

To Listen Differently, Away from Sonic Certitude: Some Propositions, Some Questions

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A scene that grapples with the unbearable. A stop.
There is syncopation. Geographies start and stop.
A beat continues.

—Keguro Macharia

My spoken words you say do not enter your ears but
your inside they have entered.

—Gabriel Okara

It is the **hearing** of their voices that may be tenuous.

—Unaisi Nabobo-Baba

1. If to listen is to sit at the door of law – before law’s ear – which is a vestibule to the state, what might it mean to write of such an audiographic encounter?¹

¹ The material has been previously published in another version as ‘Abolitionary Listening: Propositions & Questions’ on the website blog ‘Critical Legal Thinking’ at <https://criticallegalthinking.com/2021/09/22/abolitionary-listening-propositions-questions>. It is

2. What might it mean to listen to the violence of the state as a violence that arrests and imprisons, that acts upon reason, evidence, and on 'common' sense? What might it mean to write of such a listening; to be on the thresholds of a listening that appropriates and invades our bodies causing a constant loss of transmission, a sensual-epistemic quiver, shudder, stutter, tremor?
3. What might it mean, correlatively, to think listening when we, too, are listeners? We listen and are listened to.
4. We listen in a way that often never listens back. Listening is aporetic.
5. Listening tends to be conditional. Listening (like care) can be deployed in ways that un-human even when it claims to do otherwise.
6. We speak of 'listening', but we deal only in univocal echoes – which always already assume an original, a finitude. Echoes: where each utterance replaces the last, yet is heard as irreplaceable – the singularity of it *all*. This finitude: the last, the lasting, the at-last.
7. These echoes; a multitude of announcements, commands, and interpellations; of past judgements, of pledging and oath taking seek verification, authorisation and the singularity of consensus, to awaken the senses. They must be translated, made 'sensical'.
8. The same happens with state-run technologies, apparatuses, and bio-logic 'sensings' (or univocal grammars) of war, capture, definition, certainty and graspability that give listening its determined/corrective-disciplinary effects.
9. One is multipliably instructed to partake in listening such that one may enforce a particular kind of 'transcendental' (*yet self-referential*) will to knowledge onto others. This is transmitted through legal-regulatory practices of assessment, criminalisation,

gradation, arbitration, cross-examination, peer review, correction, refinement, evaluation, measurement, evidence *and its admissibility*, justice, rationality, clarity, scrutiny, the universalising project of human rights, and so on.

10. To listen (with the expectation that you will understand and will be understood) is to calibrate a 'consensus' that relies on a shared delimitation of what and who can be heard and how. It is to reproduce, restore and relay the strategic exclusionary closure (and arrest) of politics/police.
11. To listen is to reason with the singular, i.e., it is to accept and uphold a singular and univocal notion of 'truth' with regard to meaning, translation and representation.
12. This conduct submits listening to a measurement of good or bad, success or failure, truth or lie – knowledge as acknowledging, an agreement to disagree, the appreciation of the differing, the differentiation of opinions.
13. From this conduct is affirmed a standard towards improvement, an imperative to listen *well*. And yet, any claim that there is a lack of listening (which is equated to a lack of understanding) is a judgement on the intelligibility of a subject.
14. Law summons. It demands that the witness be capable, competent, articulate, *which is to say* 'human' in order to speak.
15. Law is perceived as receptive and capable of listening but the event of testimony/witnessing is integral to making a witness compliant before the law.
16. And so, we could say that the witness is obliged to law. That bearing witness is premised on the idea of testimony as 'authentic truth'.
17. Testimony (i.e., the oath to law) is what makes the speech of the witness credible or believable. However, to connect this belief to the mouth (or ear) is to assume that the witness's voice can be translated, recognised or represented. As such, there is always

already a belief that speech is to (be-)come. This belief is a prefigurative listening.

18. The personhood of the witness in law is tied to state sovereignty. The sovereign affords recognition. But this is not complete or foreclosed. For instance, Indigenous articulations of sovereignty push against the sovereign of the colonial nation-state. As Mohawk scholar Audra Simpson writes, Indigenous sovereignty offers a different 'structure of apprehension.' Thus, there are other possible formulations of 'sovereignty' before colonial-legal distinctions.
19. Perhaps all sovereign structures of apprehension grapple with listening as capture, with listening as the calculability of law. How are we to undo this?
20. In the face of these legal processes and demands, one has to 'worry' at these sovereign tonalities; to trouble their 'soundness,' their integrity, authenticity.
21. One has to be committed to what we will call the uncapturable. One has to attune to a musical/oral/aural sound that undoes listening as telos, as epistemic return, as a written word, as letters, as literacy.
22. The uncapturable may be what Charles Lloyd is trying to get at when he says that 'words don't go there' ... or when Anthony Heilbut writes 'words can't begin to tell you, but maybe moaning will'. The uncapturable abandons interpretation.
23. The uncapturable undoes the cognitive and interpretal. It does away with the conception that there are constatives that have multiple decidable 'meanings' imagined as unchanging and discernible.
24. It may be to depart from the violent human-as-man logics of *representation*, of *performativity*, and their pervasive witnessing modes that are predicated on authenticity, expertise and univocality.
25. Perhaps such a departure is an attunement to the resonant 'excess' of intervallic irruption. This intervallic irruption is a polychromatic spacing, a temporal-spatial troubling, an insistent labyrinth of worry.

26. Worrying is an affective perception, a 'fill/feel' of the haunt beyond 'mental cognition'. Worrying happens as if to let us know that there is always already a human desire to master 'representation' – from the evocation, the invitation, the call for civic-intellectual self-appointment.
27. Worry is a necessary *im*-perception of the fact that the human *as is* can never adequately perceive, or fully relate to the non-human.
28. Worrying is rocked with as a work of mourning with and for the non-human end of the earth.
29. Worrying is incessant sorrow. It's a durational resonance or sway that's attentive to the dying, the dead, the burning flooding earth, the non-human.
30. Try as we might, worry as we might, 'we' still for some reason desire to become human.
31. Yet because we remain marked as human as by a legal-carceral order of representation, we are subtended by a sensual-sense-wavelength that only programmes subjection.
32. Worry is perhaps a mourning, a mourning not simply of who or what has passed but a portal of affirmation of our relations with each other, *living and dead*.
33. There is no separation, no border, no boundary, between the living and the dead. That threshold without door inundates, it is always open.
34. What is being evoked here is not an entrance, an access, or frame of open door, not a vestibule, but the crossover, the threshold.
35. Reconnecting our relations to our non-human dead in us/with us at this threshold is not a loss or end. It may help us think of a listening after the human i.e., a listening that frees.
36. What might listening be if it happens *alimbo*, at this crossover beyond life and death?
37. The figure of the ghost, the spirit moves elsewhere it demands for and promises something else.
38. What might listening be if it went beyond a mode of human temporality that wants to be heard as *human*

modernus, as a sensing with-in the metaphysical anthropocentric axiomatics – of subjection in a ‘world-sensuality’ that already delimits, regulates and represents?

39. How then might we ‘unrepresent’? Which is to say how then might we interrupt and upend the rhythms and intonations of this anthropocentric listening that the law demands?
40. If the listener as listener, is always prefigurative, can the listener move from the relation of hierarchical enclosure? Can we move towards a gathering that crosses over?
41. Can we move away from an economy of appropriative assimilation of listening and attune towards relation, to the differential erotics and poetics of relation?
42. We provisionally call this an abolitionary listening. It is a mode of listening that compels us to move out of the violent rubrics of human representation toward what Dionne Brand calls ‘another place, not here’. This ‘not here’ which is also a ‘not hear’ – where words don’t go is not a-there, or a-here, that is found and inhabited. It is an open-ended polychronic and polyrhythmic injunction to listen differently.
43. An open-ended polychronic and polyrhythmic injunction to listen differently moves way-away from sonic certitude, towards a differential inter-play of whatever is shared or listened to unconditionally.
44. The kind of abolitionary listening we are searching for works toward another temporality, one that is always already separate from the diagnostic and panoptic ear of the law towards a freedom we cannot delimit yet, or rather a freedom that we should in fact not understand as delimitable.
45. It is a continuum of nonhuman-sensuality that departs from the state’s very witnessing programmes, one that is de-instituted and de-soverightised.
46. The intervallic freedom loaded heavy in Nina Simone’s blue s lip, or Albert Ayler’s shrieky Ghosts is de-instituted, de-soverightised. It is a mutual or

gathered desire for a freedom to come, a freedom we understand (*to love somebody/spiritual unity*) – but do not know, but can not know, in the sense that it floods us in a way that is mutually *intuited* but can not be accounted for.

47. Hush; an altering (*an altar*) a separation ... a separation of difference that still sustains intervallic freedom.
48. Such intervallic freedom gathers and; it engenders a sensuality that perhaps only Billie Holiday (our favourite trembler of pitch and tonality) touches and invites us to touch ‘what love endures’ when she sings: *hush now, don’t explain*. ‘Hush now’ (it seems) is an impassible hushed accretion of deprogrammed instantiated fullness that freely dissociates from and pressures all claustrophobic white supremacist logics of sense, inscription and bio-logic intelligibility. It is freedom’s crossover call and thus also at once law’s abolition, now – an ‘unconditional *resonant* affirmation.’
49. ‘Don’t explain’ is a syntax of listening, of irreducible response or responsiveness. It is what suspends the uncapturable *im*-possibility of unrepresentable freedom now. This isn’t a ‘mystified elsewhere,’ it is a visceral elsewhere that always already fills, feels, and vibrates a charge, here, now. We walk it.
50. We could listen or respond to Billie’s hush or Nina’s scream or Ayler’s ghosts (these are the same things) as uncapturable attempts that playfully yet urgently affirm a indefinitive deprogrammed promise that takes listening somewhere else, freely, (after law’s representation) to the singer and to the song’s beyond ... to where words do not go – *without condition*.
51. The song’s beyond is not a destination, it is not a promise of complete, transcendent being. It is not found by unhearing the semantic. One does not get towards the song’s beyond by listening with all of their being, for listening is not entrance to being. It is not an end or beginning to being.
52. The intervallic infers a spacing, a kind of communitarian call and response. The intervallic also

displaces the ear as a central point. It moves listening beyond the essentialism of the bio-logic ear and transforms listening toward an elsewhere, an elsewhere that exceeds a mere straining.

53. What is an elsewhere but a crossing over into what does not meet our expectations? What is an elsewhere but surrender?
54. Surrender then has got to be open to an unanticipatable openness to shared perhapses. It has got to be an extemporaneous poetics and erotics of relation that puts us in touch with whatever is here and also beyond us.
55. We could think of this as a listening beyond certitude, as a listening *sans* telos.
56. A Lordeian loop, a direction to hear and listen differently: 'it is a question of how acutely and fully we can feel in the doing.'
57. Perhaps it is more akin to sitting with listening as a turning towards more than a turning away from, a kind of intervallic attunement that can find itself with-in unknowability – embracing the feeling of unknowability as a non-horizon.
58. We can not and will not try to delimit what this listening gathers, what it might look like or feel like ... it is here and yet not here, it is present, it is remembered, but also yet to come. Again, we will not master the representational. We will not re-present representation nor misrepresentation. We will not issue a judgment.
59. To listen as such is to make way for the incommensurable, an absolute difference that cannot be assimilated, which flourishes precisely in its alterity. This invites letting go of comparison and the search for conclusion.
60. But, one can't talk about listening. One simply does it, somehow.
61. Because listening stops the moment we mark limits. The moment we think that we know exactly what it is.

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