

Law Text Culture

Volume 24

Article 20

2020

Law with the Sound of Its Own Making

Danilo Mandic

University of Westminster, d.mandic@westminster.ac.uk

Follow this and additional works at: <https://ro.uow.edu.au/ltc>

Recommended Citation

Mandic, Danilo, Law with the Sound of Its Own Making, *Law Text Culture*, 24, 2020, 515-549.

Available at: <https://ro.uow.edu.au/ltc/vol24/iss1/20>

Research Online is the open access institutional repository for the University of Wollongong. For further information contact the UOW Library: research-pubs@uow.edu.au

Law with the Sound of Its Own Making

Abstract

This paper makes use of Robert Morris's *Box with the Sound of Its Own Making* (1961) as an analogy and a structural device to put forward an understanding of law as a sonic artefact. Similar to this sculpture, or sound of sculpture for that matter, it proposes that law, a statue-like formation, is constituted by its own ever-lasting sounding that continuously shapes the spatial and temporal field in which it reverberates and encloses subjects and objects. By resisting law's tendency to instrumentalise and objectify sound, the paper argues that such sonic quality cannot be reduced to law's own pronouncements and vocalisations only. Instead, it traces the sonic beyond that which is audible to law or what an ear can hear. By drawing on the work of the French philosopher Michel Serres it demonstrates the relational qualities of sound, noise, and hearing as intrinsic qualities to the body and functioning of law. Approaching sound and its relation to law in this way not only brings forward questions about the ontological bearings of law, but it also allows to sound out novel epistemological passages for hearing, understanding, and thinking about law.

Law with the Sound of Its Own Making

Danilo Mandic

Facet 1 [Box]

Box with the Sound of Its Own Making (1961), first exhibited at Green Gallery in New York in 1963, is one of the first works in a series of small sculptures that the American minimal artist Robert Morris produced in the early 1960s. In light of minimalist art's moving away, and therefore questioning modernist approaches to making and understanding artworks, this seminal work challenged many of the established formalist norms by questioning what constitutes an art object (or a sculpture), and in particular its relation to the viewer and environment (Kim-Cohen 2009, Weiss 2013, Strickland 1993). *Box with the Sound* is a cube made out of walnut wood with identical dimensions of nine and three-quarters inches on each side. The sculpture is mounted on a pedestal. Inside the box there is a speaker that plays the three-hour-and-a-half long recording made during the construction of the box by the artist. The sounds are those of sawing, hammering and sanding. To the intrinsically silent quality of the wooden sculpture, Morris integrates sound as both medium and material in order to not only actualise and exhibit an object (the box) but also to question what constitutes the production and representation of the work. Regarded as one of the earliest works that simultaneously functions 'as a sculpture and a sound work', *Box with the Sound* concerns experience, reception, interactivity, the interplay between form and content, as well as notions

of 'authorship, reflexivity and intentionality (the box clearly didn't make itself)', thus establishing itself as a seminal marker to the discourses of sound art and conceptual art practices (Kim-Cohen 2009: 40-80, Bird 1999: 158, LaBelle 2015, Bryan-Wilson 2013).¹

In the period between 1961 and 1964, Morris constructed a number of small sculptures (many of which were boxes in different contexts) that were 'portraying the changing status of medium through representational means' (Weiss 2013: 58). These 'process-type objects', in Morris's own words, had a rule to 'evidence, or at least suggest, an event ... a generative one which reduces agency and leaves the object as a trace or indexical sign' (ibid: 308). While the evidential nature of the work, in both its visual and sonic sensations, encapsulates the artist's labour, the recording playing on loop from within the box demonstrates sonic agency in the material construction of the box. Accordingly, through the 'process [that] is not visible' although the fabrication is exposed, the box simultaneously conceals and reveals its actualisation – that of being made and making of (Morris 1993: 45). The work, as such, encompasses the spatial and temporal overlap of sculpture's fabrication and form, as well as the 'relationships to and between process and product, the space of production versus the space of reception, and the time of making relative to the time of beholding' (Weiss 2013: 46, Kim-Cohen 2009: 47). Is the sound that we listen to evidence of the event that took place? Is the sound or the actual box a trace of that process? Is the sound the material of the box, or it just 'points toward the immaterial of the box as concept' (Voegelin 2014: 91)?

As already indicated in the title of this paper, the analogy to law is lucid here. This apparent simplicity, stillness and finality of a sculpture on a pedestal resonates with the image of law and its stature.² Similar to this sculpture of sound, or sound of sculpture for that matter, I propose that law, a statue-like formation, is constituted by its own ever-lasting sounding by which it continuously shapes the spatial and temporal fields in which it reverberates. The particular mobility of sound that is in direct tension with the inertness of the box, furthermore, demonstrates an interplay between movement and stillness, time and

space, substance and appearance, inside and outside, process and form, action and norm, integrity and division – all the fundamentals to the body and functioning of law. *Box with the Sound*, both in its process of making and in the act of its exhibiting, opens passages through which to sound out law's formal presence and ever-present formation, its permanent stature and perennial sonority.

In what follows, I engage with tracing and apprehending law's own sonic quality. Such an attempt, I suggest, cannot be achieved by reducing the sonic merely to law's own pronouncements, enunciations and vocalisations; or to the subjects and objects that law gives a voice to (or not); but also, it cannot be limited to the law's association to music or harmony. Put differently, while these different audible instances inform a large portion of law's resounding, as well as the discourses that surround it, I argue that there is a sonic quality to law that precedes and goes beyond that which is 'audible' to law, or merely reducible to what an ear can hear.³ Challenging as it sounds, I suggest that sound's intangible but material quality not only allows possibilities to grasp processes and functions that go beyond law's own representation and form, but also reveals itself as an intrinsic feature to the edifice of law. To this end, I approach sound as a medium, model, method, and metaphoric device – conceptual and material – with and through which we can engage with hearing, understanding and thinking about law.

The significance of viewing and listening to *Box with the Sound* lies in its potential to provide two different analogical modes that run parallel in this paper: the semblance of law to the actual box and the sound of its own making; and thinking of law as sound, thereby identifying properties that they share. Analogies can indeed be fruitful devices for identifying similarities, but they also run the risk of becoming banal. On that account, and as demonstrated below, in parallel to its analogical quality, *Box with the Sound* is primarily deployed as a structural device, an epistemic tool, or a basis for a topological engagement with law as a sonic artefact.⁴ Accordingly, the discussion does not aim to engage with a methodological approach of opening boxes in order to grasp the specific processes and peculiar ways in which law operates and

functions, how law on the books differs from law in action, nor with the success or failure of law's declaratory and procedural proclamations. On the basis of the box from where this sounding out begins, this performative and almost absurd (out of tune) reading corresponds to the six faces of its cubic shape. While interconnected as a whole, each facet is free-standing and by no means the suggested titles – box, statue, sound, noise, hearing and episteme – aim to present themselves as a finite, conclusive or closed interpretations of the issue at hand. Constitutive of the box under observation, they provide passages to discern and apprehend law's varied acoustic qualities and functions, but also introduce different standpoints to the established discourse surrounding law and sound. Corresponding to *Box with the Sound*, the discussion below documents its process by tracing different lines of thought and crossing different realms in sounding out the sound of law.

In order to put forward an understanding of law by way of the two simultaneous analogies read with and through *Box with the Sound*, I appreciably turn to the work of the French philosopher of science Michel Serres. In his extensive and distinctive scholarship, which traverses and connects seemingly disparate categories of knowledge, the notions of statue, box, hearing, sound and noise have been recurring in different forms when commenting on the origins and formations of culture, societies and knowledge, in which law both implicitly and explicitly takes place (Abbas 2005, Mandic 2017, Dolfijn 2018). Echoing Serres's itinerant mode of exploring, in which the subject matter and the method of enquiry often coalesce, the discussion touches upon different aspects, notions and gestures in and through which law's sound can be apprehended. Finally, by looking into the relational qualities of law, sound and the notion of noise, it brings forward questions about law's ontological bearings, but also about the established epistemological passages for thinking about law.

Facet 2 [Statue]

The primary quality of rectangular forms has a long history but, as Morris notes, it is only in minimalist art when 'the forms of the cubic

and the rectangular' become 'self-sufficient' and inform 'the final definition of the work' (Morris 1993: 41). A cube is the only solid hexahedron, perfectly symmetrical with six equal squares, 'a rectangular parallelepiped whose three dimensions are congruent to each other. A parallelepiped itself is an instance of a prism' (Ovchinnikov 2011: 51). In addition to indicating an optical triangular prism that refracts the white light into a spectrum of colours, the etymology of the word *prisma* (from *prizein* 'to saw') signifies the 'thing sawn'. Both sonically and visually, *Box with the Sound* bears witness to the process of being sawn and cut into a geometric object that is closed and separated from the rest.

It is in this gesture of the initial cut-up, the act of demarcating, where Serres locates the origin of our cultures, knowledge and dominion, but also the prime objectifying act of the juridical – to decide on a case (*cause*) designates the origin of the 'thing' (*chose*) (Serres 2015: 59). *Nomos* emerges as a measure or a rule by which appropriation or division takes place and order is established. Both law and geometry emerge from borders, bounds, and analytical thought; and while geometrical 'precision [*justesse*] succeeded even better than justice ... justice, on this point, preceded precision, while identifying it with itself' (Serres 2017: 19). Geometrical orientation is in place when Emmanuel Kant refers to the right as 'a straight line', but also justice's perpendicular precision of 'a right angle' that 'divides the space on both sides equally' (Kant 1999: 32-3). Regardless of which precedes the other, there is an intrinsic obsession with structures and symmetries manifested in judgments, calculus and law thus 'institutions are, in origin, things that stand, constructions, structures' (Goodrich 2010: 190).

The cube, one of the five Platonic solids, is equated with the element of 'earth', the solid and hard matter in which law's formation and action manifests itself. The law marks the space in which it executes and performs, by erecting literal and metaphorical walls in which only that what is legal can enter, a locus in which the judicial power is contained, but still permeable to the outside (Mohr 2011: 110). As Peter Goodrich succinctly comments, 'it is without doubt the case that

rendering walls, or rendering justice, is a play upon surfaces, a war over appearances and more specifically the sites of enunciation, the auditoria, and hence jurisdictions of law' (Goodrich 2010: 207). Indeed, law attains its standing from declaring a right (*jus dicere*). Drawing on the etymological root (*deik-* 'to show'), Jean-Luc Nancy comments that the act of showing is simultaneous to the articulation of law thus juridical in its nature – the 'jurisdiction takes on a pleonastic quality, with *jus* and *dicere* simply emphasising what is inherent to each other' (Leung 2015: 130, Douzinas 2007). For law to bestow a right or grant a 'voice' to a subject in a court it needs to refer to a place of standing – *locus standi*. Beyond this material gesture in which law establishes its form and thereby gives rise to an object or recognises a subject, the edifice of law resonates the word and logic of law, or as Serres notes '[g]rammar and logic create a world in their own image' (Serres 2016: 101, 193). From an incision to a voice, from hard to soft, from *nomos* to *logos*, law's performative gesture and language manifest themselves in, through and from within the standing statue.

In his philosophical treatise on sculpture *Statues*, Serres in his own idiosyncratic way transverses different epochs, disciplines, myths and artefacts to demonstrate that statue is the foundation for the emergence of the subject-object relation, the rise of collectives, and thus the origin of our knowledge. From a tombstone to social and technological edifices, a statue manifests its static equilibrium, an ordered stability that situates, fixates and weighs with its presence. While statues represent important markers that stabilise relations, their inertness also carries the potential of stagnancy and rational oppression. To this hard matter, which is always local, Serres introduces its counter(point), that of music, which is soft, global and omnipresent.

Both of them at the vague border of being and non-being: the statue, appearing, is born to being, makes it be born, drives it to propagate itself in its own and dense neighborhood, whereas music, disappearing, ceaselessly leaves being toward non-being. Two dual or contraposed ontologies. ... The appearance of statuary equilibrium is perpetuated in a permanent and definitive stability. In deviation from equilibrium, music goes and runs by means of a perpetual and immanent instability:

stopping marks its disappearance. ... Two dual or contraposed mechanics. ... The statue ends time and starts space; music finishes space and makes its *début* in time. Each art defies the space or time in the other. Two dual and contraposed aesthetics. ... Through the signal, music passes from noise to language, without touching either of them. The statue remains in silence (Serres 2015: 193-94).

Serres's philosophy is fundamentally drawn to crossings and bridging divisions, hence, despite this apparent dualism he aims to indicate their complementarity, the 'secret relation of duality' by which they both precede language and knowledge (ibid: 191). The apparent static entity of the statue is united with that which surrounds it, both *circum-* (around) and *-stance* (stand), a position that is not 'purely stable or utterly chaotic' but remains between order and chaos, logic and sense – thus it becomes a 'dynamical statue' (Assad 1999: 103-120).⁵ An equilibrium is not static but always dynamic (Webb 2018: 23). Such a view not only goes against our rationalist thinking but it also liberates the statue – its meaning and presence – and infuses it with agency that in a non-linear manner connects and crosses different spatial and temporal instances to trace out and render visible our foundation of our culture, collectivity and mastery.

Box with the Sound, similarly, refers to this duality of systems in its title and execution. By putting a speaker in the box which plays the sound of its construction the artist 'completely split the process and the object. And yet put them both back together again' (Morris 1968). The box synchronously inhabits different spatial and temporal instances – formation and form, production and presence – or as Brandon LaBelle comments 'is both here and there, present and past, audible and fixed, for its presence is made dependent upon the recording of its past, thereby making explicit the presence of the box as material form through the replaying of its very construction' (LaBelle 2015: 81-2). Interestingly, in contrast to common musical composing, as Seth Kim-Cohen notes, the 'score' reveals itself only at the end and paradoxically becomes 'both precedent and descendent of [its own] realization' (Kim-Cohen 2009: 49). In this way, the work of art continuously refers to its own ongoing process of re-making, which never stops despite the 'cube

being a paragon of completeness' (Sylvester 2002: 243).

Law functions based on a precedent, a prescription, an established norm, a *score*.⁶ Similar to the box's sound, it also implies a source that emanates, establishes, informs and becomes a normative presence. The continuum of law's own formation, even though it is contingent and subjected to continuous change, remains static in its formation and is dependent on its origin – *stare decisis* – that is, to stand by things decided that support and substantiate its very standing. As Peter Fitzpatrick observes: 'Sustained in the force of the origin, law remains what it is in its beginning, enduring in a "time out of mind", a permanent rule' (Fitzpatrick 2011: 89). In reference to Morris's box, Allen S. Weiss notes that the 'ultimate paradigm of sound art' is the fact that it is 'determined by sound production as a dialogical activity, a manifestation of social relations, even when it arises from the most seemingly irrevocable solipsism' (Migone 2012: 8). Indeed, the work 'resonates as a self-referential object: what is heard is process and yet what is seen is the result of such process' (LaBelle 2015: 81). The 'own making', already given in the title of the work, explicitly states its self-referential re-creation and permanence. The process is encapsulated in the verbal interplay 'from making to made' where the box continuously actualises itself within an already (in)formed structure. Correspondingly, while law manifests itself as a dialogical activity, its continuous self-referentiality of its own origin, precedent, structure, and principle is what founds, maintains and sustains it. The law's 'self-grounding' manifests in its own relation to time, space and action (Fitzpatrick 2011: 70). However, this grounding is not static but, as Sara Ramshaw substantiates, it is in this continuous tension between law's origin of its own formation and its own renewal where law's inherent improvisational quality manifests itself (Ramshaw 2013a). Morris's box reminds us that what is represented in front of us, proceeds or simultaneously partakes in the process of remaining. For law to confirm its edifice it needs to move so it can proclaim, enunciate, spread and enfold; it is in constant flux (Barr 2016, Manderson 2000). Both present and spread out, the sounding box echoes law's normative constructions by informing space and time with its own resounding

(Philippopoulos-Mihalopoulos 2015, Valverde 2015, Mawani 2014). Law is, I propose, a dynamic statue par excellence: ‘Statue or thesis: singular; equilibrium: duality; system: plurality’ (Serres 2016: 289).

Beyond this apposite analogy by which *Box with the Sound* encompasses the intrinsic interconnectedness between law’s form and sounding, more significantly, it leads us to witness the process by which the intangible quality of sound concurrently informs its material opposite. While the resonating sound from within the box disturbs the stillness of the object it also materialises that object’s physicality and presence. In that sense, the sound not only gives form to the object – sound fills the box and expands the object beyond its walls.

Facet 3 [Sound]

Different areas of scholarship have turned to ‘sound’ as both an object of study and a methodological tool. This apparent resurfacing of sound is not merely a response to the arguably predominant ocular-centric perspectives that have organised and arranged Western knowledge (Jay 1993, Sterne 2003, Erlmann 2010). Sensory studies have traced the historical, socio-cultural, but also normative conceptions that the aural and sensorial inform in the constructions and understandings of our society and political life (Howes & Classen 2014, Smith 2007, Panagia 2009). In parallel, sound studies have invited trans-disciplinary scholarship and prompted a panoply of philosophical, political, cultural and aesthetic readings that think about and with sound (Schulze 2018, Lavender 2017, Chow & Steintrager 2011). Accordingly, sound not only informs the expanding scholarship on experimental music and sound art practices, technological sound processing, performative and voice practices, but is also a means to apprehend and explore the resonating digital, economic and media realms (Herzogenrath 2017, Ernst 2016, Dyson 2014). Sound’s indiscernible noncoincidental quality – the continuously being entangled with subjectivity and objectivity – is ‘what makes sound such an elusive and inexhaustible topic, and one that can be approached in various ways: as history, culture, discipline, fantasy, ideology, and much more’ (Steintrager &

Chow 2019: 12). And, of course, as law too.

Law has extensively been studied through its representational, discursive and performative instances – as image, text and voice. In such a manner, sound, and law’s auditory potentials, have generally been implied or taken merely as a corollary to the understanding and actualisation of law, or any of its specific areas (Ramshaw 2013b, Constable 2013, Sherwin & Wagner 2013). In view of the emergence of sound (and auditory) studies, the recognition of and approaching law acoustically has been both necessary and momentous. It is along these lines that the pioneering work *Acoustic Jurisprudence* by James Parker successfully achieves the aim to frame and demonstrate ‘just how many dimensions of legal thought and practice the acoustic touches, and just how important it is, therefore, that those of us who spend our time thinking about and practising law begin to account for it’ (Parker 2015a: 6). Parker neatly traces, contextualises and situates this against the contemporary legal scholarship, which despite its erudite and rich exploration of law, he argues, has turned deaf ear to sound, and thus rightly calls for recognising ‘that all legal thought and practice *necessarily* takes place in and in relation to sound’ (ibid, emphasis in original).

As shown so far, this discussion concurs with and pursues this position, but with a focus that goes beyond the initial understanding of sound as created by legal institutions, procedural practices or pronouncements of judgments; or sound as a medium in and through which persons express themselves; or sound as a subject’s voice that needs to be recognised so it can be heard; or sound associated with music as a metaphor of law. This discussion rather aims to engage with sound before it is objectified or becomes a medium of law’s own instrumental logic. That is to say, from a system such as law, it is well expected that the peculiar ephemerality of sound does not prevent its common tendency and ability to objectify things (or any abstract matter); it includes sound in its system of values and instrumental relations, of which intellectual property rights (copyright and trademarks), regulation of noise pollution and sonic weaponisation are clear examples (Rahmatian 2015, Mopas 2019, Parker 2015b). In

his insightful discussion on legal imagination of sound, Veit Erlmann rightly criticises the propensity of ‘instrumentalist and objectifying discourses of law’s sound’, which he argues, ‘not only neutralize sound as a mere medium and in the process uncritically perpetuate sound’s absence from musico-aesthetic and legal constructions of subject-object relationship, but they also foreclose the possibility of engaging sound’s agency *in specific legal ways*’ (Erlmann 2019: 152, emphasis in original). To this end, and through the concept of abjection, Erlmann provides an imaginative reading to demonstrate that what allows law ‘to be itself’ lies in its contradictory relation to sound: it being intrinsic to the legal person, subject’s voice, her utterance, while also absent from any substantial mattering to law’s function and its apprehension of sound (ibid: 153, 159).⁷ Once the discussion enters a courtroom (a hearing), sound indeed instantaneously becomes entangled with law’s own doing and the practice of legal interpretations of expressions, meanings, voices and songs through and in which subjectivities arise and juridical reason revolves. In an attempt to apprehend law’s sound and avoid this objectifying and instrumentalising force of law, but also that of its discourse, I turn my attention to sound that is integral to law and constitutive of its bearing.

But then what is sound really? Which sound do we refer to when we think about sound and its relation to law? What is the sound of law? Sound is indeed ‘a particular object that has no substance ... a kind of ideal object that nonetheless has real material effects’ (Cecchetto 2013: 2). This incorporeal quality of sound, Jane Gaines indicates ‘has historically presented a problem for aesthetic theory as well as for legal theory’ since, in contrast to representation, sound cannot be grasped because its materiality is an occurrence which ‘gradually ceases to exist just as we have apprehended it’ (Gaines 1991: 116-17). Sound is never a finite object. Elusive to representation, it manifests a particular ‘mode of being [that is] in a constant state of flux’, multiple and heterogeneous, neither visible nor tangible, always ‘ontologically vague and semantically imprecise’ (Dyson 2009: 5). Sound can be an object, a vibration, wave, event, or flux, and its intangible but nonetheless reverberating material presence thus remains open to different imaginative, auditory and

scientific comprehensions, as well as philosophical conceptualisations (O’Callaghan 2007, Cox 2018). Accordingly, sound’s indiscernible nature lends itself to idealist, phenomenalist, visuocentric and materialist conceptions of sound. These conceptions, in turn, can indeed be meaningfully utilised as imaginative conceptual and methodological tools for exploring not only law’s understanding of sound, but also law’s own sounding. For the purposes of this discussion, I refer to sound in its most wide-ranging capacity – as an auditive quality in all its conceptual and (f)actual potentials. Sound art theorist Douglas Kahn provides a constructive elucidation:

By *sound* I mean *sounds, voices, and aurality*—all that might fall within or touch on auditive phenomena, whether this involves actual sonic or auditive events or ideas about sound or listening; sounds actually heard or heard in myth, idea, or implication; sounds heard by everyone or imagined by one person alone; or sounds as they fuse with the sensorium as a whole’ (Kahn 1999: 3, emphasis in original).

This open-ended apprehension of sound resonates with law’s multiple manifestations and actualisations and it also puts forward an understanding of how they both remain entities that embody different qualities and effect. Put differently, it allows for articulating and grasping the ‘sonicity’ of law beyond its aural qualities (Ernst 2016). In this regard, two material accounts of sound are important to the discussion here. Returning to *Box with the Sound*, one of sound’s qualities is that it has a tendency to envelop or blend by informing a single entity. Since its elusive borderless entity withstands any possible definition, for it to become ‘a specific sound’ requires ‘a boundary. ... a context in order to become a thing, a sonic body, a sonic object: a sound’ (Kim-Cohen 2017: 51). So, for the sonorous to materialise, as François Bonnet comments, it needs ‘to give it body – to give it *a body, even*’ (Bonnet 2016: 64, emphasis in original). He continues, ‘to give sound this body is to place it into matter, to put it in place, or rather, in milieu. This is the necessary prerequisite in order for sound to exist – that is, to be audible – but also in order for sound to make a mark and thus to make a territory of the place’ (ibid: 64-5). Accordingly, sound

not only reverberates the judicial gesture of setting boundaries but also materialises itself, or rather delivers with itself the ‘immediate presence of the real, in all its concrete materiality’ (LaBelle 2015: xv). This is not to say that sound can ever be a fully separated entity but, as in Jean-Luc Nancy’s understanding of the body, it is ‘the unity of a being outside itself’ (Nancy 2008: 133). Echoing Serres’s dynamic statue, it is in the constant extension of the body that Nancy identifies its tension, which etymologically he traces in the Greek word *tonos* – ‘A body is a tone’ (ibid: 134).

In addition to this mattering quality of sound, its expansion, amplification and diversification discerns its relational quality. The quality of sound, LaBelle comments, is ‘intrinsically and unignorably relational: it emanates, propagates, communicates, vibrates, and agitates; it leaves a body and enters others; it binds and unhinges, harmonizes and traumatizes’ (LaBelle 2015: xi). With its potential to disperse, disseminate and envelope sound clearly challenges, subverts and resists the separations and distinctions informed by law; it occupies space, it extends by creating an acoustic space as a ‘sphere of simultaneous relations’ (McLuhan & McLuhan 1988: 110). While reaching this condition may be law’s ultimate disposition, this understanding of sound does not only comprise the formations of subjectivities; but rather, being ‘an inherently relational and “mediational” phenomenon’ it provides a possibility to move away from the dualistic understanding and relationship between subject and object, upon which law subsists (Born 2019: 198). Sound, as Salomé Voegelin suggests, ‘is never about the relationship between things, but is the relationship heard’ (Voegelin 2010: 49). Hearing the relationship is a shift towards the middle where law essentially lies.

Facet 4 [Noise]

Law, or *ius*, etymologically carries the notion of ‘that which is binding’, and shares the same root with *iungere*, that is ‘to join’. On the condition that objects and subjects have been recognised, law validates itself in the relation – it binds two extremes, positions, or subjects by joining

them together in a relation. These relations, regardless of their cause and effect, are established communication paths that law not only informs but also implicitly and explicitly partakes in by creating objects, signs and patterns of interaction that give rise to its ordering nature. To grasp this relational quality of law, Serres suggests that ‘the first legal object was cord, the bond ... [but not] abstractly in the terms of *obligation* and *alliance*, but more concretely in *attachment*, a cord that materializes our relations or changes them into things’ (Serres 1995a: 45, emphasis in original). In order for law to fasten our relations it can be inferred that the cord requires the right tension to balance out the forces of the two ends. Accordingly, the attunement is achieved only through the right adjustment of the vibrating string, and that is where law’s common likeness to universal harmony is often heard.

There is a long tradition of associating the idea(l) of well-balanced order with harmonious music. Perhaps for all the right reasons, music remains a metaphor of law, ‘both a description and a source of law’ (Manderson 1999: 1630). However, while this quality of the divine law is associated with Pythagoras’s discovery of *harmonia*, before the term attained its meaning of a ‘string of a lyre’ and ‘tuning’ it had originally designated ‘fitting together, connection, or joint’, a purely mathematical expression of concordant intervals (McKirahan 2010: 91). In contrast to this arithmetic understanding of harmony, in *Harmony of the World*, Johannes Kepler elaborates a geometric understanding of harmony as congruence of three-dimensional bodies and their proportions, thus ‘cube is a geometric *harmonia* because it is joined together in three dimensions’ (Kepler 1997, McKirahan 2010: 358–59, citing Nichomachus the Pythagorean). Before harmony attains its sonic and musical quality it establishes itself, yet again, in the legal and geometrical – both abstract and material – act of joining and connecting. It is here, I propose, that the initial gesture of establishing a relation instantiates the sonorous quality to law, and where the sound of its making can be apprehended.

Conventionally, harmony stands against noise which is understood as an interference or disturbance that opposes order. The tendency to

organise noise is therefore not only reserved for the understanding of music as 'organised sound' but one that reflects and makes audible the formation of society, and its instances of power and authority (Attali 1985). The disorderly quality of noise is law's opposite; a behaviour, an utterance, an unruly formation or conflict that needs to be disciplined and silenced. Noise not only remains contrary to any reasonable expression in court, but also a backdrop against which any order is possible (Parker 2015: 160-66). In being omnipresent and forceful, noise establishes the omnipotence of the court and its reverberating halls in which one who is heard also listens or obeys the law (Whitney 2011).

In contrast to the common antagonistic approaches to noise, information theory identifies noise as an integral element of the channels that transmit signals. This technical notion of noise informs Serres's notion '*parasite*', which in addition to its biological and social connotations also reads as *static* (noise) in English. Through these different meanings Serres recognises the third element, that of the parasite or noise always present in the middle, as an integral and hence ineliminable part of any relation or medium. This condition, 'ostensibly forbidden by classical logic' introduces a third as a middle in which relations break, exchanges take place, things pass through and events occur – it becomes a fuzzy field between two oppositions (Brown 2013: 87). The equivocal quality of noise presents 'a generalised theory of ordering, of mediation and relationships' that can be applied to an array of different relationships, yet it is always localised and specific to the relation (ibid: 97). In that sense, noise stands as an unavoidable universal, a middle, an intermediary, a medium upon which systems in question depend. As a constitutive element of any relation, noise encapsulates the acts of creation and transformation, compels systems to emerge or collapse, and is where the (trans)formation of our societies, cultures and knowledge lies. The recognition of noise entails that there is no system without noise and 'this constant is a law' (Serres 2007: 12).

In that sense, noise is the initial act of demarcating a line on a white space, it is the act of appropriating or intercepting, or any act of violence that aims to establish itself, its power, its parasitic presence,

and thus create an arrangement that works in its own favour. That is to say, before a relation is established, and thereby an exchange is made possible, a violent act, a sacrifice, a gesture of delimitation is what precedes it. If noise, however, does not destroy the relation or fill the space with clamour within which communication is no longer possible, it reveals its 'functional role' to instil a new system with a new equilibrium, a transitory one until the next parasite strikes again and covers the area in its reverberating noise (ibid: 168). The intermediary in any given relation, in this way, is who has the most power, who is loud enough 'and who makes others be quiet. ... To say anything at all, but to prevent others from saying. It is enough to thunder. Power is nothing but the occupation of space' (ibid: 142). While produced locally it nevertheless moves 'in a single direction and soon it fills the space, the whole space' (ibid: 41). From a means to medium to milieu, noise manifests its sonic quality.

For a system such as law, Serres observes, intervenes to reverse the one-directionality of the abuse and 'invents a double, two-way arrow that seeks to bring flows into balance through exchange or contract; at least in principle, it denounces one-sided contracts, gifts without counter-gifts, and ultimately all abuses' (Serres 1995: 36-7). Law plays an important role in Serres's contemplation on origins, relations and formations. He perceives law both as an abstract and material process, system or agency that binds us into collectivity and enables social relations, but also as an analytical tool that delimits and decides, thus essentially informing object-subject relationships (Mandic 2017: 513). However, if noise holds the position of a third, middle or intermediary in any set of relations – irrespective of whether it stands for a concept, a concrete entity or an inanimate object – advances a reasoning to contend that law is noise par excellence (Mandic 2014). Similar to noise, law attaches in the middle and recognises the principles and conditions according to which subjects and objects are recognised and their relations become permissible. In this way, law manifests itself as a means and medium that engenders the relation in question, that is, it being of the relation. On that account, it is here where law gains its formal standing, thereby generating its authority not from being fixed

in a position but from being in the functioning of the relations, by being 'multiple and collective' (Serres 2007: 64). Hence it is in law's interests to organise our 'concrete life as a group' and 'for everyone to be fixed in place and fixed in essence' (ibid: 124, 64). From *static* to static, from noise to statue, law resonates and encloses subjects and objects in its concrete occurrence. Noise, writes Serres,

settles in subjects as well as in objects, in hearing as well as in space, in the observers as well as in the observed, it moves through the means and the tools of observation, whether material or logical, hardware or software, or languages; [noise] is part of the in-itself, part of the for-itself (Serres 1995b: 13).

The continuous background noise both informs and sustains law, its (internal) murmuring, resonance, and nauseating properties. Tyler Whitney is right when she argues that noise is 'both a crucial precondition for the legal system's functionality and an ongoing strategy of control and coercion' (Whitney 2011: 345). Such a functionality and control of law does not come only from noise as reverberation but also from its silent presence (Constable 2007, Mulcahy 2019). On that account, noise apprehends the abstract and material nature of law's rights and duties, its recognition of subjects and objects, its concrete but transforming nature, its prescription and translation, its fixity on function and constant fabrication. That is to say, since every 'sense coexists with its excess, the noise from which sense has yet to emerge', law both adds and filters out noise and it is always part of its functioning (Webb 2018: 22).

Noise is turbulent matter that gives rise to forms, precedes order and disorder, as well as meaning and language; its power is assaulting, its presence is omnipresent, immanent. Therefore, noise is not a phenomenon in itself but 'every phenomenon is separated from it' (Serres 1995b: 13). Law actualises its form by the resonating sound of noise that gives rise to its form as a system of relations. Noise not only attains an acoustic quality that allows us to 'hear' law but also leads us to the middle where law sustains itself. By means of employing several meanings that the word 'middle' conveys – a means, medium and milieu

Danilo Mandic

– noise simultaneously manifests law’s multiple facets and grasps the abstract and material quality of its normative presence, its lawscape, or the soundscape in which it reverberates (Bottomley & Moore 2015, Philippopoulos-Mihalopoulos 2015, Parker 2015a).

Box with the Sound displays the perpendicular serene appearance of law surrounded by noise that both informs it and emanates from it.⁸ The law closes onto itself and becomes a black box. But can we actually hear it?

Facet 5 [Hearing]

Sound is intrinsically coupled with hearing. In contrast to the other senses that require external stimuli, hearing is continuously actual and acute, always immersed even when silent, since the ear is ‘always open, always supplementing its primary materiality’ (Kim-Cohen 2009: xx). Hearing, nevertheless, is not only related to its sensory meaning but also to that of comprehending.⁹ It is not coincidental therefore that a hearing is the ultimate juridical act in which adjudication takes place and law’s sensorial and reasoning capacity – a sense and *sense* – come together.¹⁰

Two aspects need some clarification here. First, hearing needs to be distinguished from listening which ‘is a definite cultural practice’ that ‘requires hearing but is not simply reducible to’ it (Sterne 2003: 19). Listening is fundamentally a political and ethical act that constructs collectives, recognises voices and subjectivities, infuses meaning to that what is said. Thus, it is informed by and subjected to sensorial apparatuses. Accordingly, the authorities of discourse and power, such as law, not only provide the means but also frame to what one can listen and aim to subjugate the listener to obey to what is said (Bonnet 2016, Douzinas 2007). Despite their nuanced but often interchangeable meanings, here I approach hearing as a perception of sound before it attains any meaning, that which precedes the realm of discursivity and signification, that is, *logos*.¹¹ Second, Western epistemology has traditionally tended to both separate the senses, and consequently organise the senses according to a particular hierarchy. At the same

time, there has also been a tendency to understand hearing as a mirrored quality to that of seeing. Indeed, *Box with the Sound* encompasses such interplay between the auditory and the visual, immersion and perspective, interiors and surfaces, contact and distances that could challenge law's predominant reliance on text and vision (Hibbitts 1994). However, such a dualistic approach needs to be carefully avoided, since it is not only restrictive but also not necessarily accurate, in particular when there is a tendency of idealising hearing over that of seeing (Sterne 2003, Erlmann 2004, Classen 1993, Smith 2007).

In *The Five Senses*, Serres goes beyond the hierarchical divisions of the senses by demonstrating their intermingling and expanding the narratives of sensorial bodies beyond their established traditions. His erudite deliberation aims to unravel instances in which the world is given to us but is out of reach because of the logocentric formations of different forms of power and authority, as well as the phenomenological sensations (again experienced through language) accorded to apprehending and experiencing the world. In short, 'there are things, facts, a world beyond our language and logic' (Serres 2016: 102).

More than a coincidence, the section that concerns hearing is titled *Boxes* and uses the notion of box(es) to convey or expand on the act of hearing and thus go beyond the immediate realm of that what is audible. In a way, it is an attempt to 'hear hearing'.¹² To this end, more specifically, Serres recognises the boxes as an integral part of the processes in which hearing – bodily, institutionally, scientifically and even conceptually – takes place. In tracing the hearing, Serres identifies three kinds of audible. 'The primary source of noise is within the body' and its subliminal murmur spreads and integrates by forming 'a black box full of black boxes – molecules, cells, organs, systems – and gradually ... it resolves into information' (ibid: 106). All the rumbling, winds, thunders and earthquakes manifest the second kind of audible, which is 'outside of the social and political' but for which we build 'equally refined boxes around our bodies: wall, cities, houses, monastic cells' (ibid: 107). The final comes from the collective and the hubbub which silences the previous two. This colossal noise, for Serres, is what

defines the social. What neutralises our sense of the world, he identifies in the collective din, the 'autogenic clamour' that encloses us, thus '[w]e live in that black box called the collective; we live by it, on it, and in it' (Connor 2016: 10; Serres 2007: 10, 123). Sound is indeed 'an artifact of the messy and political human sphere' (Sterne 2003: 13).

This imaginative gesture is intrinsic to Serres's non-epistemological method by which the distinction between an object and a subject blur into becoming a 'quasi-object'. Since the corporealising of the sensuous takes place across different planes and systems of relations, hearing is not reducible only to the ear and the anthropomorphic features it entails; the shell, the closure, the boundary, the skin, the box are also constitutive features of hearing (Schulze 2018: 54-82).¹³ This understanding of hearing incorporates but not necessarily reduces the idea of sound and hearing/listening only within formation of subjectivities as Nancy's 'resonant subject' (Nancy 2002: 21, Born 2019: 192-93). This reading, more specifically, provides a way in which hearing does not focus on the object as such (that what is heard), nor on the subject as a reference point in which hearing takes place (or makes sense) but on hearing as an act of transformation (Connor 2005: 158). Hearing, Serres suggests, is a process of transformation of matter, a continuous activity of passing boundaries, from one box to the next, a steady interchange of hard and soft, sensation and information. From the cellular level to that of the social, a chain of boxes receives and transmits, 'yet the reception itself is not transmitted' thus we are presented with the constant problem of not knowing what takes place inside the box (Serres 2016: 139). Since such a reception of what happens inside is never attainable, Serres argues that in order to trap sensation we tend to build similar set of models which function as 'abstract receivers'. In this sense, '[w]e create boxes in order to hear, we connect our ear to a conch to hear the sound of the sea, we build spaces with the express purpose of listening, or hearing each other' (ibid: 139-40). Law creates a protective layer, it stabilises our relations, and it becomes an 'abstract receiver'. A body, a box, a statue, an organism, or law

... raises a taut sculpture or statue of skin, vibrating to the voluminous

sound ... We hear through our skin and feet. ... We live in noises and shouts, in sound waves just as much as in spaces, the organism is erected, anchors itself in space...The moving statue finds its balance in the din as a fish does in water' (ibid: 141)

From a sense to *sense*, Serres leads us to apprehend hearing as an integral element that constitutes any system, a body in its most general sense, a technical device, or an institution such as law – it is an act that simultaneously receives and transmits. It is in this negotiation between hard and soft, matter and information, that law (a box of its own) partakes in the construction of the social box, which is 'defined by walls as well as by ideal' and actively organises the 'ubiquitous hearing' coming from it (ibid: 149). Law is simultaneously a sounding and a hearing device that transforms and translates, but also knows well that '[b]efore there can be successful meaning and communication – the precondition of logic and language – it must presuppose a music which is victorious over noise, must invent it, must risk composing it' (ibid: 126).

It is along these lines that law manifests itself, yet again, as a means and a medium that transforms noise to information. It gives sense and preserves the system to remain, it turns matter into language, fills the milieu with information and thus declares itself as a 'foundation of optimal communication' that 'is equated with music or harmony, an already transcendental condition' (ibid). Music in this context, however, should not be understood as a transformation from 'natural into the cultural' but as 'looping, labyrinthine interchange of the hard and the soft' (Connor 2005: 159). It does not mean an ordered harmony but a sonorous quality – from noise to music to language – the sonic is law's 'pre-condition and its physical medium' (Serres 2016: 123). Law stands vertically and symmetrically whilst submersed in reverberation, it hears and is heard; it is a hearing device that transforms, pursues and maintains. We may not hear its hearing, but we perceive its bearing.

From living cells to the social order, boxes hear and try to make sense by translating matter to information and vice versa. Finally, Serres introduces the third cycle of hearing as that which needs to

Danilo Mandic

turn ‘deaf ear to oneself and the group’ and that which we may simply call it knowledge: ‘It is as though the body were constructed like a box, or series of boxes, through which these cycles pass. As though the collective forms itself into box or boxes through which these flows circulate. And as though knowledge, a world crying out for more attentive hearing, constructs the largest white box of all’ (ibid: 111).

Facet 6 [Episteme]

Box with the Sound of Its Own Making indicates an acousmatic sound whose source cannot be seen but only heard. *Acousma* (‘the thing heard’) is associated with Pythagoras’s pedagogic gesture by which he was hiding behind a curtain and the only thing that his disciples, the *akosumatikoi* (‘the hearers’), could perceive was his utterance. While initially deployed as a technique to access and inform knowledge, the emergence of audio technology is what allowed for the separation of sound from its source and made it possible to hear sounds outside their original context.¹⁴ In addition to the two boxes: the one ‘as a finished and stable material fabrication, and the other as the continual replaying of its building’, there is an existence of a third box, that of a tape recorder (LaBelle 2015: 83). Primarily because of the work’s disposition, but also because of the technological constraints of the 1960s and the work’s large size, Morris hides the tape recorder from display and puts in another box.¹⁵ In electroacoustic parlance, the tape recorder is a black box in which an input signal is stored, transformed and manipulated before its output audio signal can be heard. The aim of a system as such ‘is to achieve “fidelity” between the input and the output, that is, to make them indistinguishable, at least ideally’ (Truax 1984: 8). The hardware of the sound production as an integral part of Morris’s box reminds us of law’s infrastructure, its material elements, techniques and passages that continuously structure norms and rules, translate legal enunciation, link facts to principles, and shape procedures to manifest and confirm law as a ‘regime of truth’ (McGee 2015). However, a perfect ‘fidelity is unattainable’ as there is always a touch of noise or distortion to the signal; otherwise, there

would be no intervention, transformation, or movement and law would become transparent (Truax 1984: 9).¹⁶ Law's apparatus embraces noise to materialise its standing. Law is an immanent form of mediation, it receives and transmits, it hears and is heard, it resonates.

Law is a sonic artefact. Such an approach to viewing/hearing law discerns the acoustic qualities of law but also presents a rather different object of enquiry that is not perceivable otherwise. While the contexts upon and within which law's effect on sounding and hearing are not directly considered in this discussion, that does not imply that our perceptions of law and its acoustics can possibly be extracted from the historical, social and cultural conditions that sustain it. By the same token, sound and its correlate of listening (and hearing) cannot but be acknowledged as inherently situated modes of reality from which identities and sonic bodies emerge, political and social realities are both assembled and challenged, and systemic relations of oppression are put on trial (Henriques 2011, Kane 2016, LaBelle 2018, James 2019). For the purposes of this reading, these aspects are suspended not because they are not integral to thinking about the ordering and normative side of law and its direct relation to sounding and hearing, but because of it. Far from essentialising sound, my intention here is not to claim any privileged status of sound, or that of hearing for that matter, but to think sonically with and through 'sound's pronounced mediality' that, as argued here, conditions and informs law, but also demands the hearing of it (Cecchetto 2013: 10, Mandic et al 2021). Thinking sonically, in such a way, emphasises sound's intangible and material quality; but also, its relational quality to apprehending law. Furthermore, this form of sounding out not only approximates to law, but also invites further exploration into the ways in which sound can indeed, practically, approximate, measure and sense law, its application and effect. In tracing different acoustic qualities, this exploration corroborates the inherent relation between law and sound and propounds that sound encapsulates and informs law's dynamic matter. Beyond this ontological claim, sound proves its potential to question and bridge distinctions and to discern new passages of thinking about law.

Sound and its properties lend themselves to conceptual, theoretical and methodological modes to apprehend or instantiate new realms of understanding. But as Kahn notes, sound should not be understood as ‘a destination’, but as ‘a potent and necessary means for accessing and understanding the world; in effect, it leads away from itself’ (Sterne 2012: 6). It is in this capacity that sound manifests its permeant and transitory qualities and challenges the existing distinctions, subject-object correlations and instilled principles of Western modernity that law palpably resonates with. However, despite the imaginative potentials that sound provides, it is simultaneously subjected to various epistemic edifices that also tend to enclose and frame our understanding of it – that is, they define, close off, and validate their ‘parasitic’ authority that often serves its own ends (ibid, Serres 2007). In that regard, despite sound’s conceptual and epistemic potential, the sonic knowledge production can still replicate Western epistemologies that have a tendency to inform the dualism between culture and nature, object and subject, and also to privilege Western white male conceptions (Goh 2017). Moreover, as Robin James demonstrates, we need to be mindful of the emerging scholarship attending to different ‘concepts of acoustic resonance’ that come to inform, what she calls the ‘sonic episteme’, which qualitatively replicate relations of domination and exclusion informed by neoliberalism and biopolitics (James 2019: 3). Indeed, ‘[e]very possible kind of audible finds sites of hearing and regulation’ (Serres 2016: 111).

Law, as a specific practice and discourse, informs its own episteme dependent on dichotomies and schisms but also on its *logos*. It continuously imitates its own initial gestures, it decides, encloses and defines so to inform an understanding and a way of knowing, thereby establishing its own epistemology. Strikingly, episteme resembles law, not only in its gesture of demarcating boundaries but also, as its etymology suggests, in its tendency to overstand and become a ‘statue’ of its own.¹⁷ To challenge and inquire into law’s established epistemology and practice is the thing that essentially animates the multi-disciplinary nature of law and humanities scholarship, which for all the good reasons, has been evading any form of solidification

as a discipline (Kang 2019). Echoing the discussion above, as if this scholarship shares similar qualities to that of noise in identifying and introducing imaginative approaches to challenging established formations of legal knowledge and practice; noise is indeed a potential means to disrupt aesthetic, political and epistemological positions, or enclosed systems of relations such as law (Malaspina 2018, Hainge 2013, Goddard et al 2012).

This exploration is a response to such epistemological explorations. In addition to substantiating the inherent relation of law and sound, it also demonstrates how the object of attention and its resonance, as presented in *Box with the Sound*, coalesce and become its very method. Boxes inform practices, myths, epistemologies, different system of relations, enclose discourses, and while they contain, they also conceal – they are epistemic tools of ordering and makings sense, or simply world-making devices (Bauer et al 2020). In this reading, the box is approached beyond its role of a container of contents, but rather is put in direct tension with the content that informs its material – the box is instantiated by sound. Even if not visible, the acousmatic brings forward an understanding that it is not about concealing or obstruction, but rather ‘a means of bringing things into focus’ (Chow 2019: 117-18). The ‘thing heard’ exposes itself in the Morris’s box – the source of its own origin and finality – but it also reveals artist’s craftsmanship and practice in its execution.

From sound to boxes to noise to law, this reading sounds out the gestures, instances, and functions that come before, inform and allow us to perceive law’s sonicity, or even think of legality as sonority. Resembling the *Box with the Sound of Its Own Making*, in the end, this exploration encloses onto itself, it resonates and reverberates, reflecting from within its box’s walls, it becomes its own noise and murmur.¹⁸ In a commentary about ‘resonance’ and its potential to demonstrate quality of things that go beyond ‘sign, a discourse, or a logos’, Erlmann finely summarises that ‘[a]n account of something such as resonance must therefore situate itself in a kind of echo chamber together with other things, signs, discourses, institutions, and practices’ (Erlmann 2015:

181).

We should be aware, however, of the *norm* we are using in constructing those chambers, those boxes.¹⁹ ‘To achieve a cubic or rectangular form’, as Morris states, ‘is to build in the simplest, most reasonable way, but it is also to build well’ (Morris 1993: 41).

Endnotes

1. In one of the notes that are part of the Marcel Duchamp’s *The Bride Stripped Bare by her Bachelors, Even (Green Box)* (1934), he proposes the idea of *Sculpture Musicale*. The note reads: ‘Sounds lasting and leaving from different places and forming a sounding sculpture which lasts’ (Duchamp 1975: 31).
2. Statute and statue share the same etymology from Proto-Indo-European root *stā-* (‘to stand, set down, make or be firm’). Also, in Latin *statuere* (‘enact, establish’), *status* (‘position’), and *stare* (‘to stand’). On the inherent relation between law and a statue, Peter Goodrich notes: ‘An effigy, statue, or emblem represented and incorporated the reason of law, it was iconic in the specific sense of establishing the place – the theater, *ecclesia*, court or site of enunciation – of legality’ (Goodrich 1995:110). Importantly, while the terms statue and sculpture are used interchangeably, I acknowledge that they are two different artistic forms.
3. Seth Kim-Cohen, for instance, introduces an understanding of ‘non-cochlear’ sonic art that is not reduced only to the sonic realm but moves ‘beyond the territory of the ear’. In coining this term, he is drawing on Marcel Duchamp’s ‘non-retinal’ visual art which rejected judgments of taste and beauty but also introduced conceptual quality to the existence and experiencing of art that goes beyond the eye (Kim-Cohen 2009).
4. I remain grateful for the detailed commentary and suggestions made by the anonymous reviewer who correctly recognised the topological quality of the box as a structural device to the paper. On that note, I am also grateful to Hyo Yoon Kang, Martin Zeilinger, and Matt Howard for their helpful comments on a draft of the paper.
5. Jean-Luc Nancy in his work *Corpus* makes a similar observation about law: ‘The *corpus* is neither chaos nor organism: it doesn’t fall in between the two, but lies somewhere else. It’s prose from a different space, not abyssal, systematic, grounded, or ungrounded. This is the space of the

- law: its foundation slips away from its place—the law of the law itself being always unlawful. ... *Jurisdiction* consists less in enunciating the absolute of the Law, or in unfolding its reasons, than in saying *what* the law can be *here*, there, now, in this case, in this place' (Nancy 2008: 53).
6. A score has a meaning of a notch or line cut or scratched on a surface. In Old English *sceran* ('cut through with a weapon'), and in Old German *scheren* ('divide').
 7. In addition to its original meaning as a mask, the word 'person' has also been associated with *per-sonare* ('to sound through').
 8. Robert Morris makes a direct reference to Marcel Duchamp's work *With Hidden Noise* (1916), which has a cubic form and a ball of twine placed between two horizontal brass plates. Inside the ball of twine, an unknown object produces a sound when the object is moved.
 9. Often the distinction that is made is that hearing is a 'physiological phenomenon' and listening as a 'psychological act'. The former is based on bare sensorial stimuli, the latter requires an additional engagement to comprehend the meaning that sound carries. Jean-Luc Nancy makes an opposite distinction by referring to *écouter* (as listening) and *entendre* (as hearing). He aims to avoid the intentionality implied in the latter and develops an understanding of listening that attends to the former. Brian Kane identifies the nuances and various meanings and translations that exist in the French language and comments on the reasons for Nancy's choice of words (Kane 2012). In this discussion, while I use hearing and listening interchangeably, I also attend to an understanding of a hearing as a sense that does not imply an immediate meaning making.
 10. In Old English *heran* ('obey, judge'). A similar meaning is found in Proto-Slavic (*so*)*slušati*.
 11. The notion of *logos* meaning to 'say', 'speak', or 'enunciate', shares the same etymological root with the verb *legen* which also means to 'gather', 'receive', 'shelter'. Gemma Corradi Fiumara argues that the listening is 'unthinkable' in the 'tradition based on expressive language', that is: 'In the dizzy affirmation of our logos there is hardly "any" space left for the "hidden" but essential tradition of listening' (Fiumara 1990: 29).
 12. Marcel Duchamp in his work *The Box of 1914* has a note which reads: 'One can look at seeing, one can't hear hearing' (Duchamp 1975: 23). The sound and media theorist Jonathan Sterne comments that since

Danilo Mandic

'[a]ll our definitions of sound and sonic phenomena tend toward anthropomorphism' it is difficult to imagine what sound and hearing would be beyond this. He continues: 'If no sound is possible without hearing, then sound studies—but also many forms of politics—begins with hearing the hearing of others' (Sterne 2015: 74).

13. The media theorist Vilém Flusser makes a similar observation: 'Listening to music is the gesture that defeats the skin by transforming it from a boundary into a connection' (Flusser 2014: 117).
14. The acousmatic is what the French composer Pierre Schaeffer in the 1950s refers to in developing his notion of a 'sound object' as a sound that is independent from its source and meaning. Acousmatic music is composed with audio technologies and challenges the traditional forms of composing and qualities of sound (See for instance, Kane 2014).
15. In a drawing/instruction (1960) for *Box with the Sound of Its Own Making* Morris notes: 'Construct box large enough to house recorder'. Morris also writes: 'Construct walnut box with hand tools. Record sounds during construction. Play back through tape recorder' (Weiss 2013: 84).
16. Bruno Latour notes that law 'is *the least technical* of all forms of enunciation: never can it replace orality, textuality, the laborious embodiment of meaning, just as one cannot calculate law by summing it up by the mediation of some mechanical device' (Latour 2010: 272, emphasis in original).
17. In Greek *epistasthai* ('know how to do') from *epi-* ('over, near') and *histasthai* ('to stand').
18. The resonating sound (of law) reflects from the walls within. In Latin *murus* ('a wall'), Old English *mere* ('landmark, border, boundary').
19. In Latin *norma* ('carpenter's square, rule, precept').

References

- Abbas N ed 2005 *Mapping Michel Serres* The University of Michigan Press Ann Arbor
- Assad M L 1999 *Reading with Michel Serres: An Encounter with Time* State University New York Press Albany
- Attali J 1985 *Noise: The Political Economy of Music* University of Minnesota Press Minneapolis and London

- Barr O 2016 *A Jurisprudence of Movement: Common Law, Walking, Unsettling Place* Routledge Abingdon and New York
- Bauer S, Schlünder M and Rentetzi M eds 2020 *Boxes: A Field Guide* Mattering Press Manchester
- Bird J 2013 'Minding the Body: Robert Morris's 1971 Tate Gallery Retrospective' in Bryan-Wilson 2013: 153-176
- Bonnet F J 2016 *The Order of Sounds: A Sonorous Archipelago* Urbanomic Falmouth
- Born G 2019 'On Nonhuman Sound – Sound as Relation' in Steintrager et al 2019: 185-207
- Bottomley A and Moore N 'Sonorous Law II: The Refrain' in de Sutter 2015: 201-219
- Brown S D 2013 'In Praise of the Parasite: The Dark Organizational Theory of Michel Serres' *Porto Alegre* 16/1: 83-100
- Bryan-Wilson J ed 2013 *Robert Morris* The MIT Press Cambridge and London
- Cecchetto D 2013 *Humanesis: Sound and Technological Posthumanism* University of Minnesota Press Minneapolis and London
- Chow R and Steintrager J A eds 2011 'The Sense of Sound' special issue *Differences A Journal of Feminist Cultural Studies* 22/2-3
- Chow R 2019 'Listening After "Acousmaticity": Notes on a Transdisciplinary Problematic' in Steintrager et al 2019: 113-129
- Classen C 1993 *Worlds of Sense: Exploring the Senses in History and Across Culture* Routledge London and New York
- Cobussen M, Meelberg V and Truax B eds 2017 *The Routledge Companion to Sounding Art* Routledge New York and London
- Connor S 2005 'Michel Serres's *Les Cinq Sens*' in Abbas 2005: 153-169
- 2016 'Introduction' in Serres 2016: 1-16
- Constable M 2007 *Just Silences: The Limits and Possibilities of Modern Law* Princeton University Press Princeton
- 2014 *Our Word is Our Bond: How Legal Speech Acts* Stanford University Press Stanford
- Cox C 2018 *Sonic Flux: Sound, Art, and Metaphysics* University of Chicago Press Chicago and London

Danilo Mandic

- de Sutter L ed 2015 *Žižek and Law* Routledge Abingdon
- Dyson F 2009 *Sounding New Media: Immersion and Embodiment in the Arts and Culture* University of California Press Berkeley and Los Angeles
- 2014 *The Tone of Our Times: Sound, Sense, Economy, and Ecology* The MIT Press Cambridge and London
- Dolphijn R ed 2018 *Michel Serres and the Crisis of the Contemporary* Bloomsbury London and New York
- Douzinas C 2007 'The Metaphysics of Jurisdiction' in McVeigh 2007: 21-32
- Duchamp M 1975 *The Essential Writings of Marcel Duchamp* Edited by Peterson E and Sanouillet M Thames and Hudson London
- Erlmann V ed 2004 *Hearing Cultures: Essays on Sound, Listening, and Modernity* Berg Oxford and New York
- 2010 *Reason and Resonance: A History of Modern Aurality* Zone Books New York
- 2015 'Resonance' in Novak et al 2015: 175-182
- 2019 'The Acoustic Object: Sound and the Legal Imagination' in Steintrager et al 2019: 151-166
- Ernst W 2016 *Sonic Time Machine: Explicit Sound, Sirenic Voices, and Implicit Sonicity* Amsterdam University Press Amsterdam
- Fitzpatrick P 2011 *Modernism and the Grounds of Law* Cambridge University Press Cambridge and New York
- Fiumara G C 1990 *The Other Side of Language: A Philosophy of Listening* Routledge London and New York
- Flusser V 2014 *Gestures* University of Minnesota Press Minneapolis and London
- Goddard M, Halligan B and Hegarty P eds 2012 *Reverberations: The Philosophy, Aesthetics and Politics of Noise* Continuum London and New York
- Gratton P and Morin M E eds 2015 *The Nancy Dictionary* Edinburgh University Press Edinburgh
- Goh A 2017 'Sounding Situated Knowledges: Echo in Archaeoacoustics' *Parallax* 23/3: 283-304
- Goodrich P 1995 *Oedipus Lex: Psychoanalysis, History, Law* University of California Berkeley Los Angeles

- 2010 'Postmodern Justice' in Sarat et al 2010: 188-209
- Hainge G 2013 *Noise Matters: Towards an Ontology of Noise* Bloomsbury New York and London
- Henriques J 2011 *Sonic Bodies: Reggae Sound Systems, Performance Techniques, and Ways of Knowing* Continuum New York London
- Hibbitts B J 1994 'Making Sense of Metaphors: Visuality, Aurality, and the Reconfiguration of American Legal Discourse' *Cardozo Law Review* 16: 229-356
- Herzogenrath B ed 2017 *Sonic Thinking: A Media Philosophical Approach* Bloomsbury London and New York
- Howes D and Classen C 2014 *Ways of Sensing: Understanding the Senses in Society* Routledge London and New York
- James R 2019 *The Sonic Episteme: Acoustic Resonance, Neoliberalism, and Biopolitics* Duke University Press Durham and London
- Jay M 2009 *Downcast Eyes: The Denigration of Vision in Twentieth-Century French Thought* University of California Press Berkeley and Los Angeles
- Kahn D 1999 *Noise, Water, Meat: A History of Sound in the Arts* MIT Press Cambridge and London
- Kane B 2012 'Jean-Luc Nancy and the Listening Subject' *Contemporary Music Review* 31/5-6: 439-447
- 2014 *Sound Unseen: Acousmatic Sound in Theory and Practice* Oxford University Press New York and Oxford
- 2016 'Sound Studies without Auditory Culture: A Critique of the Ontological Turn' *Sound Studies: An Interdisciplinary Journal* 1/1: 2-21
- Kang H Y 2019 'There (Should There Be) a Law & Humanities Canon?' *Law, Culture and the Humanities* doi: [10.1177/1743872119857063](https://doi.org/10.1177/1743872119857063).
- Kant E 1999 *Metaphysical Elements of Justice: Part 1 of the Metaphysics of Moral* Hackett Publishing (2nd edn)
- Kim-Cohen S 2009 *In the Blink of an Ear: Toward a Non-cochlear Sonic Art* Continuum New York and London
- 2017 'Dams, Weirs, and Damn Weird Ears: Post-Ergonal Sound' in Cobussen et al 2017: 51-60
- LaBelle B 2015 *Background Noise: Perspectives on Sound Art* Bloomsbury London and New York (2nd edn)

Danilo Mandic

- 2018 *Sonic Agency: Sound and Emergent Forms of Resistance* Goldsmiths Press London
- Latour B 2010 *The Making of Law: An Ethnography of the Conseil d'Etat* Polity Cambridge
- Lavender J ed 2017 'Sounding/Thinking' special issue *Parallax* 23/3
- Leung G 2015 'Jurisdiction' in Gratton et al 2015: 130-31
- Malaspina C 2018 *An Epistemology of Noise* Bloomsbury London and New York
- Manderson D 1999 'Et Lex Perpetua: Dying Declarations & Mozart's Requiem' *Cardozo Law Review* 20/5-6: 1621-1647
- 2000 *Songs without Music: Aesthetic Dimensions of Law and Justice* University of California Press Berkeley and Los Angeles
- Mandic D 2014 *Copyright and Technology: Hearing the Dissonance* (PhD thesis) University of Westminster
- 2017 'Listening to the World: Sounding Out the Surroundings of Environmental Law with Michel Serres' in Philippopoulos-Mihalopoulos et al 2017: 509-533
- Mandic D, Pavoni A, Nirta C and Philippopoulos-Mihalopoulos A eds 2021 [Forthcoming] *Law and the Senses: Hear* University of Westminster Press London
- McLuhan M and McLuhan E 1988 *Laws of New Media: The New Science* University of Toronto Press Toronto
- McKirahan R D 2010 *Philosophy Before Socrates* Hackett Publishing Indianapolis (2nd edn)
- Mawani R 2014 'Law as Temporality: Colonial Politics and Indian Settlers' *UC Irvine Law Review* 4/1: 65-95
- Migone C 2012 *Sonic Somatic: Performance of the Unsound Body* Errant Bodies Press Los Angeles
- McGee K ed 2015 *Latour and the Passage of Law* Edinburgh University Press Edinburgh
- McVeigh S ed 2007 *Jurisprudence of Jurisdiction* Routledge Abingdon and New York
- Mohr R 2011 'In Between: Power and Procedure Where the Court Meets the Public Sphere' in Paasche et al 2011: 99-114

- Mopas M 2019 'Howling Winds: Sound, Sense, and the Politics of Noise Regulation' *Canadian Journal of Law and Society* 34/2: 307-325
- Morris R 1968 'An interview conducted by Paul Cummings for the Archives of American Art, Smithsonian Institution (March 10, 1968) <<https://www.aaa.si.edu/collections/interviews/oral-history-interview-robert-morris-13065>>
- 1993 *Continuous Project Altered Daily: The Writings of Robert Morris* The MIT Press Cambridge and London
- Mulcahy S 2019 'Silence and Attunement in Legal Performance' *Canadian Journal of Law and Society* 34/2: 191-207
- Nancy J-L 2002 *Listening* Fordham University Press New York
- Novak D and Sakakeeny eds 2015 *Keywords in Sound* Duke University Press Durham and London
- O'Callaghan C 2007 *Sound: A Philosophical Theory* Oxford University Press Oxford and New York
- Ovchinnikov S 2011 *Graphs and Cubes* Springer New York
- Paasche M and Radul J eds 2011 *A Thousand Eyes: Media Technology, Law and Aesthetics* Sternberg Press Berlin
- Panagia D 2009 *The Political Life of Sensation* Duke University Press Durham and London
- Parker J E K 2015a *Acoustic Jurisprudence: Listening to the Trial of Simon Bikindi* Oxford University Press Oxford
- 2015b 'Towards an Acoustic Jurisprudence: Law and the Long Range Acoustic Device' *Law, Culture and the Humanities* 14/2: 202-218
- Philippopoulos-Mihalopoulos A 2015 *Spatial Justice: Body, Lawscape, Atmosphere* Routledge Abingdon and New York
- Philippopoulos-Mihalopoulos A and Brooks V eds 2017 *Research Methods in Environmental Law* Edward Elgar Cheltenham and Northampton
- Rahmatian A ed 2015 *Concepts of Music and Copyright: How Music Perceives Itself and How Copyright Perceives Music* Edward Elgar Cheltenham and Northampton
- Ramshaw S 2013a *Justice as Improvisation: The Law of the Extempore* Routledge London and New York

Danilo Mandic

- 2013b ‘The Paradox of Performative Immediacy: Law, Music, Improvisation’ *Law, Culture and Humanities* 12/1: 6-16
- 2016 ‘Jamming the Law: Improvised Theatre and the “Spontaneity” of Judgment’ *Law Text Culture* 14/1: 133-159
- Sarat A, Anderson M and Frank C O eds 2010 *Law and Humanities: An Introduction* Cambridge University Press Cambridge and New York
- Serres M 1995a *The Natural Contract* Trans E MacArthur and W Paulson University of Michigan Press Ann Arbor (first published in French in 1990)
- 1995b *Genesis* Trans G James and J Nielson University of Michigan Press Ann Arbor (first published in French in 1982)
- 2007 *The Parasite* Trans L Schehr Minnesota University Press Minneapolis and London (first published in French in 1980)
- 2015 *Statues: The Second Book of Foundations* Trans R Burks Bloomsbury London and New York (first published in French in 1987)
- 2016 *The Five Senses: A Philosophy of Mingled Bodies* Trans M Sankey and P Cowley Bloomsbury London and New York (first published in French in 1985)
- 2017 *Geometry: The Third Book of Foundations* Trans R Burks Bloomsbury London and New York (first published in French in 1993)
- Sherwin R K and Wagner A eds 2013 *Law, Culture and Visual Studies* Springer London
- Schulze H 2018 *The Sonic Persona: An Anthropology of Sound* Bloomsbury New York and London
- Smith M M 2007 *Sensing the Past: Seeing, Hearing, Smelling, Tasting, and Touching in History* University of California Press Berkeley and Los Angeles
- Steintrager J A and Chow R 2019 ‘Sound Objects: An Introduction’ in Steintrager et al 2019: 12-19
- Steintrager J A and Chow R eds 2019 *Sound Objects* Duke University Press Durham and London
- Sterne J 2003 *The Audible Past: Cultural Origins of Sound Reproduction* Duke University Press Durham and London
- ed 2012 *The Sound Studies Reader* Routledge London and New York
- 2012 ‘Sonic Imaginations’ in Sterne 2012: 1-17
- 2015 ‘Hearing’ in Novak et al 2015: 65-77

Law with the Sound of Its Own Making

- Strickland E 1993 *Minimalism: Origins* Indiana University Press Bloomington and Indianapolis
- Sylvester D 2002 *About Modern Art: Critical Essays 1948–2000* Pimlico London (revised edn)
- Truax B 1984 *Acoustic Communication* Ablex Publishing Corporation Norwood
- Voegelin S 2010 *Listening to Noise and Silence: Towards a Philosophy of Sound Art* Continuum New York and London
- 2014 *Sonic Possible Worlds: Hearing the Continuum of Sound* Bloomsbury London and New York
- Webb D 2018 ‘The Virtue of Sensibility’ in *Dolphijn* 2018: 11–29
- Weiss J with Davis C 2013 *Robert Morris: Object Sculpture 1960–1965* Yale University Press New Haven and London in association with Castelli Gallery New York
- Whitney T 2013 ‘Listening to the Law: Acoustical Embodiment and Industrial Space in Der Proceß’ *Colloquia Germanica* 46/4: 343–365