos/> (Appendix B.2.3)
 - Singapore Biennale artwork entry (Appendix A.2.14): <https://www.singaporebiennale.org/sb2016/jack-tan.php>
 - The Voices From The Courts website (Appendix A.2.15): <https://voicesfromthecourts.wixsite.com/voices>

47 The catalogue, CJC annual report and sound files can be found in Appendix B while the other documents in this list can be found in Appendix A appended to this thesis.

- The CJC 2016 Annual Report:
 - https://cjc.org.sg/wp-content/uploads/2017/12/CJC_Annual_Report_2016.pdf
- Critical newspaper reviews:
 - Japan Times: ““Hearings” by Jack Tan, a Singaporean-born artist living in Britain, is a beautifully crafted mixture of singing, the printed word and diagrams, which turns the functional spoken words of court proceedings into an installation that may at first seem funny “ha-ha” but ultimately identifies civilized human behavior as being funny “strange.”” (Tran, 2017). Article can be viewed in full in Appendix A.2.16 or here:
 - <https://www.japantimes.co.jp/culture/2017/01/28/arts/singapore-biennale-takes-good-hard-look-mirror/>
 - Art Agenda: “In the same building, Jack Tan’s Hearings (2016) explores how memories are constructed and interpreted. Here, the artist records the experiences of litigants at the State and Family Courts of Singapore in graphic scores, which are then interpreted and performed by a local choir. It risks being overlooked, given the small nook it occupies behind Soap Blocked (2016), an installation by Htein Lin, but the intimacy of the simple setup of dimmed lighting, music stands, and scores functions as a respite from the visual and offers visitors a contemplative moment to consider how the auditory sense takes hold.” (Lim, 2016). Article can be viewed in full in Appendix A.2.17 or here:
 - <https://www.art-agenda.com/features/239419/an-atlas-of-mirrors-singapore-biennale-2016>

3. The Theory and Practice Context

In this chapter I consider the wider context of theory and practice within which I situate my practice. This will include a discussion of the relationship between aesthetics and ethics, scholarship from the fields of literary criticism and critical legal studies, law about art, and artworks about or using law. This survey is not comprehensive but constitutes an indicative narrative of my own research into the context of my study within the academy.

There are as many approaches to legal aesthetics as there are academic and practice positions: positivist, post-structural, phenomenological, visual, audial, theatrical, etc. Significant publications on legal aesthetics come from the Critical Legal Studies (CLS) movement in the work of scholars such as Costas Douzinas (Douzinas & Nead, 1999) and Adam Geary (Adam Gearey & Gardner, 2001) who offer written accounts of legal principles using the lenses of aesthetic theory, literary theory, art history or legal theory rather than using the law as an artistic modality. This pure theory work produces illustrative or speculative texts that circulate as critical discourse and verbal objects, but is not always directly applicable in the production of art and performance practice research works. While these texts illuminate the similarities between other disciplines and the law, they differ from the approach I developed which is to discover legal aesthetics directly from the law itself via artistic methods.

I will also briefly survey below, some artworks in the field of legal aesthetics. These fall into two categories: illustrative artworks *about* law or socio-legal scenarios, and works that use the law itself as medium. I place my research works among those of the latter category. However, before considering CLS and legal artworks, I will also set out how my practice is situated in the broader framework of political knowledge and artistic knowledge, i.e., aesthetics.

3.1. Politics and Aesthetics

My artistic practice before this study could broadly be described as 'political art', and I was concerned with using and expressing political ideas in art. As such, both art and politics have always been combined in my work but I had not examined their relationship in a thorough way.



Jack Tan (2007), *We Bought The Stripecy Mugs*, Royal College of Art, London (photo on mug: Richard Drew)

This research allowed me the space to consider aspects of politics and art in my work more closely, and as discussed in this thesis so far, to examine and to theorize in particular the way art and law interact. I understand the law to be a social and political discipline and as such situated within ethics as a field of knowledge. By 'ethics', I do not mean a general 'sense of morality' but ethics as a regime of knowledge that attempts to work out how we know what is 'good or bad', which includes questions of politics such as the 'good or bad' distribution of resources and power of governments, whereas I understand 'aesthetics' is a regime of knowledge that attempts to work out what is 'beautiful or not' (Oren Ben-Dor, 2012; Eldridge, 2005; Levinson, 2001).

My pre-understanding about classic concepts in aesthetics comes from a tradition that considers 'beauty' to be distinct from 'pleasure'. In this tradition, the question of whether something is beautiful or not exceeds the idea of appetite⁴⁸ and extends to questions of rightness or appropriateness (and even efficiency) of form, flow, judgement, composition, timing, and relationality. George Frederickson, a scholar of public administration, writes in his paper "Can Bureaucracy Be Beautiful?" (Frederickson, 2000) that *knowing* (by which he means analytical knowledge) is different to *understanding* (by which he means aesthetic knowledge):

"the analytical tools of the social sciences help us know how organizations operate and how public managers [*sic*] function. But to know public organizations and their management is not to understand them. Understanding requires perspective, experience, judgment, and the capacity to imagine. These qualities have less to do with analytical skills and more to do with philosophy, language, art, and reason. (Frederickson, 2000, p. 52)

48 The development of aesthetics as a discipline of knowledge has sought to distinguish pleasure from the idea of beauty. In Immanuel Kant's *Critique of Judgment* (1790) the pleasure he describes is one that is 'disinterested' and is derived from a cognitive perception of how imagination operates with understanding. For Hegel, in his lectures on aesthetics (1820), beauty is defined as the "sensuous appearance of the idea" as opposed to the creation of pleasure. In the 20th century, Heidegger conceived of art and beauty as "the bringing forth" of world or truth (1936). In Adorno's *Aesthetic Theory* (1970), art is conceived as something that presents "truth content". Similarly with Postmodern theorists, discussions around art centre on the failure of language, the instability of truth, the unreliability of the gaze, and the death of authorship, failing to mention pleasure as a significant factor in the understanding of aesthetics.

This 'understanding', he proposes, would come from the ability of public sector managers to appreciate and use form, design, experience and language in their work. Conceivably, the aim of beautifully crafted public administration is not to create aesthetic pleasure for users of public services but to ensure fair, precise and efficient delivery of these services through a 'rightness' of process, content and performance. This 'rightness' pertains to a definition aesthetics where pleasure could be a by-product (of 'rightness' of form, composition, consistency, timing, concept, etc) but not its aim.

Indeed this understanding of aesthetics as a useful and meticulous way of interrogating social life, organisational behaviour, scientific processes, political institutions and more has not been taken seriously in a popular understanding of aesthetics since the enlightenment. Music Sociologist, Tia DeNora asserts that "the role of art, as a form of knowledge or, ... a way of activating consciousness, was undercut" by a "post-enlightenment dualism of art 'versus' science' ... [which] was symptomatic of the debasement of *both* science and art under modernity (capitalism, cultural commodification and authoritarian political rule)" (DeNora, 2003). By bringing art and law together in my work, I am proposing to treat aesthetics seriously as a form of knowledge that is not only useful to the law but is also an awareness that is distributed entirely within and throughout the law.

However, the way that aesthetics underpins the law, as a sub-sphere of politics, has to be examined because art and law do not relate causally or sequentially. Jacques Rancière asserts that:

"there is no criterion for establishing an appropriate correlation between the politics of aesthetics and the aesthetics of politics ... politics has its aesthetics, and aesthetics has its politics." (Rancière, 2013, p. 62).

And yet there *is* a relation even if no criterion can be established of how they relate. Rancière proposes that:

"aesthetics can be understood ... as the system of *a priori* forms determining what

presents itself to sense experience. It is a delimitation of spaces and times, of the visible and the invisible, of speech and noise, that simultaneously determines the place and the stakes of politics as a form of experience.” (Rancière, 2013, p. 13)

In this sense there exists an aesthetics that comes from within and behind the observable operation of politics in society. This aesthetic determines the landscape against which politics operates. It defines the players: who is seen and unseen, who is heard and unheard, who is included and excluded. In this way, there is an aesthetics inherent in society because society is perceived through aesthetic means such as space, time, speech, position, movement and signs, a “distribution of the sensible” as it were. Rancière discusses this distribution as:

“the implicit law governing the sensible order that parcels out places and forms of participation in a common world by first establishing the modes of perception within which these are inscribed. The distribution of the sensible thus produces a system of self-evident facts of perception based on the set horizons and modalities of what is visible and audible as well as what can be said, thought, made, or done. Strictly speaking, ‘distribution’ therefore refers both to forms of inclusion and to forms of exclusion. The ‘sensible’, of course, does not refer to what shows good sense or judgement but to what is *aisthêton* or capable of being apprehended by the senses.” (Rancière, 2013, p. 85)

As such, my research seeks to work within the distribution of the legal sensible and to examine the modes of perception that are inherent in the law. This distribution between the realms of law and aesthetics is not causal or direct, because the connection is live, messy and dynamic. Further because this distribution itself is an aesthetic mode, it is difficult to offer access to it through theoretical explanation or even description of practice work. Rancière himself comes closest to an explanation when he says in summary that ‘aesthetics has its politics and politics has its aesthetics’. This call and response, cohabitation, symbiosis, hybridity, and diffraction between art and law became evident in the entanglements that characterised every stage of the projects outlined above.

3.2. Legal Aesthetics and Critical Legal Studies

Critical Legal Studies (CLS) is a 1970s intellectual movement within Anglo-American jurisprudence that examines the law from a broadly leftist and post-structuralist perspective, criticizing it from feminist, post-colonial, human rights, psychoanalytical and other perspectives (Douzinas & Perrin, 2011). One of the strongest voices in CLS is legal scholar Costas Douzinas who deals with legal aesthetics broadly from an analysis of the image. His work asks how the image is used by the law and how the law judges visual beauty for the purposes of deciding cases in court (Douzinas, 2000; Douzinas & Nead, 1999).

Law's Visuality

Douzinas claims that “the law has always had also a visual policy and understood the importance of the governance of images for the maintenance of the social bond” (Douzinas, 2000). Douzinas uses a number of disciplines to explain the aesthetics of legal imagery: ancient Greek and Byzantine art history, anthropology, Lacanian psychoanalysis, Kantian philosophy, theology, literature (Dante and Kafka). Douzinas creates an analogous connection between these many genres of knowledge with the law. He asserts that the law as image (as defined by these disciplines) produces “a staging of the world for the subject” and “offers approved ways of seeing and recognising the world” (Douzinas, 2013). In his discussion on religious iconography, Douzinas reveals that both legal and aesthetic judgments are connected by shared ontological assumptions and “mirror each other in form and substance” (Douzinas, 2008). In my research projects thus far, I have also concluded that the law uses image, in particular the theatrical image, architectural spectacle and symbolic objects, to construct a sense of power and dignity for itself. Douzinas’ claim that “Law remains, however, a deeply aesthetic practice” is helpful in reinforcing my practice of mining the law for its aesthetic structure.

In “Law and the Image” (Douzinas & Nead, 1999), Douzinas and his co-editor Nead also discuss the relationship between literature and the law which illuminates their point about law and aesthetics sharing ontological assumptions. They say:

“If the law works through the creation and projection of ordered worlds, attention to style, detail, and form will help one understand law’s hidden vision and develop alternative worlds and visions that derive their legitimacy from repressed texts, histories and traditions Treating the law as literature brings to the surface and highlights the type of life and the form of soul that the institution constructs and tries to capture.” (Douzinas & Nead, 1999, p. 10)

In other words, Douzinas proposes that one can examine the law as a literary medium using literary tools to “give shape to what is behind the visible” (Douzinas, 2013).

Law as Literature

Another CLS scholar who uses literature as a way of identifying legal aesthetics, although with less applicability to my practice, is Adam Gearey. In his book “Law and Aesthetics” (A. Gearey, 2001), Gearey makes Shelley’s poem *Ozymandius* do much of the work of deriving “legal aesthetics”. By this, Gearey argues that the potential for poetry and literature to create imaginary social worlds and imaginary legal relationships *should* be imputed into the real legal world. For Gearey “*Ozymandias* shows that the aesthetic offers a challenge to the order of the law, a promise of a different law.” (A. Gearey, 2001). He undertakes a detailed textual analysis of the poem and draws analogies between the poem’s moral and visual content with the law, e.g., *Ozymandius* represents the law and how the law sustains its name as image the way that *Ozymandius* did, or that *Ozymandius* and the law both have a “power to mandate form, to create foundations”. However, while such analogous analyses open up speculations about the value of simile or mimesis for the law, they do not necessarily provide insight about the aesthetics of law.

For Gearey, Shelley’s assertion that “poets are the unacknowledged legislators of the world.” (A. Gearey, 2001) captures the core of this approach of imputing literary aesthetics into law. This poet-legislator dichotomy that Gearey invokes raises a ‘chicken and egg’ question of whether societal sentiment (represented by the poet) creates the law (represented by the legislator) or vice

versa. However, this dichotomy presumes that poets and artists are not already or have been legislators, e.g. published poet Thomas Babington Macaulay (Macaulay, 1875), who lived at the same time as Shelley, drafted the Indian Penal Code that is still in force today, and celebrated actor Glenda Jackson was a Member of the UK Parliament for 23 years⁴⁹. But aside from poetry, Geary's book includes and uses plays like *Antigone*, novels like Toni Morrison's *Beloved* and James Joyce's *Finnegans Wake*, and stories like Nietzsche's *Zarathustra* to the same effect (A. Gearey, 2001). With these, Gearey makes a case for imputing the aesthetic formats and ethical hopes expressed in these literary works into law. As such, he has not so much observed legal aesthetics as identified various literary aesthetics that he proposes should be inserted into law as a moral project. Through this Gearey is calling for a moral awareness to be installed in the law asserting that aesthetics is an "energy to mandate" and a "courage" to imagine a new world:

"What allows the law to be posited in the first place could also perhaps lead to its overcoming. One would require sufficient desire to will the law anew. Aesthetics is, at heart, this energy to mandate the form of a world, to create oneself. Ultimately it is the courage to will an ethics, to take from the law its power to determine forms of community." (A. Gearey, 2001, p. 51)

Gearey's mandating of a new world can be contrasted to queer theorist José Esteban Muñoz's formulation of "queer futurity". Gearey situates the ethical work of creating a new world in a "courage to will", which is to re-speculate one's intentions and to issue a rallying cry to oneself. As an artist research-practitioner however, the "energy" to mandate or create also takes more un-Romantic forms in contrast to "genius" and willpower, and may also be situated within mundane or uninspirational processes of rehearsal, attending the studio/desk, trial-and-error, administrative paperwork, failure, encounter and reluctance, i.e. in praxis. Indeed this may not be a reforming zeal at all but rather a grafting and crafting within and against precarious, difficult or hostile living circumstances of the 21st century. For Munoz on the other hand,

49 Glenda Jackson's page on the UK Parliament website: <https://www.parliament.uk/biographies/commons/glenda-jackson/175/>

“Queerness is a structuring and educated mode of desiring that allows us to see and feel beyond the quagmire of the present. The here and now is a prison house. We must strive, in the face of the here and now's totalizing rendering of reality, to think and feel a then and there.” (Muñoz, 2009, p. 1)

Munoz's particularly haptic formulation of how to create a new world is important: “to see *and feel*” and “to think *and feel*” [emphasis mine]. Because the condition of the “here and now” is physical as well as conceptual, a speculation for a future ideal is better informed not only by an analysis of the iconic or literary impalpable image (as Douzinas and Gearey propose), but also by a *feel* of a possible future. Without a haptic and embodying imagination of a future world, one loses the means to overcome the “prisonhouse” of the present through a politics of praxis. For Munoz, artists do not idealise, romanticize or dramatize their work (even if the result of artwork is ideal, drama or romance). Instead, the aesthetic, in the work of artists, “contains blueprints and schemata of a forward-dawning futurity ... [and] is nothing like an escape from the social realm” (Muñoz, 2009). In other words, aesthetics as an approach to legal reform does not necessarily function as a rallying cry or the emboldening music of a piper on a battlefield. To extend the analogy, aesthetics is the battle strategy itself and the labour of realising the “blueprints and schemata” of a future social world.

In this regard, rather than taking the approach of using literature or visual art as a comparative study into law, or as an ethical model for the law, I attempted to make works of art that gained a firmer traction or handhold in the law itself. For instance, *Karaoke Court* was a viable legal service that imagined, precipitated and provided a blueprint for a future legal world now. *Voices From The Courts* took the existing blueprint of the courts (its flowcharts, procedures, business, annual reports) and repositioned it and its beyond as art.

3.3. Law about Art

There has been a long history of legal writing and case law about art (Kaufman, 2000). This is the purview of 'art law' firms and art auction valuers. Law about art often falls within the categories of property law (who owns a particular artwork), inheritance and tax law (how much tax should be paid on a particular inherited artwork), copyright law (who owns the legal right to benefit from producing copies of an artwork), obscenity law (how offensive can an artwork be before it is unlawful) and contract (how much should an artwork be valued at). Aside from the few cases where courts have had to consider the notion of beauty as a legal concept (e.g., in *Ruskin v Whistler* discussed below) or the artistic value of a work weighed against the public interest to censor it (e.g., in *R v Penguin Books Ltd* [1961] Crim LR 176 was a case about the obscenity of 'Lady Chatterley's Lover' by DH Lawrence), this field does not reveal much about legal aesthetics. The aesthetic nature of the law itself is not addressed or disturbed by such cases.

In cases where the judgement of beauty is considered by the courts, judges have refrained from developing a theory of legal aesthetics and have devolved responsibility for judgements of beauty to experts such as art valuers, artists or academics. Even in one of the most high profile cases in legal history, *Whistler v Ruskin* (1878) (L. Merrill, 1992), where a court was asked to decide if an opinion expressed by the art critic John Ruskin was libelous, and in doing so to decide whether the painting he criticized was in fact art or not, the jury avoided this by deciding that Ruskin's opinion was "honest". When forced by the judge to decide if Ruskin's criticism was "fair", they eventually provided an ambivalent answer by deciding against Ruskin, that his criticism was not fair, and yet at the same time only awarding the winning party one farthing (which was a quarter of a penny and the smallest denomination possible) in damages.

Finally the auction market and the rocketing prices of contemporary art since the late 20th century has enabled art law departments in law firms to expand and also increased the publication of 'art law' books (Kaufman, 2000). Law firms and books cover all aspects of art law, such as disputes over ownership of artwork, tax planning, copyright, separation of art assets following divorce,

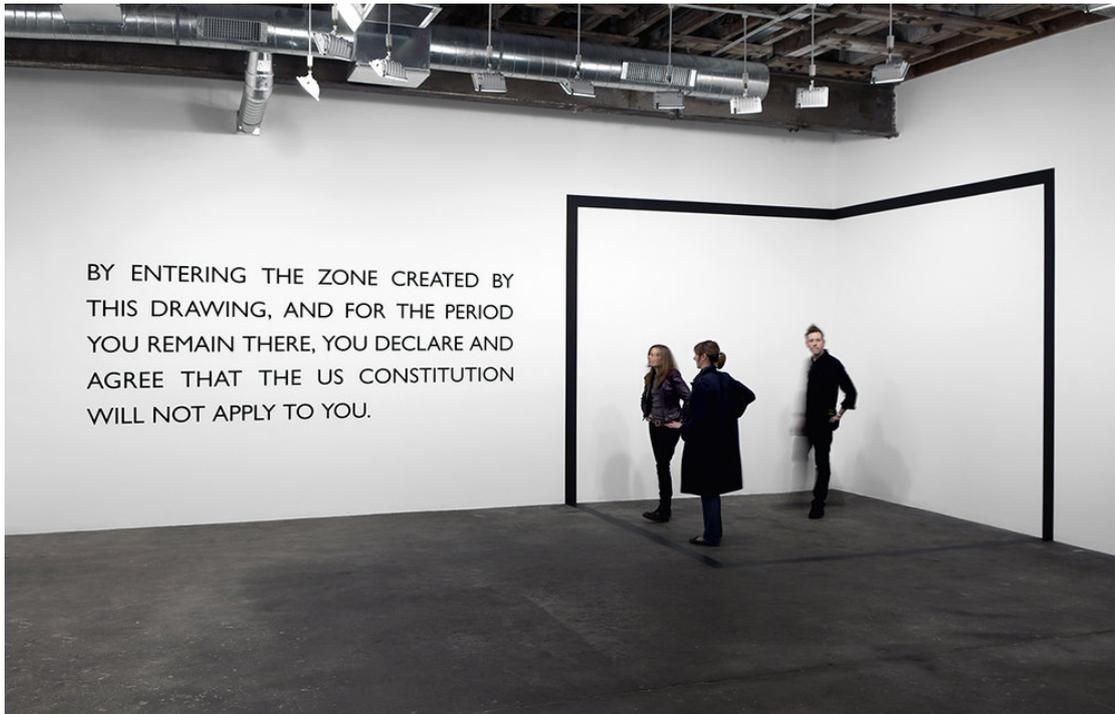
export of art, valuation of antiquities, heritage law, etc. While there is considerable writing and commercial activity within the law concerning the ownership and disposal of art works, these do not inform my work because they do not deal with legal aesthetics. Ultimately, even though the subject matter in the above scenarios is art or artists, practitioners are concerned about technicalities of law and not its aesthetic operation.

3.4. Art about Law

There is a limited field of scholarship on aesthetics in relation to the law where the insights are derived from artistic practice. Legal scholar Andreas (Philippopoulos-Mihalopoulos, 2016) describes walking practices which inform the development of spatial justice, and Lucy Finchett-Maddock proposes an autopoiesis of resistance to police crowd control from protest practices (Finchett-Maddock, 2014).

Much more widespread are artworks that primarily illustrate the law, foregrounding the artist's aesthetics or politics or conceptions of the law rather than the legal aesthetics as I have come to define it. Within this sphere of practice, 'Declared Void, 2005' by Carey Young⁵⁰ for example used the appearance of law as a way of creating a political experience in the gallery. In this work, a corner space was marked out in a gallery next to which a wall text which stated that if you entered "you declare and agree that the US Constitution does not apply to you. Similarly, in 'Declared Void II, 2013, the text said that "you declare and agree that you are a citizen of the United States of America". Both texts however were not capable of any legal performativity nor contained any legal force in spite of the artist taking legal advice to 'recreate the legal "gray area" of the detainee prison at Guantánamo Bay' (Sholis, 2009). Instead this work created a kind of simulacrum that served to prompt reflections in the viewer about one's legal status.

50 Carey Young describes herself as an artist who "since 2003, used law as an artistic medium", <https://brooklynrail.org/2016/03/criticspage/justice-must-be-seen-to-be-done>.



Carey Young (2005). Declared Void. Vinyl drawing and text, dimensions variable. Installation view at Midway Contemporary Art, Minneapolis. Photo: Cameron Wittig



Marco Godoy (2014). Oath of Allegiance. performance, installation. Royal College of Art.

Artist Marco Godoy's performance work 'Oath of Allegiance' invited gallery visitors to sign an actual Statutory Declaration that revoked their allegiance to the Queen as British citizens. A

statutory declaration is a legal document that declares that something is true, and has to be signed in front of a solicitor or a notary public. Most often Statutory Declarations are used in the United Kingdom to formally change a person's name, to affirm information such as identity, nationality or marital status when no other evidence is available, or to confirm the nature of goods for export. While the documents that the visitors signed may have been properly executed as legal documents, there is some question about the enforceability of them since British citizenship is predicated upon an allegiance to the Crown, which represents the State. However, in contrast to Young's 'Declared Void' where the law invoked there was somewhat ambiguous, Godoy's work offers a more precise experience a real legal process and its affect even if there may not be a viable legal effect.

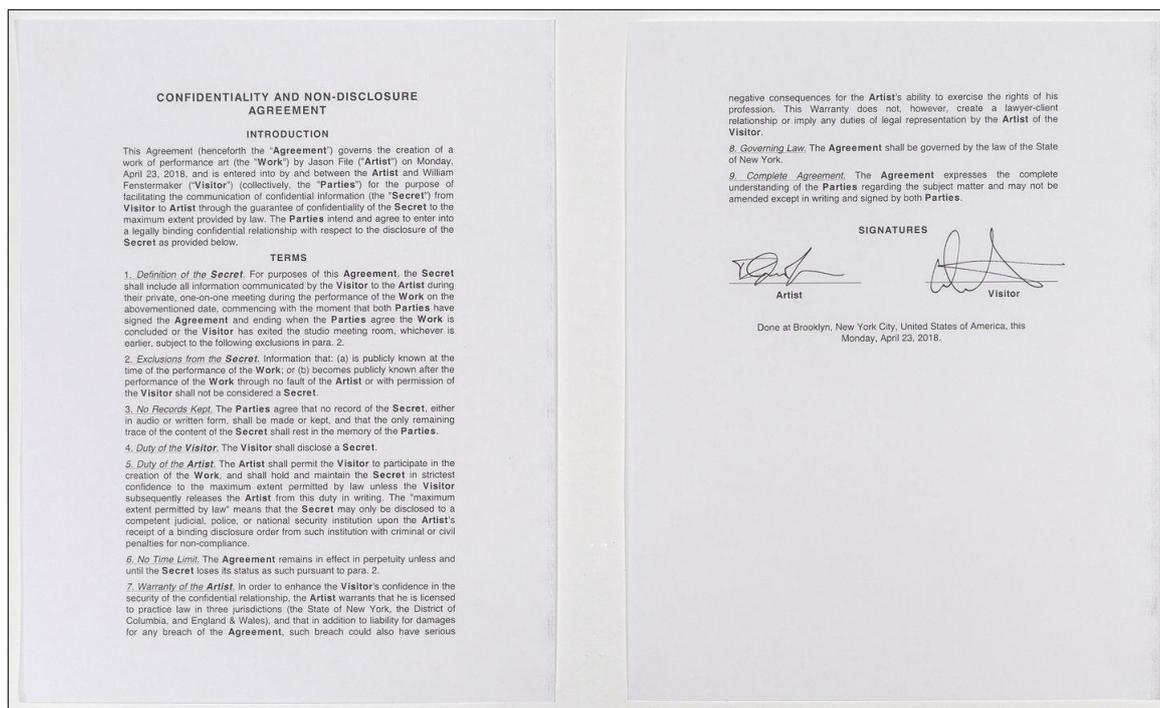


Installation view, 'Adrian Piper: The Probable Trust Registry' at Elizabeth Dee (photo by Etienne Frossard, Adrian Piper Research Archive Foundation Berlin)

Another work that simulated rather than created law was Adrian Piper's work 'The Probable Trust Registry'. Here visitors encountered three reception desks with texts emblazoned above them saying variously "I will always be too expensive to buy" and "I will always do what I say I am going to do". Visitors were asked to sign a contract with themselves to abide by ethical rules in future, of honesty and reliability. Their names were then collected in a registry of 'trustworthy people' which

was shared with everyone who had participated and signed contracts. Like Godoy's work, the document created was not technically legal: one cannot sign a contract with oneself because the definition of a contract is that it is an agreement between two separate legal parties or entities, e.g. two human persons, or a person and a company, etc. 'Law Shifters' by Stine Marie Jacobson and 'Legislative Theatre' by Augusto Boal also work in this vein. They attempted to create real legal processes and experience but instead created more of a simulacra of the law rather than performatives of it.

One exception is artist and war crimes prosecutor Jason File's intimate performance work 'NDA'. This was a one-to-one performance where the artist and the participant signed a binding Non-Disclosure Agreement. Under this confidentiality agreement, the participant would disclose one or more secrets to the artist which he can never legally disclose. The contract in this work was real, executable and enforceable. As such, the material of confidentiality law itself and its sublime was made available through an aesthetic experience within this work. For the participant in File's work, the law was created before him or her into a palpable present object, while for Young, Godoy and Piper on the other hand, the law was something to be signified to at varying proximities.



Jason File (2018). NDA. Performance with binding confidentiality and non-disclosure agreement, Duration variable. Photo: Cary Whittier. Retrieved from <http://www.jasonfile.com/works#/nda-2018/>

There are other instances of where law is invoked but not by artists who consider themselves legal artists. For example in 'The Green Line' (Alÿs, 2004) by Francis Alÿs, the artist trailed a line of green paint through Jerusalem, marking out the armistice border which divided Israel and Jordan up until the six day war. This work visualised and gave form to invisible and existing legal boundaries and forces. Likewise, Theaster Gates' city planning policy work ("Rebuild Foundation," 2015), also served as a contextual bed for this study. In collapsing art and urban planning, Gates crafted with the planning rules of the city like a potter (being his original training). In doing so he created new art works and new regulations. In their work 'The Dead are Coming' (S. Merrill, 2018), the Center for Political Beauty exhumed the bodies of drowned migrants from mass graves in Europe, identified them and transported them to their relatives in Berlin. While this work did not foreground the law, it brought into poiesis the effect of border control law and policy by completing the journeys of the dead migrants.

4. Bringing Law into Poiesis

Karaoke Court and *Voices From The Courts* documented above sought to create the conditions in which law comes into *poiesis* (Agamben, 1999; Heidegger, 1977; Heikkilä, 2007) in a way that was informed by both legal theory and artistic practice. I took the law itself as the primary source material for deriving legal aesthetics rather than other media, such as poetry, novels or plays. In this regard, I adopted a black letter law approach, which is a tradition within legal scholarship that regards the law as the main or only basis for deriving working legal principles (Chui & McConville, 2007) and is most often found in written case law, judgments and legislation, hence 'black letter'. However, rather than deriving legal principles from this approach, I aimed to discover aesthetic insight and to illuminate how the law could be a vessel for creativity and a site of social potentiality.

The practice therefore contained ingredients that presented legal relating as a social and artistic object, drawing on concepts such as 'social sculpture' by Joseph Beuys (Jordan, 2013), and as a process that underpins and supersedes the written or spoken 'letter of the law' while acknowledging the disruptive or resistive functions that voice performed within speech (Cavarero, 2005; Caygill, 2013; de Certeau, 2011; Harney & Moten, 2013; Kelley, 1996). In appropriating

aspects of the law as a social and artistic object, I focused on parts of legal processes where creativity and performativity are paramount, such as rule-making/legislating, contracting, litigation and dispute resolution, and allowing artistic insight to inform jurisprudence. This practice manifested in me a belief that in order for law to come into being or into *poiesis*, it must not only be derived from rationality, but also from a place of legal imagination.

4.1. Law as Imagination

As an artist, I am interested in imagination as a site where law is initiated. Even where legal reform arises from societal crisis or economic need, lawyers and legislators return to imagination as a space in which new laws are conceived and worked out. Imagination features strongly within jurisprudence even if the word 'imagination' is not used *per se*. Kant, whose work is regularly included in the jurisprudential canon (Freeman, 2014), makes the connection between reasoning, sensibility, judgment and imagination (Kant, 2001, 2006). For Kant, the imagination functions to mediate between our sensibility and our understanding in what he calls a "transcendental function" (Kant, 1998). Imagination is also the basis for the influential social contract theories of Hobbes (Hampton, 1988; Hobbes, 2006), Locke (Locke, 2014) and Rousseau (Rousseau, 2018) who posit ideas of different social worlds out of which come proposals for ordering society. A more contemporary voicing of the use of imagination in legal theory is Rawls' *veil of ignorance* (Rawls, 2009)). Rawls proposes a thought experiment of an imaginary law-making space we enter where we are ignorant of our real positions in society or of the positions that we will occupy once we exit that space. He posits that the laws and rules we agree behind this 'veil of ignorance' are likely to be more fair because we do not know which social or economic position we will return to in the real world. A common thread amongst the works in this lineage is that they each involve imagining alternative worlds, from which legal principles can be derived to regulate society.

In terms of my artistic work, I consider the space of legal imagination the beginning of where a *poiesis* of law can happen. It is test space where an idea of law can be conceived and then brought into fruition or visibility through artistic or aesthetic production. By 'artistic or aesthetic

production', I do not mean it in the consumer sense: of the creation of beauty or sensorial edification, which is the production of pleasure. Depending on the artist's aim, pleasure may or may not be a component in a work of art or law and is the guiding principle of neither. I do not also use the space of legal imagination as a place for brainstorming. The aim of brainstorming is outcome-oriented problem solving which is teleological in nature and therefore a different order of knowledge from the one that enables a poiesis of ethics to emerge. But I understand aesthetics or aesthetic production to mean the expertise involved in *technē*. Techne is the process by which humans bring something into being or into presence through skill, knowledge and action. It is not the same as manufacturing which is a predetermined production process of what is already known. Instead *technē* is "to be entirely at home in something, to understand and be expert in it. Such knowing provides an opening up. As an opening up it is a revealing." (Heidegger, 1977) For something as dynamic and mutable as law (at least within democratic common law systems in the world), the openness of *technē* as a discovery process is a better fit than adopting a directive and teleological approach or one that simply aims to produce pleasure.

While the general public thinks of the law as something that is certain and fixed in text, the law always makes space for the new and anticipates what is not yet known. This space of non-knowing is one where legal imagination becomes essential for the production of new law. In England and Wales where the common law (the case-based system) operates, the law is reinforced or revised depending on what cases are brought before it by society. In a sense, every case heard in court is a request for clarification of what is and is not lawful (Freeman, 2014). Where there is no existing relevant legislation or previous similar cases for dealing with the dispute before it, the court is faced with a 'hard case' (see Section 5 below for a more detailed discussion of hard cases and judicial discretion), one whose legal characteristic and whose underlying legal principles are not yet known but is somehow sensed and therefore work must be done to cause these principles to emerge. Such cases are often appealed to the Supreme Court which has to employ a *technē* in order to produce new legal judgment and thus new law (Dworkin, 1975).

Further the United Kingdom is one of the few countries in the world that does not have a written constitution. Being uncodified and comprised by a collage of case law, legislation and legal

custom, it is difficult to fully and precisely express what the constitution is. However, the English system would claim that constitutional lawyers, and even the layperson, often instinctively know what is unconstitutional at any particular moment in history without the need to reference one supreme document called The Constitution, e.g., in the case of recent challenges to the legitimacy of foxhunting (Elliott, 2007). This makes the constitution in the UK much more flexible, more able to be reformed, than the codified constitutions of other countries. Proponents and opponents argue that this flexibility is advantageous and disadvantageous. But for the purposes of this research, it is this very characteristic of flexibility that is pertinent. It implies that the law as being capable of existing as a dynamic, contested, and not fully knowable field out of which various representations of it manifest through the *technē* of legal professionals (as legislation, court practice, government procedure, case law, etc.).

Because the law is in a state of continual potentiality, it is always coming into being and stands astride both a fixed state of knowledge as well as a non-knowing or an about-to-be-known. A lawyer's work (especially a litigator's) consists of knowing what is already explicitly expressed as law and of looking out for the shape of the law to come (and often by midwifing these 'new shapes', i.e., high profile and hard cases, a lawyer gains reputation and notoriety). It is in this gap of potentiality (Skantze, 2014), this field of the imaginary, in which a lawyer practises in a way that is not dissimilar to an artist. However the lawyer does not pay attention to their artistry the way that an artist would. Therefore the lawyer would not concentrate on legal aesthetics as relevant work, as I have done in my two practice research projects.

4.2. Law as Doing

Although the law is often represented by statutes or buildings such as courthouses, the law is largely characterised by praxis. It is a doing knowledge and discipline, in that the law is created to be performed, i.e., obeyed, complied with, broken, contravened, executed, enacted or avoided/evaded. Law that is not performed can fall into entropy or become forgotten even if it is still officially in force: it is illegal to enter the Houses of Parliament while wearing a suit of armour (from A Statute forbidding Bearing of Armour 1313), it is illegal to be drunk in a pub (from 'The

Commons Act 1876), it is illegal to carry a plank along a pavement (s.54, Metropolitan Police Act 1839), it is illegal to beat or shake a rug or carpet in the street except for doormats if shaken before 8am (s.55, Metropolitan Police Act 1839) (Law Commission, 2013). If the law is a series of doings, it could then be viewed as a set of past, present and future performance scores. As such, performance-making is a research approach that resonates with law's characteristic of praxis, and 'doing' types of artworks were a central feature of my projects.

My practice frames the law within a sociological perspective drawing on Durkheim's idea of law as social phenomenon (Hunt, 1978) or as something that a society *does*, on Llewellyn's *Law Jobs theory* that law is something a group does to ensure its integrity and viability (Llewellyn & Hoebel, 1967), and on Twining & Miers' framing of judicial processes as ways of 'doing rules' (Twining & Miers, 1999). This perspective is distinct within jurisprudence for its rejection of positivism and the authoritative text, in favour of an approach that understands the law as 'jurisgenerative' or having creative capacity (Carpenter & Riley, 2014; Moten, 2016), i.e. law is something people and lawyers do in context and in concert.

The 'doing' of law is also often the 'speaking' of it. When spoken or done, law comes into being as a social reality and as such, the practice of law is inherently performative. In this regard, my practice connects theoretical perspectives on law with the concepts of performatives as defined by Austin in his Speech Acts Theory (Austin, 1975), John Searle's work on Performatives (Searle, 1969, 1989) and elaborated by Butler's concept of performativity (Butler et al., 1994; Salih, 2007).

4.3. Doing Imagination

Imagination is not representation, but the holding open of a space of non-knowing out of which a birthing happens. Much of court business however concerns *representation*: representing the facts accurately, representing the litigant or client, and the rule of law itself is represented by the courts. Being so central to law, I considered representation in both the performance projects but also tried to get behind it to let through what is unarticulated, unformed or unspoken: what I began to think of as representation's Other or its cusp. It is at the cusp where representation becomes undone and

its *presentation* is allowed to not just to manifest but also to infest the space of representation with something else, e.g., how voice (tone, timbre, inflection) alters or indeed displaces speech.

Presentation describes a coming into being of something. Hartley (2003:61) writes that presentation or "Darstellung displays the movement, the system, the dialectical whole that is nothing other than the movement of movements ... Darstellung stages the unfolding of the proposition and is thus an exposition, a projecting forward and an exposing of the positing process." When something is presented, what is being shown is more than a picture (i.e., representation) but a presence or dynamic that goes beyond it being a mere sign of something else. My practice so far has been to confront this cusp and to problematize representation with presentation, particularly legal representation that often goes unquestioned in day-to-day legal practice by creating works like *Karaoke Court* and *Voices From The Courts*. The unfolding narrative of my doctoral work follows the same principles.

Performativity is a natural mode for inhabiting the cusp of representation and presentation, as it values live practice as a repository of knowledge. While the area of performativity is widely drawn, I base my work on Hartley's definition because it connects performativity with concepts of presentation and representation. According to Hartley:

"Performativity is a tropic-concept that attempts to represent the process of presentation itself. That is, "performativity" functions as a representation or Vorstellung that stages the elaboration of presentation or Darstellung. Darstellung as staging and performance, then, ventures onto the field of the political."

(Hartley, 2003)

In other words, a performative is representation that stages its own presentation (or its beyond) as representation. In this approach, what is being shown is the coming-into-being or 'presentation' of a real thing rather than a representation of it. In this way, performatives cannot be observed from an intellectual distance because the viewer is implicated in the coming-into-being of what is unfolding before them, e.g., the difference between seeing a flower and the photo of one, or

watching a car crash or the video of one. In her published thesis on Jean-Luc Nancy's idea of presentation, Heikkilä writes that:

“Presentation is nothing else but presence before any signification, allowing a thing to present itself "in its own truth". Representation, in turn, takes a signification to its limit, so that the thought of representation includes its own limit as its closure ... representational thinking strives to give a thing a fixed identity, and at the same time it strives to define the ground it emerges from. ... representation has a substitutive function as regards the represented object, if the represented object is understood as a picture or as an idea that is brought before the subject.” (Heikkilä, 2007, p. 301)

In this way, nature or world events simply unfold or present. They do not knowingly represent themselves with a signifier, e.g., a flower does not project an image or make a statement of flowering as a substitute for its own unfolding. The arts on the other hand, while they present, at the same time they show that they know they are presenting. As such, for Nancy, art is “the presentation of presentation” (Heikkilä, 2007) and as Hartley asserts above therefore, a performativity.

In the light of the above, my practice asks whether the law also attempts to present society's prior-to-signification presence. Bruno Latour writes:

"Even though every lawyer introduces legal language into the claim, we can sometimes still recognize the smothered echo of the original complaint in it: rage, indignation, scandal, something which belongs to the psychological, anthropological and sociological subject matter and which has given rise to anger and sadness somewhere in France. However, it concerns an anger and a sadness which are not only expressed by violence and tears, screams and blows, but which - through a rather mysterious mutation - decide to transform into fraud and grievance: in short, in more or less well argued writing which is addressed to an administrative tribunal. There is quite a distance between groaning, growling or

protest and the writing of claim." (Latour, 2010, p. 72)

The law attempts to encapsulate or translate this "groaning, growling or protest" into representational tools through which the law normally functions, that of court documents, Acts of Parliament, witness statements, etc. (Weiss, 1995). This staging of presentation as representation is performativity and therefore informed my decision to work largely within a performance, theatrical/staged and installation context where I attempted to create performatives or to present the thing as itself "in its own truth". In *Karaoke Court* for example, the thing that unfolded before the audience was a promise, a reconciliation, an operation of arbitration law and a new legal relation. This research did not attempt to present a reenactment of a dispute but the dispute itself, not a prop of a legal contract but the contract itself, not the performance of a reconciliation but the unfolding of the reconciliation itself. I hoped that the law itself would unfold on stage or in the gallery and be brought into *poiesis*.

5. Possibilities for Future Practice

These two projects have enabled me to approach the law not as a litigant, legal professional, historian, sociologist or even a social justice activist, but primarily as an artist. For me this meant encountering the law as art medium, and perceiving it from within the perspective or position of art practice. What is the law as art medium? In *Karaoke Court* and *Voices From The Courts*, the law availed itself of its auditory, spatial, relational, material, visual and performance qualities. While on the face of it the law manifested as an uncompromising rule-making and rule-obeying activity in the Singapore Courts or in received understandings of arbitration law, the projects allowed me to consider law as an entity (or set of entities) that was rational and embodied, forming and reforming, live and alive. These projects have enabled me to understand that the law (at least the law I encountered within these projects) was conscious of both its formal and informal roles, and of its impacts and affects. As an artist, I was able to bring to bear my artistic practice and its methodologies—of listening, critical doing, intra-acting, performing, and presenting (in the *darstellung* sense)—on this medium, out of which I created meaning, and teased out and exhibited the artistic knowledge that resided in the law as medium.

However, my approach to the law as artist-researcher was not independent, objective or clean of my object of study. I was always already in the law as a legal subject, and my research was enmeshed in it as part of the apparatus I set up. As Barad points out, “Apparatuses are not passive observing instruments; on the contrary, they are productive of (and part of) phenomena” and as such “iteratively reconfigure spacetime-matter as part of the ongoing dynamism of becoming” (Barad, 2007, p. 142). As such by approaching the law in order to study it, I had already changed it (as “phenomena” within the CJC, the Singapore State Courts, and the relationships of those participating in the Karaoke Court) and it me ontologically.

Further as a legal subject approaching the law, I was always already within it before approaching it as a researcher. In the book, “The Undercommons: Fugitive Planning and Black Study”, Stefano Harney says that “in the call and response, the response is already there before the call goes out. You’re already in something” (Harney & Moten, 2013, p. 132). Gender studies scholar Jack Halberstam in her introduction to the same book says that for co-author, performance and black

studies scholar Fred Moten, “you are always already in the thing that you call for and that calls you” (p.7). So my desire to study legal aesthetics was and continues to be a study from the inside, and a study as a “dynamism of becoming” (Barad, 2007), because I and the law have always already been intra-acting and fungally entwined.

It is also this awareness of being already in something that provides the ground on which I can speculate what next because it may already be here. Indeed, deciding when and where a practice research project ends and when and where the next one begins is as ambiguous as trying to determine when a sculpture or performance is ready for show. There is always something else to rehearse and remould because the material (clay, text and/or artist) is always revealing more. Also in my practice, ‘what’s next’ is rarely linear and often a discovery of what may have already begun long before the current project began and of what may finish after the current one ends.

In some instances work can also continue on its own, such as *Karaoke Court* which went on to be independently produced largely without me in Hong Kong, Beijing and commissioned as a sizzle reel for Channel 4, the UK television channel. Further the karaoke arbitration format also has the capacity to take hold in a community and become ordinary, and no longer a spectacular art event. Perhaps two neighbours or workers or friends might say to each other, “Lets stop arguing with each other and take this to the next Karaoke Court hearing and resolve this once and for all”. In this way *Karaoke Court* could develop into a local service and festival, or a para-court, that a community would use, like the Muslim Arbitration Tribunal in the UK that hears and resolves civil disputes in the British Muslim community or the Syariah Court in Singapore that deals with Muslim divorce.

In other instances, work may have already begun without me really noticing that I had begun it, or that the current work is perhaps a rehearsal for the next one. For example, the writing of this thesis coincided with my joining of an editorial team to start a journal of art and law. No doubt the process of producing this writing has equipped me for reading and reviewing academic submissions on art and law. But equally, the space of praxis created by being on the editorial team may have contextualised and facilitated the writing of this thesis.

The jurisgenerative nature of my projects, in particular *Karaoke Court's* creative use of legal documents such as contracts, court orders and jury summonses, has increased my attentiveness to other opportunities where legal formation can be achieved with and through aesthetic methodologies. For example, I recently joined the board of an arts charity where I have been tasked to rewrite the company's outdated 25 year old Articles of Association ("Articles"). Articles are one of a company's main constitutional documents and they set out how that company, in particular its Board of Directors, operates⁵¹, i.e. Articles are a company's internal rulebook. Similar to the legal framework of arbitration underpinning *Karaoke Court*, while the Articles have to conform to the basic requirements in the various UK Companies Acts, their format and content can be tailored specifically for a particular organisation. In my case, this is a charity originally set up to facilitate traditional sculptural practice but which has been expanding its remit in recent years to include performance, live art, contemporary visual art, critically-informed curating and socially engaged practice. I would be free to experiment and find formats and content (e.g., performance score, parallel text, illuminated text, workshop diy manual, etc) that bring the Articles themselves into a *poiesis* that presences the organisation, and that also enables the Articles to occupy a place of praxis (i.e., usefulness) in the organisation, as opposed to their current function as a document that exists just to satisfy the administrative requirements of Companies House.

Also, after a recent walk photographing mushrooms in my local forest, I joined the community environmental and forestry campaign to save the woodland from being sold by the Forestry Commission. I was tasked to help research appropriate organisational or business structures within which the campaign could legally incorporate. I have started thinking about how the process of gathering information for the community about different kinds of organisational structures can be a foraging and wandering around the legal landscape rather than a task of extraction and automated application of law and policy. This campaign arose out of a collective love of the forest

51 According to Thomson Reuters' "Practical Law", Articles of Association are "One of the constitutional documents of a company which set out the basic management and administrative structure of the company. They regulate the internal affairs of the company ... They create a contract between the company and each of its members in their capacity as members. Companies have freedom in drafting their articles although they are subject to relevant provisions of the Companies Acts." (Reuters, 2019b)

as a living entity, a delight in woodland walking and a desire to preserve this space of pleasure and wellbeing for the community and for future generations. As Tsing writes:

“Wandering and love of mushrooms engender each other. Walking is the speed of bodily pleasure and contemplation; it is also just the speed to look for mushrooms ... Delight makes an impression: an impression of place. The very excitement of my sense commits to memory the suite of colours and scents, the angle of the light, the scratching briars, the solid placement of this tree, and the rise of the hill before me. Many times, wandering, I have suddenly remembered every stump and hollow of the spot on which I stood—through the mushrooms I once encountered there.” (Tsing, 2012, pp. 141–142)



I gain this very same pleasure in seeing the criss-crossing of the law in and among the forest even as I walk in it, and in the law’s harmonisation with object, land and the natural environment. A stream for example is often both a physical and a legal boundary. An old tree may be a marker both for a journey’s orientation but also of the accumulated heritage or preservation rights within and around it. I consider this to be a form of legal psychogeography⁵², and adopting a

methodology of legal drift seems to be appropriate for creating organisational formats designed to protect forest - and all forms of - my future wanderings.

(Image: Kisture Forest, Dumfries and Galloway, 28 Sep 2018. Photo taken by Jack Tan)

52 Philosopher Guy Debord defined psychogeography as “the study of the precise laws and specific effects of the geographical environment, consciously organized or not, on the emotions and behavior of individuals.” (Debord, 2008)

References

- Agamben, G. (1999). *The Man Without Content*. Stanford: Stanford University Press.
- Alÿs, F. (2004). *The Green Line* [Video, action]. Retrieved from <http://francisalys.com/the-green-line/>, <https://www.tate.org.uk/whats-on/tate-modern/exhibition/francis-aly/francis-aly-story-deception-room-guide/francis-aly-4>
- Artaud, A. (1958). *The Theater and Its Double*. New York: Grove Press.
- Artaud, A. (1976). Manifesto in Clear Language (1925). *Performing Arts Journal*, 1(2), 50-51.
- Austin, J. L. (1975). *How to do things with words*. Oxford University Press.
- Bakhtin, M. (2013). *Problems of Dostoevsky's Poetics*. U of Minnesota Press.
- Bandes, S. A., & Blumenthal, J. A. (2012). Emotion and the Law. *Annual Review of Law and Social Science*, 8(1), 161–181.
- Barad, K. (2007). *Meeting the universe halfway: Quantum physics and the entanglement of matter and meaning*. Duke University Press.
- Ben-Dor, O. (2012). *Law and Art: Justice, Ethics and Aesthetics*. Routledge.
- Bornstein, B. H., & Wiener, R. L. (2006). Introduction to the Special Issue on Emotion in Legal Judgment and Decision Making. *Law and Human Behavior*, 30(2), 115–118.
- Bright, D. A., & Goodman-Delahunty, J. (2006). Gruesome evidence and emotion: anger, blame, and jury decision-making. *Law and Human Behavior*, 30(2), 183–202.
- Bruguera, T. (2017). Tania Bruguera. Retrieved May 29, 2019, from Tania Bruguera website: <http://www.taniabruquera.com/cms/>
- Buckley, B. (2009). The workshop of filthy creation: or do not be alarmed, this is only a test. *Kokusaigaku Revyu = Obirin Review of International Studies*, 35(4), 835–857.
- Butler, J. (1988). Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory. *Theatre Journal*, 40(4), 519–531.
- Butler, J., Segal, L., & Osborne, P. (1994). Gender as performance: An interview with Judith Butler. *Radical Philosophy*, 67(Summer).
- Carpenter, K. A., & Riley, A. R. (2014). Indigenous peoples and the jurisgenerative moment in human rights. *California Law Review*, 102, 173.
- Cavarero, A. (2005). *For more than one voice: Toward a philosophy of vocal expression*. Stanford University Press.

- Caygill, H. (2013). *On Resistance: A Philosophy of Defiance*. A&C Black.
- Chui, W. H., & McConville, M. (2007). *Research methods for law* (Vol. 104). Edinburgh University Press Edinburgh.
- Cockburn, J. S. (1968). The Northern Assize Circuit. *Northern History*, 3(1), 118–130.
- Collodi, C. (1892). *The Adventures of Pinnocchio*. T. Fisher Unwin.
- Dane, E., & Pratt, M. G. (2007). Exploring Intuition and its Role in Managerial Decision Making. *AMRO*, 32(1), 33–54.
- Dane, E., Rockmann, K. W., & Pratt, M. G. (2012). When should I trust my gut? Linking domain expertise to intuitive decision-making effectiveness. *Organizational Behavior and Human Decision Processes*, 119(2), 187–194.
- Debord, G. (2008). Introduction to a Critique of Urban Geography. In S. E.-D. M. Harald Bauder (Ed.), *Critical Geographies: a collection of readings* (pp. 23–27). Praxis (e)Press.
- de Certeau, M. (2011). *The Practice of Everyday Life*. University of California Press.
- DeNora, T. (2003). *After Adorno: Rethinking Music Sociology*. Cambridge University Press.
- Douzinas, C. (2000). The legality of the image. *The Modern Law Review*, 63(6), 813–830.
- Douzinas, C. (2008). Sublime Law: On Legal and Aesthetic Judgements. *Parallax*, 14(4), 18–29.
- Douzinas, C. (2013). A legal phenomenology of images. In O. Ben-Dor (Ed.), *Law and Art: Justice, Ethics and Aesthetics* (p. 336). Abingdon, UK: Routledge.
- Douzinas, C., & Nead, L. (1999). *Law and the Image: The Authority of Art and the Aesthetics of Law*. University of Chicago Press.
- Douzinas, C., & Perrin, C. (2011). *Critical Legal Theory*. Routledge.
- Dworkin, R. (1975). Hard Cases. *Harvard Law Review*, 88(6), 1057–1109.
- Dworkin, R. (1978). *Taking Rights Seriously*. Cambridge, Massachusetts: Harvard University Press.
- Dyne, J. (1996). Singing the Land, Kissing the Earth: A Study of Language and Illumination, Poiesis and Reconciliation. In J. T. Michael Griffith (Ed.), *Spirit of Place: Source of the Sacred? 1998 Australian International Religion, Literature and the Arts Conference Proceedings* (pp. 122–132). RLA Australian Catholic University.
- Eckett, P., & Newmark, R. (1980). Central Eskimo Song Duels: A Contextual Analysis of Ritual Ambiguity. *Ethnology*, 19(2), 191–211.

- Eldridge, R. (2005). Aesthetics and Ethics. In J. Levinson (Ed.), *The Oxford Handbook of Aesthetics*. Oxford University Press.
- Elliott, M. (2007). United Kingdom Bicameralism, sovereignty, and the unwritten Constitution. *International Journal of Constitutional Law*, 5(2). Retrieved from <https://academic.oup.com/icon/article-pdf/2527571/mom008.pdf>
- Elmgreen & Dragset. (14 October - 15 November 2008). *Too Late* [Installation]. Retrieved from <https://www.victoria-miro.com/exhibitions/388/>
- Erlmann, V. (2010). *Reason and Resonance: A History of Modern Aurality*. Zone Books.
- Finchett-Maddock, L. (2014). Law in numbers: the poiesis of the crowd. *Lo Squaderno*, 33, 13–18.
- FINRA. (2019). Role of a Mediator. Retrieved June 17, 2019, from Financial Industry Regulatory Authority website: <https://www.finra.org/arbitration-and-mediation/role-mediator>
- Fisher, G. (1997). The jury's rise as lie detector. *Yale LJ*, 107, 575.
- Fornas, J. (2005). Filling Voids along the Byway. In T. M. Shuhei Hosokawa (Ed.), *Karaoke Around the World: Global Technology, Local Singing* (pp. 139–165). Routledge.
- Frederickson, H. G. (2000). Can Bureaucracy Be Beautiful? *Public Administration Review*, 60(1), 47–53.
- Freeman, M. D. A. (2014). *Lloyd's Introduction to Jurisprudence (Ninth Edition)*. Sweet & Maxwell.
- Galeza, D. (2013). Hard Cases. *Manchester Rev. L. Crime & Ethics*, 2, 240.
- Gearey, A. (2001). *Law and aesthetics*. Oxford: Hart Publishing.
- Gearey, A., & Gardner, J. (2001). *Law and Aesthetics*. Hart Publishing.
- Glöckner, A., & Ebert, I. D. (2011). Legal Intuition and Expertise. In M. Sinclair (Ed.), *Handbook of Intuition Research*. Edward Elgar Publishing.
- Goodier, C. (2007, May 7). Lancaster and the Assizes 1800-1910. Retrieved June 18, 2019, from Lancaster Castle website: <http://www.lancastercastle.com/history-heritage/further-articles/lancaster-and-the-assizes-1800-1910/>
- Haldar, P. (1994). In and out of court: On topographies of law and the architecture of court buildings. *International Journal for the Semiotics of Law*, 7(2), 185–200.
- Hampton, J. (1988). *Hobbes and the Social Contract Tradition*. Cambridge University Press.
- Haraway, D. J. (2016). *Staying with the Trouble: Making Kin in the Chthulucene*. Duke University

Press.

Harney, S., & Moten, F. (2013). *The undercommons: Fugitive planning & black study*.

Harney, S. (2017). The New Rules of Algorithmic Institutions. In S. S. Maria Hlavajova (Ed.), *Former West: Art and the Contemporary After 1989* (pp. 447–457). The MIT Press.

Hart, H. L. A., & Green, L. (2012). *The Concept of Law (Third Edition)* (J. Raz & P. A. Bulloch, Eds.). Oxford University Press.

Hartley, G. (2003). *The abyss of representation: Marxism and the postmodern sublime*. Duke University Press.

Heidegger, M. (1977). The Question Concerning Technology, and Other Essays; translated and with an introduction by William Lovitt. *London and New York: Harper & Row*.

Heikkilä, M. (2007). *At the Limits of Presentation: Coming-into-presence and Its Aesthetic Relevance in Jean-Luc Nancy's Philosophy* (Ph.D, University of Helsinki, Finland). Retrieved from <http://ethesis.helsinki.fi/julkaisut/hum/taite/vk/heikkila/atthelim.pdf>

Hilevaara, K., & Orley, E. (2018). *The Creative Critic: Writing as/about Practice*. Routledge.

Hobbes, T. (2006). *Leviathan*. A&C Black.

Holloway, C., & Wiener, R. L. (2018). The Role of Emotion and Motivation in Jury Decision-Making. *Oxford Scholarship Online*. <https://doi.org/10.1093/oso/9780190658113.003.0012>

Hunt, A. (1978). Emile Durkheim-Towards A Sociology of Law. In A. Hunt (Ed.), *The Sociological Movement in Law* (pp. 60–92). London: Palgrave Macmillan UK.

ICTV. (2011). *Faces of China - the travelling court* [Digital video]. Retrieved from <https://www.aljazeera.com/programmes/facesofchina/2011/01/201113174840350551.html>

Jones, P. B. (2016). *Architecture and Ritual: How Buildings Shape Society*. Bloomsbury Publishing.

Jordan, C. (2013). The Evolution of Social Sculpture in the United States: Joseph Beuys and the Work of Suzanne Lacy and Rick Lowe. *Public Art Dialogue*, 3(2), 144–167.

Kaiser, B. M., & Thiele, K. (2014). Diffraction: Onto-Epistemology, Quantum Physics and the Critical Humanities. *Parallax*, 20(3), 165–167.

Kamien-Kazhdan, A. (2018). Duchamp. *Remaking the Readymade*, pp. 69–109.

Kant, I. (1998). *Critique of Pure Reason*. Cambridge University Press.

Kant, I. (2001). *Lectures on Metaphysics*. Cambridge University Press.

- Kant, I. (2006). *Kant: Anthropology from a Pragmatic Point of View*. Cambridge University Press.
- Kaufman, R. S. (2000). *Art law handbook*. Aspen Law & Business.
- Kelley, R. (1996). *Race Rebels: Culture, Politics, And The Black Working Class*. Simon and Schuster.
- Kostelanetz, R. (2003). *Conversing with cage*. Routledge.
- Latour, B. (2010). *The making of law: an ethnography of the Conseil d'État*. Polity.
- Law Commission. (2013). *Legal Curiosities: Fact or Fable?* Retrieved from Law Commission website: <http://news.bbc.co.uk/1/hi/uk/7081038.stm>
- Lee, L. (2018, May 30). *The Community Justice Centre*. Presented at the Conference “Community Centers for Promoting Access to Justice,” Kyiv, Ukraine . Retrieved from https://newjustice.org.ua/wp-content/uploads/2018/05/NJ_2018_CJC_Conference_Session-2_Singapore_Lee_Speech.pdf
- Levinson, J. (Ed.). (2001). *Aesthetics and ethics: essays at the intersection*. Cambridge University Press.
- Lexis. (2019a). Arbitration—an introduction to the key features of arbitration. Retrieved June 15, 2019, from Lexis PSL website: https://www.lexisnexis.com/uk/lexispsl/disputeresolution/document/407801/592R-XRT1-DXSN-64JB-00000-00/Arbitration_an_introduction_to_the_key_features_of_arbitration
- Lexis. (2019b). Enforcing international arbitral awards. Retrieved June 16, 2019, from Lexis PSL website: https://www.lexisnexis.com/uk/lexispsl/arbitration/synopsis/96703:97048/International-arbitration/Enforcing-international-arbitral-awards?wa_origin=gnb
- Lim, Q. (2016, November 11). “An Atlas of Mirrors,” Singapore Biennale 2016. Retrieved July 4, 2019, from Art Agenda website: <https://www.art-agenda.com/features/239419/an-atlas-of-mirrors-singapore-biennale-2016>
- Llewellyn, K. N., & Hoebel, E. A. (1967). *Cheyenne Way: Conflict and Case Law in Primitive Jurisprudence (Civilization of American Indian)*. Norman: University of Oklahoma Press.
- Locke, J. (2014). *Second Treatise of Government: An Essay Concerning the True Original, Extent and End of Civil Government*. John Wiley & Sons.
- Lyons, L., & Gomez, J. (2005). Moving Beyond the OB Markers: Rethinking the Space of Civil Society in Singapore. *Sojourn: Journal of Social Issues in Southeast Asia*, 20(2), 119–131.

- Macaulay, T. B. (1875). *Speeches and Poems: With the Report and Notes on the Indian Penal Code*. Hurd and Houghton.
- Mark, M., Lucy, R., & John, C. (2018). Ad Hoc Arbitration. In John Choong Mark Mangan (Ed.), *A Guide to the SIAC Arbitration Rules*.
- Mcgrath, J. T. (2018). *The Qaggiq Model: Toward a Theory of Inuktit Knowledge Renewal*. Nunavut Arctic College.
- Merrill, L. (1992). *A pot of paint: aesthetics on trial in Whistler v Ruskin*. Smithsonian Institution Press in collaboration with the Freer Gallery of Art
- Merrill, S. (2018). The Dead Are Coming: Political Performance Art, Activist Remembrance and Dig(ital) Protests. In A. Breed & T. Prentki (Eds.), *Performance and Civic Engagement* (pp. 159–185). Cham: Springer International Publishing.
- Ministry of Justice. (2013, November 11). Victim Personal Statement. Retrieved June 21, 2019, from GOV.UK website: <https://www.gov.uk/government/publications/victim-personal-statement>
- Mohr, R. (2005). *Enduring Signs and Obscure Meanings: contested coats of arms in Australian Jurisdictions*. Retrieved from <http://ro.uow.edu.au/cgi/viewcontent.cgi?article=1042&context=lawpapers>
- Möller, F. (2016). *Politics and Art*. Oxford University Press.
- Moten, F. (2016). Jurisgenerative Grammar (For Alto). *The Oxford Handbook of Critical Improvisation Studies*, 1, 128.
- Muñoz, J. E. (2009). *Cruising Utopia: The Then and There of Queer Futurity*. NYU Press.
- OED. (2019). assize, n. Retrieved July 1, 2019, from Oxford English Dictionary website: <https://www.oed.com/view/Entry/11965?rkey=dAVRKV&result=1&isAdvanced=false>
- Pagliai, V. (2009). The Art of Dueling with Words: Toward a New Understanding of Verbal Duels across the World. *Oral Tradition*, 24(1). <https://doi.org/10.1353/ort.0.0054>
- Paulus, S. (2017). 10. The Babylonian Kudurru Inscriptions and their Legal and Sociohistorical Implications. *Untersuchungen Zur Assyriologie Und Vorderasiatischen Archäologie* 11/1.
- Philippopoulos-Mihalopoulos, A. (2016). Mapping the lawscape: spatial law and the body. In *The Arts and the Legal Academy* (pp. 133–148). Routledge.
- Plucknett, T. F. T. (2001). *A Concise History of the Common Law*. The Lawbook Exchange, Ltd.
- Posner, H., Mosquera, G., & Lambert-Beatty, C. (2009). *Tania Bruguera: On the Political*

Imaginary. Charta.

- Qashu, L. (2019). Singing as Justice: Ateetee, an Arsi Oromo Women's Sung Dispute Resolution Ritual in Ethiopia. *Ethnomusicology*, 63(2), 247–278.
- Rancière, J. (2013). *The Politics of Aesthetics*. A&C Black.
- Rand, J. W. (2000). The demeanor gap: Race, lie detection, and the jury. *Connecticut Law Review*, 33, 1.
- Rawls, J. (2009). *A Theory of Justice*. Harvard University Press.
- Rebuild Foundation. (2015, October 27). Retrieved October 12, 2018, from Rebuild Foundation website: <https://rebuild-foundation.org/our-story/>
- Reuters, T. (2019a). Ad hoc arbitration. Retrieved June 15, 2019, from Practical Law website: <http://uk.practicallaw.thomsonreuters.com/5-107-6360>
- Reuters, T. (2019b). Articles of association. Retrieved July 11, 2019, from Practical Law website: <https://uk.practicallaw.thomsonreuters.com/3-107-6436>
- Rousseau, J.-J. (2018). *Rousseau: The Social Contract and Other Later Political Writings*. Cambridge University Press.
- Rozenberg, J., & Tan, J. (2016). *Law in Action, Sexual Risk Orders* [Radio]. Retrieved from <https://www.bbc.co.uk/programmes/b07gfjhh>
- Rycroft, S. (2019). The Artist Placement Group: an archaeology of impact. *Cultural Geographies*, 1–16.
- Sainsbury, A., & Hudek, A. (2012, September 27). *The Individual and the Organisation: Artist Placement Group 1966-79*. Retrieved from http://books.google.co.uk/books/about/The_Individual_and_the_Organisation.html?hl=&id=z9IJlwEACAAJ
- Salih, S. (2007). On Judith Butler and Performativity. *Sexualities and Communication in Everyday Life: A*. Retrieved from http://faculty.georgetown.edu/irvinem/theory/Salih-Butler-Performativity-Chapter_3.pdf
- Searle, J. R. (1969). *Speech acts: An essay in the philosophy of language* (Vol. 626). Cambridge university press.
- Searle, J. R. (1989). How performatives work. *Linguistics and Philosophy*, 12(5), 535–558.
- Sentencing Council. (2015, August 12). Aggravating and mitigating factors. Retrieved June 21,

- 2019, from Sentencing Council website: <https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/aggravating-and-mitigating-factors/>
- Sholis, B. (2009, December 14). Carey Young at RISD Museum. Retrieved July 9, 2019, from Art Forum website: <https://www.artforum.com/picks/carey-young-24394>
- Skantze, P. A. (2014). Shift epistemologies: Gap knowledge. *MISperformance: Essays in Shifting Perspectives*, 245–254.
- Skantze, P. A. (2018). Lyric theory. In *The Creative Critic* (pp. 30–38). Routledge.
- Skantze, P. A. (2019). Gender and Sexuality: Watching as Praxis. In J. Wallace (Ed.), *A Cultural History of Tragedy in the Modern Age* (pp. 145–159). London: Bloomsbury Academic.
- Slater, H., Latham, J., & Seveni, B. (2001). *The Art of Governance: The Artist Placement Group 1966-1989*. Variant.
- Tate. (2015, April 15). Who is Theaster Gates? Retrieved May 26, 2019, from Tate website: <https://www.tate.org.uk/art/artists/theaster-gates-17216/who-is-theaster-gates>
- The Community Justice Centre. (2016). Annual Report 2016: the whole is greater than the sum of its parts. Retrieved June 22, 2019, from Community Justice Centre website: <https://www.cjc.org.sg/about/financial-reports/>
- Tran, J. L. (2017, January 28). Singapore Biennale takes a good hard look in the mirror. Retrieved July 4, 2019, from The Japan Times website: <https://www.japantimes.co.jp/culture/2017/01/28/arts/singapore-biennale-takes-good-hard-look-mirror/>
- Tsing, A. (2012). Unruly Edges: Mushrooms as Companion Species: for Donna Haraway. *Environmental Humanities*. Retrieved from <https://read.dukeupress.edu/environmental-humanities/article-abstract/1/1/141/8082>
- Twining, W., & Miers, D. (1999). *How to do things with rules: a primer of interpretation*. London, Butterworths.
- UK Parliament. (2010, April 21). The assizes. Retrieved June 18, 2019, from UK Parliament website: <https://www.parliament.uk/about/living-heritage/transformingsociety/laworder/court/overview/assizes/>
- Upham, F. K. (2004). *Who Will Find the Defendant If He Stays with His Sheep-Justice in Rural China*. Retrieved from https://heinonline.org/hol/cgi-bin/get_pdf.cgi?handle=hein.journals/

ylr114§ion=56

Van Ness, D. W., & Strong, K. H. (2014). *Restoring justice: An introduction to restorative justice*.

Routledge.

Wang, J. (2018). Tri-Sector Leadership and Collaboration in Management Education: The Case of

Singapore. *Meeting Expectations in Management Education*, pp. 73–81.

https://doi.org/10.1007/978-3-319-76412-2_7

Weiss, A. S. (1995). *Phantasmic Radio*. Duke University Press.

Wilson, B. (2010). Mediator Ethics: What Does the ADR Literature Say? *SSRN*.

<https://doi.org/10.2139/ssrn.1574438>

Wood, S. (2017). “Found Performance”: Towards a Musical Methodology for Exploring the

Aesthetics of Care. *HealthcarePapers*, 5(3), 59.

Appendix A

A.1 Karaoke Court documents



KARAOKE COURT

ARBITRATION AGREEMENT

This Agreement is made on 11 June 2016

BETWEEN

MARISSA ASHLEY MCKINNON ("Claimant");

AND

TOM-ROBERT ABLOTT ("Respondent")

(Collectively, the "Parties" and each, a "Party")

WHEREAS

The parties disagree on whether to live in the United Kingdom together or to leave the United Kingdom. The Claimant wishes to remain in London as it is her home and because of the opportunities available in the city. The Respondent wishes to leave the United Kingdom because he considers it no longer a good place to raise a family and is deteriorating in terms of social attitudes in the country. (the "**Dispute**")

IT IS AGREED AS FOLLOWS

1. The Parties have agreed to submit the Dispute to arbitration (the “**Arbitration**”) to be finally resolved in the Karaoke Court in accordance with the Karaoke Court Rules.
2. Should the Claimant win, the Parties will remain in the United Kingdom for a period of no less than 3 years starting on 1 April 2017.
3. Should the Respondent win, the Parties will leave the United Kingdom for a period of no less than 3 years starting on 1 April 2017.

Procedural Rules of the Arbitration

4. The Arbitration will be conducted in accordance with the Karaoke Court Rules (see Appendix).
5. Where the Karaoke Court Rules are silent as to any matter, the procedure to be adopted shall be determined by Jack Tan of [REDACTED] (“the **Artist**”).
6. All disputes arising out of or in connection with this Agreement, including any question regarding its existence, validity or termination, shall be finally resolved by arbitration.

Governing Law of the Arbitration

7. The governing law of the Arbitration will be the English Arbitration Act 1996 as amended from time to time, and the Parties agree to submit to the exclusive jurisdiction of the Karaoke Court.

The Appointment of the Tribunal

8. The Tribunal shall comprise a sole arbitrator (the “**Arbitrator**”) to be appointed by the Artist.
9. In the event of the death or resignation of the Tribunal during the course of the proceedings, the Marshall of the Karaoke Court will replace the Arbitrator or a replacement arbitrator shall be appointed by the Artist.

10. The Artist is vested with the sole power to remove the Tribunal, on the basis of justifiable doubts as to the Tribunal's impartiality, independence or qualification, upon the application of any of the Parties. Any proceedings prior to the removal of the Tribunal will stand and the Tribunal's removal shall not affect the enforceability of any award made by it.

11. The Tribunal shall have the power to rule on its own jurisdiction, should an objection be raised by any of the Parties.

The Seat of the Arbitration

12. The seat of the arbitration shall be England, with the precise location to be determined by the Artist and notified to the Parties.

The Language of the Arbitration

13. The language of the arbitration shall be English.

Signed by **MARISSA ASHLEY MCKINNON**

on this **[Date]**

Signed by **TOM-ROBERT ABLOTT**

on this **[Date]**

Appendix

KARAOKE COURT RULES

1. The following Rules (as amended by the Artist from time to time) (“the Rules”) shall apply where any agreement submission or reference provides in writing for arbitration hearing or resolution under the Karaoke Court or the Karaoke Court Rules.

Pre-Arbitration Procedure

2. Prior to the arbitration, the parties will submit to the Artist in writing:
 - a. the the facts of the dispute;
 - b. the list of karaoke songs and versions thereof to be performed in the arbitration;
 - c. the agreed remedy.
3. The arbitration agreement will be signed at any time prior to the arbitration.
4. The arbitration will take place at site determined by the Artist. The arbitration will take place in public and before an audience.

At the Arbitration

5. The Arbitrator may sing a song of his or her choice to declare the start of the arbitration period which may include one or more separate arbitrations.
6. The Arbitrator will introduce the Parties and the facts of the dispute.
7. The Claimant will present his or her karaoke song. Thereafter the Respondent will present his or her karaoke song.
8. The Arbitrator will decide who wins by interpreting the audience’s response to the songs presented by the Parties. The Arbitrator may use any means he or she deems necessary in order to ascertain the audience’s response.

Post-Arbitration Procedure

9. Following the arbitration, the Artist will confirm in writing the decision of the Arbitrator.

NEWS RELEASE



Singapore's first *Karaoke Court* settles disputes through a legally binding sing-off *Singapore, 13 August 2015*

This September, Singaporeans will be invited to settle their disputes through a favourite local pastime – by facing off in a karaoke contest.

Karaoke Court, by London-based Singaporean artist Jack Tan, will take place at the Institute of Contemporary Arts (ICA) Singapore, LASALLE College of the Arts. It is part of his first major solo exhibition, titled *How to do things with rules* – an immersive multimedia, performative and participatory experience that challenges our understanding of rules and their construction, socially, emotionally and legally.

Inspired by the Arctic Eskimo and Inuit tradition of Song Duels, where litigants presented grievances to the entire community for judgment in the form of humorous and satirical song, participants in *Karaoke Court* resolve their cases by singing karaoke in front of an audience who will decide who wins. The processes and decision of the *Karaoke Court* are made legally binding via the participants' signing of an arbitration contract.

In the lead-up to *Karaoke Court*, the Earl Lu Gallery at ICA Singapore will be transformed into a Clerk's office, where litigants may file their cases, complete with a resource area containing books and information about singing and law. Singing lessons will be provided to participants in advance, and they will be decked out in costumes and accessories produced specially for *Karaoke Court* by LASALLE Level 2 BA(Hons) Fashion Design & Textiles students.

Karaoke Court was first produced at The Gowlett Pub in Peckham, South London, in March 2014, and will make its Singapore debut at the ICA Singapore on 5 September. Litigants include a pair of best friends who disagree on each other's taste in jazz and hip-hop music, and a music teacher and her student in dispute on how often she needs to practice.

"We usually perceive litigation as a negative experience – one which corrodes relationships and goodwill, one which divides rather than unites. *Karaoke Court* turns that on its head. It is constructive, not destructive; through humour and performance, it encourages cohesion," said Tan, who will play the role of the Clerk. "The work is embedded within community practices and spaces, and does not simply attempt to make new art but rather, to create new social norms. I'm excited to be back here presenting *Karaoke Court* to a home crowd."

Other highlights of *How to do things with rules* include *Art School Surgery*, a life coaching session for individuals and small groups that adopts the rules of art as an approach to life, and *Conference*, a bookable conference table with unique decision making aids. Using the gallery as a social and exhibition space, Tan presents new and recent performance, performatives, sculpture, video, participatory works that reimagine social customs and rituals.

The exhibition will open on Friday 14 August at 6.30pm with *A kiss is just a kiss*, a performance in which the artist “blesses” the gallery through various acts of kissing. It runs through to 29 September at the ICA Singapore.

“We are delighted to work with Jack Tan to present his first major solo exhibition at the ICA Singapore,” said Ms Bala Starr, Director, ICA Singapore. “Jack’s works embody the ethos of cutting-edge innovation that defines what we do here at LASALLE. This exhibition blurs the boundaries between performance, art and installation, engaging audiences in unprecedented ways.”

Exhibition Information

How to do things with rules

Sat 15 Aug - Tue 29 Sep
Earl Lu Gallery, Institute of Contemporary Arts Singapore
LASALLE College of the Arts, 1 McNally Street, Singapore 187940
Opening Hours: 12pm – 7pm, Tue to Sun (Closed on Mondays and public holidays)
Admission: Free

Exhibition Opening: Fri 14 Aug, 6.30pm
Karaoke Court: Sat 5 Sep, 6.30pm, Amphitheatre

<http://www.lasalle.edu.sg/events/jack-tan-how-to-do-things-with-rules/>
<http://www.lasalle.edu.sg/events/karaoke-court-a-performance-by-jack-tan/>

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About Jack Tan

Jack Tan (b. 1971, Singapore) makes work that explores connections between the social, the legal and art. Prior to becoming an artist, Tan worked in civil litigation and non-governmental organisations undertaking human rights case and policy work. He then studied ceramics, obtaining a BA from the University of Westminster and an MA from the Royal College of Art. He is currently pursuing a PhD in the Department for Drama, Theatre and Performance at the University of Roehampton, London, where he is researching performativity and legal aesthetics.

Recent projects include *A kiss is just a kiss* (2014) at the Institute of International Visual Arts (Iniva), London; The Office of Public Ritual (2014 – ongoing), an artists’ collective and bespoke ritual design service; and *Closure* (2012), a year-long residency and exhibition at the UK Department for Health, which documented the legal dissolving of a social work quango. He is currently Special Projects Curator for *fig-2*, a year-long series of 50 exhibitions in 50 weeks at the ICA London.

About LASALLE College of the Arts

LASALLE College of the Arts in Singapore is a leading tertiary institution in cutting edge contemporary arts and design education and practice. The college offers 30 undergraduate and postgraduate programmes in fine arts, design communication, interior design, product design, film, animation, fashion, dance, music, theatre, arts management, artist education, art therapy, and Asian art histories.

Its faculty is led by a community of award-winning artists, designers, educators and researchers, and their practice-led research sets LASALLE apart as an international centre of excellence. Critically acclaimed alumni form the core of the cultural and creative sectors in

Singapore and increasingly internationally.

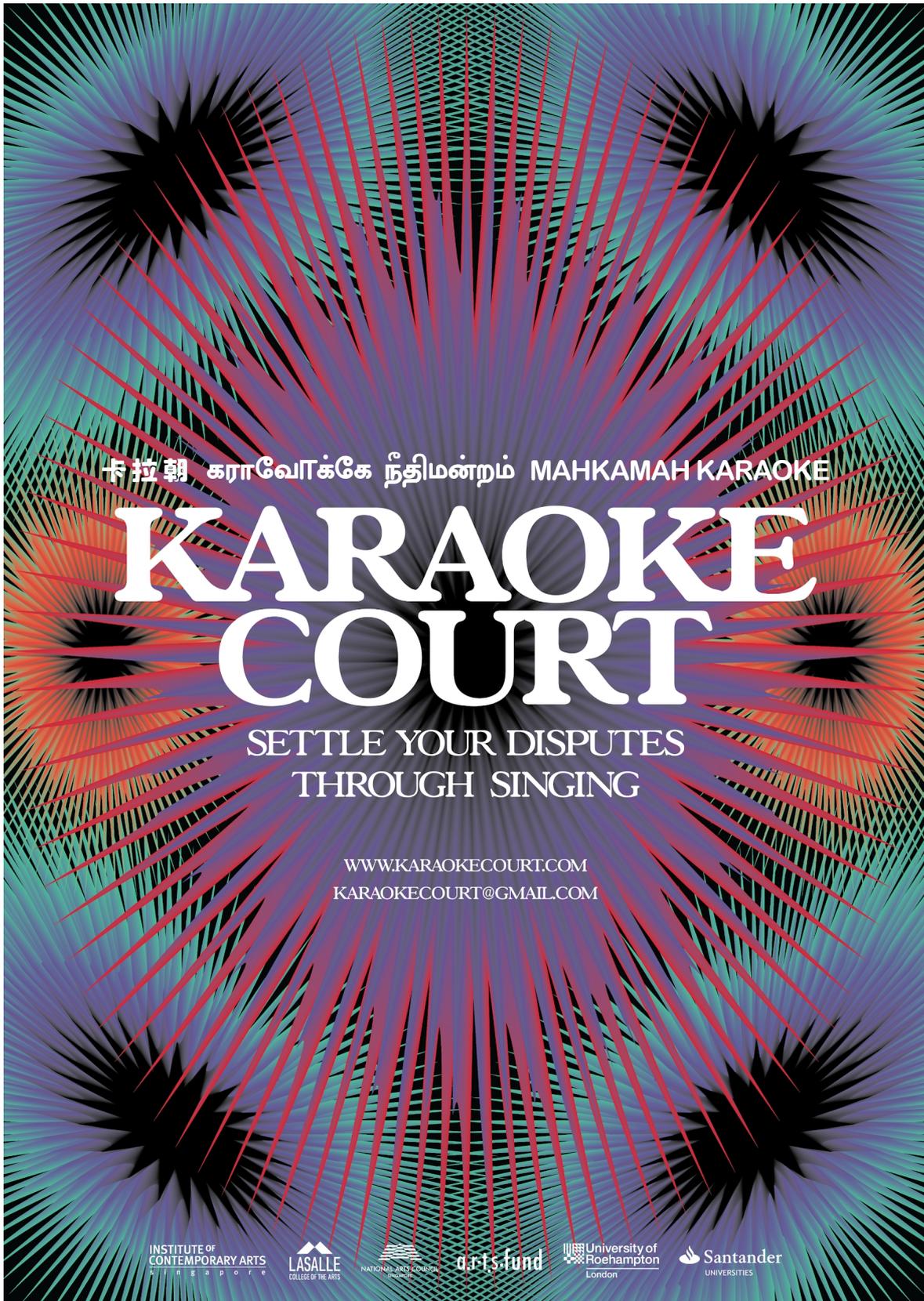
Founded in 1984 by De La Salle Brother Joseph McNally – a visionary artist and educator – LASALLE is a not-for-profit, private educational institution. LASALLE receives tuition grant support from the Singapore Ministry of Education. Its degree programmes are validated by Goldsmiths, University of London.

About The Institute of Contemporary Arts Singapore

The Institute of Contemporary Arts (ICA) Singapore is the curatorial division of LASALLE College of the Arts, dedicated to supporting innovative and emerging creative practices. Focusing on art and design from the present, it provides an active site for contemporary culture in Singapore.

The ICA Singapore comprises five galleries that span a total of 1,500 square metres, one of the largest spaces devoted to contemporary art in Singapore. It engages local and international audiences in critical viewing and discussion through a diverse programme of exhibitions, projects, publications and events.

The ICA Singapore is committed to providing a cultural and educational tool for students and the Singaporean audience to advance their knowledge and appreciation of the contemporary local, regional and international arts.



Poster for Karaoke Court (Singapore, 2015), printed in A3 size on gloss.

The Guardian



Karaoke Court: let Craig David and the Carpenters settle your arguments

Bored with your husband? Cross at a parental curfew? Artist Jack Tan can help solve your domestic disputes - but first you'll have to sing a round of East 17

Deborah Coughlin

Wed 22 Jun 2016 13.53 BST

If there is a massive overlap between your love of karaoke and your penchant for Judge Judy, Jack Tan's new show could be your perfect night out. Karaoke Court is a real-life arbitration process, in front of a bona fide circuit judge, where the audience gets to play jury. It's an opportunity for anyone to battle out their disputes through the medium of song, crucially within arm's reach of a fully stocked bar.

Summonses have already been sent out for the latest court session at London's Yard theatre - bang in the middle of a Hackney Wick industrial estate. As in a normal court, the judge sits on high in a very big chair. The audience, red and green cards in hand, must be prepared to give a verdict on the cases sung before them. Last-minute disputes are encouraged (though there are limited spots), so if you've got beef with someone bring them with you and arrive early to fill out the paperwork.

When Karaoke Court debuted in Singapore last year, one of the more controversial cases concerned a mum whose daughter wanted to overturn a 9pm curfew. The daughter was 27. When the judge read out the facts of the case, it seemed clear cut. But then the mum warbled emotionally through the Carpenters' Close to You - and successfully defended her position. Waah?

It's all in the performance, says Tan, who makes work at the intersection of law and art. "If you were there you would know why. I'm trying to create a crisis - the audience have to make a decision between the facts of the case and the performance, between reason and aesthetics, head and heart."



Litigants at Karaoke Court in Singapore, 2015.
Photograph: Weizhong/truphotos.com

Tan was destined to end up in a courtroom. As a dutiful son in Singapore, his future was plotted out for him. "I wanted to study English literature and, you know, typical Asian family: 'No you can't. I'm not sending you to do something useless. You choose lawyer, doctor, engineer, accountant.'" So he did, coming to study in the UK, then taking up a training contract in the law.

He became the model of an idealistic legal campaigner on issues including racism and domestic violence. Then, in his 30s, disillusionment set in. "When

the Iraq protest failed, it led me to questioning: what's the point in campaigning?"

Disenchanted with the law and its ability to change anything, there was only one thing for it. Tan joined a pottery night class. In Aylesbury. "It was me and a bunch of old ladies," he says. "My ceramics teacher looked at my crap pots and said, 'There's something in them.' That was the first thing I learned about art; even if it looks crap, it can still have something in it."

It was also the moment this trainee solicitor, about to be offered a job in a commercial litigation department, decided to rebel and retrain in ceramics. His family weren't happy, even when an MA from the Royal College of Art followed. But a decade later and Tan was ready to bring law to the forefront again, inspired by the alternatives to our adversarial legal system he learned about during his original law degree. "There was spoon-hitting and knee-kicking as a way of solving disputes," he recalls - but the one that stood out was the Inuit tradition of song duels. "Litigation as part of a festival. A sing-off."

Litigation is so removed from the community in the west, he points out, we turn it into something abstract. "Say two neighbours in a street have a dispute. They actually go somewhere else, to a court, to have a fight, as if it doesn't affect their home life. Claims and counterclaims, appeals, everything. It snowballs. And of course someone will win, because that's how the system works, but who really wins? Everyone spends loads of money, is dragged through this process, and the two parties may still be pissed off with each other."

Not at Karaoke Court they won't. "You can't get angry," reasons Tan. "You're singing to each other with cheesy arm movements. You'd be a real party pooper."

Tan's project was as such a success in Singapore, there are rumours of a TV version. But first it's coming to London, where newly cohabiting couple Marissa and Tom are willing to put their future in the audience's hands. What is the case?

"Right" begins Marissa, "he doesn't want to live in the UK. We've talked about kids and I want my kids to get what London has given me. And Tom just

wants to leave the UK, because he thinks it'll be better abroad; the sun shines, people are happy."

It's a classic couples dispute on where's best to bring up your future kids. Tom takes over. "We get into this flary dispute every time we talk about it. I just feel this country is not going in a good direction. There's a lot of controversy and I think it's going to become quite violent over the next few years with clashes and riots."

A lot of eye rolling and shaking of heads follows. The couple have agreed that if Marissa wins they will stay in London for at least three years. If Tom wins they will leave the country by April 2017. Tom's hoping his rendition of Craig David's Walking Away will get the audience on side. Marissa's considering singing Stay Another Day by East 17. They both agree on one thing: Karaoke Court is a good way to solve the issue. As Marissa says: "Singing is better than arguing."

. Karaoke Court is part of Law's Imagination at the Arebyte Gallery, Yard theatre, London, on 23 June

A.1.5 Today newspaper article (4.7.2015): “Karaoke Court: settle your disputes with a sing-off”

Karaoke court: Settle your disputes with a sing-off

By DON MENDOZA



1 of 2

Jack Tan in a 2014 performance of A Kiss Is Just A Kiss at the Institute of International Visual Arts, London. Photo: Christa Holka

Published 13 AUGUST, 2015 UPDATED 13 AUGUST, 2015



London-based local artist Jack Tan says this sort of litigation isn't a negative experience

SINGAPORE — It has been suggested that we would quarrel less if we put our grievances in a song. Or perhaps, a sing-off to settle a disagreement is the perfect solution.

No, this is not an open call for a musical adaptation of 12 Angry Men; this is an invitation to Singaporeans to settle their disputes — by facing off in a karaoke contest. Conceived by London-based local artist Jack Tan, Karaoke Court is both an evening of performances and arbitration, presented as part of Tan's exhibition How To Do Things With Rules. Overseen by an actual lawyer and arbiter, selected participants will make their case by performing their versions of a song.

Inspired by the Arctic Eskimo and Inuit tradition of song duels, where litigants presented grievances to the entire community for judgment in the form of humorous and satirical songs, the audience at Karaoke Court

contract.

Karaoke Court was first produced at The Gowlett Pub in Peckham, South London, in March last year, and will make its Singapore debut at the Institute of Contemporary Arts (ICA) Singapore, LASALLE College of the Arts on Sept 5. Litigants include a pair of best friends who disagree with each other's taste in jazz and hip-hop music; and a music teacher and her student in dispute on how often she needs to practice.

“We usually perceive litigation as a negative experience — one which corrodes relationships and goodwill, one which divides rather than unites. Karaoke Court turns that on its head. It is constructive, not destructive; through humour and performance, it encourages cohesion,” said Tan, who will play the role of the court clerk.

Coincidentally, the 44-year-old artist had previously worked in civil litigation and non-governmental organisations, undertaking human rights cases and policy-work before pursuing a career in the arts. He is currently pursuing a PhD in the Department for Drama, Theatre and Performance at the University of Roehampton in London, where he is researching performativity and legal aesthetics.

“The work is embedded within community practices and spaces, and does not simply attempt to make new art, but rather, to create new social norms,” he said. “I’m excited to be back here presenting Karaoke Court to a home crowd.”

The sing-off will take place at the Earl Lu Gallery at ICA Singapore, which will be transformed into a clerk's office, where litigants may file their cases, complete with a resource area containing books and information about singing and law. Singing lessons will be provided in advance to participants, and they will be decked out in costumes and accessories produced especially for Karaoke Court by LASALLE Level 2 BA (Hons) Fashion Design & Textiles students. Themed refreshments will also be provided as part of the event.

The exhibition opens today at 6.30pm with *A Kiss Is Just A Kiss*, a performance in which the artist “blesses” the gallery through various acts of kissing. It runs through to Sept 29 at ICA Singapore. Karaoke Court will commence on Sept 5 at 6.30pm at the Amphitheatre.

Interested participants can email karaokecourt@gmail.com or call 9473 6638, or submit their “disputes” to “the Clerk” at the Earl Lu Gallery from next Tuesday to Sunday, between noon and 7pm.

A.1.6 Singapore Art and Gallery Guide: “Singapore’s first Karaoke Court settles disputes through a legally binding sing-off

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SINGAPORE

ART & GALLERY GUIDE



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NEWSLETTER

Singapore’s first Karaoke Court settles disputes through a legally binding sing-off



This September, Singaporeans will be invited to settle their disputes through a favourite local pastime – by facing off in a karaoke contest.

Karaoke Court, by London-based Singaporean artist Jack Tan, will take place at the Institute of Contemporary Arts (ICA) Singapore, LASALLE College of the Arts. It is part of his first major solo exhibition, titled *How to do things with rules* – an immersive multimedia, performative and participatory experience that challenges our understanding of rules and their construction, socially, emotionally and legally.

Inspired by the Arctic Eskimo and Inuit tradition of Song Duels, where litigants presented grievances to the entire community for judgment in the form of humorous and satirical song, participants in *Karaoke Court* resolve their cases by singing karaoke in front of an audience who will decide who wins. The processes and decision of the *Karaoke Court* are made legally binding via the participants’ signing of an arbitration contract.

In the lead-up to *Karaoke Court*, the Earl Lu Gallery at ICA Singapore will be transformed into a Clerk’s office, where litigants may file their cases, complete with a resource area containing books and information about singing and law. Singing lessons will be provided to participants in advance, and they will be decked out in costumes and accessories produced specially for *Karaoke Court* by LASALLE Level 2 BA(Hons) Fashion Design & Textiles students.

Karaoke Court was first produced at The Gowlett Pub in Peckham, South London, in March 2014, and will make its Singapore debut at the ICA Singapore on 5 September. Litigants include a pair of best friends who disagree on each other’s taste in jazz and hip-hop music, and a music teacher and her student in dispute on how often she needs to practice.

performance, it encourages cohesion," said Tan, who will play the role of the Clerk. "The work is embedded within community practices and spaces, and does not simply attempt to make new art but rather, to create new social norms. I'm excited to be back here presenting Karaoke Court to a home crowd."

Other highlights of *How to do things with rules* include *Art School Surgery*, a life coaching session for individuals and small groups that adopts the rules of art as an approach to life, and *Conference*, a bookable conference table with unique decision making aids. Using the gallery as a social and exhibition space, Tan presents new and recent performance, performatives, sculpture, video, participatory works that reimagine social customs and rituals.

The exhibition will open on Friday 14 August at 6.30pm with *A kiss is just a kiss*, a performance in which the artist "blesses" the gallery through various acts of kissing. It runs through to 29 September at the ICA Singapore.

Exhibition: *How to do things with rules*

Exhibition Opening: Fri 14 Aug, 6.30pm

Karaoke Court: Sat 5 Sep, 6.30pm, Amphitheatre

Venue: Earl Lu Gallery, Institute of Contemporary Arts Singapore, LASALLE College of the Arts, 1 McNally Street, Singapore 187940

Opening Hours: 12pm – 7pm, Tue to Sun (Closed on Mondays and public holidays)

Admission: Free

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Singapore Art & Gall Guide

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Legal Cheek (<https://www.legalcheek.com>)

News(<https://www.legalcheek.com/news/>)

Karaoke Court is actually a thing

By Katie King (<https://www.legalcheek.com/author/katie-king/>)

Jun 22 2016 4:29pm

8

The brains behind the legally binding sing-offs found his inspiration in an undergrad jurisprudence lecture



Tomorrow, would-be litigants will be singing their hearts out at London's Karaoke Court in a bid to resolve their legal disputes through the Inuit and Arctic Eskimo tradition of song duelling.

Yes, really.

Karaoke Court is (<https://www.facebook.com/events/1619694528347102/>) “an arbitration process where litigants agree to resolve their disputes by karaoke singing before an audience-jury.”

Presided over by actual real judge Rachel Karp — who is a member of the UK Association of Women Judges alongside Lady Hale — singers fight it out The Voice style to impress the ‘jury’, who decide the result.

Singers can perform any song that is available with a karaoke-style backing track, and sometimes participants change a few words here and there to make the song more personal to the dispute.

Two of this year’s singers are Tom and Marissa, a loved up couple bickering over where to raise their future family. Marissa is a London girl, and has no desire to up sticks and move. Fittingly, she will be singing LDN by Lily Allen at the Karaoke Court.

Tom, however, wants to move abroad, though he’s not quite sure where to yet. He’ll be performing Walking Away by Craig David. If she wins, the pair will stay in London for three years from 1 April 2017. If he wins, the pair will move abroad from the same date. Both have agreed to accept whatever the jury decides.

Some examples of past sing-offs include mother and daughter disputees arguing about curfew times. Weightier disputes include a band manager and band leader bickering over the group’s future direction, and a music tutor and student singing it out to have their say over next year’s music syllabus.

At first glance it seems a bit satirical, but we’re sure the show would make a nice break from the hysteria of EU referendum D-Day. And let’s not forget the decision of the court is legally binding because participating singers sign an arbitration contract, so there’s potentially a lot at stake here.

What *Legal Cheek* really wanted to know is who the hell came up with this idea, and how the hell they came up with it.

Enter artist Jack Tan, who is actually a trained lawyer.

The PhD student studied the LLB at the University of Hull, and then went on to train up at a civil law firm in Buckinghamshire. Now, he makes law-themed art.

Interestingly, the inspiration for Karaoke Court dates back to Tan's law school days. Speaking to *Legal Cheek*, he explained:

I remembered an undergraduate jurisprudence lecture about Inuit dispute resolution where the community used 'song duels' as a way of deciding cases... It seemed to me a very interesting thing that the main function of law in the Inuit context was to strengthen and repair the social fabric, rather than, in our case, the assertion of individual rights or to find facts or blame. So I created a work of art that allowed me and us to explore a form of litigation that had this different (Inuit) emphasis.

Though he admits Karaoke Court is characterised by “festivity, humour, witty insults, performance, and laughter” — words not often associated with legal dispute resolution — he really hopes it will catch on. He continued:

I think alternative dispute resolution is a really important aspect of law because it allows us gradations of litigation before using the courts. No need for a sledgehammer to crack a nut!

Karaoke Court is one of many exhibits running at Tan's '[Law's Imagination](http://lawsimagination.weebly.com/) (<http://lawsimagination.weebly.com/>)', an eight week long art exhibition “exploring the connections between legal and art practice”.



Gimme! Gimme! Gimme! Arbitration

2 May 2016

Never mind the Briggs review, here’s an idea for bringing the civil courts into the 21st century. The Karaoke Court is an arbitration process where litigants agree to settle their disputes by karaoke singing before an audience-jury. Apparently it is one of the exhibits at Law’s Imagination, an eight-week residency ‘exploring the connections between legal and art practice’ at Arebyte Gallery, Hackney, east London.

A programme of events, talks, discussions and performances ‘asks how artistic approaches can unlock or extend the imaginative capacities and capabilities of law’.

Oh, there’s also the chance to qualify as a ‘certified legal aesthetician’. The next hearing of the Karaoke Court is on 23 June at the Yard Theatre, Hackney.

Potential litigants are invited to submit disputes to the clerk (artist Jack Tan) at karaokecourt@gmail.com. Obiter is not sure what the song repertoire will be yet, but we’re rehearsing Abba’s ‘The Winner Takes It All (subject to beating a Part 36 offer)’.

A2 Voices From The Courts documents

6/8/2019

Jacktan.net Mail - Art and Litigation



Archive 1July2016 <archive-1july2016@jacktan.net>

Art and Litigation

Jack Tan <mail@jacktan.net>

21 March 2015 at 23:52

To: help@cjc.org.sg

Cc: Melanie Su Zhen Pocock <melanie.pocock@lasalle.edu.sg>

Dear Community Justice Centre,

I am an artist seeking some help with research for a two-month exhibition I am having at the Institute of Contemporary Arts Singapore later this year. The show called HOW TO DO THINGS WITH RULES and is funded by the National Arts Council and Tote Board Arts Fund. It considers the relationship between law and art, in particular, alternative forms of litigation.

A major theatrical work in the exhibition is based on the indigenous Inuit/'Eskimo' tradition of litigation called Song Duels. The litigants sing at each other and afterwards the community decides who wins based on their performances. As you can tell in Inuit law, all parties are Litigants In Person and legal advocacy for them does not require specialist skill because everyone sings in Inuit culture.

My show tries to extrapolate these ideas and to translate them for a modern Singapore context. I will do this by setting up a 'Karaoke Court' that allows litigants to present their grievances via karaoke singing. One of the main aims of the work is to examine and enable new and interesting ways of legal presentation. Via a fun theatrical performance, I hope litigants and audiences will understand more what it is to present oneself and one's case in a (moot) court.

I would be very grateful if I could visit the Community Justice Centre in the coming week and to speak to some of your staff or users about your work and the common presentational issues that litigants-in-person have in Singapore. As an artist, this would really help me contextualise my work much better for local audiences and stakeholders.

There is a bit more detailed information about my show here: <https://jacktan.wordpress.com/art-work/how-to-do-things-with-rules/>

I look forward to hearing from you soon.

Very best,

Jack Tan

<https://mail.google.com/mail/u/3?ik=13dde85e94&view=pt&search=all&permmsgid=msg-f%3A1496299053558264421&simpl=ms...> 1/2



Archive 1July2016 <archive-1july2016@jacktan.net>

Art and Litigation

Jack Tan <mail@jacktan.net>

25 March 2015 at 03:26

To: Leonard Lee <leonard.lee@cjc.org.sg>

Dear Leonard,

Thanks so much for the chat and tour around CJC yesterday. It is really wonderful to know that such an initiative exists in the world.

I was also very much taken by the fact that CJC had a holistic approach and understands that justice is something that exists in a network of other 'social objects'. At a fundamental human level you and the courts understand that in order to litigate well, people need to be free from the crippling effects of hunger, mental illness and poverty. Knowing that the State Courts have this understanding fills me with much hope.

And I hope that we can continue talking about how we could collaborate on an art project at CJC. I am particularly interested in your current project of bringing the legal, civic and private sectors together. Enquiring into the socio-legal is at the core of my artistic work. At this point I don't know how the arts could shed light or contribute. But I am sure that once I get to know the courts and the organisation more, things will reveal themselves.

In this vein, I would suggest a short artistic research residency period early next year at the CJC, with a view to developing a fuller project/exhibition/play later in the year. I will be meeting the National Arts Council next week and could propose this plan to them to see if they would fund a one or two month residency.

For my current project, I could also pop by this Fri or next Mon to speak to a few of your staff about what they do. Perhaps they could think of it as a form of brief induction for me? I also would love to hear what they think of my 'Karaoke Court' idea!

All the best

Jack

[Quoted text hidden]



Jack Tan <mail@jacktan.net>

Diffraction

Jack Tan <mail@jacktan.net>

20 April 2016 at 11:39

To: [REDACTED]

Hi [REDACTED],

I have found a short editorial about diffraction and attach it for your information. I have also highlighted important aspects of the article. The comments on the side explain how I am applying this concept to the work.

Hope this is useful.

Best,

Jack

kaiser_diffraction_2014 - annotated.pdf
194K

This is an Author's Original Manuscript of an article published in special issue 'Diffracted Worlds, Diffractive Reading: Onto-Epistemologies and the Critical Humanities' (eds. B Kaiser and K Thiele) *Parallax*, 20:3 (issue 72): 165-167 (DOI: 10.1080/13534645.2014.927621) [to quote, please consult the published version]

Diffraction: Onto-Epistemology, Quantum Physics and the Critical Humanities

Birgit Mara Kaiser and Kathrin Thiele

It matters what matters we use to think other matters with;
it matters what stories we tell to tell other stories with; it matters
what knots knot knots, what thoughts think thoughts, what ties tie ties.
It matters what stories make worlds, what worlds make stories.¹

In critical cultural analysis, the metaphor of 'diffraction' surfaced in 1992 with Donna Haraway's 'The Promises of Monsters' as a feminist tool to rethink difference/s beyond binary opposition/s.² Drawing on physical optics, where it describes the interference pattern of diffracting light rays, Haraway adopted diffraction to move our images of difference/s from oppositional to differential, from static to productive, and our ideas of scientific knowledge from reflective, disinterested judgment to mattering, embedded involvement. It is an 'invented category of semantics' that builds on and contests metaphors we habitually use to describe as practices of knowing and living. Diffraction, thus, is a significant 'subject-shifter'.³ It shifts the subjects of critique and – if we leap to Karen Barad's quantum understanding of diffraction – it even shifts the foundational ontological and epistemological presuppositions that condition these subject-formations. With Barad's quantized diffraction, a relational ontology emerges that can no longer be categorically separated from its epistemological processes. Quantized diffraction becomes 'entangled', as both method of engagement and radically immanent world(ing) where relationality/differentiation are primary dynamics of all material-discursive entanglements. Ontology and epistemology become inter-/intra-laced as onto-epistemology.⁵

Drawing on Niels Bohr's Copenhagen interpretation, Barad highlights the (uncanny) inseparability of the queer behaviour of matter evidenced on a quantum level and our practices of (scientific) observation, knowledge and 'meaning-mattering'. The quantum-physical 'two-slit diffraction experiment' was for Bohr a thought-experiment to determine if light was particle (as classically held by Newton) or wave (as experimentally shown by Young in 1803). It made evident that under certain conditions (if it remains unclear through which slit the photon passes) the results are a wave pattern, while under other conditions (if the photon's path is defined by a 'which-path detector') light behaves like a particle.⁶ One crucial point of this quantum mechanical paradox – with far reaching implications – is that 'the nature of the observed phenomenon changes with corresponding changes in the apparatus'.⁷ The transparency of measurement assumed in classical physics and reflexive theories of knowledge are thereby toppled. *Measurement matters*, and it does so not only in the supposedly small-scale, weird world of *quanta*. As Vicki Kirby notes, the full implications of the insight that 'the very ontology of the entities emerges through relationality' still need to be fathomed for 'life at large'.⁸

Jack Tan: 'Silence in Court?' rethinks the apparent opposition between Law (reason) and Art (intuition), which in themselves are not pure categories, but are complex and contain combinations of sense and sensibility.

Jack Tan: I have not gone into CJC as a disinterested observer to draw inspiration (like a painter studying a landscape). Taking an involved approach, I have allowed a 'cross-contamination' between my artistic and their legal practices.

Jack Tan: If the courts or 'voice in court' is the phenomena I am observing, the fact (1) that it is being observed, and (2) that the nature of the apparatus is an art project/residency, will change the phenomena.

Jack Tan: As such, this phenomena - the voice in/of the Singapore courts and their subsequent production at the Gala - isn't 'natural' or an objective occurrence but one that has been co-produced by my involvement.

This is an Author's Original Manuscript of an article published in special issue 'Diffracted Worlds, Diffractive Reading: Onto-Epistemologies and the Critical Humanities' (eds. B Kaiser and K Thiele) *Parallax*, 20:3 (issue 72): 165-167 (DOI: 10.1080/13534645.2014.927621) [to quote, please consult the published version]

Diffraction is attractive – also to this special issue – as alternative vocabulary and different technology for critical inquiries: as an image of thought and – or better even 'as' – a praxis of analysis that foregrounds differentiality; provides alternatives to 'reflection' as metaphor for our epistemologies; affirms our knowledge-practices as mattering here-and-now and not merely recording after-the-fact; and highlights the fundamental material relationality of a diffracted/-ing world at the turn of this new millennium. The desire to re-trope our tools of meaning-making and analysis is fuelled by the bio-/necropolitical, neoliberal realities of our present. In order to analyse these complex realities, we need to become literate with-in them. Interlacing the nature/s of matter/s with knowledge/s of/in it, diffraction highlights the systemic intra-actions and unavoidable 'agential cuts' that co-constitute subjects, objects and the ongoing pattern-formations in which they/we participate. Theorizing onto-epistemologies is neither leading into an accelerated subjective constructivism, nor an object-oriented rejection of (human) agency or responsibility. Onto-epistemology departs from discrete, given entities as units of analysis and considers agential forces (selves, cultures, objects, etc.) as processually, relationally and asymmetrically produced (all at once).

The contributions to this special issue highlight the impact that such thinking-with-diffraction can have (or will always/already have had) for the humanities, inviting scholars to reconsider the categorical frameworks, driving metaphors and logic of causality still operative in humanities research, even if implicitly. To develop a critical toolbox in the diffractive mode for our studies of world(ing)s seems to us one of the major tasks for future humanities research. To develop literacies for-from-with-in the changing economic, ecological, digital and scientific landscapes and our complex (cultural-economic-ecologico-socio-political) co-dependencies is pressing. In order to be up to this task, we need to sharpen our tools. A potential subject-shifter like diffraction is here very welcome. Welcoming it does not signal the desire to be adopted by the sciences. Rather, it indicates the openness to *affirmative-critical* devices that disrupt, intervene and cut-together-apart (*diffract*) meaning-mattering processes in this still rather young twenty-first century.

Notes

¹ Donna Haraway, 'SF: Science Fiction, Speculative Fabulation, String Figures, So Far', *Pilgrim Award Acceptance Comments*, 2011, <<http://people.usc.edu/~haraway/Files/PilgrimAcceptanceHaraway.pdf>>-[30/01/2014].

² Donna Haraway, 'The Promises of Monsters: A Regenerative Politics for Inappropriate/d Others' in *The Haraway Reader* (London: Routledge, 2004), pp.63-124.

³ Donna Haraway, *Modest_Witness@Second_Millennium.FemaleMan_Meets_OncoMouse™* (New York/London: Routledge, 1997), p.16.

⁴ Donna Haraway, 'The Promises of Monsters', p.64.

⁵ Karen Barad, *Meeting the Universe Halfway: Quantum Physics and the Entanglement of Matter and Meaning* (Durham: Duke University Press, 2007).

⁶ See Karen Barad, *Meeting the Universe Halfway*, pp.71-131, 247-352; also Niels Bohr, 'Discussion with Einstein on Epistemological Problems in Atomic Physics' in *Atomic Physics and Human Knowledge* (New York: Dover, 2010), pp.32-66.

Jack Tan: [REDACTED] here is a list of reasons why diffraction as an approach is useful for social art practice. I have highlighted particularly pertinent ones. Social practice often requires taking art into completely different disciplines/fields and so a methodology such as Diffraction that factors in the importance of 'differentiation' is useful. And because social practice is often dealing with ethics and human relationships, a 'here-and-now' approach matters in order to value the present life of organisations and people.

Jack Tan: This is a topic statement that may only make more sense if you read the book, e.g. 'intra-actions' and 'agential' are technical terms defined in Barad's book. But essentially, it describes the way in which agents, like me, you and CJC 'matter' to each other and we co-produce phenomena. This phenomena is many things: the courts' voice, my art, the biennale, the funds/fundraiser. Diffraction enables us to see the subjects and objects involved as being co-constituted. It also takes us out of thinking that the installation, gala or biennale are fixed things but that they are an ongoing pattern-formation. To me the pattern you, I and Leonard are creating may reverberate beyond 2017 in the courts. This is more interesting than thinking of this project as a output achieved through linear planning that then gets noted in a report and archived after it is over.

AN ARTS AND CULTURE PROPOSAL FOR
THE COMMUNITY JUSTICE CENTRE AND STATE COURTS

SILENCE IN COURT?

Jack Tan

1. THE PROJECT

1.1 What I would like to do

I propose to undertake a two month research period as artist-in-residence at the Community Justice Centre of the State Courts of Singapore. Following this, in partnership with the CJC, I will create a set of works at the State Courts that comprises a series of vocal performances with sculptural objects that explore the relationship between voice and law.



1.2 Why Voice and Law?

The law is about giving voice, not only to the rules agreed upon by society, but also to users of the law. The Courts are sites where the day-to-day practice of law and justice happen in a 'concentrated' way. But they are designed for their audial function as much as for their visuality. With spaces for private conferring as well as public pronouncements, Courts are vocal hubs where cases are pleaded, judgement is spoken, advice is whispered, victories are cheered, losses are sighed.

Being constructed as physical auditory spaces, Courts imply the importance of human bodily presence in the presentation of oral evidence and argument; as it were, the law must be seen, heard and felt in order to be done. As such *the practice of law in courts can tell us something new about the nature of voice*: that it is an embodied thing different from speech (which is language) and inseparable from the physical lived condition of the speaker (i.e., tiredness, hunger, life experience, etc.).

Indeed, the philosopher of voice, Adriana Cavarero writes:

“The task of the voice is therefore to be a pathway, or better, a pivotal joint between body and speech.”⁵³

In this regard, my residency period would inform both the creation of physical and auditory works of art. Also I am particularly interested in the voice of the litigant-in-person: he or she who speaks in court not through a professional's voice but with his or her own. The litigant-in-person therefore most closely approximates the voice of ordinary society as it navigates the law.

During the project, I will ask myself a number of questions about the use of voice in court (especially the litigant-in-person) that will help focus and enrich the ground out of which I will make my art:

- When a person speaks in court and in law, what is the resonance of their voice? *or* How do we or the Courts hear their timbre?
- How does law and the courts give voice to them? *or* What forms of text, speech, time, space and acoustic are afforded the litigant to voice in, and how are they using these forms?
- How is the law expressed in their understanding, attendance and articulation of their own cases? *or* How is the law embodied in them: their memories, routines, behaviour and voice?

1.3 Artist-in-Residence

In this regard, I propose to work closely with the **Community Justice Centre (CJC)** whose role is to support litigants-in-person. I propose to undertake a research residency in Jan-Feb 2016 at the CJC. During this time, I will familiarise myself with the work of the State Courts and the CJC.

Taking an ethnographic approach, I will work alongside and volunteer with the CJC during my residency period. With the consent of the CJC, I will observe, collect material and draw inspiration from conversations, words, sounds, scenes, actions, postures and the architecture to create a proposal for a body of work to be presented later in the year at the State Courts.

1.4 Showcase



Following the residency, I will create body of work at the State Courts in the second half of 2016 comprising an exhibition showcase of sculptures and three Friday evening performances, accompanied by a documentary video.

Performances

I will recruit a group of 50 to 100 singers who will activate the architecture of the State Courts through vocal performances and through visually configuring themselves in space. The performances will comprise a range of (comprehensible or incomprehensible) utterances and movements. These may, for example, recreate various ambient soundscapes from the court or comprise songs composed, with permission, from verbatim witness testimony. I will write the score/script for this performance as well as direct it. The performances will take place at various points throughout the court building and the audience will be led through different spaces in the State Courts on a architectural and acoustic journey.

The performances will be presented together with set of sculptures installed at various locations throughout

53 CAVARERO, Adriana (2005). For More Than One Voice: toward a philosophy of vocal expression. Stanford: Stanford University Press. p.15

the State Courts during the three week period. These emphasise the importance of body and materiality in the production of voice. They will act as visual and haptic focal points for the vocal performances as the audience follows the performers around the building,

Finally, a video work will also be on display on a flat screen TV when the performances are not happening. The video will use footage from full-dress rehearsals and will explain the sculptures for audiences and court users who have not seen the performances.

Please see Annex 1 below for a 'mood board' of what these works could look like. Annex 1 contains initial artistic research that informs ideas for the final showcase.

1.5 Mutual benefits for me and for the CJC/SC

Uniqueness of this project

This is the first time that a court of law has been used as a site of art and performance. Other municipal buildings around the world have of course been used for art. But this project is unique in that through an artist's residency and subsequent collaboration, it attempts to explore and express that particular site rather than just using it as a backdrop for autonomous artistic work.

A number of artists currently work with voice in relation to space. They mainly use space to create *sonic objects* with voices, or they present voices as *music* within gallery or institutional spaces. My proposal for the Singapore State Courts builds on their enquiries but also takes our understanding about voice further. My aim is to go beyond musicalizing or analysing the voice, as is the current standard, and instead to give voice to the *organism* that is the State Courts as a voicing entity.

Again, see Annex 1 for how I draw on current artistic work in the field and how I build this to my vision for this proposal.

New skills for me as an artist

My use of voice in the past has always been as a solo performer or I invite participants to sing. For this project however, I propose to use mass voices in response to architecture and institution. I will also for the first time make a body of sculptural work in tandem with performance work, disciplines which have previously been separate enquiries for me. I will acquire new acoustic skills by working with an acoustics consultant to create the performances. The interdisciplinary knowledge exchange between court and artistic practice will also be mutually beneficial to me and the CJC/SC.

New skills and experiences for the CJC/SC

For the staff of the CJC and the State Courts they will encounter a working professional artist perhaps for the first time and also engage in a process of artistic collaboration to inform the showcase presentation. Through this engagement, they will understand the courts not just as a site of law but also to appreciate that it can also be a place for cultural work. They will also be given more opportunity to understand the ways in which institutional spaces are aesthetically constructed (design, colour, movement/circulation, soundscape) and therefore gain tools to analyse and improve their use of the space. But ultimately, when the collaboration culminates in the showcase presentation, I would like for the staff of CJC and the State Courts to feel proud of their building, their work and communal life there when audiences come to see the performances.

1.6 Some Outcomes I am looking for

Success for me could be evidenced by the following:

- Positive feedback from the CJC and State Courts of how the arts can be integrated into their work as part of a tri-sector understanding of legal institutions.
- Greater legal literacy among audiences about being a litigant-in-person or in the litigation process

- generally.
- Changing public perception about the State Courts so that people begin to see it also as a more rounded site of culture and community.
 - A good attendance at the 3 performances of 200 per evening.
 - Positive critical or curatorial feedback concerning the artistic quality of the project, i.e. the sculptural installation and the performances.
 - Positive feedback from volunteer performers about new skills/knowledge they have learned about art and law.

1.7 Who am I?

My work explores connections between law and art. Before becoming an artist, I worked in justice sector NGOs, was a legal executive and a trainee solicitor in the UK. I went on to undertake a BA (Hons) in ceramics, then completed an Masters in art at the Royal College of Art (RCA) in London. Following this, I was appointed as a Sculpture Tutor at the RCA for 3 years and established their performance programme. The Straits Times profiled my work [here](#). Thereafter I left to undertake a PhD scholarship in performance which I will complete in 2016. Currently I am a visiting lecturer in sculpture at Brighton University and in theatre at Roehampton University.

In my artistic practice, I investigate social structures as aesthetic objects in themselves, in particular how rules (legal, customary, social, spatial) operate. Triangulating my legal training with sculpture and performance leads me to an interest in the material, spatial and performative conditions of law. In August-September 2016, I will present my first solo show in Singapore at the Institute of Contemporary Arts Singapore (LASALLE) called [How to do things with rules](#).

Of special relevance is a past work called *Closure*, which was an 18 month art residency at the General Social Care Council (GSCC) (the government regulator for the social workers in England) which ended in an exhibition in July 2012 at the Department for Health in London. See Annex 3 for photographs and further details of this work.

You can find a copy of my C.V. [here](#).

2. CARRYING OUT THE PROJECT

2.1 Timeline

The 3 main stages are (1) research and development, (2) creation, and (3) showcase. I propose the following sequence of activity:

Starting with the 2 month research residency in Jan 2016, I will take an ethnographic approach and collect sounds, make drawings, observe behaviour, analyse the architecture, etc. Over the next few months and in close consultation with the CJC, I will develop the performance score/script and sketches/maquettes for the sculptures that will eventually be produced for the showcase later on in the year. Recruitment will follow this, giving a clear 2 months of rehearsal time before the showcase.

Although the showcase will be a public exhibition and performance, it can be viewed as an 'audience test' activity (like fringe theatre) or an incubation of groundbreaking Singaporean art, with a view to producing the work for a wider audience in the future either at a national arts venue or regionally to other courts.

Please see Annex 2 for a proposed timeline for this project.

2.2 Logistics

The key resources needed would be the collaboration and goodwill of the CJC and State Courts, who will provide time, access and cooperation of their staff during the research phase.

Together with the CJC, I will also create a plan for installing sculptures and presenting the performances at the State Courts. Because the performances will be *a capella* and the sculptures will be largely free-standing, it is not envisaged that I will need complex audio or installation equipment. The video will be played on flat screens in the central atrium. We will also need to arrange access times for full-dress rehearsals two weeks prior to the showcase performances.

2.3 Funding

I have submitted a funding bid to the National Arts Council for approximately \$50,000. But in keeping with the principle of cross-sector partnerships, I intend to raise a further \$60,000 from charitable foundations. This would make the public sector (State Courts), culture sector (NAC), communities and voluntary sector (charitable foundations), private sector (law firms and companies) become stakeholders in this project.

As such I would not require funds from the CJC or State Courts.

2.4 Marketing Plans and Audience Reach

This work will enable the arts and the courts to share audiences: the arts community and art-going public, and the legal community and court users. Because this project is not held at an arts venue, it benefits the arts by widening access to the arts. For the courts, because this project is inspired by court processes and takes audiences around the building, it increases familiarity with the CJC and State Courts, and improves legal literacy for the general public.

To market the showcase presentation, I would promote the project via my own and the CJC's networks two months ahead. My networks consist of contacts at LASALLE, NTU Centre for Contemporary Art and the Singapore International Foundation. The CJC has extensive networks within the legal and public sector. On an ad hoc basis, I will consult an established arts PR agency like Creative Voice to help me develop effective marketing strategies.

I will also use the personal social networks of the 100 participants to publicise the showcase, and provide them with specially designed publicity literature to give out to their friends and family. I aim to reach 600 audience members directly with this project. But the extended reach through social or traditional media coverage, and through visitor footfall at the State Courts during the 3 week exhibition period, could be a few thousand people.

2.5 Advisers

On a freelance basis I will also engage a number of people who would advise on the project when needed. This would involve a curator, a community vocal coach, and an acoustics consultant.

2.6 Ethics

I will observe a number of ethical principles for this project as follows:

As a trained sociologist (I obtained a Masters in Social Justice and Education at the Policy Studies department of the Institute of Education, London) and an academic researcher, I will make people aware of my intention to use their words or resemblance in my work, and seek permission from them to do so and/or to anonymise sources.

I will also treat all information with strict confidentiality and will not use anything unless expressly permitted by the CJC and/or State Courts. As this project is also a collaborative effort, there will also be monthly review meetings where the CJC and State Courts can observe and steer the work as it gets created.

ANNEX 1: MOOD BOARD

I briefly outline here current artistic work in the field that I will appropriate for my showcase at the state courts. Then with images taken from the Annual Report, I illustrate further below how various spaces in and around the State Courts could be used for performances and sculptures.

Performances

Emma Smith (United Kingdom) explores the energy that choral sound creates by getting participants to vocalise various notes as they move through the gallery space. Similarly, I will analyse the acoustic frequencies at the State Courts to create vocal soundscapes.



ΔE=W (2011 - ongoing), Emma Smith Jul 2012, The Tanks, Tate Modern, London, UK

Lina Lapelyte (Lithuania) uses song form and the live human figure as sculpture. She uses a form of verbatim theatre where she turns everyday dialogue into song. For example, her opera '[Have a good day!](#)' (photo of women in blue below) comprises supermarket sounds and verbatim dialogue taken from supermarket cashiers. With permission, I will also use verbatim speeches or dialogue to create songs.



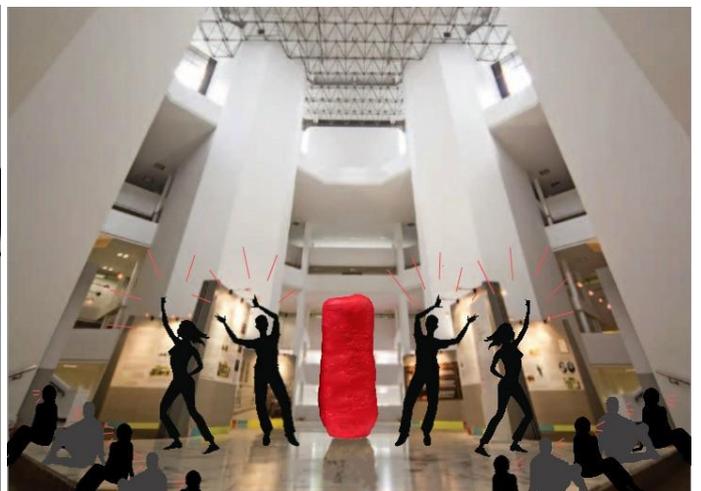
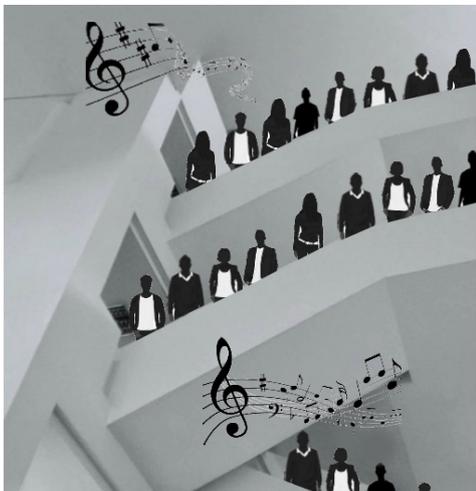
Have A Good Day (2014), Lina Lapelyte, Prototype Festival, 15-19 Jan 2014



Where Are You? (2014), Lina Lapelyte, David Roberts Foundation, London, 9-11 Jan 2014

Mock-ups of the State Courts

The following photographs depict sites of possible performances that could happen in the State Court. The silhouette figures depict participant performers. The red object represents a possible sculpture that would be made in tandem with the development of the sound aspect of the showcase.



This photo shows a possibly use of one of the staircases a site for performance. You can imagine that once this group finishes their performance, they would file off to a particular floor, thus drawing the audience to follow them up the staircase. In this way, the performers lead the audience around the building.

Annex 2: Project Timeline

Stage of Creation	Start Date	Completion Date
Research Residency at State Courts, Community Justice Centre	Jan 2015	Feb 2015
Developing work: <ul style="list-style-type: none"> • writing score or script of the performance • creating test, drawings and maquettes of sculptures for exhibition Propose plan of the show to CJC and State Courts	Mar 2015	Apr 2015
Recruitment of participants	Apr 2015	Apr 2015
Rehearsals for performance, weekly	May 2015	June 2015
Construction of full scale sculptures	May 2015	June 2015
Publicity campaign, 1 month before performances	June/Jul/Aug 2015	June/Jul/Aug 2015
Showcase at State Courts, 3 performances	July/Aug/Sep 2015	July/Aug/Sep 2015
Review and planning for further production (e.g., touring to artistic institutions - National Gallery, Singapore Art Museum - or to other courts in ASEAN)	Sep 2015	Dec 2015

ANNEX 3: EXAMPLE OF PREVIOUS WORK - 'CLOSURE'

Closure was an 18 month art residency at the General Social Care Council (GSCC) (the government regulator for social workers in England) which ended in an exhibition in July 2012. As artist-in-resident I engaged with the week-to-week life of the organisation as it underwent the process of formal closure, following a government decision to dissolve the organisation. I developed work during this period for a final legacy exhibition at the UK's Ministry of Health. These included paintings and collages that I helped employees make, as well as two new bodies of my own work:

- a. Sculptures based on Mesopotamian memory stones which were used as contracts or official documents at the time. I transcribed frequently used admin forms from various GSCC departments (and hence staff were fond of) onto new memory stones.
- b. A group of colourful ground based sculptures called 'Committee' because (a) so much of the life of the GSCC was spent in committee or in group discussion, (b) so many decisions about social care policy for England and the discipline of individual social workers happened via committee, and (c) the decision to legally close the GSCC happened as a result of a government committee.



Exhibition in main lobby of the Department for Health, London, UK. 26 Jun to 26 July 2012.



Material Forms (2012), 40x40x60cm, Ceramic with coloured lead glaze. Stones inscribed with copies of the and Travel organisation's Claim Form and Annual Leave Form.



Committee (2012), 40x30x100cm, Ceramic and Acrylic paint. Floor based sculptures representing human and inspired from observing staff in meetings or chatting around the water cooler.



SILENCE IN COURT?

AN ARTS AND CULTURE PROPOSAL

AUTHORS OF PROPOSAL

LEONARD LEE, EXECUTIVE DIRECTOR OF THE COMMUNITY JUSTICE CENTRE
GEOFF LIM, DIRECTOR (OE & PERFORMANCE MGT DEPT), THE STATE COURTS

EXECUTIVE SUMMARY

1. The Community Justice Centre ('CJC') proposes collaborating with Mr Jack Tan, a UK-based lecturer with the Royal College of Arts and a graduate student with the Roehampton University (London, UK) in performance arts to create "Silence in Court?", a series of vocal performances in the State Courts complex around several sculptural objects over three Friday nights in the latter half of 2016. The performances seek to explore the relationship between voice and law. The purpose of the collaboration is to utilise Mr Tan's performances to raise funds for the Centre.
2. "Silence in Court?" comprises a group of 50 to 100 singers who will perform on three Friday nights within the State Courts at various points throughout the court building, together with set of sculptures installed at various locations during the three week period. The audience will be led through different spaces in the State Courts on an architectural and acoustic journey. To create his work, Mr Tan proposed to undertake a two month research period as artist-in-residence at the Community Justice Centre and the State Courts of Singapore. As Mr Tan would be raising his own funds for this, there would be no cost to CJC or the State Courts to develop the production. The proposed programme is as follows:

1st Friday Night	2nd Friday Night	3rd Friday Night
<i>'Gala Night' (Closed Event)</i>	<i>Public Events</i>	
<p>The following guests will be invited:</p> <ul style="list-style-type: none"> • Chief Justice (also the GOH); • MinLaw & MSF senior management; • Members of the Judiciary (Supreme, State and Family Justice Courts); • CEOs of Sponsors; • Invited members of the Bar; • Court and CJC Staff; • Media. <p>This will be followed up with a sumptuous dinner sponsored by 18 Chefs.</p>	<p>The following two Fridays will be open to the other stakeholders (e.g. government agencies, NGOs, etc. involved with State Courts) and the public</p>	

3. As our evaluation suggests that "Silence in Courts?" to be a novel and publicity-generating performance that would showcase the State Courts and CJC in a positive manner, and that Mr Tan to be a responsive and responsible partner for the project, we recommend that CJC accept "Silence in Courts?" as the fundraising event for 2016. The breakdown of projected funds is as follows:

Corporate Sponsorships	\$200,000	
Pledge Cards	\$ 50,000	
Online Donations	\$ 10,000	
Tickets (\$20 each; 150 pax per night)		\$
6,000		
Total	\$266,000	

INTRODUCTION

1. The Community Justice Centre ('CJC') proposes collaborating with Mr Jack Tan, a UK-based lecturer with the Royal College of Arts and a graduate student with the Roehampton University (London, UK) in performance arts to create "Silence in Court?", a series of vocal performances in the State Courts complex around several sculptural objects over three Friday nights in the latter half of 2016. The performances seek to explore the relationship between voice and law. The purpose of the collaboration is to utilise Mr Tan's performances to raise funds for the Centre.

AIM OF PAPER

2. This paper evaluates Mr Tan's proposal and utility as a fund-raising vehicle for CJC.

KEY HIGHLIGHTS

3. "Silence in Court?" comprises a group of 50 to 100 singers who will perform on three Friday nights within the State Courts at various points throughout the court building, together with set of sculptures installed at various locations during the three week period. The audience will be led through different spaces in the State Courts on an architectural and acoustic journey.
4. A video work would also be on display on a flat screen TV when the performances are not happening. The video will use footage from full-dress rehearsals and will explain the sculptures for audiences and court users who have not seen the performances.
5. To create his work, Mr Tan proposed to undertake a two month research period as artist-in-residence at the Community Justice Centre and the State Courts of Singapore. Following this, he will proceed to develop a set of sculptural works, as well as the script. In addition, he will undertake the production and direction of the performance. As Mr Tan would be raising his own funds for this, there would be no cost to CJC or the State Courts to develop the production.

-
6. Mr Tan has expressed interest in the voice of the litigant-in-person as he/she most closely approximates the voice of ordinary society as it navigates the law. During the project, he would focus on the following:
- When a person speaks in court and in law, what is the resonance of their voice;
 - How do we or the Courts hear their timbre;
 - How does law and the courts give voice to them;
 - What forms of text, speech, time, space and acoustic are afforded the litigant to voice in, and how are they using these forms;
 - How is the law expressed in their understanding, attendance and articulation of their own cases;
 - How is the law embodied in them: their memories, routines, behaviour and voice?
7. Hence, Mr Tan's work provides a unique opportunity to use art and culture as a vehicle to engage laypersons who are unaccustomed to the legal process to better understand what LIPs undergo when they are faced with legal issues. The exposure "Silence in Court?" would also help increase the pride and level of engagement of State Courts and CJC staff when they see media publicity and public accolades regarding their own professionalism towards serving the LIPs.

EVALUATION

Community Justice Centre's Evaluation

8. Value Proposition of Project. One of the strengths of CJC is in its ability to engage entities and form collaborative partnerships with them. Hence, CJC evaluates that we can develop one such relationship with Mr Tan as his proposal would benefit the CJC in the following manner:
- a. Create greater awareness among the audiences/public about being a litigant-in-person or the justice process in general;
 - b. Enhance public perception that the State Courts is where justice can be sought;
 - c. Create greater awareness of the CJC and to raise funds for its operational costs.

9. Project as Main Fund Raiser for 2016. The purpose of the Community Justice Centre (CJC) can never be separated from the vision of The State Courts. By spearheading this project, together with the State Courts, it would allow the State Courts to be more creative in being an advocate for the accessibility of justice. This event will also be used by the CJC as its main fundraising activity for 2016. More of how we can involve other partners and raise funds is further illustrated as follows.
10. Community Partnerships. In order to realise the production of "Silence in Court?", CJC would rope in other partners, such as the State Courts, the Legal Community, the Arts and Culture community, tertiary institutions, local and foreign media, as well as businesses (e.g. through sponsorships and provision of on-site F&B during the 'gala night' (e.g. "18 Chefs" and other social enterprises)).
11. Fund Raising Concept. I have personally been involved in art-related fundraising projects over the past 6 years except that mine was held overseas (snow/ice-carving), in which I raised about \$200,000. As the proposed project is held locally, CJC is likely to obtain a similar, if not better, result. The proposal is as follows:



- a. The State Courts will be the venue sponsor. We propose three performances over three Fridays (one closed door and two open events). CJC aims to raise \$266,000 from this event. The breakdown of income will be as follows:-

Corporate Sponsorships	\$200,000	
Pledge Cards	\$ 50,000	
Online Donations	\$ 10,000	
Tickets (\$20 each; 150 pax per night)		\$
6,000		
Total	\$266,000	

- b. Due to space constraints, we would not depend on ticket sales as the key source of revenue. Instead we would focus on corporate sponsorships, pledge cards and online donations. We anticipate that the main revenue source would be from sponsorships from foundations and businesses.
- c. In addition, we propose producing about 200 pledge cards, with an average amount of \$500 to be collected for each pledge card. These cards can be distributed to staff from the State Courts and Family Justice Courts part of their involvement to the event. In return they will be allocated free tickets for their family members and friends over the three performances.
- d. With awareness generated from the event, readers would also be encouraged to donate to CJC's cause through our online donation portal with SGGives. It would provide a neat and seamless avenue for both donors and CJC to donate/receive funds.

12. Programme. We propose the following programme:

1st Friday Night	2nd Friday Night	3rd Friday Night
<i>'Gala Night' (Closed Event)</i>	<i>Public Events</i>	
The following guests will be invited: <ul style="list-style-type: none"> • Chief Justice (also the GOH); • MinLaw & MSF senior management; • Members of the Judiciary (Supreme, State and Family Justice Courts); • CEOs of Sponsors; • Invited members of the Bar; • Court and CJC Staff; • Media. This will be followed up with a sumptuous dinner sponsored by 18 Chefs.	The following two Fridays will be open to the other stakeholders (e.g. government agencies, NGOs, etc. involved with State Courts) and the public	

-
13. Funds. CJC would allocate an expenditure budget of [REDACTED] to cover any incidental expenses such as additional manpower costs, rental, utilities, tents, food and beverages. The details are as follows:
- a. Security Costs. As the performances are expected to begin at 8pm and end at 9.30pm, we will need security personnel to be around in case of any security breach. All courts and offices are to be locked up to prevent any intrusion into private space. The CJC will pay for any additional wages expected.
 - b. Tents for Bag Deposit – a Security Measure. Tents will be setup outside the courts for bag deposits. This is to prevent people from leaving bags and packages within premises and reduce the load on in-house security when screening visitors entering the building. In addition, except for the ‘gala night’, there would not be any food or beverages served. This is to minimize any littering and to keep the premises clean. CJC will pay for the tents and activate volunteers to manage the bag deposit counter.
 - c. Ushers and Helpers. As the performance will begin at the atrium, furniture may need to be moved before the event commence if these are not incorporated as part of the performance. Ushers will be provided for by CJC. CJC will also pay any overtime wages for Cofely staff present to assist with these logistics.
 - d. Utility Bills. As a crowd of 200 people will be expected, we anticipate that the in-house lights and blowers at the atrium to be switched on. CJC will pay for additional utility bills charged over the 3 evenings.

State Courts’ Preliminary Evaluation

14. Policy Issues. Mr Tan has been briefed concerning the broad OB markers in terms of working with the State Courts (viz. the need for sanctity and decorum concerning the courts and its officers) and is agreeable submit his work for vetting by CJC and State Courts. As to whether we are opening floodgates to future artists seeking to use the State Courts for their performances, the State Courts reserve the right to review and decide regarding all such applications.

15. Value to State Courts. As the State Courts continue to ensure that LIPs have access to justice, “Silence in Courts?” provides an interesting avenue for the State Courts to showcase how we do so on a daily basis, through the interactions of our JOs and CAs, as well as through CJC’s arm in the provision of important legal services such as the PJP, GPS and other related schemes. In addition, the performance in 2016 would be meaningful as it signals the progress of the Judiciary in the cusp of a new chapter of both Singapore’s and the State Courts’ in the 51st and 41st year of the two institutions’ respective anniversaries. By allowing Mr Tan to produce a world’s first performance within a courthouse, we stand to gain local and foreign recognition for our effort in educating the public regarding court processes and deliberate efforts to ensure that people are able to gain ready access to justice.
16. Evaluation of Mr Tan & his Proposal. In the past three months, we found Mr Tan to be very receptive of our input and advice concerning his ideas. For instance, while he was excited about the possible use of court rooms for his project, he readily agreed to restrict his work based on access only to the public areas of the court house after we explained the strict need to accord ‘sanctity’ to our courtrooms. Mr Tan also recognised the practicalities of holding public performances within our premises without disrupting our operations and was amenable to planning his project around our logistical constraints (viz. holding the event on Friday nights to prevent disruption to regular operations the next day, avoiding Saturdays so as not to tax staff who may need to return to office to support the event, ending the performances by 9:30pm and not asking for additional funding from the State Courts). In addition, Mr Tan’s proposal is confined within the public areas (e.g. atrium, corridors, and up to Level 5 of the building; though he may have performers located at Level 7). Given that Mr Tan has been amenable to including our suggestions into his project, we find Mr Tan to be a reasonable and responsible partner we can collaborate with.
17. Effort from the State Courts.
 - a. Finance. We anticipate that, other than being the venue sponsor, the State Courts is not expected to provide any financial outlay as Mr Tan is committed to locate his own funds for the production of his project, and CJC would fund any additional outlay, e.g. manpower, utility bills, etc;
 - b. Manpower. The State Courts is not expected to provide significant manpower input to the production other than a

project coordinator to assist and guide Mr Tan’s work along the State Courts’ mission and vision, a communications representative to co-produce media releases with CJC, as well as a responsible person to perform post-event security sweeps. The security personnel can be drawn from our in-house security vendor and his effort be paid for by CJC. As for Mr Tan’s artist-in-residence session, CJC would be hosting him while State Courts could attach him to a State Courts internship orientation programme, which would be run during the first week of January 2016;

c. Publicity. As CJC does not have an in-house communications officer, it is anticipated that the State Courts assign one officer from its Communications Directorate to assist with the media publicity. This is to ensure that the messages, as well as responses to local and foreign media, are consistent with State Courts’ branding;

18. Security. We will confine the performances and art installations within the public corridors of the Courthouse to prevent incursions into the more sensitive work areas such as the open courts, the chambers and registries. These areas would be securely locked to prevent accidental trespassing by members of public attending the event as part of the performances’ audience. In order to secure the building from having packages brought into the premises, a bag deposit counter would be set-up at the Courthouse Square. All persons during the public performance nights would also be required to undergo security screening at the scanners, including X-ray screening of wallets, phones and other small personal belongings. We will work with Mr Tan to weave the security screening as part of the performance experience.

RECOMMENDATION

19. Proposal. As our evaluation suggests that “Silence in Courts?” to be a novel and publicity-generating performance that would showcase the State Courts and CJC in a positive manner, and that Mr Tan to be a responsive and responsible partner for the project, we recommend that CJC accept “Silence in Courts?” as the fundraising event for 2016.

20. Timeline. Should the Board accept CJC’s recommendation, the timeline for the project is proposed as follows:





SILENCE IN COURT?

voice | body | space

an art installation and performance for
State Courts Singapore

SILENCE IN COURT?

is a site-responsive art installation of sculptures and vocal performances at the State Courts that explore voice and its relation to body, architectural space and representation

1. Artistic and conceptual enquiry
2. Plans
3. Some key outcomes
4. My experience: selected past, present and future projects



Constructed as physical space, *courts* as an idea recognises the importance of voice and bodily presence in the production of law



- Voice is in or prior to speech, but it is not speech.
- Voice is generated by body, and so has qualities like timbre, volume, pitch which can be create pleasure or irritation.
- Voice carries ontological meaning; it presents the (well-)being of the utterer - his/her emotional, psychological, social and physical state.

The philosopher of voice, Adriana Cavarero writes:

“The task of the voice is therefore to be a pathway, or better, a pivotal joint between body and speech.”

Voice is also expressed in *space*.

As such, voice is defined by its acoustic context.

CAVARERO, Adriana (2005). For More Than One Voice: toward a philosophy of vocal expression. Stanford: Stanford University Press. p.15

Each of these spaces and social arrangements affect the kind of voice produced





What is the variety and qualities of voice that is produced by the State Courts?

The Litigant-in-Person (LIP)

- **Someone who speaks with their own voice - it is an unmediated voice.**
- **The LIP's voice most closely approximates the voice of ordinary/lay society as it navigates the law.**
- **The courts make concession for LIPs by speaking and listening differently and providing help.**

FLIP FRIENDS OF LITIGANTS-IN-PERSON

Need Support For Your Court Hearing?



We Will Guide And Assist You During Your Trial

Community Justice Centre



Some key artistic questions:

- When a person speaks in court what is the resonance of their voice?
- How does law give voice to them?
- What forms of text, speech, time, space and acoustic are afforded the litigant to voice in?
- How do they vocally articulate their understanding of the legal process and cases?
- How is the law embodied in them: their memories, routines, behaviour and voice?

➔ **New art and research knowledge
Not been asked before**



I am not proposing to use the State Courts as a backdrop to insert a sound sculpture or choral performance. The ambition is much more about producing something from the site.

Research (Jan-Feb 2016)

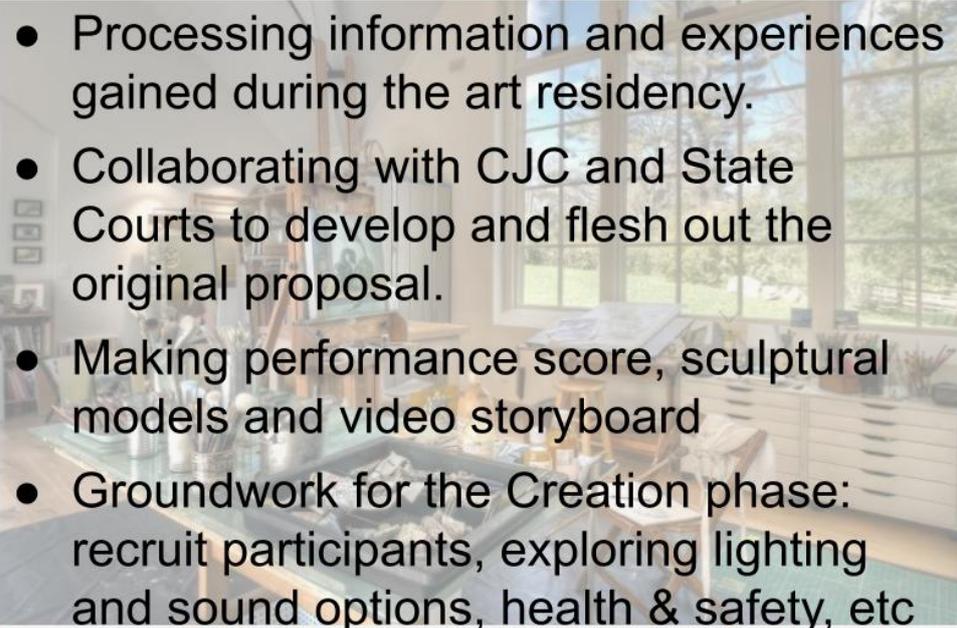
Artist-in-Residence with CJC

- A collaboration with the CJC to understand the experience of the LIP.
- To absorb the rhythms and acoustics of the State Courts, and to understand it as an 'organism'.
- To observe and collect examples of vocalisations that happen in the State Courts.
- To come alongside interested staff and to grow their (and my) understanding of the aesthetic dimension of law.

⇒ **First ever artist's residency in a court of law**

Development (Mar-Jun 2016)

Studio work

- 
- Processing information and experiences gained during the art residency.
 - Collaborating with CJC and State Courts to develop and flesh out the original proposal.
 - Making performance score, sculptural models and video storyboard
 - Groundwork for the Creation phase: recruit participants, exploring lighting and sound options, health & safety, etc

Creation (Jul-Aug)

Rehearsals, fabrication, set-up

- Fabricating full-scale sculptures.
- Rehearsals with 50-100 participants (Goodman Arts Centre)
- Tech and full-dress rehearsals at State Courts
- Creating video

Presentation (Sep-Oct)

Art Exhibition and Performances

- Press and publicity (22 Aug - 2 Sep)
- Installation of the show (Sat 3 - Sun 4 Sep)
- Gala private view performance (Fri 9 Sep)
- Public performances (Sat 10 and Sun 11 Sep)
- Sculpture and video exhibition (12 Sep - 28 Oct)

3. Some Key Outcomes

State Courts and CJC

- positive feedback from the CJC and State Courts of how the arts can be integrated into their work as part of a tri-sector understanding of legal institutions.
- increased awareness among court staff about the artistic/aesthetic dimension of their day-to-day work, particularly the nuances of voice and acoustics.
- a project and that staff are excited by and proud to be associated.

The Public

- Greater legal literacy among audiences about being a litigant-in-person or in the litigation process generally.
- Proposing the idea to the public that the State Courts and the law generally are interesting parts of culture and society.

The Arts

- Positive critical or curatorial feedback in the arts or academic press concerning the artistic quality of the project, i.e. the sculptural installation and the performances.
- Positive feedback from participant performers about new skills/knowledge they have learned about art and law.

Selected slides of previous work presented to Judges:



**Will You Won't You (2014)
Art 14 London**



**Guantanamo (2014)
The Zabludowicz Collection, Camden, London**

AN ARTS AND CULTURE PROPOSAL FOR
THE COMMUNITY JUSTICE CENTRE AND STATE COURTS

SILENCE IN COURT?

Jack Tan

1. THE PROJECT

1.1 What I would like to do

I propose to undertake a two month research period as artist-in-residence at the Community Justice Centre (CJC) in the State Courts of Singapore. Following this, in partnership with the CJC, I will create a set of works at the State Courts that comprises a series of vocal performances with sculptural objects that explore the relationship between voice and law.

The work will take the form of an hour-long performance within different parts of the State Courts in order to activate the auditory potential and use-histories of its internal architecture. Audiences will be led around the building on a visual and musical journey through the Courts.



1.2 Why Voice and Law?

The law is about giving voice, not only to the rules agreed upon by society, but also to users of the law. The Courts are sites where the day-to-day practice of law and justice happen in a 'concentrated' way. But they are designed for their audial function as much as for their visuality. With spaces for private conferring as well as public pronouncements, Courts are vocal hubs where cases are pleaded, judgement is spoken, advice is whispered, victories are cheered, losses are sighed. By 'Courts' I mean the formal spaces of court hearings as well as its informal spaces where voices are heard such as corridors, waiting rooms, balconies, concourses.

Being constructed as physical auditory spaces, Courts imply the importance of human bodily presence in the presentation of oral evidence and argument; as it were, the law must be seen, heard and felt in order to be done. As such *the practice of law in courts can tell us something new about the nature of voice*: that it is an embodied thing different from speech (which is language) and inseparable from the physical lived condition of the speaker (i.e., tiredness, hunger, life experience, etc.).

Indeed, the philosopher of voice, Adriana Cavarero writes:

"The task of the voice is therefore to be a pathway, or better, a pivotal joint between body and speech."⁵⁴

In this regard, my residency period would inform both the creation of physical and auditory works of art that explore the soundscape and use of voice in Court. It is worth noting that the auditory (and its relation to the tactile/body) is so far an unexplored area in the field of legal aesthetics.

During the project, I will ask myself a number of questions about the use of voice in court that will help focus and enrich the ground out of which I will make my art:

- When a person speaks in court and in law, what is the resonance of their voice? Or How do we or the Courts hear their timbre?
- How does law and the courts give voice to them? Or What forms of text, speech, time, space and acoustic are afforded the litigant to voice in, and how are they using these forms?
- How is the law expressed in their understanding, attendance and articulation of their own cases? Or How is the law embodied in them: their memories, routines, behaviour and voice?

54 CAVARERO, Adriana (2005). *For More Than One Voice: toward a philosophy of vocal expression*. Stanford: Stanford University Press. p.15

1.3 The Community Justice Centre and the Litigant-in-Person

I propose to work closely with the **Community Justice Centre** and to undertake my 2 month research residency with them in Jan-Feb 2016. During this time I will be exposed to the court experience from the viewpoint of the litigant-in-person (LIP) as it is the CJC's main role to support LIPs. Taking an ethnographic approach, I will work alongside and volunteer with the CJC during my residency period. With the consent of the CJC and the State Courts, I will observe, collect material and draw inspiration from conversations, words, sounds, scenes, actions, postures and the architecture to create a proposal to be presented on or about April 2016, for a body of work to be showcased in September 2016 at the State Courts.



While the aim of the project is to explore voice in the State Courts, the LIP as a 'character' in the work provides an accessible point that audiences can relate to. At points in their journey through the courts, audiences may encounter the LIP as chorus, or may step into the shoes of the LIP when they hear what LIPs might hear in Court. An example of what audiences may experience is detailed below in Section 1.4.

A further benefit of using the concept of the LIP as a mediator for work is the fact that their voice, whether heard in court or expressed outside court, most closely approximates the voice of ordinary society as it navigates the law.

Additionally, the CJC will use one of the performances as a gala event in order to raise funds (some \$266,000) for its work in 2017.

1.4 Court 26 - a micro investigation

To provide a sense of what could be possible, I listened to Court 26 for half an hour on 20 July, 9.30-10.00am. This is what I heard and saw and how these could be translated into art works.

There were a large glassed-off area inhabited by the Judge, lawyers, police and interpreters, a barred area for court participants who were in remand, and the public benches where people came and went. These created separate audio-visual spheres with varying degrees of audibility coming from each area. Microphones were also set at different levels: the Judge and clerk were very loud, the interpreters were softer, while the prosecuting police lawyer mostly produced incomprehensible murmurings. There was whispering or very quiet speaking in the public benches. This layering of different auditory elements created a complex and textured soundscape which I would seek to recreate in a performance. I would achieve this by **varying the volume** of different groups of singers, and positioning them at different distances to the audience with a group vocalising from off-stage even.

These human sounds were also accompanied by non-vocal elements, such as the creaking of the chairs whenever someone got up or sat down, footsteps, rustling paper or the opening and shutting of the door. Taking John Cage's work 'Four minutes, thirty-three seconds'⁵⁵ as a reference point, these would also be significant players in what makes up the 'orchestra' of the court. This inspires me to consider including **percussive** noises such as playing creaky hinges or foot-shuffling.

The Judge was the conductor in this scenario using words as a way of directing and processing proceedings. He was largely monotone except when he made declarations such as "DAC 92723", or when he addressed the litigant/accused directly. His intonation of the case numbers was very particular with his voice descending over "DAC" then rising over "92723". I would turn this into a **chant** of case numbers which would copy his intonation exactly.

However, his tone when addressing the litigant/accused was much more conversational, pastoral and lyrical. I selected the following phrase which I considered to have enough musical and dramatic content from which to create a tune: "THIS / will HELP / you KEEP / on a STRAIGHT / PATH". The words in caps indicate the vocal stresses in the spoken sentence which created a pentameter. As the strongest rhythmic element that I heard in Court, I would choose this phrase would to set the rhythm of the entire performance piece, i.e. 2/4 or 6/8 timing. In this particular case, both the accused and his interpreter were involved in a conversation with the Judge. Various parts of this conversation could be extracted to create a **central refrain** of three voices that reiterates the idea of keeping on a straight path.

Finally, the clerk (or announcer) and the prosecutor created for me a dichotomy of audibility. The clerk's extra loud microphone boomed the names of the litigants to call them to the stand: "Goh Tee Chian!", "Line Wei Shiang!", "Elson Quah Jen Siong!". These behaved like interruptions into the normal soundscape of the court and into our attention. The prosecutor on the other hand, did not use her microphone very much which was turned low, moved frequently across a few desks and spoke from a number of unmiked spots. Her voice was therefore fragmented and her words were hard to make out. As such I would create one chorus that would alternate between **shouting** out names and making incomprehensible **murmurs**.

Synthesizing the above, a possible work could consist of a central refrain of 3 soloists. The tune and lyrics of the refrain will be derived from the court record of the conversation between Judge, accused and interpreter focussing on the idea of keeping on a straight path. This trio would form

55 This was composed in 1951 and is a score for any instrument where the instruments are 'played' in silence for 4 minutes and 33 seconds. This induces a situation in the concert hall where audiences are alerted to ambient noise (coughs, shuffling, humming of the ventilation system, etc) which John Cage also considers to be music.

the main feature of the piece with two supporting choruses on either side: one chanting “DAC 92723” and other case numbers, and the other alternating between shouting names and murmuring. I would also give out creaky hinges for some members of the public to sound during the performance whenever they wished to. The both choruses would also vary their volume, and move on or off stage at various points in order to simulate the different audial spheres of Court 26.

In effect, this piece extracts significant aesthetic features of Court 26 and presents them as a visual and vocal performance. It would function well as a first piece in the evening’s performance as it introduces the audience to the idea of the court as a composite of multiple voices and sounds. It opens up questions for the audience about whose voices these are, which ones they identify with, and where their voice might be among these if they became court users.

Do bear in mind that this is the result of a 30 minute observation. A very different work would ensue from a 2 month long research residency.

1.5 Showcase

Following the residency, I will create body of work at the State Courts in the second half of 2016 comprising an exhibition showcase of sculptures and three evening performances, accompanied by a documentary video.

Performances

I will recruit a group of 50 to 100 singers who will activate the architecture of the State Courts through vocal performances and through visually configuring themselves in space. The performances will comprise a range of (comprehensible or incomprehensible) utterances and movements. I will write the score/script for this performance as well as direct it. The performances will take place at various points throughout the court building and the audience will be led through different spaces in the State Courts on a architectural and acoustic journey.

The performances will be presented together with set of sculptures installed at various locations throughout the State Courts during the three week period. These emphasise the importance of body and materiality in the production of voice. They will act as visual and haptic focal points for the vocal performances as the audience follows the performers around the building,

Finally, a video work will also be on display on a flat screen TV when the performances are not happening. The video will use footage from full-dress rehearsals and will explain the sculptures for audiences and court users who have not seen the performances.

1.6 Mutual benefits for me and for the CJC/SC

Uniqueness of this project

This is the first time that a court of law has been used as a site of art and performance. Other municipal buildings around the world have of course been used for art. But this project is unique in that through an artist's residency and subsequent collaboration, it attempts to explore and express that particular site rather than just using it as a backdrop for autonomous artistic work.

A number of artists currently work with voice in relation to space. They mainly use space to create *sonic objects* with voices, or they present voices as *music* within gallery or institutional spaces. My proposal for the Singapore State Courts builds on their enquiries but also takes our understanding about voice further. My aim is to go beyond musicalizing or analysing the voice, as is the current standard, and instead to give voice to the *organism* that is the State Courts as a voicing entity.

Again, see Annex 1 for how I draw on current artistic work in the field and how I build this to my vision for this proposal.

New skills for me as an artist

My use of voice in the past has always been as a solo performer or I invite participants to sing. For this project however, I propose to use mass voices in response to architecture and institution. I will also for the first time make a body of sculptural work in tandem with performance work, disciplines which have previously been separate enquiries for me. I will acquire new acoustic skills by working with an acoustics consultant to create the performances. The interdisciplinary knowledge exchange between court and artistic practice will also be mutually beneficial to me and the CJC/SC.

New skills and experiences for the CJC/SC

For the staff of the CJC and the State Courts they will encounter a working professional artist perhaps for the first time and also engage in a process of artistic collaboration to inform the showcase presentation. Through this engagement, they will understand the courts not just as a site of law but also to appreciate that it can also be a place for cultural work. They will also be given more opportunity to understand the ways in which institutional spaces are aesthetically constructed (design, colour, movement/circulation, soundscape) and therefore gain tools to analyse and improve their use of the space. But ultimately, when the collaboration culminates in the showcase presentation, I would like for the staff of CJC and the State Courts to feel proud of their building, their work and communal life there when audiences come to see the performances.

1.7 Some Outcomes I am looking for

Success for me could be evidenced by the following:

- Positive feedback from the CJC and State Courts of how the arts can be integrated into their work as part of a tri-sector understanding of legal institutions.
- Greater legal literacy among audiences about being a litigant-in-person or in the litigation process generally.
- Changing public perception about the State Courts so that people begin to see it also as a more rounded site of culture and community.
- A good attendance at the 3 performances of 200 per evening.
- Positive critical or curatorial feedback concerning the artistic quality of the project, i.e. the sculptural installation and the performances.
- Positive feedback from volunteer performers about new skills/knowledge they have learned about art and law.
- Papers about the project published in legal and humanities peer-reviewed journals, such as 'non liquet' by Westminster University's law and theory lab.

1.7 Who am I?

My work explores connections between law and art. Before becoming an artist, I worked in justice sector NGOs, was a legal executive and a trainee solicitor in the UK doing civil litigation and PTSD personal injury work. I went on to undertake a BA (Hons) in ceramics, then completed an Masters in art at the Royal College of Art (RCA) in London. Following this, I was appointed as a Sculpture Tutor at the RCA for 3 years and established their performance programme. Thereafter I left to undertake a PhD scholarship in performance which I will complete in 2016. Currently I am a visiting lecturer in sculpture at Brighton University and in theatre at Roehampton University.

In my artistic practice, I investigate social structures as artistic constructs in themselves, in particular how rules (legal, customary, social, spatial) operate. Triangulating my legal training with sculpture and performance leads me to an interest in the material, spatial and performative conditions of law. In August-September 2016, I will present my first solo show in Singapore at the Institute of Contemporary Arts Singapore (LASALLE) called [How to do things with rules](#).

Of special relevance is a past work called *Closure*, which was an 18 month art residency at the General Social Care Council (GSCC) (the government regulator for the social workers in England) which ended in an exhibition in July 2012 at the Department for Health in London. See Annex 2 for photographs and further details of this work.

You can find a copy of my C.V. [here](#).

2. CARRYING OUT THE PROJECT

2.1 Timeline

The 3 main stages are (1) research and development, (2) creation, and (3) showcase. I propose the following sequence of activity:

Starting with the 2 month research residency in Jan 2016, I will take an ethnographic approach and collect sounds, make drawings, observe behaviour, analyse the architecture, etc. Then over the following few months and in close consultation with the CJC and State Courts, I will develop the performance score/script and sketches/maquettes for the sculptures that will eventually be produced for the showcase later on in the year. Recruitment will follow this, giving a clear 2 months of rehearsal time before the showcase.

Stage of Creation	Start Date	Completion Date
Research Residency at State Courts, Community Justice Centre	Jan 2015	Feb 2015
Developing work: <ul style="list-style-type: none"> ● writing score or script of the performance ● creating test, drawings and maquettes of sculptures for exhibition Propose plan of the show to CJC and State Courts	Mar 2015	Apr 2015
Recruitment of participants	Apr 2015	Apr 2015
Rehearsals for performance, weekly	May 2015	June 2015
Construction of full scale sculptures	May 2015	June 2015
Publicity campaign, 1 month before performances	June/Jul/Aug 2015	June/Jul/Aug 2015
Showcase at State Courts, 3 performances	July/Aug/Sep 2015	July/Aug/Sep 2015
Review and planning for further production (e.g., touring to artistic institutions - National Gallery, Singapore Art Museum - or to other courts in ASEAN)	Sep 2015	Dec 2015

2.2 Logistics

Together with the CJC, I will also create a plan for installing sculptures and presenting the performances at the State Courts. Because the performances will be a *capella* and the sculptures will be largely free-standing, it is not envisaged that I will need complex audio or installation equipment. The key resources needed would be:

- Collaboration and goodwill of the CJC and State Courts, who will provide time, access and cooperation of their staff during the research phase.
- Ventilation or air-conditioning for the performances.
- Artistic materials and video-editing expertise supplied by the National Arts Council.
- Security and crowd/audience management for the performances.
- On-site rehearsal space two weeks prior to performances.
- Flat-screen monitors for video.

2.3 Funding

I have submitted a funding bid to the National Arts Council for approximately \$50,000. But in keeping with the principle of cross-sector partnerships, I intend to raise a further \$60,000 from charitable foundations. This would make the public sector (State Courts), culture sector (NAC), communities and voluntary sector (charitable foundations), private sector (law firms and companies) become stakeholders in this project.

As such I would not require funds from the CJC or State Courts.

2.4 Marketing Plans and Audience Reach

This work will enable the arts and the courts to share audiences and users. Because this project is inspired by court processes and takes audiences around the building, it increases familiarity with the CJC and State Courts, and improves legal literacy for the general public.

To market the showcase presentation, I would promote the project via my own and the CJC's networks. My networks consist of contacts at LASALLE, NTU Centre for Contemporary Art and the Singapore International Foundation. The CJC has extensive networks within the legal and public sector. On an ad hoc basis, I will consult an established arts PR agency like The Creative Voice to help me develop effective marketing strategies.

I will also use the personal social networks of the 50-100 participants to publicise the showcase, and provide them with specially designed publicity literature to give out to their friends and family. I aim to reach 600 audience members directly with this project. But the extended reach through

social or traditional media coverage, and through visitor footfall at the State Courts during the 3 week exhibition period, could be a few thousand people.

2.5 Advisers

On a freelance basis I will also engage a number of people who would advise on the project when needed. This would involve a curator, a community vocal coach, and an acoustics consultant.

2.6 Ethics

I will observe a number of ethical principles for this project as follows:

As a trained sociologist (I obtained a Masters in Social Justice and Education at the Policy Studies department of the Institute of Education, London) and an academic researcher, I will make people aware of my intention to use their words or resemblance in my work, and seek permission from them to do so and/or to anonymise sources.

I will also treat all information with strict confidentiality and will not use anything unless expressly permitted by the CJC and/or State Courts. As this project is also a collaborative effort, there will also be monthly review meetings where the CJC and State Courts can observe and steer the work as it gets created.

CREATION GRANT PROPOSAL

SILENCE IN COURT?

I. WHAT WOULD YOU LIKE TO DO?

Following on from a two month research period as artist-in-residence at the Community Justice Centre of the State Courts of Singapore, I will create a set of works at the State Courts that comprises a series of vocal performances with sculptural objects that explore the relationship between voice and law.



About Law and Voice

The law is about giving voice, not only to the rules agreed upon by society, but also to users of the law. The are designed for their audial function as much as their visuality, with spaces for private conferring as well as public pronouncements. They are the vocal hubs of the day-to-day practice of law: cases are pleaded, judgement is spoken, advice is whispered, victories are cheered, losses are sighed.

Being constructed as physical auditory spaces, Courts imply the importance of human bodily presence in the presentation of oral evidence and argument. Through the operation of law, we come to appreciate the nature of voice as an embodied thing that is different from speech, which is language, and inseparable from the physical lived condition of the speaker. Indeed, the philosopher of voice, Adriana Cavarero writes:

“The task of the voice is therefore to be a pathway, or better, a pivotal joint between body and speech.”⁵⁶

56 CAVARERO, Adriana (2005). For More Than One Voice: toward a philosophy of vocal expression.

I am particularly interested in the voice of the litigant-in-person: he or she who speaks in court not through a professional but with his or her own voice. The litigant-in-person therefore most closely approximates the voice of ordinary society as it navigates the law. In this regard, I will work closely with the Community Justice Centre whose role is to support litigants-in-person to explore and give voice to this via my artistic practice.

Artist-in-Residence



I propose to undertake a research residency in Jan-Feb 2016 with the **Community Justice Centre (CJC)** at the State Courts. During this time, I will familiarise myself with the work of the State Courts and the CJC, and given access to staff and users. With the consent of the CJC, I will observe, collect material and draw inspiration from conversations, words, sounds, scenes, actions, postures and the architecture to create my performance score and sculptures.

The CJC is an independent charity was founded by the State Courts in order to support litigants who cannot (for whatever reason) appoint lawyers to represent them. Their work involves advising litigants-in-person on procedure, holding legal surgeries, providing a listening ear, and for some litigants giving social care support, such as food packages. I will work alongside and volunteer with the CJC during my residency period.

Showcase: Performances and Sculptures

Following the residency, I will create work resulting in an exhibition showcase of sculptures and three Friday evening performances in the second half of 2016 at the State Courts. I will recruit a group of about 100 singers who will activate the architecture of the State Courts through vocal performances and through visually configuring themselves as crowd and figures in space. The performances will comprise a range of (comprehensible or incomprehensible) utterances and movements that may, for example, recreate various ambient soundscapes from the court or comprise songs composed from verbatim witness testimony. I will write the score/script for this performance as well as direct it.

The performances will be presented together with set of sculptures installed at various locations throughout the State Courts. These emphasise the importance of body and materiality in the production of voice. They will act as visual and haptic focal points for the vocal performances as the audience follows the performers around the building,

Finally, a video work will also be on display when the performances are not happening. The video will use footage from full-dress rehearsals and will explain the sculptures for audiences and court users who have not seen the performances.

New Skills for Me and the CJC / State Courts

While this project has similarities with my previous work, it pushes the boundary much further and takes me into very different contexts. My use of voice in the past has always been as a solo performer (e.g., in *From Guantanamo* (2013) I perform folk songs and make vocal utterances, see Section B.2 of the Supporting Document) or I invite participants to sing songs of their own choosing (e.g., in *Karaoke Court* (2015) participants formally litigate disputes via karaoke singing, see Sections A.3 of Supporting Document). For this project however, I propose to use mass voices in a site-specific context in response to architecture and institution. I will also for the first time make a significant body of sculptural work in tandem with performance work which have previously been separate enquiries.

I will learn new acoustic skills by testing how various spaces will work acoustically for the vocal performances as audiences are moved around the building. I will also gain an insider understanding of the court system and be involved in an interdisciplinary knowledge exchange between court and artistic practice.

For the staff of the CJC and the State Courts they will encounter a working professional artist for the first time and also engage in a process of artistic collaboration to inform the showcase. They will also learn how to use art to access new audiences. Among the volunteer performers will be the users and stakeholders of the State Courts who will be encountering performance and visual art for the first time and will learn cultural and performance skills.

Uniqueness and Impact of the Project

This is the first time that a court of law has been used as a site of art and performance. Other municipal buildings around the world have of course been used for art. But this project's aim is unique in that through an artist's residency and subsequent collaboration, it attempts to explore and express that particular site rather than just using it as a backdrop for autonomous artistic work.

Within my domain, there are a number of people working with voice within art. However, the visual artists either work primarily with voice as music ([Lina Lapelyte](#), Lithuania) or as a sonic object ([Emma Smith](#), UK) (see Section B.1 of Supporting Document) or forensic object ([Lawrence Abu Hamdan](#), Turkey). My project, on the other hand, takes a stronger phenomenological standpoint. It aims to inhabit or give voice to the *organism* that is the State Courts and one's encounter with it, rather than to purely analyse or musicalise it.

What Outcomes I am looking for

Success for me could be evidenced by the following:

- A good collaborative relationship with the State Courts so much so that they would be interested to invite other artists-in-residence in the future;
- A good attendance at the 3 performances of 200 per evening.
- Positive critical or curatorial feedback concerning the sculptural installation and the performances.
- Positive feedback from the State Courts of how the arts can be integrated into their work and the

legal sector in general.

- Greater legal literacy among audiences about being a litigant-in-person or in the legal process generally.
- An appreciation of voice in contemporary art from participant performers.

II. WHO IS INVOLVED

Artist: Jack Tan

My work explores connections between law and art. I trained as a civil litigation lawyer in the UK before becoming an artist. I completed an MA at the Royal College of Art and then became a Sculpture Tutor there for 3 years and established their performance programme. Thereafter I left to undertake a PhD scholarship in performance which I will complete in 2016. Currently I am a visiting lecturer in sculpture at Brighton University and in theatre at Roehampton University.

I investigate social structures as aesthetic objects in themselves, in particular how rules (legal, customary, social, spatial) operate. Triangulating my legal training with sculpture and performance leads me to an interest in the material, spatial and performative conditions of law.

Host: Community Justice Centre

Main contact: Leonard Lee

Leonard Lee is the Executive Director (Oct 2013 to present) of the Community Justice Centre. Its members include The State Courts, The Family Justice Courts, Ministry of Law, Ministry of Social and Family Development, Law Society and Tan Chin Tuan Foundation. The CJC won a U.N. public service award in 2012 for its services to litigants-in-person.

Prior to this Leonard was the Executive Director of the Nam Hong Welfare Service Society (Mar 2007 - Sep 2013). With an educational background in management and currently pursuing a postgraduate degree at Singapore Management University in 'tri-sector collaboration' - public (government), private (business) and people (civil society/NGOs).

Advisers

On a freelance basis I will engage a number of people who would advise on the project when needed. This would involve a curator, a community vocal coach, and an acoustics consultant.

III. HOW WILL YOU CARRY OUT THE ACTIVITY

The 3 main stages are (1) research and development, (2) creation, and (3) showcase. I propose the following sequence of activity:

Starting with the 2 month research residency in Jan 2016, I will take an ethnographic approach and collect sounds, make drawings, observe behaviour, analyse the architecture, etc. Over the next few months and in

close consultation with the CJC, I will develop the performance score/script and sketches/maquettes for the sculptures that will eventually be produced for the showcase later on in the year. Recruitment will follow this giving a clear 2 months of rehearsal time before the showcase. Although the showcase will be a public exhibition and performance, it is very much an 'audience test' activity (like fringe theatre) with a view to refining the work for final production in the future at a larger scale to a wider audience.

The key resources needed would be the collaboration and goodwill of the CJC and State Courts, who will provide time, access and cooperation of their staff during the research phase. The creation stage will require workshop and video editing facilities to create sculptures and the video documentation, as well as rehearsal space. I propose to negotiate access to these facilities with Lasalle College or apply for space at Goodman Arts Centre.

Together with the CJC, I will also create a plan for installing sculptures and presenting the performances at the State Courts. Because the performances will be a capella and the sculptures will be free-standing, it is not envisaged that I will need complex audio or installation equipment. The video will be played on flat screens in the central atrium.

IV. WHAT'S NEXT?

Marketing Plans and Audience Reach

The State Court and I share complimentary audience aims. Because of the nature of my practice blurs the line between art and society, my aim is to create an audience for my work beyond the arts community and in legal world and public sector too. As such, by partnering with the CJC I will be able to access the State Court's users and stakeholders as audience.

For the CJC and the State Courts, this partnership enables them to reach an audience in the cultural sphere who may not have considered the Courts to be a cultural site before. With an interest in tri-sector collaborations, through this project, the CJC will be able to position the courts as an institution in wider society that is linked with the cultural sector.

To market the showcase, I would promote the project via my own and the CJC's networks two months ahead. My networks consist of contacts at LASALLE, NTU Centre for Contemporary Art and the Singapore International Foundation. The CJC has extensive networks within the legal and public sector. On an ad hoc basis, I will consult an established arts PR agency like Creative Voice to help me develop effective marketing strategies. I will also use the personal of the 100 participants to publicise the showcase, and provide them with designed publicity literature to give out to their friends and family. I aim to reach between 600 people with this project, not including the court users who will encounter the sculptures and video during the 3 week installation period.

Arts Fund Application - Tote Board

Silence in Court? by Jack Tan

SILENCE IN COURT?

I intend to create artworks that explore the relationship between voice and law which will be presented at the State Courts of Singapore. These will comprise a set of sculptures installed throughout the Court building as well as theatrical and vocal performances that will take place on three Friday evenings in late 2016.



THE ARTISTIC ENQUIRY

About Law and Voice

The law is about giving voice, not only to the rules agreed upon by society, but also to users of the law. The Courts are designed for their auidal function as much as their visuality, with spaces for private conferring as well as public pronouncements. They are the vocal hubs of the day-to-day practice of law: cases are pleaded, judgement is spoken, advice is whispered, victories are cheered, losses are sighed. Being physical spaces, Courts imply the importance of human bodily presence and voice when argument is presented in speech or text. Indeed, the philosopher of voice, Adriana Cavarero writes:

“The task of the voice is therefore to be a pathway, or better, a pivotal joint between body and speech.”⁵⁷

I am particularly interested in the voice of the litigant-in-person: he or she who speaks in court not through a professional but with his or her own voice. The litigant-in-person therefore most closely approximates the voice of ordinary society as it navigates the law. I will work closely with the State Court’s Community Justice Centre, whose role is to support litigants-in-person, to explore their experience.

Works Proposed (see appendix)

I will present three Friday evening **performances** at the State Courts. I will recruit a group of about 100 singers who will activate the architecture of the State Courts through vocal performances and through visually arranging themselves as crowd and figures in space. The performances will recreate various ambient soundscapes from the court or comprise songs composed from verbatim witness testimony.

A set of **sculptures** will be installed at various locations that emphasise the importance of body in the production of voice. They will act as visual and haptic focal points for the vocal performances as the audience follows the performers around the building,

Finally, a **video** work will also be on display that explains the work for audiences who were unable to attend the performances.

Timeline for the project

Jan-Feb 2016: Research residency at the State Courts where I will collect sounds, make drawings, observe behaviour, analyse the architecture, etc.

Mar-Jun 2016: Developing the performance score/script and maquettes for the sculptures.

Jul-Aug 2016: Recruitment of participants and rehearsals. Creation of sculptures.

Sep-Oct 2016: Installation of sculptures at State Courts and three Friday evening performances.

57 CAVARERO, Adriana (2005). For More Than One Voice: toward a philosophy of vocal expression. Stanford: Stanford University Press. p.15

COMMUNITY ENGAGEMENT AND BENEFIT

Audience Engagement

By creating a cross-over project like this, a number of new audiences emerge both for the arts and for the courts as follows:

- The 100 or so participants will be recruited from the community, in particular low income ex-court users who are most likely to have been litigants-in-person. Many will be first time participants in the arts. Together with their friends and extended family networks, this could increase the direct and personal reach of the arts to 1000 people or more.
- The State Courts handles nearly 30,000 cases per month. In many instances, the litigants will attend in person as well as as supporters, lawyers, reporters, students and the interested public. At least half of these will encounter the sculptures and video in the main building.
- The residency will enable the staff of the State Courts to encounter a working professional artist for the first time and also engage in a process of artistic collaboration.
- For the Courts, this project brings a higher visibility for their work and site to the wider public.

ARTWORK PROPOSAL, INFORMATION AND SPECIFICATIONS

THIS PROPOSAL IS FOR:

Existing Work / Site-Specific Adaptation

New Work

DETAILS OF PROPOSAL	
Title of Artwork	: Silence in Court?
Year of Artwork Completion	: 2016
Artist Statement (max 200 words)	: Please see below.
Artwork Description Description must include <ul style="list-style-type: none"> ▪ sketches, renderings, references, photographs etc. ▪ an indication of the type of space or site envisioned for the artwork ▪ 	: Please see below
ARTWORK SPECIFICATIONS	
Materials/Medium (Please submit a softcopy of the work, in DVD format only, if the proposal is for a media work.)	:
Length (in cm)	:
Width (in cm)	:
Depth (in cm)	:
Weight (in kg)	:
INSURANCE	
Insured Agreed Value of the Artwork (please indicate currency)	:

ARTIST STATEMENT

Following on from a period as artist-in-residence at the Community Justice Centre of the State Courts of Singapore exploring the relationship between voice and law, I will create a set of works comprising a set of graphic scores, vocal performances of these scores, court education videos about litigation processes, and a court charity gala event with performances and speeches by court staff and judges. These works showcase various forms in which voice is manifested by the Singapore Courts.

About Law and Voice

The law is about giving voice, not only to the rules agreed upon by society, but also to users of the law. Courts of law are designed for their audial function as much as their visuality, with spaces for private conferring as well as public pronouncements. They are the vocal hubs of the day-to-day practice of law: cases are pleaded, judgement is spoken, advice is whispered, victories are cheered, losses are sighed.

Being constructed as physical auditory spaces, Courts imply the importance of human bodily presence in the presentation of oral evidence and argument. Through the operation of law, we come to appreciate the nature of voice as an embodied thing that is different from speech, which is language, and inseparable from the physical lived condition of the speaker. Indeed, the philosopher of voice, Adriana Cavarero writes: "The task of the voice is therefore to be a pathway, or better, a pivotal joint between body and speech."⁵⁸

I am particularly interested in the voice of the litigant-in-person: he or she who speaks in court not through a professional but with his or her own voice. The litigant-in-person therefore most closely approximates the voice of ordinary society as it navigates the law. In this regard, I will undertake a residency at the State and Supreme Courts with the Community Justice Centre whose role is to support litigants-in-person to explore and give voice to this via my artistic practice.

An Atlas of Mirrors

Two cultural geographies are brought together in my work: art and law. With my background as an artist and a trained lawyer my work brings together two sets of knowledge and two communities and reflect one onto the other. But rather than working as a mirror, my methodology is to diffract, in the Baradian transdisciplinary approach⁵⁹, rather than to reflect. In this way, acting as 'mirror' or more appropriately the 'diffraction grating', I

58 CAVARERO, Adriana (2005). *For More Than One Voice: toward a philosophy of vocal expression*. Stanford: Stanford University Press. p.15

59 "... my method is to engage aspects of each in *dynamic* relationality to the other, being attentive to the iterative production of boundaries, the material-discursive nature of boundary-drawing practices, the constitutive exclusions that are enacted, and the questions of accountability and responsibility for the reconfigurings of which we are a part. That is, the diffractive methodology that I use in thinking insights from different disciplines (and interdisciplinary approaches) through one another is attentive to the relational ontology ..." Barad, K. (2007). *Meeting the universe halfway: Quantum physics and the entanglement of matter and meaning*. duke

enable the two fields to create an interference pattern with one another and thereby produce knowledge not only of similarities but also of differences and interrelations.

To elaborate, within a mirroring framework, it is sufficient for the artwork to reflect or *represent* the law. In this approach, I would have adopted an *observer* role during my residency and derived artwork from my observations. I would have treated CJC and the Courts the same way that a landscape painter would treat a landscape.

However, in a diffractive approach I and CJC allowed court and artistic practices, values, mindsets to interfere with each other thus co-producing a diffractive result. Diffractive results are different from reflective results in that:

1. They do not explain one paradigm within the terms and standards of another paradigm, i.e. in this case law is not explained *by* art, rather a presentation of both law and art permits interpretations to be created of how each finds explanations in the other;
2. They are co-produced through the interaction of two or more entities;
3. They reveal the correlation between the two entities not just through showing similarities but also differences; and
4. The results are emergent rather than induced.

Therefore you should read the proposals for specific artworks, events and performances as items that have been co-produced through this diffractive approach.

Further, it is important to note that artists and researchers do not aim to present methodology unless of course methodology is the subject of the enquiry. Methodology is the means to achieving a particular end and it is not my intention to showcase a work about Baradian diffractive methodology. This work is about laying open voices from the courts, which is an area of artistic enquiry that has had very little exposure, not least because it is very hard for artists to gain trust and access to the court community. The diffractive method just happens to be the approach for social practice that I consider to be the most fruitful and up-to-date in terms of recent knowledge gained in critical theory.

Art Practice Approach and Context

This project can be contextualised within a history of artists' activity that blurs the boundaries between art and 'life', most notably the work of Fluxus. However, the starting point for me is Dada and Duchamp's readymades in the early 20th century. In many respects I consider the fundraising gala to be a form of readymade - a 'found performance' - and it also references Alan Kaprow's 'happenings' in the late 1950s.

As regards the residency, my self-placement within the Courts makes direct connection to the Artist Placement Group (1966-1989) and how they attempted to create spaces for art practice within commercial and government sector workplaces. The project's social practice nature also draws inspiration from artists like Theaster Gates. My work is also in dialogue (although not agreement) with the current push by Alistair Hudson (of Middlesborough

Institute of Modern Art) for 'useful art' or 'arte util' which is exemplified by the 2016 Turner Prize winners, Assemble. My employment of diffractive approach on top of this, then pushes the field forward in terms of adopting recent developments in critical theory and practice, i.e., I approach the blurring of boundaries between life and art not in order to reach unity as the Dadaists or Fluxus did, but to understand the rich interconnections and diversity of differences between the two.

Outside the field of visual art practice, the concept of 'performativity' as advanced by J.L. Austin and Judith Butler underpins my investigations: I try where possible to create or present 'performatives'. From the field of theatre, the writings of Augusto Boal and Antonin Artaud inform the relationship between performance and 'life' or 'reality'.

ART WORK PROPOSAL

Both iterations of the work below, first at the Arts House then at SAM, aim to present objects from art and law spheres that showcase voice. The art comprises a set of graphic scores and their vocal performances inspired from my residency. From the law sphere, a live annual event is presented that gives access to the life of the courts, i.e., the Community Justice Centre fundraiser. Since recording or filming is not permitted in court, this event allows us to hear directly voices from the courts since it comprises court workers, lawyers and judges giving speeches, chatting and performing entertainments.

1. The Arts House on 29 October 2016

Graphic Scores and Choral Performances

The graphic scores would be created on textiles and exhibited as large hangings at the Arts House during the opening week of the Biennale from 24 October 2016. These textile graphic scores would then be performed by a choir on 29 October 2016 every hour 2pm to 6pm. The last performance at 6pm would be a final private performance for the Charity Gala guests (further details below)

The following table contains initial sketches on paper and possible musical interpretations. Note that these examples are a work in progress, are not yet vetted by the Courts and are likely to change. Additionally these sketches will be translated into textiles and as such the quality of line and colour will change, and naturally the textual elements of fabric will be introduced.

While my initial proposal was to have these hangings created as tapestry or carpet. However, I have received professional advice from tapestry and rug makers who consider that 8 large scale hangings could not be made by October 2016. As such I intend to create these hangings in Batik which would retain the originating sense of these scores being drawings.



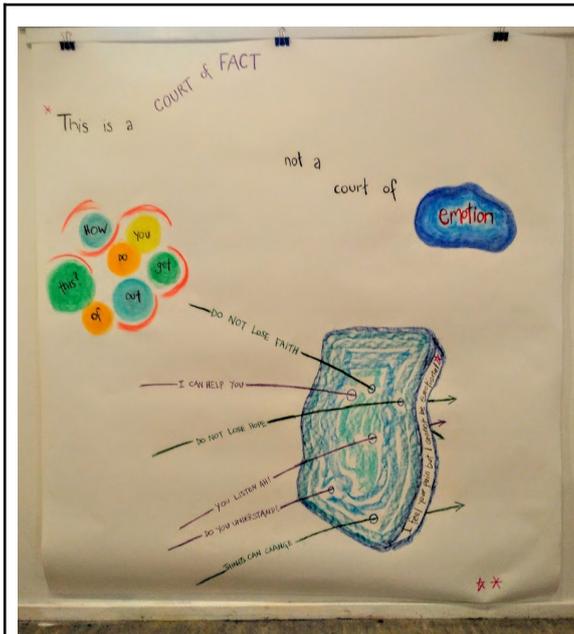
Title of Score: INTERPRETATION

This score encapsulates the way in which everything that a litigant-in-person wants to say, both relevant and irrelevant, has to be interpreted and narrowed down by court professionals to make information workable for the legal process. The gap between what is voiced and unvoiced, between official and unofficial speech, is revealed in this work.

The multicoloured dots and stars represent what the litigant is saying. The brown line represents the interpreter's voice, and the blue represents the judge's speech. The litigant tends to bombard the interpreter with much (colourful) information who then has to discern, consolidate and convey what is relevant and useful to the court. The intertwining of the blue and orange is the conversation between the judge and the interpreter as they push the legal process forward. The stars are outbursts and interruptions by the litigant.

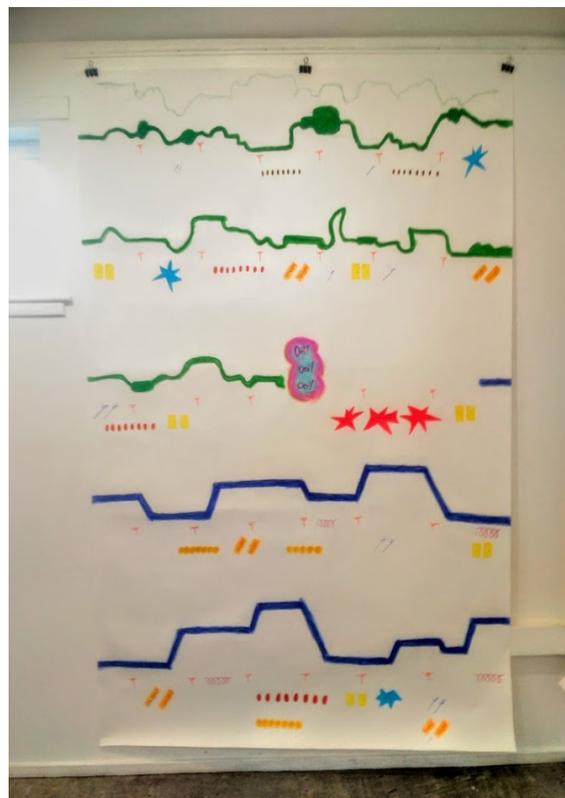
A choir would read this score in a clockwise direction starting with the multi coloured spots. The choir for example could sing popping sounds for a while before moving up and singing single popping notes in unison. When they reach the top of the drawing, the choir would split into two to sing interweaving counter-melodies. As they move down the drawing, female soloists would sing the stars by interjecting with high notes.

Of course these popping sounds and notes could also be replaced with words.



Title of Score: EMOTION

This score is derived from both courtroom speech by judges as well as private pro bono legal advice sessions. It is a score in three parts. First a Judge's declaration to be repeatedly sung in unison quite loudly. Second, like an 'angklung' or handbell ensemble, different singers will each take a word from the phrase 'how do you get out of this?' and sing their word in staccato for a period of time to create the rush of questioning internal voices in a litigant's head. Finally, the performance will end with a rumbling drone from the choir that represents the barrier of the litigant's emotion, with soloists shooting encouraging legal advice phrases into this drone.



Title of Score: WAITING IN COURT

This score maps an actual period of time waiting for a court sitting to begin and the initial period of that sitting. The green line represents the hushed discussions between various interpreters and their clients. As you can see, these rose and dipped and were organic in character like any voices in ordinary conversation would be. The blue represents the speech of the judge which was both procedural and declaratory in character.

In the close-up photograph, more detailed elements of the score are noticeable:

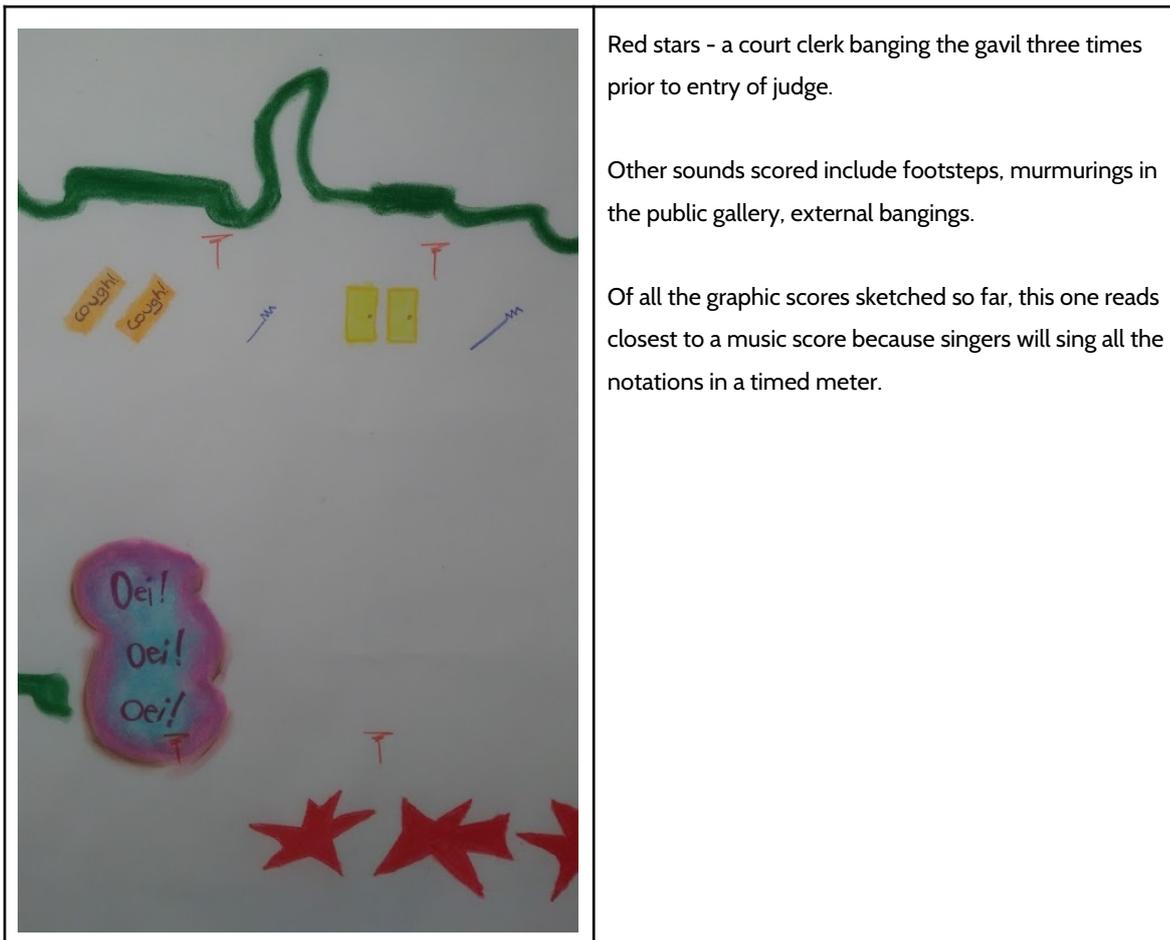
Orange stripe - incessant cough by one of the advocates.

Red T-shape symbol - regular spring-like whirring of an old clock at the back of the court.

Yellow rectangles - door opening and shutting.

Diagonal blue line with squiggly top - chair and desk scraping sounds.

Oei Oei Oei - police officers all shouting in unison to announce the arrival of judge.



Court Charity Gala Event

Along with the installation of hangings at the Arts House, the following Gala event schedule has been proposed to the CJC and the Courts and approved:

- 5.30 - 6.00 pm: Guests begin to arrive (registration in Blue Room, receive brochure/literature, drinks refreshment)
- 6.00 - 6.30pm: Choir performance of graphic scores in Gallery 2, Blue Room and leading everyone to the last performance in the Chamber once everyone is seated.
- 6.30 - 6.50 pm: Three introductions/speeches (Chamber):
 - (1) Mr Chew Kwee San, Vice Chairman of CJC, or Leonard Lee, Executive Director of CJC
 - (2) Ms Valerie Thean, Presiding Judge, Family Justice Courts
 - (3) Artist Jack Tan and/or Joyce Toh, Senior Curator at Singapore Art Museum, or Dr Susie Lingham, Director of Singapore Biennale
- 6.50 - 7.10pm: Screening of the 4 competition winning videos (Chamber)
- 7.10 - 7.40pm: Music and dance performances by court and CJC staff (Chamber)
- 7.40 - 8.40pm: Standing buffet dinner (Blue Room and Gallery 2)
- 8.40 - 9.00 pm: Evening ends. Clear up.

This event will be video documented, and this will be projected as part of the installation of this work for the Biennale period.

2. At SAM for the Biennale period

The above would then be transferred to an exhibition space for the duration of the Biennale as follows:

Graphic Scores and Audio Recordings

The graphic scores would be hung in the round in a room that is similar to a courtroom in acoustic and feel, i.e., any space with a large sense of acoustic space. A sound system will play choral recordings of the scores through speakers positioned at each score. Each speaker will play a recording of choral music relevant to its respective hanging in a predetermined sequence. In this way, the viewer will be drawn across the space in an acoustic route via the scores.

Video Projection

In an adjoining space, an edited version of the video documentation of the Gala event would be projected in large scale against at least two walls, and preferably on all four depending on the logistics of the space. The aim is to create an immersive visual and audio experience for the viewer and to simulate a sense of the viewer being at the live gala event. The video would have a DIY feel about it rather than something slick with high production values because the 'home-made' effect gives the viewer a stronger sense of intimacy. An example of my previous work made in this way would be this video that documented a fascist demonstration in the UK: <https://vimeo.com/51567173>

I would aim for an 8 minute loop which mirrors the 8 hangings/scores in the other room.

The viewer could experience the works in any sequence. They would encounter two senses of voice in court: an artist's impression through the graphic scores, and a more direct version in the video. However, it would be important also for audiences to be aware of the wider social practice context of the work, i.e. the Court art residency. As such the specially commissioned 'Silence in Court?' blog would be made accessible via a computer for audiences to browse, as well as selected emails, the Gala brochure, project reports and other documents pertaining to the residency collaboration between me and CJC.

PERFORMANCE AND FUNDRAISING ARTS PROJECT

VOICES FROM THE COURTS



THE COMMUNITY JUSTICE CENTRE

NATIONAL ARTS COUNCIL

2016

EXECUTIVE SUMMARY

1. The Community Justice Centre ('CJC') is collaborating with Mr Jack Tan, a UK based Singaporean artist and lecturer with Brighton University (UK) and Goldsmiths College (London, UK) to create
 - a. a musical vocal performance and display of drawings, in Oct 2016 to Feb 2017,
 - b. a set of educational videos, and
 - c. a fundraising gala event.
2. Mr Tan has undertaken an artist's residency with CJC in Jan/Feb 2016 across our offices in the State and Family Justice Courts. Having observed the life of the courts and taken in the soundscape of voices, Mr Tan will create a series of [graphic scores](#) which will be displayed in an exhibition and performed by a choir as part of the upcoming [5th Singapore International Biennale of Contemporary Art](#), curated by the Singapore Art Museum. The work seeks to explore the relationship between *voice and law*. Mr Tan has already secured funding from the project from the National Arts Council of Singapore and as such **there would be no cost to CJC or the courts to develop the work.**
3. To take advantage of the high profile nature of the Singapore Biennale (with over 500,000 visitors expected many from overseas), CJC also proposes to showcase a series of short educational videos as part of Mr Tan's exhibition that highlights personal accounts of the courts by court users, staff and the legal community. The aim is to increase awareness of the Courts' and CJC's services and to further improve the Courts' public image nationally and internationally.
4. In addition, Mr Tan and CJC also propose to hold a charity gala performance event during the opening of Mr Tan's exhibition on Saturday 29 October 2016, which is also the opening weekend of the Singapore Biennale. This is to raise significant funds for CJC's ongoing and new projects next year. The gala event will comprise speeches by VIPs (Representative from CJC, Director of the Arts House Singapore, Director Singapore Art Museum), musical performances by court staff and canapes/drinks.
5. We consider this project to be a novel and publicitygenerating performance that would represent the State and Family Justice Courts and CJC in a positive manner, and that Mr Tan to be a responsive and responsible partner for the project. CJC recommends that "Voices from the Courts" be accepted as the fundraising event for 2016. The breakdown of projected funds to be raised is as follows:

Corporate Sponsorships	\$250,000
Online Donations	\$10,000
Total	<u>\$260,000</u>

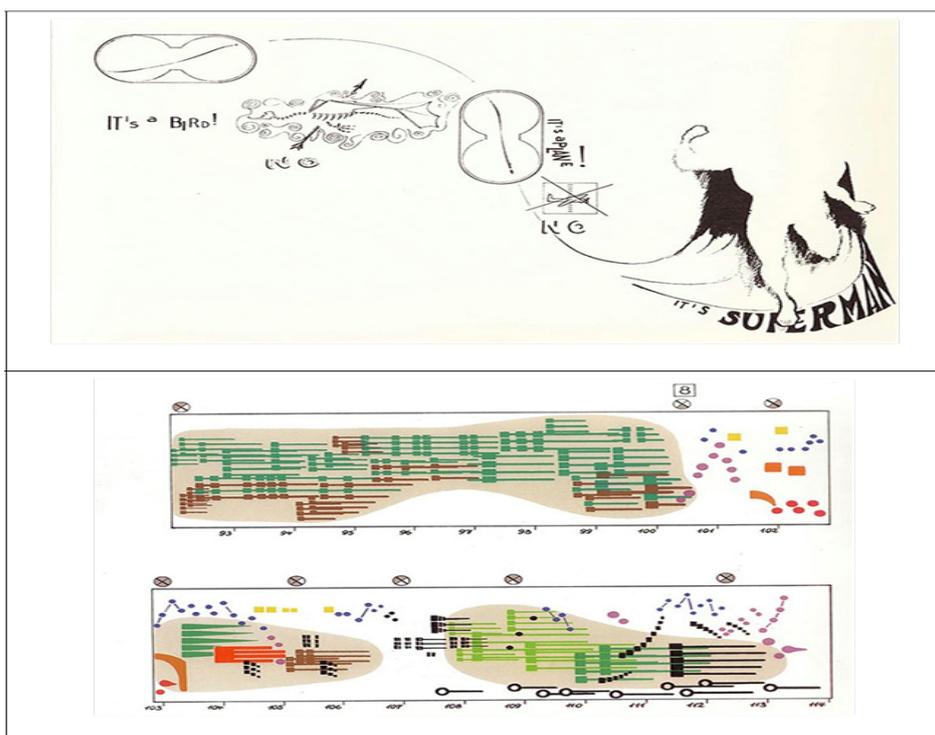
6. Finally in order to further promote the work of CJC and the Courts, CJC will commission a series of videos also titled 'Voices from the Courts' which highlight stories from court users, family members or stakeholders whose voices need highlighting. CJC will run a student competition in order to produce these videos.

A. THE ART

One of the strengths of CJC is in its ability to engage entities and form collaborative partnerships with them. CJC has evaluated that we can develop one such relationship with Mr Tan and the National Arts Council (see Appendix 1 for a biography of Mr Tan). His proposal would benefit the CJC in the following manner:

- Create greater awareness among the audiences/public about CJC's services and the justice process in general;
- Enhance public perception of its role in the State Courts and other courts;
- To raise funds for CJC's operational costs by enabling CJC to access a new range of patrons and new audiences/supporters (See Section C below).

The art work will comprise a set of graphic scores inspired by the Mr Tan's period of research in Jan-Feb 2015 with CJC (see below for examples of wellknown graphic scores).



Ligeti (1958) Artikulation

These graphic scores will be displayed and performed by the ACJC Alumni Choir during the opening week of the 5th International Singapore Biennale of Contemporary Art on 29 October 2016. The display and choral performances will also be part of the CJC fundraising gala event on the evening of 29 October 2016. Thereafter, for the remaining 4 months of the Biennale (October

2016 to March 2017), the work will be transferred to the Singapore Art Museum and installed together with an edited video of the gala event and the four winning videos from the 'Voices from the Courts' student competition.

Mr Tan envisages four stages of production in order to create the art work.

Stage 1: Artist's Residency (JanFeb 2016)

Mr Tan has undertaken research period as artist-in-residence at the Community Justice Centre (CJC) where he explored voice in court. Mr Tan is interested in courts as sites for *vocal production and the aesthetic dimensions of the how voice occurs in court*, be this formally in hearings or informally outside courtrooms.

Taking an ethnographic approach, Mr Tan worked alongside and volunteered with the CJC. He observed, collected material and drew inspiration from the court soundscape, which include within the CJC's HELP Centre — *conversations, words, ambient noises — and the architecture to create a series of graphic scores from which a performance will be created.*

During the residency, Mr Tan considered the following questions:

- When a person speaks in court and in law, what is the resonance or timbre of their voice?
- What kinds of text, speech, and vocalisations occur in court? e.g. declarations, pleas, whispers, grunts, etc.
- Do court spaces (in particular the space of the Supreme Court) behave as sounding boxes for law, and if so how?
- When an LIP is receiving legal advice from a lawyer at the HELP Centre, what is the tone used by the LIP and the lawyer when there is such conversations? E.g. agitated, calm, expressive, etc.
- What is the tone use by a FLIP volunteer when he is providing emotional support to an LIP? e.g. soft, reassuring, firm, etc.

Stage 2: Creating graphic scores (Mar Sep 2016)

Following the residency period, Mr Tan will create series of graphic scores, which are pictorial representations of music. They will be exhibited as large drawings in a gallery space. Text used in the scores will be derived from printed or online CJC or Court publicity literature and/or spoken words encountered by the artist during his residency with CJC. The scores would be created in two phases:

- Phase1 (MarApr): creation of scores on paper for the 30 July performance at the pre-fundraiser event)
- Phase 2 (AugSep): creation of scores in textiles for the 29 Oct performance at the gala.

Stage 3: Musical Interpretation of Graphic Scores (June - Sep 2016)

After the creation of the graphic scores, Mr Tan will work with Mrs Valarie Wilson, conductor of the ACJC Alumni Choir, to interpret each score and to determine the vocal performance. **The ACJC Alumni Choir is a multi-ward winning choir with 20 years of competition and recording experience.** Mr Tan will submit the interpreted score and lyrics to CJC for approval before finalising and rehearsing them with Mrs Wilson's choir in July/Sep 2016. A video of their Advent Concert at The Arts House can be viewed here: <https://youtu.be/uRSUUyqRBlo>

Audio tracks of other music can be heard here:

'Dobbin's Flowery Vale' by Matti Kallio: <https://soundcloud.com/acjc-choir/dobbins-flowery-vale>

'Kaisa Isa Niyan' by Nilo Alcalá: <https://soundcloud.com/acjc-choir/kaisa-isaniyan>

'Gaudete Omnes' by Hieronymus Praetorius: <https://soundcloud.com/acjc-choir/gaudete-omnes>

Recent awards include:

- 2012 Winner at 3rd International Krakow Choir Festival
- 2011 Gold Stamp at Tampere Vocal Music Festival
- 2010 Winner of 3 Gold Cups at 4th World Choir Festival, St Petersburg
- 2008 Triple Gold Medalist at 3rd Bratislava International Choir Competition
- 2006 Winner, Mixed Choir category at 60th International Musical Eisteddfod, Wales (historic win as first Asian choir to win this title).

Stage 4: Showcase (Oct 2016)

The graphic scores (see Stage 2 above) will be hung at The Arts House chamber, Blue Room and Gallery 2. There will be a live performance day on 29 October 2016 comprising of hourly performances by the choir near each hanging. For the rest of the 4 month biennale period, the drawings in Stage 2 will be hung at the Singapore Art Museum as part of a 3 part installation called "Voices from the Court" at the Singapore Art Museum. The other two parts of the installation will comprise of the educational videos (see part B below) and a short video of the gala event (see part C below).

B. THE EDUCATIONAL VIDEOS

We propose to screen 4 short videos commissioned and selected by CJC. These videos will educate the public about the Courts through the eyes of Singaporean youth. If appropriate, they will also be showcased in the Singapore Biennale as part of Jack Tan's installation at the Singapore Art Museum. The videos will be created by art and design students from universities and polytechnics via a competition. The panel of judges will comprise CJC board members, the artist Jack Tan, and other arts or communication industry professionals.

Competition details:

The prize for the competition is an opportunity for the students to showcase their work to an international audience. First prize to be screened at the International Family Law Conference on 29 to 30 Sep and all four could be shown as part of the Singapore Biennale 2016 (Oct 2016 - Feb 2017). A production budget of \$2,000 will be given to each of the four winners.

Timeline of competition and video production:

11 April	Send out competition callout and brief
3 May	Obtain expressions of interest and provide feedback to all applicants
20 June	Deadline for competition entries: one minute sample video and synopsis
4 July	Notification of four winners
18 July	Detailed briefing for winners with CJC and Jack Tan
30 July	Announcement of four winners at prefundraising event
22 Aug	Working progress feedback meeting with video teams
19 Sep	Deadline for submitting finished videos
24 Sep	Installation of videos at the Arts House Singapore

C. FUNDRAISING FOR CJC

This project will also be used by the CJC as its main fundraising activity for 2016. For the first time, CJC will reach out to arts sector donors and patrons as well as its usual supporters. CJC would rope in other partners, such as the State Courts, Family Justice Courts, the Legal Community, the Arts and Culture community, tertiary institutions, local and foreign media, as well as businesses (e.g. through sponsorships and provision of onsite F&B during the 'gala night' (e.g. "18 Chefs" and other social enterprises)).

1. Fund Raising Concept

The Arts House will be the venue sponsor for choral performances and the gala event which would take place on Saturday 29 October 2016. One of Mr Tan's vocal performances to be designated private VIP performances which would lead into the evening gala event. CJC aims to raise \$260,000 from this event.

The breakdown of income will be as follows:

Corporate Sponsorships	\$250,000
Online Donations	\$ 10,000
Total	\$260,000

We anticipate that the main revenue source would be from sponsorships from foundations and businesses. With awareness generated from the event via the press and online, readers would also be encouraged to donate to CJC's cause through our online donation portal with Giving.sg.

2. Fundraising Stages

a. Prefundraiser Luncheon



Due to the fact that this is an unusual project bringing together two different sectors and two sets of patrons, we propose a pre-fundraiser lunch in order to provide information about the project, to create enthusiasm for the fundraising initiative and allow the different sets of patrons to meet each other.

The pre-fundraiser will address both audiences and explain why should arts patrons give to CJC, and why should community patrons give to an arts project. This reduces the risk of, say, arts patrons immediately throwing away letters from CJC because enhancing the accessibility of justice is not normally in their portfolio of giving.

Journalists would also be invited to the event as this unique collaboration is newsworthy. Articles written would also help publicise CJC's work and also to encourage the general public to give to this worthy cause through a crowdfunding that we will set up on www.giving.sg.

Singapore Art Museum would be the venue sponsor for the pre-fundraiser and the luncheon will take place in their Glass Hall. The lunch will take place on 30 July 2016. The capacity of the Glass Hall is 810 tables or 200 standing. There can also be an overspill into the courtyard.



The Glass Hall at SAM



Inner Courtyard next to Glass Hall

Prefundraiser Schedule at SAM	
Friday 29 July	
2.00pm	<ul style="list-style-type: none"> • Install 8 graphic scores in Chapel each approximately 150x200cm, 200gsm • Set up of recording equipment in Chapel
Saturday 30 July	
10.00am-12.00pm	Choir rehearsal and recording in Chapel
11.00am	<ul style="list-style-type: none"> • Catering setup in/near Glass Hall • Room setup for Glass Hall podium, microphone, registration desk, etc
12.30pm	Guests arrive at Glass Hall (served refreshments, provided fundraising literature)
1.00pm	Choral performance at Chapel (open to public)
1.30pm	<p>Return to Glass Hall for Speeches, Announcement of video competition winners, and Lunch</p> <p>Topics:</p> <ul style="list-style-type: none"> • Speeches by Executive Director and artist Jack Tan about the 'Silence in Court?' project, law and art collaborations, CJC's charitable projects and appeal for donations, and publicise main biennale event on 29 Oct to journalists. • Announcement of competition winners of 'Voices from the Courts' video project that highlights perspectives and hidden voices of children and youth impacted by litigation and divorce.
2.30pm	Lunch ends
3.00pm	Clear up and vacate Glass Hall
3.00-7.00pm	Graphic score display remains in Chapel (open to public)
Sunday 31 July	
10.00am-7.00pm	Graphic score display remains open to public
7.00-9.00pm	Takedown of graphic scores (store for Biennale in Oct)

b. Intervening Fundraising Period

After the prefundraiser event, we would follow up all attendees with appeals to donate and an invitation to the main Gala event. Full information packs would be sent to those who were not able to attend. Press interviews will be given to promote the crowdfunding page.

c. Gala Programme and Venue

The gala event will be held at The Arts House (old Singapore Parliament).

We propose the following programme:

- 5.30 – 6.00 pm: Guests begin to arrive (registration in Blue Room, receive brochure/literature, drinks refreshment)
- 6.00 – 6.30pm: Choir performance of graphic scores in Gallery 2, Blue Room and leading everyone to the last performance in the Chamber once everyone is seated.
- 6.30 – 6.50 pm: Three introductions/speeches:
- (1) Mr Chew Kwee San, Vice Chairman of CJC, or Leonard Lee, Executive Director of CJC
 - (2) Ms Valerie Thean, Presiding Judge, Family Justice Courts
 - (3) Artist Jack Tan and/or Joyce Toh, Senior Curator at Singapore Art Museum, or Dr Susie Lingham, Director of Singapore Biennale
- 6.50 – 7.10pm: Screening of the 4 competition winning videos
- 7.10 – 7.20pm: performances by court and CJC staff
- 7.20 – 8.30pm: buffet dinner at Blue Room and Gallery 2
- 8.30 – 9.00 pm: End. Clear up.



The Chamber of the Arts House, capacity 200.



Blue Room, capacity 120



Gallery 2, capacity 130

The following guests will be invited for the gala:

- CJC Board Members;
- MinLaw & MSF senior management;
- Members of the Judiciary (Supreme, State and Family Justice Courts);
- CEOs of Sponsors;
- Invited members of the Bar;
- Court and CJC Staff;
- MCCY ministers and senior management
- National Arts Council senior management and Council/Board
- The Arts House senior management and Board
- CEOs of public galleries/museums
- Other grant givers, i.e., foundations or funding bodies, e.g., Tote Board.

3. Rationale for including the Gala as part of the Biennale Art Project

a. For CJC

As a Biennale art project, this initiative extends CJC's fundraising capacity to arts patrons and organisations who would not normally give to social causes. With an economic slowdown expected this year, this project will help CJC to diversify and increase its revenue streams. This project also futureproofs the organisation in a quickly developing charity sector where collaborations and the pooling of resources is becoming the norm. By innovating crosssector partnerships in this way, CJC is leading the way in developing standards for the sector, and showing how socio-legal problems when have to be tackled in a holistic way with expertise provided by other partners.

b. For the Artist and the Singapore Biennale

This project falls squarely within the artist's practice area of 'socially engaged art' or 'useful art'. This approach has its roots in Dada (circa 1915) and Fluxus (circa 1960) with proponents like Marcel Duchamp, Joseph Beuys and John Cage. This kind of work therefore does not often take the typical forms of art like an image (painting, print, photograph) or an object (sculpture).

Manifestations of this art can be event (such as this charity gala), happenings (such as flash mobs) or social projects (e.g., 'Assemble', an art collective, won the prestigious Turner Prize this year for a street regeneration project in a poor area of Liverpool).

Having worked previously within the UK social justice charity sector on anti-Chinese racist crime and violence, Jack Tan retrained as an artist and now continues to explore ways of improving society but through art. By contributing his time, expertise, and effort to help realise CJC's various projects or needs, the artist is also making art according to the 'socially engaged art' approach. As an artistic field, 'socially engaged art' is relatively new but burgeoning in Singapore. The selection of Jack Tan's work for such a high profile platform as the Singapore Biennale 2016 reflects the increasing significance of this kind of art practice for Singapore and Southeast Asia.

4. Funding the project

CJC will allocate an expenditure budget to cover any incidental expenses such as additional manpower costs, rental, utilities, tents, food and beverages. The details are as follows:

Security Costs

While the performances will happen during opening hours, The Arts House has a minimal number of staff on duty, and we will require personnel to secure the building. However, this can be easily and costeffectively achieved because there is only one main entrance to the building.

Ushers and Helpers

Ushers will be provided for by CJC to direct audiences to the hall and to amenities. Also valets will be employed to manage parking. CJC will also pay any wages for staff to assist with these logistics. TCTF would also provide volunteers (scholars) to assist.

5. Fundraising Timeline

By 8 April	<ul style="list-style-type: none"> ● Obtain approval from CJC Board ● Form fundraising committee ● Confirm fundraising strategy what and when to reach targets ● Confirm events plan ● Confirm publicity plan collaterals needed and when to send ● Confirm venues for prefundraiser and gala
By 14 April	<ul style="list-style-type: none"> ● Create press releases and draft publicity content ● Select and brief graphic designers ● Select caterers for prefundraiser and gala ● Reach out to possible performers for gala event from CJC and Court Staff and from outside. ● Confirm list of guests and patrons for prefundraiser
By 29 April	<ul style="list-style-type: none"> ● Finalise publicity collaterals and press releases

By 30 June	<ul style="list-style-type: none"> ● Send out invitations for prefundraiser ● Send out press releases ● Set up webpage and/or crowdfunding page ● Confirm logistics and catering for prefundraiser
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By 30 July	<ul style="list-style-type: none"> ● Organise and hold prefundraiser event
By 26 Aug	<ul style="list-style-type: none"> ● To finalise list of performers ● Fundraising Committee to meet to see how long more to the target of \$250,000
By 30 Sep	<ul style="list-style-type: none"> ● Send out invitations for gala ● Send out press releases for gala ● Confirm logistics and catering for gala
By 29 Oct	<ul style="list-style-type: none"> ● Organise and hold gala event

6. Confirmed Performers to date

- ACJC Alumni Choir (see 'Stage 3' of Appendix below for video and audio samples)
- Lynette Seah – Violin Performance (CJC)



law's imagination

Curatorial Residency by Jack Tan / 3 May - 26 June 2016



arebyte Gallery presents *LAW'S IMAGINATION*, an 8 week curatorial residency by **Jack Tan** that explores the connections between legal and art practice. Through a programme of events, talks, discussions, exhibitions and performances, the programme asks how artistic approaches can unlock or extend the imaginative capacities and capabilities of law.

LAW'S IMAGINATION is a residency presenting Jack Tan's exploration of legal aesthetics via his work as an artist and curator. Through interactions with artists, curators, lawyers, academics, writers and policy-makers, the residency will trace connections between law and art. Tan will present the work of other artists as well as his own in various exhibitions of sculpture, video, text and performance throughout the period. Expert and lay audiences will also be able to contribute to the gallery education programme of discussions, talks, symposium and curated walks in a way that pools their knowledge to arrive at collective understandings of the intersection between law and art. arebyte Gallery will become a site where knowledge is gleaned about legal aesthetics via artistic and curatorial processes, and where such knowledge accumulated over time is made visible in visual, material and textual presentation.



Throughout the residency period, the Gallery will function as the Clerk's Office of **KARAOKE COURT**, a performance and arbitration event on 23 June 2016 at the Yard Theatre, whereby 'litigants' resolve their disputes via karaoke singing under binding arbitration. Artists **FLORA PARROTT** and **MARCO GODOY** will undertake mini-residencies with open studio exhibitions at the end of their respective weeks.

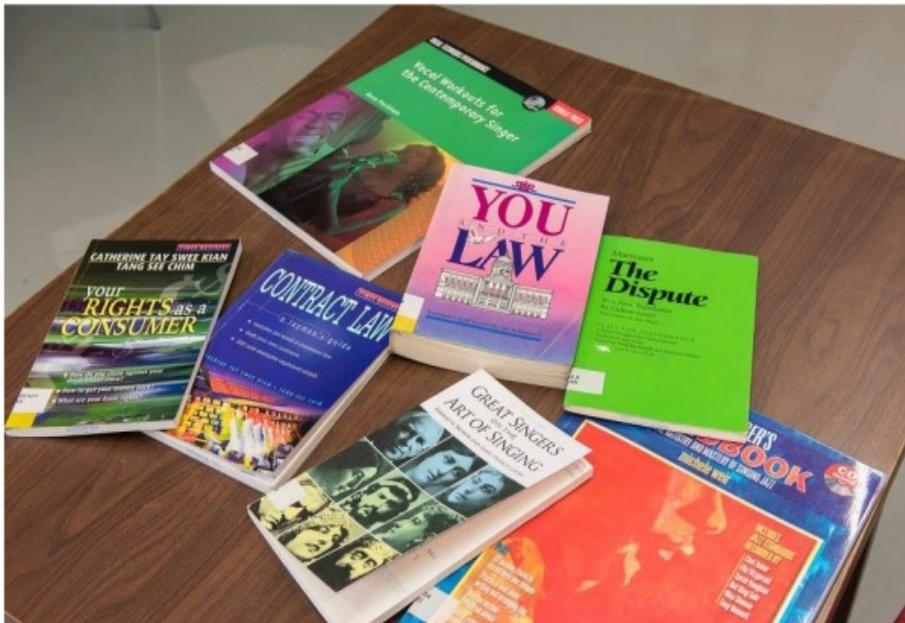
The residency programme also includes **PACKED LUNCH**, a weekly music and chat radio show that brings together guests from both art and legal worlds to discuss common issues. The gallery education programme of artist's talks, roundtables, panel discussions, is delivered as a mock training course to become a '**CERTIFIED LEGAL AESTHETICIAN**',

arebyte gallery | hello@arebyte.com | www.arebyte.com
Unit 4, 49 White Post Lane, Queens Yard E9 5EN| London, UK



simulating the lived reality of training for qualification and the continuing professional development required in formal legal practice. **CARE ACTS** brings together academics in arts, health and sociology, through a methodology of exhibition-making as symposium, to explore how the Care Act 2014 has aesthetically reconfigured carer roles.

The residency is open for viewing during gallery opening hours as an ongoing curatorial research project. Visitors are encouraged to converse with the curators or artists during their visit and contribute to the collective knowledge about the intersection of law and art practice. Resources from the residency will be made available on the [Law's Imagination website](#).



A.2.13 'Hearings' - 8 graphic scores and accompanying text

III

FORM AND PROCESS

1 MINUTE 51 SECONDS

This graphic score is inspired by the idea that the courts are comprised of procedures and forms that initiate proceedings and move them along. I encountered many public information flowcharts at court and used their visual language to describe some questions asked about a litigant-in-person's extenuating circumstances while they are in the court system. In singing this score, the Choir uses drone and spoken word in increasing intensity before reaching a climactic end.

When you file your affidavit together with your Form 4, you must file your affidavit.

FORM AND PROCESS (1 Minute 51 Seconds)

This graphic score is inspired by the idea that the courts are comprised of procedures and forms that initiate proceedings and move them along. I encountered many public information

flowcharts at court and used their visual language to describe some questions asked about a litigant-in-person's extenuating circumstances while they are in the court system. In singing this score, the Choir uses drone and spoken word in increasing intensity before reaching a climactic end.

IV

MY LEARNED FRIEND

1 MINUTE 40 SECONDS

I listened to two senior lawyers exchange arguments towards the end of a hearing. They were typically polite and measured, often using the phrase "My learned friend". The coloured strokes in this score capture the protocol and politeness of turn-taking in court advocacy. However the increasing intensity of colour as the strokes reach the top denotes the increasing earnestness and sharpness of the exchanges between the advocates as they sense the end of the hearing near. The Choir divided in two to sing the score in two halves. One half uses a rising refrain, while the other sings a falling one.

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HOME (index.php?) > ARTISTS & ARTWORKS (artists-artworks.php)

NY BIENNALE (ny-biennale) |

ABOUT (ABOUT-SINGAPORE-BIENNALE-2016.PHP) SINGAPORE BIENNALE 2016: [index.php?r=2016](#)
 26 FEBRUARY 2017
SINGAPORE BIENNALE 2016

(ARTISTS-ARTWORKS.PHP) SINGAPORE BIENNALE ARTISTS AND ARTWORKS

EXPLORE (EVENTS.PHP) NEW PERSPECTIVES | LEARN WITH SBTV (SBTV.PHP)

(AMATLASSOFFICERS.PHP) #SINGAPOREBIENNALE: A CONSTELLATION OF PERSPECTIVES

TOUR (GOOGLE-CULTURAL-INSTITUTE-VIRTUAL-TOUR.PHP) VIEW SINGAPORE BIENNALE 2016 ONLINE

HOME (INDEX.PHP?) > ARTISTS & ARTWORKS (ARTISTS-ARTWORKS.PHP) > JACK TAN (JACK-TAN.PHP)

JACK TAN

B. 1971, SINGAPORE LIVES AND WORKS IN LONDON, UNITED KINGDOM

Hearings, 2016
 Textile hangings with audio recordings (set of 8) (27 to 29 Oct 2016, 2pm) and 'live' performances (29 Oct 2016, 2pm, 3pm and 4pm) at Chamber, The Arts House; bound manuscripts, music stands and speakers with audio recordings (set of 8) at SAH at 8Q (30 Oct 2016 to 26 Feb 2017)

Hangings 150 x 120 cm each; manuscripts 25 x 17.6/25 cm * various widths (closed/opened dimensions, each); recordings various durations 1:04-3:59 mins; 'live' performances total duration approx. 17:00 mins (each)
 Collection of the Artist

SINGAPORE/UNITED KINGDOM

Jack Tan (b. 1971, Singapore) makes work that explores the connections between the social, the legal and art. Using social relations and cultural norms as material, he creates performances, performatives, sculptures, videos and participatory projects that highlight the rules - customs, rituals, habits and theories - that guide human behaviour. Prior to becoming an artist, Tan trained as a litigation lawyer and worked in human rights NGOs. He then obtained a BA (Hons) in Ceramics at the University of Westminster and an MA from the Royal College of Art. He is currently undertaking a PhD in Legal Aesthetics at the University of Roehampton, London.

Tan brings art and law together to explore 'legal aesthetics'. This work presents part of his collaborative project with the Community Justice Centre (CJC). The project explores the experience of litigants-in-person at the State and Family Courts of Singapore. As an artist-in-residence at CJC and the Courts, Tan attended court proceedings, listened to the soundscape of the courts, paying attention to the use of voice, and documented what he heard as drawings. The artist turned his drawings into graphic scores, which were then interpreted and sung by the Anglo-Chinese Junior College Alumni Choir.

Production supported by: Ethan Seow

[ADD TO MY BIENNALE](#)

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VOICES FROM THE COURTS

BY ARTIST JACK TAN AND COMMUNITY JUSTICE CENTRE

Voices from the Courts is collaboration between the artist Jack Tan and the Community Justice Centre (CJC), a charity based at the State Courts and the Family Justice Courts of Singapore.

8 October 2016
Voices from the Courts Art Exhibition

29 October 2016
Voices from the Courts Fundraising Concert

HOME ABOUT HEARINGS SHOWCASE QUESTION TIME SUPPORT CJC SINGAPORE BIENNALE CONTACT PRESS

ABOUT THE COLLABORATION

Voices from the Courts is collaboration between the artist Jack Tan¹ and the Community Justice Centre² (CJC), a charity based at the State Courts and the Family Justice Courts of Singapore, out of which a number of projects, events, exhibitions and artworks have emerged.

Undertaking the first ever artist's residency at the Singapore courts in January and February 2016, Tan explored the soundscape of the courts by attending hearings, sitting in for legal advice sessions, and volunteering in various litigants-in-person help programmes. He focussed on how voice happened in court — timbre, tone, echo, cacophony, lyricism, dissonance, etc. — and in particular the experience of the litigant-in-person. Tan made drawings of the sounds he heard in court which he later turned into graphic scores. These scores were then interpreted and sung by the Anglo-Chinese Junior College Alumni choir to create a sound and art installation called 'Hearings'. This work forms a springboard for a major fundraising initiative where funds for and awareness of CJC's vital work can be raised through music and visual art. The collaboration has produced the following:

Hearings
A work of art that comprises a set of graphic music scores inspired by the voices and soundscape of the State Courts and Family Justice Courts of Singapore, and by the experience of litigants-in-person supported by CJC.

Showcase
A weeklong showcase of *Hearings* as textile hangings within a court and CJC inspired art installation at the music venue Salon du Sens.

Art & Law Question Time
Launching the showcase will be a Q&A panel specially assembled to answer legal questions that artists, designers, curators and gallerists might have.

Fundraising Concert
A celebration of the musical and performance talents of Singapore's Court community with contributions from lawyers, judges, volunteers and staff at The Arts House, Singapore.

Video competition
Engaging with film and communication students from across the country to explore law in ordinary people's lives, a winning video will be screened at the Concert.

Choral Performances
Public performances of *Hearings* by the Anglo-Chinese Junior College Alumni Choir and art installation at the Arts House (part of the Singapore Biennale 2016)

Singapore Biennale
An adaptation of *Hearings* has been commissioned by the Singapore Biennale 2016 as a sound and textile installation at the Arts House, the first Court House and old Supreme Court of Singapore.

¹ Jack Tan is an artist who makes work that explores the connection between law and art. www.jacktan.net

² The Community Justice Centre is an independent charity committed to ensuring that litigants-in-person have access to justice through community partnership. www.cjc.org.sg

A photograph of the ACJC Alumni Choir rehearsing at Satoh Du Sena



Voices from the Courts



‘HEARINGS’ 8 GRAPHIC SCORES

Hearings is a work of art comprising a set of 8 graphic scores that were created by Jack Tan from his residency with the Community Justice Centre (CJC) at the State Courts and Family Justice Courts of Singapore. During his residency, Tan attended court hearings, sat in on legal advice sessions, helped out at CJC's support services desks, and observed CJC's volunteers as they befriended litigants-in-person. During this time, the artist listened to the voices and the sounds around him and thought

HEARINGS

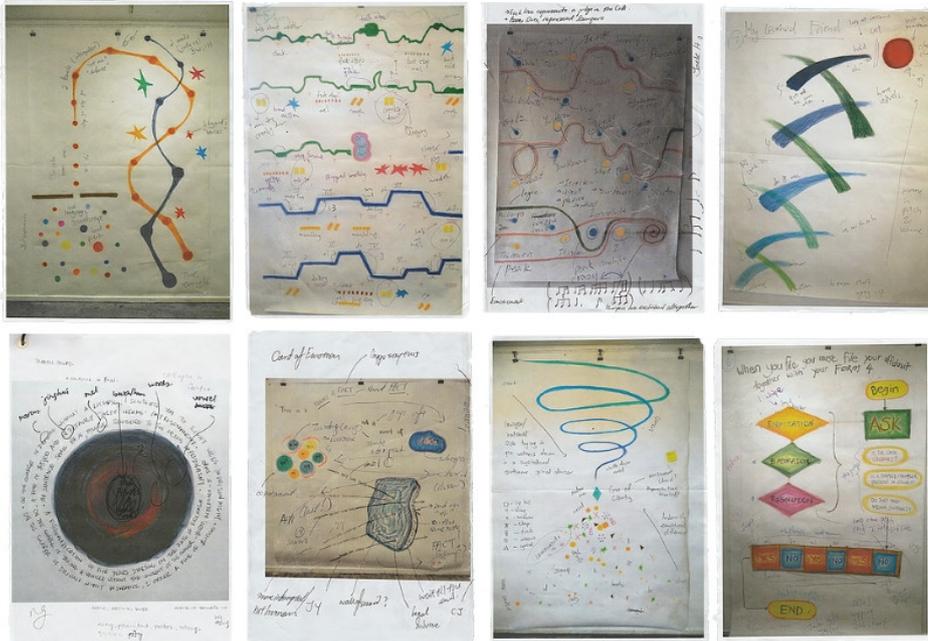
SHOWCASE 1

QUESTION TIME 2

SUPPORT CJC 3

SINGAPORE BIENNALE

Originally conceived as vocal works, *Hearings* is performed by the Anglo-Chinese Junior College Alumni choir. The choir worked together to interpret and sing the scores over 3 rehearsals at the end of which, they recorded their final interpretation. This recording forms part of the art installation of *Hearings* at Salon du Sens (8 - 15 Oct 2016) and has been adapted for exhibition at the Singapore Biennale (26-29 Oct 2016 at The Arts House, and 26 Oct 2016 to 27 Feb 2017 at Singapore Art Museum at 8Q). The choir will perform live at The Arts House on 29 October 2016 at 2:00PM, 3:00PM & 4:00PM.



SHOWCASE AT SALON DU SENS

Salon du Sens, a shophouse music venue, will transformed into a gallery for the *Voices from the Courts* showcase. The exhibition will present large wall hangings of *Hearings*, a sound installation of the work, as well as other artwork inspired by court furniture. During the exhibition launch on 8 Oct 2016, the ACJC Alumni Choir will perform the scores.

The showcase also marks the launch of a fundraising and awareness campaign for CJC's vital work in supporting legal literacy, needy litigants and in promoting access to justice. The exhibition, and subsequent events, is a first in a cross-sector collaboration where a publicly funded artist and a social justice organisation is working together to achieve mutual goals.



ART-LAW

Join us for a legal Q&A panel specially convened by Jack Tan for the arts community on 8 October 2016 at Salon du Sens. Comprising lawyers and professionals with relevant experience, the expert panel will answer questions from artists, curators and designers, and help the creative community think through some of the common legal problems that affect them. Questions covered could include copyright, trademarks, partnership agreements, artist-gallery contracts, tax, setting up an artist-run company, landlord-tenant disputes, making small claims, debt recovery, court procedure and more.

Audience members will be asked to submit their questions upon booking so that popular topics can be identified beforehand and common questions grouped together and posed to the panel on the day. This event is supported by the Pro Bono Services Office of the Law Society of Singapore.

To book a place, fill in [this form](#).

The Art & Law Questiontime will take place on **8 October 2016, 4:00PM - 6:00PM** at Salon du Sens, 49 Nivern Road, Singapore 228397

Panelists:

Samuel Seow is Director of Samuel Seow Law Corporation, a firm committed to becoming an integral and vital part of our clients' businesses by bringing the best legal services experience to entrepreneurs, artists, creative professionals, corporations and consumers around the world through its innovative and unique style of legal practice, based on the principles of passion, creativity and love.

Lim Yueh Fen is an art collector, qualified lawyer and certified public accountant. She is currently a company legal advisor. Her previous work experience was with the Singapore Exchange, Tiger Airways, Allen & Gledhill and PricewaterhouseCoopers. Her legal specialism covers general corporate, corporate governance and regulatory law. She is also an art enthusiast and collector of Southeast Asian art and has a particular interest in large scale 20th century and contemporary paintings.

Zen Teh is an artist and educator interested in man's relationship with the natural world. Zen's art practice is shaped by her proficiency in photography and painting, alongside her continual investigation into interdisciplinary studies of the works of nature and human behaviour. As an independent artist, she has worked with galleries, independent art institutions and government organisations to present her works in local and international exhibitions and art fairs.

[ABOUT](#)

[HEARINGS](#)

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[SINGAPORE BIENNALE](#)

Collaboration. With understanding of the non-profit and legal sector, Leonard is deeply committed to equal access to justice.

Jack Tan is an artist who makes work that explores the connection between law and art. Using law as an art medium, he creates performances, performatives, sculpture, video and participatory projects that highlight the *r les* — customs, rituals, habits and laws — that guide human behaviour. Prior to becoming an artist, Jack trained as a commercial litigator in the UK and worked in civil rights NGOs.

FUNDRAISING CONCERT

A fundraising concert on 29 Oct 2016 at The Arts House culminates the *Voices from the Courts* project highlighting the way that art and law can come together to create new art and to support important social justice programmes such as those run by the Community Justice Centre (CJC). The concert will feature music performances by judges, lawyers, volunteers and staff representing different parts of the court community. A donation of \$200 or more to support CJC's vital work will guarantee a concert ticket.

What the Community Justice Centre does

The Community Justice Centre (CJC) was launched in March 2013 by the Honourable the Chief Justice Sundaresh Menon, to help unrepresented litigants who may be daunted by the prospect of handling a case on their own. The CJC offers these litigants assistance with the courts' processes and procedures, so that that they may better navigate the court system, thereby enhancing access to justice, irrespective of background or social status. The CJC also assists litigants who face financial difficulties or underlying emotional or psychological distress. By working in partnership with social agencies, lawyers and volunteers, CJC provides a continuum of tiered programmes, catering to the individual needs of these litigants.

Programmes that your donations help

Access to justice is about ensuring that everyone is able to get the help they need when they

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A.2.16 Japan Times: “Singapore Biennale takes a good hard look in the mirror”

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thejapantimes

CULTURE

ART

Singapore Biennale takes a good hard look in the mirror

BY JOHN L. TRAN

SPECIAL TO THE JAPAN TIMES

JAN 28, 2017

Malaysian artist Azizan Paiman tells me that to lose weight, all I have to do is make sure that the calories I expend are more than the calories I consume. I already know that, but he's done it, and I haven't. He also tells the small group assembled in his temporary cafe that we need to love each other, no matter what belief system people have. Again yes, agreed, but also something easier said than done.

Paiman's performance piece is a work in the Singapore Biennale 2016: Atlas of Mirrors. Being Singapore, a place with a more established tourist industry than Japan, I shared the cafe with an Indonesian Muslim, two South Koreans, an ex-Catholic Irish woman and an atheist Brit. I wouldn't go as far as saying that love was all around, but the exchanges were friendly, engaging and open.

As an experience overall, "Atlas of Mirrors" could also be described as such. But it was also surprising that, given Singapore's reputation as a buttoned-up technocracy, it was aggressively critical at times and ready to go where other art big events in Asia may fear to tread.

The 2016 Singapore Biennale is the first time, after several years following art in Japan, that I've seen work by a contemporary Japanese artist that unequivocally acknowledges Japanese wartime atrocities. The closest that most art in Japan ever comes to addressing World War II, is to promote or recycle self-pity. Nobuaki Takekawa's "Sugoroku — Anxiety of Falling From History" is laudable not only for its attack on censorship, but also its super-dry wit and visual exuberance.

For haters who think the inclusion of Takekawa's piece is partisan and plays to supporting Singaporean grievances, in the spaces adjacent to this work are satires of the materialistic culture of postwar Singapore and a loaded treatment of the Singaporean justice system. Indonesian artist Ade Darmawan's "Singapore Human Resources Institute," which uses antique and scrap furniture, is a surrealist parody of a real organization of the same name, which was established in 1965 to "champion human capital excellence." "Hearings" by Jack Tan, a Singaporean-born artist living in Britain, is a beautifully crafted mixture of singing, the printed word and diagrams, which turns the functional spoken words of court proceedings into an installation that may at first seem funny "ha-ha" but ultimately identifies civilized human behavior as being funny "strange."

Contestation is a core idea in this fifth Singapore Biennale, which has been organized into nine "conceptual zones." The themes of these reads like a list of Ph.D topics dreamed up by theorists Edward Said, Guy Debord and Homi K. Bhabha after a hard night of not drinking — but I don't think this is intellectual snobbery. Rather it seems to come more out of an anxiety to defend the work as socially relevant and co-opt the authority of the academy in defending the value of art.

In a symposium titled “Why Biennale at All?,” an associated event of the biennale, the various pressures facing the organizers were discussed with a mixture of apprehension, self-doubt and ennui. Donald Trump had been inaugurated just before the opening of the symposium, sprinkling a Cheeto-dust pall over the discussions.

The keynote speaker, Andrew Gardner, associate professor of Contemporary Art History and Theory at the University of Oxford, talked about the importance of “modest gestures” in consideration of the bloat, excess and bluster of state-sponsored art events designed to project soft power around the globe. Professor Patrick D. Flores of the University of the Philippines, and key figure in the Asian Art world, made the case that art festivals need to be lively events, open to the possibility of radical innovation. After providing the negative example of artist-curator Raymundo Albano’s frustration at the stifling bureaucratic control at the 1980 “First Asia Art Show” at the Fukuoka Art Museum, the proceedings were aggressively interrupted by artist Niranjan Rajah, who ate into everyone’s lunchtime with a lengthy attack on cultural imperialism and commercialism.

It’s a toss-up as to which of the chairperson’s reactions was more depressing: her initial desire to shut the artist up using security staff or, overcoming her shock and realizing that the kerfuffle was all carefully planned, coming out with a laconic “OK, we have an intervention here.”

There are three major issues for the Singapore Biennale’s survival as an event, let alone a successful one: A state sponsor whose stance on life and culture is “be happy or you’re not welcome,” (less drastic than William Gibson’s view in 1993 that Singapore is “Disneyland with the Death Penalty,” but still ...); the fickleness of globe-trotting art professionals for whom the biennale is old hat; and the indifference of a working population who may perceive contemporary art as irrelevant to their lives. The debut of the plinky-plonky, shopping-mall-friendly world of the Benesse Art Prize at this biennale is a mixed blessing.

Despite all this, thanks to the gentle hospitality of museum staff who help, rather than herd you; a curatorial team who do not take their responsibilities to art lightly but also understand the need for play; and, not incidentally, some outstanding work; “Atlas of Mirrors” was pretty damn good, from a taste, and nutritional point of view.

Singapore Biennale 2016: Atlas of Mirrors runs until Feb. 26; Standard tickets are 20 Singapore dollars (¥1,605). For more details, visit www.singaporebiennale.org (<http://www.singaporebiennale.org>).

WHAT'S TRENDING

EDITORS' PICKS

1 Japanese officials play down Trump’s security treaty criticisms, claim president’s remarks not always ‘official’ U.S. position



2 More than 1.09 million residents in Kyushu ordered to evacuate as torrential rains continue



3 Japan’s gender problem is a ‘human disaster,’ says award-winning scholar Chizuko Ueno



ART AGENDA

“An Atlas of Mirrors,” Singapore Biennale 2016

by Qinyi Lim

October 27, 2016–February 26, 2017

Under the artistic direction of Susie Lingham, Director of the Singapore Art Museum, and nine other curators, the fifth edition of the Singapore Biennale, “An Atlas of Mirrors,” showcases sixty artists and three artist collectives from nineteen countries and territories around South, East, and Southeast Asia.

Spanning eight venues in close proximity to one another within Singapore’s art district and old Jewish quarter, the exhibition, with its clear signage and omnipresent air conditioning, provides a respite from the otherwise natural, sweltering, and mosquito-bite-inducing equatorial humidity. Despite this, a certain discomfort pervades the exhibition space. With its title and nine subthemes, the biennale would be confounding to any viewer, even without the mediation necessary for presenting contemporary art to a lay audience. Dominating wall captions fail to elucidate any ideological or social impulses behind the artworks presented, pointing to the exhibition’s slow passivity and abject apolitical nature. While some in the field have criticized previous iterations of the Singapore Biennale for being safe and leaving little room for critique,¹ this edition’s passivity poses the question of how one deals with a decade-old biennial born of a capitalist development agenda. The Singapore government originally launched the biennale as the anchor cultural event of the 2006 IMF/World Bank meeting in Singapore in order to highlight the country’s prominence as an international art center.² The question is especially relevant given that the biennale has repeatedly proven to be a Debordian spectacle—one driven by the promotional language of economic developments and nation-building rhetorics. Since the last iteration, it’s paradoxically become a gesture of Singapore’s greater geopolitical assertions over Southeast Asia.³

If anything, I would have hoped that “An Atlas of Mirrors” would offer a greater opportunity to engage in meaningful discussions already taking place in the region rather than an all-encompassing universalism. Conspicuously absent is any debate that might complicate the supposed neutrality of the acts of mapping and mirroring in light of the different modes of coloniality, post-coloniality, and decolonization present in the region.

The leeway afforded by this blanket invitation manifests across the biennale through a homogeneity of visual textures in the exhibited works and the literal interpretation of its title. Works such as Harumi Yukutake’s *Paracosmos* (2016), an elegiac, site-specific installation of hand-cut mirrors presented around the central stairway of the Singapore Art Museum; Map Office’s *Desert Islands* (2009, 2016), an installation of 100 mirrors engraved with individual coordinates of islands, questioning the peripheries of geographical consciousness; and Melati Suryodarmo’s *Behind the Light* (2016), a durational performance and installation looking at the means of perception through Asian theatrical traditions with the use of a two-way mirror that fades away, at certain points, to reveal a room occupied by a performer, all located within the Singapore Art Museum’s main building, unfortunately can be reduced upon one’s first impression to the common and literal use of materials such as mirrors.

Under the weight of the hyperexpansive theme, some of the biennale’s new commissions are seemingly uneven and tired in presentation and research. Ade Darmawan’s *Singapore Human Resources Institute* (2016), a cheeky look at the “peripheral histories of capitalism” consists of an installation made of found objects, furniture from offices and domestic environments in Singapore and Indonesia, and literature about the statistics of social demographics and productivity. It seems reminiscent in methodology of *Singapore Fiction*, a site-specific

taux museological and archival installation of a purported Austronesian companion of Ferdinand Magellan, the first person to successfully circumnavigate the globe, takes on the familiar trope of questioning the dominant narrative of the *Mat Salleh* (white) hero.

Given the statements that the biennale strives to make, it is the works that are grounded in negotiating and problematizing modes of representation within a certain locale that linger in the mind. *Witness to Paradise* (2016), a curatorial project consisting of works by Nilima Sheikh, Praneet Soi, Abeer Gupta, and Sanjay Kak, looks at Kashmir, its history, and its ongoing conflict in a solid, elegant, and quiet installation at 8Q, an outpost of the Singapore Art Museum. The viewer is greeted on one side with wool, silk, and cotton embroidered garments as part of Abeer Gupta's *The Pheran* (2016); four tempera paintings that refer to the nature of destroyed beauty by Nilima Sheikh (*Another Chronicle of Loss*, 2009; *Sarhad 3*, 2014; *Shadows, Stains*, 2009; and *Testimony*, 2008); and Praneet Soi's *Srinagar II* (2016), consisting of 24 papier-mâché tiles that take on the language of material culture to explore the plurality of cultural influences in the region. On the other side of the gallery space there is "Witness to Paradise" (2016), a series of 30 photographs by Meraj ud-Din, Javeed Shah, Altaf Qadri, Showkat Nanda, and Syed Shahriyar Hussainya, selected by Sanjay Kak, which depict the past and present violence of the conflict in Kashmir and which disrupt the melancholic landscape established by the other works.

In the same building, Jack Tan's *Hearings* (2016) explores how memories are constructed and interpreted. Here, the artist records the experiences of litigants at the State and Family Courts of Singapore in graphic scores, which are then interpreted and performed by a local choir. It risks being overlooked, given the small nook it occupies behind *Soap Blocked* (2016), an installation by Htein Lin, but the intimacy of the simple setup of dimmed lighting, music stands, and scores functions as a respite from the visual and offers visitors a contemplative moment to consider how the auditory sense takes hold.

Around Singapore, outside the biennale, the aspirations of "An Atlas of Mirrors" are given more rigorous treatment at two different exhibitions: "Incomplete Urbanism: Attempts of Critical Spatial Practice," at the Nanyang Technological University Centre for Contemporary Art (NTU CCA), and "Radio Malaya," at National University of Singapore Museum (NUS).

The former takes its point of departure from the practice of Hong Kong-born Singaporean architect William S.W. Lim (b. 1932) and the Asian Urban Lab, an initiative started by Lim and his colleagues in 2003. Curated by Ute Meta Bauer, Khim Ong, and Magdalena Magiera, this exhibition explores Lim's many treatises on architecture and urbanism from 1950s Singapore through commissioned projects from contributors such as Laura Miotto, Mark Glode, Sissel Tolaas, Etienne Turpin, and Shirley Surya. Miotto's *Mega Living Room* (2016) takes the form of a support structure in the main exhibition space, creating a living room where points of social interaction can take place. Referencing Lim's proposal of upcycling, Miotto's installation re-uses display elements from earlier NTU CCA exhibitions. These are interrupted by organic wall displays of quotations, quotes, articles, images, and printed material gathered in Surya's *Tracing and Placing "Incomplete Urbanism"* (2016), which attempts to chart Lim's role relative to Singapore, critical urban ethics, and activism. The idea of the urban is stretched through other tangible experiments, including Tolaas's *SmellScape Singapore 2/42* (2016), which creates an invisible landscape through the use of the olfactory sense.

At the NUS Museum, "Radio Malaya" takes its point of reference from an earlier iteration of what is today Radio Televisyen Malaysia, a Malaysian public broadcaster. Radio Malaya existed from 1946 to 1963, the period when Singapore and Malaysia were recognized internationally as the geopolitical entity Malaya. Curated by Ahmad Mashadi and Siddharta Perez, this exhibition uses *A Nation in the Making*, a broadcasted radio play from 1957,

to discuss the possibility of an authentic Malayan culture, leading the viewer to a set of socialist realist woodblock prints illustrating the ambivalence of the issue discussed. Showcasing works from the National University of Singapore's collection interspersed with contemporary artists including Debbie Ding, Heman Chong, Michael Lee, Amanda Heng, Jose Tence Ruiz, "Radio Malaya" looks at the complexities of historicizing an uneven multicultural scene through a singular (and, at times, Western) vernacular.

Reflecting back on the Singapore Biennale, it can be said that it is easy to make singular and sweeping themes from a position of privilege—governmental or otherwise. However, at the point of writing, with the increase in self-organized art spaces and tertiary education institutions in Singapore and the region, coupled with a highly developed audience, can a biennale that has so far fallen short of its touted complexity and reflexivity justify its existence beyond as a mere charade for larger political colonialist designs on the region's art narratives?