

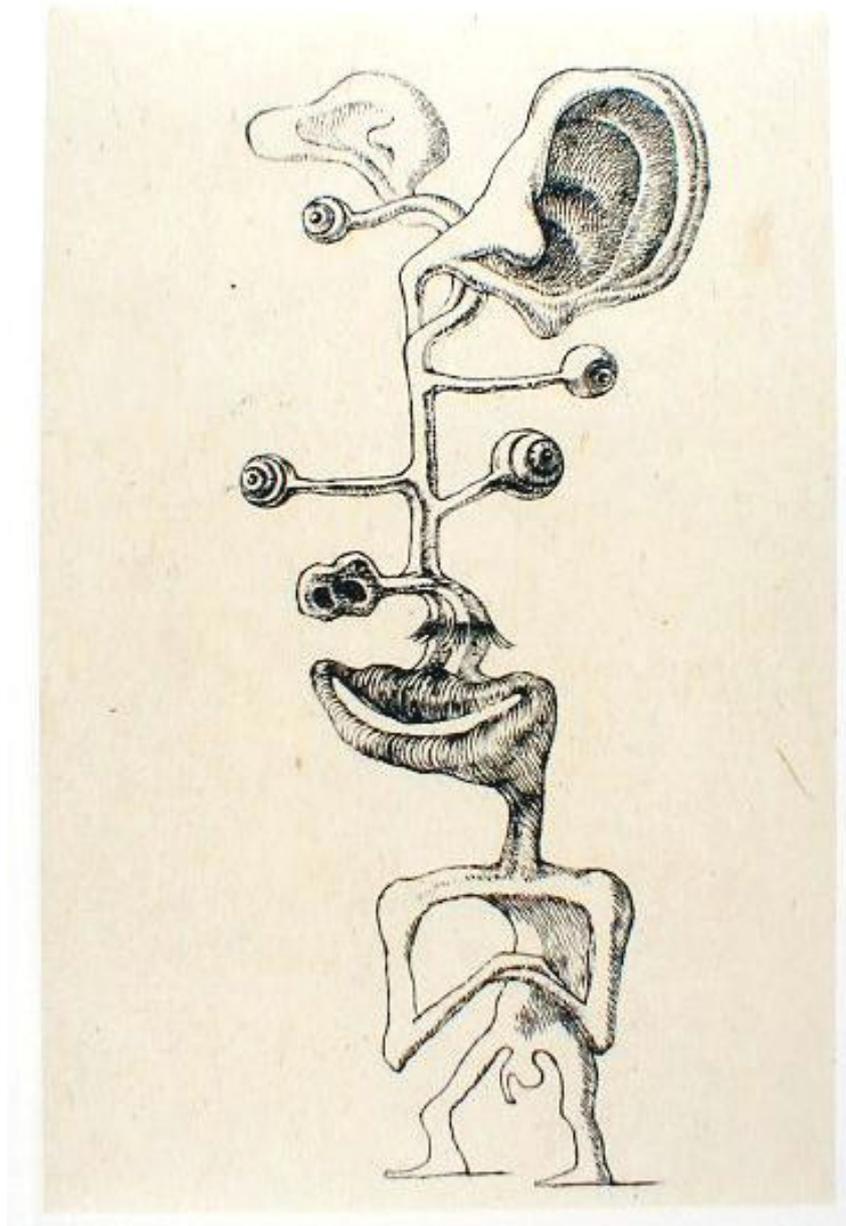
LAW AND THE SENSES

The Westminster Law & Theory Centre

Westminster Law School

London

18-19 April 2013



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[Non Liqueur](#) [The Westminster Online Working Papers]

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Place of conference

The Pavilion,
University of Westminster,
115 New Cavendish Street,
London W1W 7UW

Cover image

Excessive Information Intake Personified, Visible Man. (1975)

Hamada Chimei (1917 -)

Etching

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CALL FOR PROPOSALS

What is Law's relationship to senses? In a sense, Law, the anaesthetic par excellence, is constantly engaged in numbing the senses into commonsense; manipulating, channelling and controlling the sensible; inserting properties and forbidding contacts; dissimulating violence, regulating sounds and defining taste. However, senses are not static. Rather, they are shifting and elusive qualities, constantly reshuffled by socio-cultural and technological changes, always dislocating Law's normativity towards new potentialities. In this other sense, Law emerges from the senses, and whereas senses are a constant arena of legal machinations, they are also Law's constant blind spot and inescapable excess.

Is there then a legal sensing, an illegal sensing, or even perhaps a sensing beyond the Law? How does Law sense? Can Law hear, taste, smell, touch, see? Can Law indulge in sensual pleasures, or is it confined to the anaesthetic arena of common sense? Can senses be a tool to use, know and study Law better? Would this make Law more 'sensible', or instead more suffocating?

The conference Law and the Senses proposes to reflect critically on how law deals with senses, how law senses, how law makes sense. We invite you to think, discuss and question the sound of law, the tactile encounter with its forms, its bitter/sweet taste, its pungent smell, its perspectival gaze. We encourage you to investigate the sensing of law, the capacity for law to (make) sense, and the possibility for Law to sense differently. We welcome trans-disciplinary contributions, from legal, geographical, sociological, psychological, philosophical, political and cultural areas, as well as from the arts (exhibition and performance space is provided).

CON[inter]FERENCE

This conference seeks to interfere with the standard conference format. We wish to shake such an often taken-for-granted scaffolding, not to propose 'better' models, but rather to produce interferences, noise and turbulence, out of which we hope creative encounters would emerge. This does not mean getting rid of the rules and internal regulations of conferencing altogether, but instead opening a fuzzier space for the conference to unfold, by making such constraints less rigid. There will be given no time for presentations, though the duty to prevent them from becoming infinite will remain with the moderator. We invite presentations conceived as a tool for stimulating a debate, rather than unilateral talks addressed to a passive audience. Therefore we kindly ask to refrain from merely reading out papers and rather trying to perform them through your voice and body, handing out material, using powerpoint, notes, other sensory stimulations and any other format you prefer.

The conference inaugurates the [*Non Liqueur*](#) [The Westminster Online Working Papers] first online publication of the new series of papers on law and the senses, aiming to critically reflect on law and the senses. The series encompasses five issues dedicated to each sense: taste, smell, hearing, touch and vision.

PROGRAMME

Thursday, 18th April 2013

Awakening

Beginning 10.30

Screening

Lunching 12.30 - 1.15

Trans-sensing

Coffee 3.15 - 3.30

Echoes

Inauguration 5.30

Drinking

Friday, 19th April 2013

Beginning 10.30

Attuning

Lunching 12.30 - 1.15

Vulnerability

Coffee 3.15 - 3.30

Hearings

Finish 5.30

Any sense?

Screening

Seeing, moving, imagining... graffiti, law and urban space
Marta Iljadica (Southampton)

Imag(in)ing Law: The British Raj and the Red Fort
Kanika Sharma (Birkbeck)

Trans-sensing

And Law's Sense of Time? A Modest Proposal to Recover the Dialogue between Law and History
Riccardo Baldissone (Birkbeck)

Hamlet and the thresholds of 'sense'
Eric Heinze (Queen Mary)

Hope Sense: 'Terrorist' lives in Delhi's Courts
Mayur Suresh (Birkbeck)

Echoes

Reverberation of ©
Danilo Mandic (Westminster) and Daichi Yoshikawa (LCC)

OUR THEME IS ECHO: Sonorous Law I
Anne Bottomley (Kent Law School) & Nathan Moore (Birkbeck)

Atmospherics of conflict
Andreas Philippopoulos-Mihalopoulos and Andrea Pavoni (Westminster)

Attuning

The Art Piece: Unearthing the Sensuous Properties of Law
Daphne Bidstrup Hjorth

A Multi Sensory Approach to Criminal Justice
Amber Marks (Queen Mary)

The Smell of Law
Nicola Pozzani (S Sense)

Vulnerability

British Sign Language and the Law: a modern manifestation of an ancient divorce
Tanyel Oktar (Brunel)

A Dialogue on Vulnerable Encounters and Mutual Healing
Nayeli Urquiza Haas (Kent Law School)

Eyeballing Alcock
Bela Chatterjee (Lancaster)

Hearings

The feeling of Memory: An Anthropological Approach to the Senses in Criminal Courtroom
Ariane Monnier (Paris)

A Musical Trial
James Parker (Melbourne)

ABSTRACTS

SCREENING

Seeing, moving, imagining... graffiti, law and urban space
Marta Iljadica (Southampton)

This paper provides a series of reflections on seeing graffiti in urban space. It contrasts the regulation of placement within the graffiti subculture with the legal construction of urban space to argue that both the experience of creating and seeing graffiti as a writer and the experience of seeing graffiti as a non-writer allows new urban spaces to be imagined. Building on this, the paper considers graffiti creativity as a process in which the tag, the piece and the throw-up are not static expressions but rather traces of movements, histories and emotions.

Imag(in)ing Law: The British Raj and the Red Fort
Kanika Sharma (Birkbeck)

This paper seeks to analyse how law captures its subjects and binds them to it through certain images. For this purpose I have chosen the time period of the start of British rule in India at the end of the Mutiny in 1858. Using theories of psychoanalytic jurisprudence put forward by Pierre Legendre and Peter Goodrich, I argue that the new legal system sought to capture its subjects by utilising images that were already familiar to them. Such images are used for two interrelated purposes: On one level they help to hide the void on which law is premised. These images help the subject to believe that law arises from the State or from the Sovereign and not vice versa. Secondly, the image helps to disguise the lack of legitimacy of the new legal system.

I focus on the Red Fort in Delhi; this Mughal Palace was reconfigured not merely as a Palace but as a symbol of the state. By trying the King in his own Palace, the British state proved its dominance not only over the King but his entire kingdom. The image of the Fort resonated with the Indian subjects who were already attached to it, and the new legal system utilised the image to bind its subjects to itself.

TRANS-SENSING

And Law's Sense of Time? A Modest Proposal to Recover the Dialogue between Law and History
Riccardo Baldissone

Since the Justinianic *Digest*, Western legal thought was forcibly eradicated from its context and history. This systematic destruction of legal historicity was resumed between the eleventh and the twentieth century by the so-called Romanist tradition of legal studies. Apart from a brief Renaissance interlude, the hiatus between the actualizing approach to the juridical tradition and the historicist attitude kept severing legal scholars from historians. On the one side, the divide was fostered by the retrospective projection of the concept of natural law upon Roman sources first by medieval canonists, and later on by their modern epigones. On the other side, even the nineteenth-century attempt to set juridical thought in a historical perspective relied on the assumption of a transhistorical legal rationality, which in the words of Savigny could be assimilated to the foundational narrative of modernity, that is mathematics: 'They [the Roman jurists] calculate with their concepts.' However, whilst the propulsive force of the *Corpus Iuris* seems now to be

exhausted within the legal field, the dialogue between legal scholars and legal historians is yet to resume. Though one could be tempted to relate such difficulty to a more general opposition between *nomos* and *chronos*, we should probably look for a more modest genealogical explanation in the modern recasting of traditional metaphysical dichotomies. In particular, not only the Aristotelian relation of *physis* versus *techne* was re-enacted by the modern dyad nature and culture, but the proportional weight of its natural side became more and more preponderant in the shape of the modern scientific enterprise. We may argue that the pervasive influence of the scientific model of knowledge, with its emphasis on synchronic systematicity and its sidelining of history, easily converges towards the traditional non-historical treatment of legal concepts. If this holds true, the much needed cross-pollination of legal theories and legal histories is doomed to remain wishful thinking, unless the historicity of the divide between nature and culture is acknowledged also from within legal studies. This acknowledgement was first put forth by philosophers, sociologists and historians of science, who questioned the modern scientific claim to simply describe the natural world. If we would accept it within legal histories, we could recognise most past legal theorizations not as a disposable theologically-influenced encumbrance but as substantial contributions to the construction of both nature and culture. In turn, the current legal heirs of theologico-legal speculation, from the individual to the State and the juridical *personae* who populates contemporary legal codes could be reconsidered in the light of their genealogies, rather than of the heteronomous contribution of synchronic scientific studies, so that after having laboriously freed itself from the role of *ancilla theologiae*, Law would not assume that one of *ancilla scientiae*.

Hamlet and the thresholds of 'sense'

Eric Heinze (Queen Mary)

Through references to the senses, Shakespeare constantly contrasts the element of the transcendently human with that which is most conventionally and arbitrarily oppressive within law, as immortalised in Shylock's 'Hath not a Jew eyes?' speech. That same invocation of the senses, as faculties dually serving oppression and resistance, pervades *Hamlet*. The prince's famously 'antic disposition'—the sense he makes of non-sense, and the non-sense he makes of sense—serves as the device for his simultaneous empowerment and disempowerment. All five senses, and possibly a sixth, enter and exit, each ricocheting off the other, methodically and randomly collapsing boundaries between rationality and irrationality in law.

Hope Sense: 'Terrorist' lives in Delhi's Courts

Mayur Suresh (Birkbeck)

How do you live when accused of a terrorist act? By what terms do we describe the lives of 'terrorists' who have been accused of waging war against the state? And how do we frame this power that holds these lives?

Perhaps influenced by the multiple wars, extraordinary renditions and Guantanamo bay, the dominant mode of thinking through the relationship between sovereign power and life has been provided by Agamben (1998, 2005) via his reading of Schmitt (1985). Agamben's argument on the nature of biopolitics and the relationship between life and sovereign violence reduces life to that which exists only in its relation to death. Further, by focusing on the violent state and its relation to death, it elides over the ways in which the law manifests itself in relation to life.

Using interviews of people formerly accused of terror offences, and visual documentation of the everyday lives in Delhi's trial courts, I ask if we can conceive of life in different terms. Living as a designated 'terrorist' calls not for the abandonment of life, as Agamben suggests, but rather an immersion into life and a heightened sense of awareness. To live in a courtroom is to strain to hear a witness, to stretch one's neck over the melee of lawyers and develop a deep and intimate

knowledge of one's case file. To live life through the uncertainty of a trial, calls for a heightened sense of hope. Taussig (2002) speaks allegorically of a 'hope sense': "hope as a sense that is visceral and ever-present, much like the kaleidoscopic experience of a fair", a "carnival of the senses". In my presentation I hope to present a conception of life and the law, where the life is not at the mercy of law, but takes its sustenance from it.

ECHOES

Reverberation of ©

Danilo Mandic (Westminster) and Daichi Yoshikawa (LCC)

Witnessing the ever-growing dissonance between copyright and technological advancement, a question arises whether copyright law makes any sense today. To address this question, an intervention is proposed into copyright's sensory disposition.

This intervention challenges a proposition that copyright is a visually dependent category for reasons manifested in being a property right, but also in the communication means out of which it emerged in the first place. By showing the noisy interference of technology, it would argue that copyright should better 'open its ears' and acknowledge its soundscape.

OUR THEME IS ECHO: Sonorous Law I

Anne Bottomley (Kent Law School) & Nathan Moore (Birkbeck)

Even though we don't have much interest in him, or any intention to discuss him at length, it is useful to begin with Carl Schmitt. Is it right that for the founding of a legal order there must first be an appropriation of space and, if so, is it necessary that the space in question – and thus the limits of the law – have the characteristic of being marked so that they are visible to the eye? Is it the case that we first know the space of law through vision, and – if we are pushed to it – that it is the sight of site which is primary? In this paper, we prefer to begin again, in another place and therefore in another time, and, explicitly, to begin from (with/in) the middle (as, indeed, Schmitt himself does without caring to admit it). Therefore, we begin with that which is already resounding or, more particularly, *echoing*. Echoes are the reverberation of space, the changing pressure of air that comes back on itself, resonates, and interferes with itself. In their own ways, writers as diverse as Brandon LaBelle, Aden Evans, Jean Luc-Nancy, and Deleuze and Guattari have all focused upon the repetition of sound as a more interesting, even a more promising, place to begin the consideration of what we are already in the middle of: sonorous embodiment and the orders of sound.

Atmospherics of conflict

Andreas Philippopoulos-Mihalopoulos and Andrea Pavoni (Westminster)

As soon as one talks about atmosphere, the atmosphere is ruptured. What we intend, therefore, is to create an atmosphere by performing the words. The invitation, however, is not straightforward. You will have to choose in which atmosphere to partake. One is a cosy cafe asphyxiating with intellectual prestidigitations and liberal hyperaesthetic choice; the other is the stealthy atmosphere of the street tagged by a graffiti writer. There is a third one coming too, noisy and smelly. What characterises all these atmospheres is their immanence. Any atmosphere when exposed to the rarefied air of another atmosphere, perishes. Or rather begins its becoming other, in this case other-atmosphere. There can only be one atmosphere at any one moment at any one space. But you, the spectator, is given a rare opportunity, a theological point of überobservation. Three atmospheres splayed before you. Or might that be, again and unavoidably, only the one atmosphere?

ATTUNING

The Smell of Law

Nicola Pozzani (S Sense)

An interactive, smelling session looking for "the smell of law". Working on associations, using our cultural and sensory perception, we will explore and categorise scents in 3 takes. We will also discover how law plays a chief role in the perfume industry via exposure to the current EU debate about perfume ingredients.

The Art Piece: Unearthing the Sensuous Properties of Law

Daphne Bidstrup Hjorth

Each participant will be invited – and encouraged – to participate in an experiment with the artist, who takes on the role as a researcher in cognitive science investigating how senses help us make sense of the world (in this case of law). The researcher will ask the participant where his/her main interest lies within the subject of law, e.g. criminal law, environment law etc., and will encourage the participant to say a few words about what is fascinating about this specific field. Then the researcher will ask the participant to smell something that is hidden in a bag (i.e. no visual cues) and ask how he or she can relate this smell/sensation to law: what types of associations link the smell/sensation and law? After this, the researcher will present visual, tactile and auditory cues and repeat the question.

Background

It is said that "Law... is constantly engaged in numbing the senses". This art piece aims to do the opposite: numb law by forcing it to be defined in terms of senses. In the scientific experiment, we examine the relations between law and senses in the minds of the individual participants and, in the process where the participants search for associations, we also create (or unearth) sensuous properties of law – thus broadening or changing the sense of law as we explore its capacity to make sense to the human mind.

The experiment takes the form of an exploratory conversation and as such it contradicts the very idea of "a passive audience" and "the standard conference format", a point that is further stressed by the intuitive and sensuous approach which takes the "Senses" part of the conference title literally.

A Multi Sensory Approach to Criminal Justice

Amber Marks (Queen Mary)

Is a sniff a search? Can an odour incriminate? What light do cultural myths and classical works of fiction (Aldous Huxley's *Brave New World*, Ray Bradbury's *Fahrenheit 451*, Ken Kesey's *One Flew over the Cuckoo's Nest*, Arthur Conan Doyle's *The Hound of the Baskervilles*, Margaret Atwood's *Oryx and Crake* and William Gibson's *Count Zero*) shed on the interface between the sense of smell and the relationship between the state and the citizen and the assumptions underpinning the law relating to smell? I will identify some of the assumptions underpinning the law's response to the use of the olfactory sense and the possible cultural sources of these assumptions. The principal focus is on the interface between olfaction and the legal concepts of both privacy and lawful searches, and on the role of olfaction in directing investigations, eliciting confessions and securing convictions and the legal response to it.

Which of our (often involuntary) emanations does the state have a legitimate interest in interrogating? Is the heat pattern emanating from our bodies personal data? I will explore the common law's struggle to come to terms with the sensory mutation of police searches, as evidenced by recent case-law.

What modes of sensory communication do we rely upon in legal systems and to what extent do we and should we take account of these in adjectival law? What information is lost when evidence is given by a witness via video link? Can a bond of trust between lawyer and client be created via a video-link?

VULNERABILITY

British Sign Language and the Law: a modern manifestation of an ancient divorce

Tanyel Oktar (Brunel)

My presentation/performance will be engaging with the Western historical debate on the relationship of the mind to the body from an anthropological perspective with a focus on the deaf experience in the United Kingdom. While the relationship of the mind to the body has been addressed philosophically dating back to Ancient Greece, the focus of the paper will be on the modern 'causes' and 'effects' of such a debate on/by the 'deaf citizen' and the manifestations of the dominant mind-body ideology's political, economic, cultural and legal expressions as they are felt and reacted against by the D/deaf individual and community in everyday life. Structured predominantly within the framework of deaf people as sign language users, this analysis of the mind-body dichotomy opens up a wider discussion on the hierarchy and the subsequent (formal and informal) management of the 'senses' (especially hearing, vision and touch) and makes possible for the broader critical approach to other parallel binaries such as symbolic-material, culture-nature, subjective-objective, thought-emotion, rational-sensual, knowledge-skill as other important connections in the realm of human thought and activity central to the anthropological inquiry. The 'critical' approach to such an examination will make use the historical role of the division of labour occurring between mental and material labour. If the 'inferiority' of 'manual labour' over the 'intellectual' in the current day modern State is ideologically endorsed through the law, within the operations of political economy and our schools (just to give a few examples), the association of 'hearing' with 'speech', '(spoken) language' and 'thinking' is then met with their strong disassociation with qualities of not 'hearing', realized through the natural use of the 'body', but especially the hands, to communicate, known as British Sign Language in the UK. In conclusion, the link between the 'oppression' felt by Deaf people in the UK and the historic class struggle is made more apparent and is furthermore emphasized as the way forward in the Deaf community's struggle for social justice through their emphasis on BSL. The historic coincidence that the 'hand' has come to represent both the working class and the Deaf identity is too significant to be continued to be ignored. This is a timely event to emphasize the illusionary split of the mind and the body, the hierarchy of the senses and the subsequent control both minds and bodies, both D/deaf and hearing.

Eyeballing Alcock

Bela Chatterjee (Lancaster)

**Physical injury cripples the body,
fear the mind. At the start the two
are inseparable.*

(Who's afraid of) The Art of
Noise – Sleeve notes, ZTT 1Q2
(1984)

Apropos 'What is law's relationship to the senses', *Eyeballing Alcock* is a work in two volumes exploring extra/sensory perception in psychiatric damage. In the first recording we explore the acoustic sessions of law in giving supremacy to the pure and base senses in nervous shock cases – what must one see, hear, taste and smell in order to recover? The blood is fresh on the pavement, the smoke hangs in the air; it is a sudden assault on the *senses* that is demanded in order to recover for mental injuries. In the acoustic version we see law as supremely sensitive: the senses are alive and prime, positively demanding to be engaged – this is the law as *visceral*. We see the scrutiny of the spatial dynamics of sound and vision, the subtle harmonics of perception that deliver us proximity.

[*interlude*]

In the second recording, the acoustic version is found to be wanting and the graphic equalizer of law duly flatlines. What is produced is a venn diagram of the senses, kaleidoscopic intersections which produce brief flashes of hope yet the narrowest of possibilities. The senses in the first volume are unamplified; raw and unmediated, with their scratches and static, the ratio skipping, the pop and crackle of unintelligibility. An orchestra perpetually tuning up, we have a riot of disharmony, and we see that the law provides a *paradoxical sensuality* - one which purports to hold the bodily senses supreme whilst being supremely insensitive, failing to give primacy to the suffering of grieving relatives, a truly sense/less line of authority, an/aesthetic which purports to feel but is ultimately without feeling. In the remixed version we seek to explore the enhancements of new media, mash-ups, edits, digital remastering, enhanced bonus tracks

leading to digitized proximities via which we can re/vision the law, perhaps restoring it to its sense/s.

As a concept (album), the format is somewhat experimental. Part conference paper, part performance, the live audience will play a key role in the interpretation and understanding of the piece. Delivered (*extempore?*) the piece will also be simultaneously recorded and distributed on CD format. Accompanied by their contemporary aural/visual memory of the event and this sleeve, track listing and set of notes, the audience will be invited to compare and reflect upon their encounters with the material in a temporal and spatial frame of their own choosing, in order to (re)evaluate and think through their own understanding of the dissonance/resonance between the acoustic and technologically mediated sense experience that the law focuses on in the area of psychiatric damage.

~

**Sleeve notes by Bela Chatterjee,
Lancaster Studios, February 2013.**

All rights of the manufacturer and the owner of the recorded work reserved. Unauthorised public performance broadcasting and copying of the work encouraged.

Additional remix and production by Bela Chatterjee, with apologies to The Art of Noise, Agata Fijalkowski and Hybrid. This line of authority can be played on mono producers provided either a compatible or stereo cartridge wired for mono is fitted. If in doubt consult your nearest academic. Also available on music cassette no. 3100 750. Sleeve printed and made in England.

Eyeballing Alcock

Extra/sensory
perception....

Track Listing CD 1

1. The Alcock Edit
2. You really had to be there...*(live version)*
3. Proximities of time/space/perception *(acoustic version)*
4. Seeing/hearing is believing *(radio edit)*

5. And so it goes...
6. Expanding proximities (12" *extended version*)

CD 1 The acoustic sessions: Making sense(s) of Alcock

...in psychiatric
damage...

Eyeballing Alcock

Dr Bela Chatterjee
Univ//Lancaster

Track listing CD 2

1. Proximity: *the (digitally remastered mix)*
2. Sound and vision *(studio edit)*
3. Digital proximities *(NSM Mash-up)*

4. Sense/less things *(media enhanced bonus track)*
 5. Credits
- Playing time approx. 30
minutes

CD 2 The Remixes: Re/Visioning the law

A Dialogue on Vulnerable Encounters and Mutual Healing
Nayeli Urquiza Haas (Kent Law School)

“Just as someone in pain is linked by his groans to the present moment (and is entirely outside past and future), so someone bursting out in such ecstatic laughter is without memory and desire, for he is emitting his shout into the world's present moment and wishes to know only that.” **Milan Kundera, The Book of Laughter and Forgetting.**

Written in the form of a dialogue, pain and laughter engage in an intimate discussion about healing therapies. Each will question whether the law is a necessary anaesthetic or if the vulnerability in laughter could be a better healing therapies for injury. Why has the law become modelled as a pain-killer? But if it is an anaesthetic, does it inhibit, as it has done with doctors, the ability to engage empathically with patients since the responsibility to heal has been transferred to the therapeutic object? Perhaps, instead of a painkiller, the law could be rethought of as laughter: vulnerable and open to others to itself.

HEARINGS

The feeling of Memory: An Anthropological Approach to the Senses in Criminal Courtroom
Ariane Monnier (Paris)

Based on courtroom ethnographic fieldwork conducted in France between 2010 and 2012, this presentation looks on the relationship between law and the senses in the specific context of a criminal trial, when a crime has occurred and led to a public confrontation. The paper is based on several months of observation and immersion in open courts, fully experiencing an immediate present being performed. I wish to investigate how senses encounter law when the moment of reconstruction of the crime scene is also a moment of exposure with the public and media, when the sighted body is also a visible body (Merleau-Ponty), when the demand for truth crosses the production of a show. Law, in the examination of facts and the judgment process, deeply deals with senses, especially the ones of witnesses, whose perception memory of the situation is required. Through voice and body, law invites us to a juxtaposition of scenes, the one of the drama, the one of the hearing, extending the sensorial to the permanent extension and recession movement of feelings. To what extent does what has been seen come to question what has been perceived; and what has been heard relate to what has been understood ? How do the different intersecting senses relate to the general meaning of the situation ? In other words, how does law, in that specific situation of trial convene senses not only in their physical dimension but also in their intimate and private one, mixing the individual with the public, ancient perceptions with present ones, sensitiveness with sensitivity; what can be said of what can only be felt ? Exploring different cases, contradictory flows of voices and interpretations, revisiting the courtroom in the present time, inspired by Latour's approach to law as well as Didi-Huberman's analysis of tears, we consider courtroom communication as a walk along passages between the inside and the outside, of the hearing and of the senses, between ancient visions and the immediately visible scene.

A Musical Trial

James Parker (Melbourne)

Were I again to have the opportunity to sing, to sing for Rwandans, I would go to the country of a thousand hills so that all Rwandans can hear me. I would climb right up to the highest peaks and once at the pinnacle I would lodge my appeal. I would invite Rwandans, Hutu, Twa and Tutsi alike, I would remind them that the tragic events that occurred in Rwanda have injured the hearts of all of us. I would invite them to sing in unison.

Simon Bikindi, Appeals Hearing (sung)

Between September 2006 and December 2008 renowned Rwandan musician and popular figure Simon Bikindi stood trial before the International Criminal Tribunal for Rwanda, accused of inciting genocide with his songs and speech. A combination of radio airplay, the sale of audio-cassettes and public performances had meant that Bikindi's songs were very much a part of the Rwandan soundscape in the run up to and during 1994's genocide. And the awful fact is that, whatever Bikindi's intentions as an artist, many of those involved in the atrocities of 1994 could be heard singing his songs actually during the genocidal act, literally 'as they hacked or beat to death hundreds of Tutsis with government issued machetes and homemade nail-studded clubs' as one journalist provocatively put it in the *New York Times*.

Substantively, the charges against Bikindi were shot through with music at virtually every level. And unsurprisingly, therefore, music became equally central in court. As one judge pithily observed, Bikindi's was 'a musical trial'. Audio and audio-video recordings of his songs were played regularly throughout. Witnesses, including Bikindi himself, frequently sang, both of their own accord and at the specific request of the Tribunal. But how were such performances heard? In what ways did the judicial soundscape frame Bikindi's songs at trial? And to what extent was there room for either manoeuvre or resistance?

On 30 September 2010 the importance of these questions became dramatically clear. Just as the appeal hearing was drawing to its end, Presiding Judge Patrick Robinson asked Bikindi if he would like to make a final statement. He did, he said. And for the last five minutes or so of the hearing he sang. How are we to make sense of this as a juridical moment? How should we understand such an explicit appeal to the musical as a means of expression and a mode of juridical address at this decisive moment? And particularly in the context of this case, which was already so deeply concerned with questions of music, affect and expression to begin with?

NOTES ON CONTRIBUTORS

Riccardo Baldissone is currently honorary fellow at the Birkbeck Institute for the Humanities, University of London, and adjunct researcher at the Centre for Human Rights Education, Curtin University, Perth, Western Australia. His last major completed project was an attempt to rethink both human rights and modern theoretical discourses, which he construed as a family of related fundamentalisms. Riccardo is now addressing Western thought's denial of multiplicity. In particular, he is considering the Platonic and Aristotelian constitution of ontological discourse, its medieval recasting as conceptual framework, and the modern attempts (from Stirner onwards) to transcend the conceptual horizon. As a counterpart to this genealogy of the logic of identity, he is also exploring the operativity of analogical logic in Roman law and in Western arts and literature.

Anne Bottomley (KLS) and **Nathan Moore** (BBK Law School) are research collaborators exploring the scholarship of Deleuze and Guattari in relation to space, property, law and critical legal scholarship through, in particular, practices of diagramming derived from encounters with film and architecture. They are also, in a parallel but closely related research trope, co-convenors of R-CoMuse (research network in co-operatives, mutuals and social enterprises), with a particular interest in the development and potential of 'alternative property practices' (Apps).

Dr Bela Chatterjee is sometimes located in Lancaster. If we were going to be precise, we would observe her co-ordinates as 54.0491° N, 2.8063° W, 6°C, Wind NE at 22 mph (35 km/h), 49% Humidity. A short bio? At 5'2" it's all relative but she can see the horizon from here as her office is on the 3rd floor and she stands on the shoulders of giants. You may like to visit sometime – C63 Bowland North, Lancaster LA1 4YN. You can bring your own records as Dr Chatterjee likes these, as well as army surplus, tea, vintage hi-fi, fine art and architecture - but not necessarily in that order. Her record player was never the same since she dropped it on the way to her office, but the rather mushy acoustic resulting is both surprising and pleasing. She rescued the record player from a skip – it's amazing what you can find.

Her last decade has been spent encloistered in the University of Lancaster, seemingly rising at Matins to deliver lectures on the law of Torts, interspersing these with matters of Gender and Intellectual Property at Prime, Terce, Sext and Vespers. As far as copying the requisite manuscripts goes, she considers herself academically as 'a snapper-up of unconsidered trifles', her work including aspects of architecture, cryptography, digital media, gender and sexuality &c, &c. And law, we suppose, but again, not necessarily in that order. Although her work often considers digital culture, we could note with some irony that the increasing digitisation of the world greatly distresses her. She prefers to travel with a 1960s AA Gazetteer of Great Britain and Surrounding Isles, this being far more enlightening and challenging than satnav. If we were to consider her long term plans, we would note her aim for the next decade as being to exist (insofar as it is possible to do so) spiritually and practically in the 1940s, but without tea on ration.

Communiqués are always acceptable – digitally (if we must) we could try b.chatterjee@lancaster.ac.uk. But an exquisitely handwritten note on fine vellum would really get her attention...

Nayeli Urquiza Haas is a PhD Candidate at Kent Law School. Her research focuses on the criminal responsibility of vulnerable persons, in particular the case of female drug mules in England and Wales. Instead of relying on a notion of vulnerability equated to victimhood and passivity, she unpacks the concept of vulnerability through the phenomenology of pain and explain how the experiences of pain and injury have shaped the idea of the legal person as disembodied and self-contained. By fleshing out that the fantasy of autonomy is a result from abjection mechanisms displaced onto the feminine, she re-works a notion of criminal responsibility based on the position of the relational autonomous subject and relational blame of the drug control system.

Eric Heinze (Maîtrise Paris, JD Harvard, PhD Leiden) is Professor of Law at Queen Mary. His books include *The Concept of Injustice* (2012), *The Logic of Constitutional Rights* (2005); *The Logic of Liberal Rights* (2003); *The Logic of Equality* (2003) and *Sexual Orientation: A Human Right* (1995) (Russian translation 2004), and *Of Innocence and Autonomy: Children, Sex and Human Rights* (2000). His recent articles appear in *Oxford Journal of Legal Studies*, *Law & Literature*, *Law & Humanities*, *Modern Law Review*, *Harvard Human Rights Journal*, *Ratio Juris*, *Legal Studies*, *Law & Critique*, *National Black Law Journal* and *Journal of Social & Legal Studies*.

Daphne Bidstrup Hjorth is a performance artist who in her works takes on roles of authority – the researcher, the guide, etc. – to explore the nature of power and knowledge. She holds an MA in English Language and often draws inspiration from linguistics in her practice.

Marta Iljadica is Lecturer in Law at the University of Southampton. Marta's research is primarily concerned with intellectual property law, socio-legal studies and legal geography. Marta recently completed her PhD in the School of Law, King's College London. Her doctoral thesis examines the extent to which norm creation by graffiti writers parallels existing copyright law rules.

Danilo Mandic is a doctoral researcher at the University of Westminster, School of Law in London and holds an LLM Entertainment Law from the same school. His thesis examines the ever-growing dissonance between copyright and technology and attempts to redefine their relation by recognising their ever-present intertwinement. Other research interests include legal theory, art and law, sound and media studies. He is also an author of several conceptual projects and installation exploring the relations between text and sound, urban space, as well as art and copyright.

Amber Marks is Deputy Director of the Criminal Justice Centre at Queen Mary, University of London, where she lectures on Evidence and Criminal Law. Before becoming an academic she worked as a freelance journalist and criminal barrister. In 2012 she presented and co-wrote a BBC Radio 4 documentary on olfactory surveillance and in 2008 she published a book on the same topic for Virgin Books entitled 'Headspace'.

Ariane Monnier. After a background in History, Law (Paris 1 Panthéon Sorbonne) and Drama (acting and clown workshops in a Drama School), and a Master's thesis in Anthropology ('Justice and Staging, Investigation in the Palais de Justice of Paris') I'm currently writing a PhD, 'The reconstruction of the Crime Scene in the Courtroom : Anthropology of a Performance', in the School for Advanced Studies in the Social Sciences (EHESS, Paris). Based on several months of ethnographic fieldwork in open courts in France, my thesis questions the role of authenticity and fiction in the specific situation of a criminal trial, when the demand for truth crosses the production of a spectacle, when a scene fragmented into multiple interpretations, blurs the boundaries between individual and public sphere, intimacy and politics, what is true and what is false. Inspired by Latour's approach to law, Didi Huberman's analysis of affects and images, as well as Schechner's experiments on performance, my experience in acting deeply contributes to my anthropological approach which is focused on the trifecta of body, language and environment. Alongside my studies, I found via film production (Mediapart, France and No.w.here, London) another way to extend my anthropological practice.

Caterina Nirta holds an MA from Goldsmiths College and is currently a doctoral researcher at the University of Westminster. Her research focuses on transsexual subjectivities and explores notions of spatial in-betweenness, corporeal mediation and otherness.

Tanyel Oktar is a Commonwealth Scholar currently in the first year of her doctoral studies in Anthropology at Brunel University. Her background is the anthropology of education and her current focus is on the educational and work-related experiences of Deaf British Sign Language users. Oktar is originally from Cyprus where she has gained professional experience working in the development of the civil society sector.

Andrea Pavoni holds an MA from City University, and he is currently completing a PhD at the University of Westminster. His research explores the notions of space, materiality and law, especially looking at how their relationship unfolds in the contemporary city. How urban space is controlled, how order emerges, how disorder is kept at bay? To investigate these questions he looks at the atmospheric and rhythmical frequencies through which the urban is tuned. The 2010 FIFA World Cup and its spatial effects on the city of Johannesburg offered him a paradigmatic fieldwork to test his geo-philosophical approach.

Andreas Philippopoulos-Mihalopoulos is Professor of Law & Theory at the University of Westminster and Director of The Westminster Law & Theory Centre. His research is interdisciplinary and includes phenomenology, autopoiesis, law and literature, geography, art, corporeality, environmental studies and so on. For his innovative teaching practices, he has been awarded the Oxford UP Law Teacher of the Year Award 2011. His edited volumes *Law and the City* and *Law and Ecology* and his monographs *Absent Environments* and *Niklas Luhmann: Law, Justice, Society* are published by Routledge. He is currently completing two edited volumes on Radical Autopoiesis (Palgrave) and Urban Milieux (Springer), and a monograph on *Spatial Justice* (Routledge).

Nicola Pozzani is the founding director of "S Sense, The Senses of Perfume", a London-based perfume training and consultancy company. With a background in the fragrance and education industries, Nicola teaches "Design With Scents" at Kingston University London, the first course in the world about the design of places through the sense of smell. He holds acclaimed perfume sessions for individuals and cross-sector organisations such as Sense, The Deafblind Association, The Westminster Business Council, The British Society of Perfumers and the Scent World Conference in New York City and his work has been featured in British Vogue. Nicola's mission in life is to help people find their essence and enhance their lives and projects, through the experience of perfume.

James Parker is a lecturer at Melbourne Law School where he recently completed his PhD. His doctoral thesis uses the trial of Simon Bikindi to explore the many relationships between law and sound. More particularly, it aims to re-introduce the acoustic into contemporary aesthetic and critical jurisprudence. James is also a radio broadcaster on Melbourne's PBS 106.7fm and a music critic for Tiny Mix Tapes."

Kanika Sharma is a PhD Candidate at the School of Law, Birkbeck, University of London, where she also teaches on the Public Law and Legal Theory modules. Her research explores how images of law capture the subject, and how these are sought to be deployed in political trials in India. Her own imagination has been captured by the Mughal medieval palace - the Red Fort - at Delhi, around which much of her current work revolves.

Mayur Suresh is a doctoral candidate at Birkbeck, University of London. His current work focuses on modes of life and forms of sovereignty through an ethnography of terrorism trials in New Delhi.

Jessica Worden is a Dutch/American artist currently undertaking a practice-based PhD in Breathlessness in Performance in the Contemporary Performance department at Brunel University. She has been working with live art since 2005, having also run a live-arts platform from 2006-2008 in Rotterdam, NL. Her practice is influenced by photography, but based in performance writing. She produces artist books, installations and performance pieces. Her aim is to explore writing-as-performance and the interplay between the visual and the textual.

Daichi Yoshikawa is currently based in London and studying BA Sound Arts for long time at London College of Communication. Using a variety of inverted, diverted and reinvented electronic and acoustic devices he strikes a constantly evolving balance between harsh atonal feedback and elegant high-frequency constructions. He has played with Paul Abbott, Seymour Wright and Eddie Prevost.