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The Color of Noise¹

John Mowitt

Abstract

Initially presented as a lecture in Hout Bay, South Africa this article seeks to realize three aims. First, under the capacious heading of postcolonial sound studies, it attempts to think the articulation between racial difference and sound by probing the now common association of color and noise, for example, the “pink” noise routinely used as a sleep aid. Despite the existence of white and black noise, color is here attributed to signal characteristics in ways that also underscore the risks in reducing race to color. Second, responding to such risks this article then seeks to examine a South African genealogy of the differentiation between sound and noise, a differentiation whose juridical (and thus political) instantiation draws essential and immediate attention to the figure of the neighbor, especially as the neighbor embodies a distinctly sonic nuisance. Race returns in this context as part of a spatial segregation that both “colors” noise, and draws attention to a prior sonicity, the “long scream” of those forced apart from others under Apartheid. This sonicity emerges as a problem for all thinking of noise that grasps it (whether phenomenological or juridically) as a form of nuisance. Third, in casting itself as an example of “investigative poetry,” this article broaches a collective inquiry on the politics of noise (both heard and unheard) in South Africa, and invites the participation of researchers distributed over cacophonous archives who hear themselves hailed by the conceit that sound is a problem whose quality as a radiant permeation requires the indiscipline of the critical humanities for its study.

Keywords: sound, noise, race, South Africa, neighbors, nuisance laws, Jean-François Lyotard, Karin Bijsterveld.

¹ Each July for the last eight years the Centre for Humanities Research (CHR) at the University of the Western Cape in Cape Town, South Africa, has convened what it calls “The Winter School,” a week-long, intense configurations of seminars, workshops and lectures focused around themes that emerge from research interests within the CHR. Among those themes is one concerned with critical musicology and sound studies in the post-Apartheid era, taking as given the proposition that music is fundamental to the constitution (not merely the expression) of human subjects and thus essential to any careful inquiry into post-Apartheid politics. This paper derives from a keynote lecture I was invited to give in Hout Bay, South Africa under the auspices of the 2019 iteration of the Winter School where the question of whether attention to sound still brought anything either theoretical or political to the post-Apartheid table loomed large. I am most grateful for the invitation, but also for the many reactions the lecture provoked. I want especially to acknowledge those of Nancy Luxon, Gary Minkley, Helena Pohlandt-McCormick, Ross Truscott, Warrick Sony and Hermann Wittenberg. Also, Jose Rodriguez Dod’s help with the legal documents was quite indispensable.

In addition to this, I also have to move lodgings. The noise of the children has made the house in which I have been staying, quite useless for work. I will be exchanging this house for another one that is inhabited by a man with mental illness. (Benjamin 1999, 273)

Perhaps because in my research I have combed, perhaps over-combed, the matter of the emergence of sound studies as a field (see *Radio: Essays in Bad Reception* and *Sounds: The Ambient Humanities*) scholarly consideration of the topic “Sound and its Aftermath” seemed to solicit, even call for, my participation. As noted in the texts just cited, I have wondered about both the disciplinary logic of emergence—when and where something like a new disciplinary object has arrived—but also about the distinctive, perhaps singular, relation (if that is the right word) between sound and the logic of emergence. When in the *Course on General Linguistics* Saussure declared that although semiology did not exist, it had a right to, he was touching on the matter of the logic of emergence (Saussure 2011, 16) and, as readers familiar with the text will recall, pairing this with the distinctive challenge of producing a distinctly linguistic object. Be that as it may, what the topic of “Sound and its Aftermath” puts a distinctive accent on is perhaps less the emergence of sound as a disciplinary object, than its exhaustion. Stated more carefully, the aftermath of sound might simultaneously invoke decline, but also impact, asking what changes in the wake of the emergence of sound as an object of disciplinary scrutiny? Put this way, the issues at stake are quite broad and rather directly political. When and where did sound come to matter? Are interests or desires (or both) being served in sound’s coming and going? Whose? Threaded through such questions is an angle, a take, that invites further clarification. I digress.

In mid-summer of 1966, when the tracks that now comprise the Beatles' album "Revolver," were completed and the iconic cover art under contract to Klaus Voorman, the band set about looking for a title. Something clever enough to rival the immediately preceding "Rubber Soul." Among the several options that were floated—it was initially to be called, "Abracadabra"—was an idea suggested by Ringo: "After Geography." When pressed he explained that if the Stones could title an album, "Aftermath" (hyphenated on the British cover), surely they could and should title an album "After Geography." Although thankfully outvoted—the punning "Revolver" could hardly be improved upon—this displacement of math by geography has, as this anecdote makes plain enough, stuck with me.

So, in thinking about "Sound and its Aftermath" I am helplessly (or is it haplessly?) also thinking about "Sound and its After Geography" a displacement that takes me quickly to my title, and beneath it the question of the relation between sound and postcolonial studies, for it is a sad fact that the latter, now besieged by, among other things, "globalization," and the "world literature" problematic, has remained largely deaf and mute on the matter of sound (not music, nor voice, but sound). In this the lexical ambiguities of "after" (later than, like or in pursuit of) resonate with similar ambiguities of "post" (after, of course, but after the beginning or the end, the advent or the wake), ambiguities that urge me to situate these geographically inclined remarks on the color of noise within the capacious and pressing problematic of the "post-Apartheid" whether local or global. However, as the arc of these remarks will establish their reference to the

moment of the “post-Apartheid” is more than simply morphological. They are direct and immediate in that they will pursue the social act of noise making—both as concept and as practice—through reference to current South African public policy on nuisance and trespassing. In short, policing.

Now, in anticipation of the obvious misunderstandings, a few words about colored sounds, setting aside Carol Mavor’s great theme: the blues (Mavor 2013). In acoustical engineering there are any number of sounds that are designated by colors, most famously, white noise, but white noise has several brothers and sisters: pink noise, Brown noise, blue noise, violet noise, and so on. These are all examples of random signal patterns whose sonic profiles register the interplay of energy, frequency and amplitude. Pink noise is now widely marketed as a sleep aid. Indeed, members of my own family rely upon it. This sort of articulation of color and sound is not, at the end of the day, terribly interesting, except when one wonders about when and where these designations arose, and why, when color and sound assume the property of doubly articulated signs, sound deftly becomes noise. Two cases are worth saying a bit more about when addressing the matter of sound and postcoloniality.

Brown noise, within acoustical engineering precincts, is more typically designated “red noise.” If it is called Brown this is because its sonic profile resembles so-called Brownian motion, a phenomenon named after Robert Brown, the physicist who first represented this modality of randomness mathematically. It is emphatically not to be confused with Brown Notes (Psy Ops agitation of the human bowel). The second case is

interesting in an instructively different way: “black noise.” Technically, it designates a pattern so lacking in uniformity that it exhibits barely any pattern at all. It is beyond random. Acoustical engineers have even called it silence (Schroeder 2009). As such, in what sense is it noise at all? Is it even sound? Here interesting problems surface. On the one hand, a silent noise shifts the acoustical problem into patently discursive space: if we are still here dealing with a noise, then silence is, as John Cage insisted, imperceptible to us and its absence is effectively filled with a *technical* definition (Cage 1961). On the other hand, what “black noise” draws attention to is less a sonic profile—however paradoxical—and more the (im-)perception of such a profile by a listening subject, perhaps even an expert. Silence deftly shifts to the inaudible, a concept that, on the human plane alone brings together everything from the auto-acoustic emissions of the hairs of the inner ear to the Big Bang. It’s all, technically speaking, black.

The temptation here is practically irresistible to read *these* colors in racial terms. Officially, of course, nothing could be further from the truth, acoustical or otherwise. A massive commitment to “photology” (the proposition that human *enlightenment* is to be taken literally), forestalls such a maneuver (Daney 1996). Sounds are colored and thus named *after* spectrums of light. Even if we might want to pursue the political question of the social history of science and wonder which white person when and where named white light white, prudence is recommended. Why, because race is an assemblage of marks, not a color (Guillaumin 1995). True, the politics of passing insistently racializes dermal pigment, but this is precisely what constitutes it as a reactive, thus compromised politics. Put differently, if Lewis Gordon is on to something when arguing that “theory is

black,” then, I would add, black is not a color (Gordon 2010). Or, if theory is a color (and note that Gordon is not invoking “Black theory”), then color is not color.

Faced with such conundrums do we then simply give up on the color of noise, or, are we confronted with the task of approaching it from a different angle? Clearly, the latter.

What follows then is a sketch of such an approach, one designed to agitate, albeit faintly, Jacques Rancière’s figure of “dissensus,” especially as it manifests in what he calls the “difference between sense and sense” (Rancière, 2011, 1).

Gesticulating wildly in the distant background of these remarks is the American poet and former member of the Fugs, Ed Sanders. He is there because in rather practical terms what I wish to present here falls into the genre of what he had the audacity to call, “investigative poetry.” Elaborated in the eponymous, *Investigative Poetry* from 1976, this genre seeks among other things to restore a certain “epic” character to poetic discourse in the wake of both Auschwitz and, more immediately, Watergate. Following on from Charles Olson’s “special view of history,” wherein history, mythology and poetry were grasped as fashioned of the same substance, Sanders’ argued (although that may be too strong a word) that poetry needed to supplement, perhaps even supplant journalism, especially the currently endangered species of investigative reporting. Why leave that to people who are paid to write, but can’t? And, by the same token, why permit poetry to abdicate its epical, or in Sanders’ usage political, responsibilities? It is easy to forget, but for Saussure, the linguistic sign, whether in a poem or a conversation was arbitrary only to the extent that while languishing in the “storehouse” (*trésor* in

French) of language it was systematically attached, by the smith of convention, to society (Saussure 2011, 13-14).

To be sure, I am not here asking the reader to follow what I have to say *as if* it were a poem. A very long poem. Instead, what has provoked the gambols of Sanders' in the background of these remarks is the fact that in reorienting poetry, he has also, albeit implicitly, reoriented the humanities. He is urging us to take up the mode of inquiry deemed humanistic as the means by which not to solve, but to find problems, and the problem I wish to find, the problem I wish to poetically investigate, is that of the color of noise. But I can be more precise.

In 1916 Dan McKenzie published a book titled, *The City of Din: A Tirade Against Noise* and, for readers who missed the opening salvo, he followed it up 15 years later with a contribution to the *English Review* titled, "The Crusade Against Noise." McKenzie was a fellow at the Royal College of Surgeons in Glasgow. He was perceived by colleagues as a reformer, that is, a man of medicine concerned with the world populated by his patients, but he dubbed himself a "philosopher of Quiet." In his book he takes several passes at defining noise and I cite one of the more provocative ones here. McKenzie derives it from the composer Thomas Beecham:

Music forces itself into every entertainment from the drama to the cinema show.

People cannot be allowed to meet for conversation or a meal without having their ears assaulted with music, generally of the worst type, and all because those

trained to practice music as a fine art cannot earn a living without becoming a public nuisance (McKenzie 1916, 62)

In further explaining what constitutes music of the “worst type” McKenzie draws an important distinction between music that exudes strength and vigor, and music characterized by roughness and violence. The latter he sites in what he calls, “Darkest Germany” (he is writing in the middle of WWI) and explains that it is Wagner and the American John Philip Sousa, (“Mr. March”) who are the worst offenders. Building to a feverish characterization of this music as a “bastard music,” McKenzie writes: “Blaring music is, in a word, noise, and the vilest of all noises, for lilies that fester stink far worse than weeds (ibid. 63).

Many aspects of this discussion deserve attention, but let me underscore three things: first, the equation of the “vilest of noises,” the most noisy of noises, with *music* of a certain type; second, the specification of this music as the music of the enemy, an enemy domiciled in the darkest darkness, and three the sonic profiling of darkness as rough and violent. I will return to the matter of McKenzie’s Judeo-Christian rhetoric. What emerges here, in the context of a “tirade” (Latin, *tirata*, a drawing or pulling out) about urban noise, is a visualization of noise that invites us to approach its coloring as an effect of the articulation between sound—here music—and space. Blaring music, music that in embracing roughness and violence assaults our ears and in becoming noise, plunges us into the Dark, a condition wherein the articulation between sound and space becomes radically unstable. Indeed, it is this that led Nietzsche in the much-cited aphorism from *Dawn* to characterize the ear as the “organ of fear” (Nietzsche 2011, 173).

Although a bit harder to discern, another space is evoked in McKenzie's term, "roughness," where the Dark is then stretched to cover all those popular sonic practices summoned under the heading "rough music," that is, music—if we are to believe E.P. Thompson (Thompson 1992)—performed by the subaltern classes to stake out the range, the space, of their sovereignty. Here, the profile of the enemy shifts, and the brothers Grimm captured the phenomenon well in their folktale "The Traveling Musicians." But, to pick up a final detail of the tirade, why characterize such music as "bastard music"? As English speakers know, "bastard" is a term of derogation, but like "bitch" when used to designate a female dog, bastard too has its "polite" usage. It refers to an illegitimate child, a child born from unwed parents. If its connotations can be abusive—and famously, Jean-Paul Sartre used the French *salaud* to designate collaborators—this would seem to be due to the dubious or troubling status of children who have no parents. Part, obviously, of the hypocrisy of heteronormativity, the bastard troubles because it cannot be traced to a source. Like the refugee (if for other reasons), the bastard is stateless, homeless, family-less. If plausible, this helps explain what "bastard music" might be: not music produced by or for bastards, but music whose source is untraceable. Moreover, if "bastard music" is another name for that most vile music, "noise," then the Dark from which noise emerges might be another name for a community deemed incapable of "making" proper music. Implicit here is a deeper question about the nature of noise. I will return to it under the heading of what Jean-François Lyotard called "the mutic."

The broad points I am seeking to make about McKenzie should be plain enough, especially about how noise might be said to articulate social differences, but what are we to make of his self-designation as a philosopher of Quiet? Here we take up my promised return to the question of McKenzie's rhetoric, but as mediated through Karin Bijsterveld's brilliant reflection on the politics of noise abatement policy and McKenzie's place within it. This discussion appears in her groundbreaking study, *Mechanical Sound: Technology, Culture and Public Problems of Noise in the 20th Century* from 2008. Apart from all the pertinent facts one might expect to learn from a historian of technology, for example, the origin of the "decibel" as a unit of sound measurement, Bijsterveld also notices McKenzie's passing reference to the "neighbor."² She does not pause to comment on its Biblical resonance—as some readers will know it figures prominently in the variously numbered commandments—but she does assiduously track its appearance in the "discourse" agitating for noise abatement by-laws, largely, but not exclusively, in the Netherlands in the course of the 20th century. Of course, urbanization intensifies human propinquity thus foregrounding the subject position of the neighbor, the human, as it were, next door. McKenzie himself had already thought about this in terms of the construction and use of domestic space, underscoring the hygienic paradox of letting in fresh air *and noise* through the same opening. Bijsterveld, for her part, tracks such

² The Hebrew Bible uses the word, *rey'akha* for what in the King James translation is rendered as "neighbor." Strictly speaking then this is a companion. Commentary has teased out the fact that the Greek intertext links "neighbor" to the one-who-is-near, *plesios*, but without over-emphasizing spatial proximity. In Jesus' evocation of the parable of the good Samaritan as a gloss on the companion, nearness, and thus the neighbor, is aligned directly with the friend, one who reaches out or down a set of associations played out in considerable detail in Montaigne's much commented essay, "De l' amitié." There is here an important bit of genealogical/philological work to be done on the companion/neighbor matrix in 16th century England.

paradoxes as they ultimately scuttle Dutch public policy concerning noise, showing that in the Netherlands the public health recommendation of “being gentle to your neighbor” ultimately supplanted the scientific, even technocratic drive to formally adjudicate grievances (Bijsterveld 2008, 184).

At the figural core of the neighbor, and this is why its Biblical resonance is worth amplifying, is the structural recursion traced in the formulation from Leviticus: “Love thy neighbor (the *rey’akha*, the companion) as thyself;” not commonly understood as an embrace of narcissism. In the commandments transcribed by Moses the neighbor figures in all those dedicated to *coveting*, commandments that focus on desire as opposed to action, underscoring, I will propose, that the neighbor is a figure for oneself as an other. Its ethical function is precisely to see the other as someone just like me, a rational being, perhaps even a friend, thereby allowing me to model my desire and my actions so as to invite reciprocation from the other. But what if the neighbor is an enemy? Not necessarily someone involved in either coveting or aggression, but someone who, in Sara Ahmed’s expression, is an other other, someone who is *not* like me, someone who is a neighbor who is *not* a neighbor, a companion who is from or in the Dark (Ahmed 2010)? What is so striking about the noise abatement discourse teased out by Bijsterveld is how consistently it treats noise as an *act* that is structured by the psychosocial recursivity of the neighbor. Rephrased in the rhetoric of McKenzie: blare onto others as you would have them blare onto you. Add to this the fact that sound in general is distinctly invasive (we lack “ear-lids”), one might argue it is irrevocably charged with a certain ethical

utility, and thus distinctly “at hand” when contemplating ethically motivated policies that bear on “human” well-being.³

Be that as it may, equally striking about the data gathered by Bijsterveld—and here we return neither to the lilies or the crusade but to the philosopher of Quiet—is that a distinct majority of the complaints lodged with civil authorities about noise were written by *intellectual workers of various sorts*, everyone from musicians and writers to teachers and philosophers. Of course, one might attribute this to the fact that thought, concentration, requires a certain stillness, even if that stillness takes the form of the ambient rustle of voices in a cafe. Note: McKenzie does not call himself the philosopher of Silence. However, in light of the preceding remarks about the neighbor, we might entertain an additional hypothesis. In his introduction to the two-volume study, *The Invention of Everyday Life*, Michel de Certeau pairs with the confection of the quotidian, the ordinary, the person, indeed the ordinary person, thought to be the bearer (to use Marx’s expression, “*Träger*”) of everyday life (de Certeau 1984, n.p.). If some things, even a lot of things, can and do happen day after day, in effect, daily, then this is partly because such things happen to someone who like the daily itself repeats without significant variation. In the age of statistical profiling, this became the “average citizen,” but prior to that, indeed well prior to that, the someone who repeats without significant variation is simply the ordinary person. But the ordinary person is also, and de Certeau is

³ I have explored the human/hand articulation in considerable detail elsewhere. See, “On the One Hand, and the Other” in *College Literature* 42:2 (spring 2015). What emerges here, and why I invoke it now, is the important tie between embodiment and the signs (languages, discourses, policies) that articulate it. Put differently, what is “at hand” is never merely convenient, or, if convenient, then only because the latter designates a site often ignored when thinking about Louis Althusser’s great theme of “interpellation.”

explicit on the point, the “subject” of philosophy, especially in its post-Kantian dispensation. In other words, if we all might be inclined to accept the ethical call to behave in such a manner that our acts might take on the status of universal maxims (Kant’s reformulation of Leviticus), this is because we are *neighborly* toward each other. We see the other as sufficiently like us that she too will accept the rational proof of, say, the cogito; the “gotcha” moment of not being able to doubt “one” is doubting.

Bijsterveld combs over this problem at some length in her chapter, “Infernal Din, Heavenly Tunes,” but the analysis suffers, in my view, from her inability to formulate a pointed enough research question. What is required is something like: if intellectuals, presuming a neighborly structure of subjectivity, are distinctly agitated, even injured by noise, what correlation is there between the policy discourse of abatement, and, the concepts mobilized within what we might call, “the *philosophies* of Quiet”? In effect, there is here a Foucauldian spiral whose power/knowledge curvature calls out for tracing, starting, for lack of a better point, with *abatement* as the “name” for noise reduction. Derived from the Old French, *abattre*, to beat or tear down, abatement makes explicit the paradox implied by McKenzie’s “tirade,” namely the patently deconstructive sense here that noise can only be reduced by making more of it. In effect, noise must be shouted down, as it were, by definition.

This seems straightforward enough—I think we can all empathize with Benjamin when he complains that his house is unfit for work—until, that is, we consider that what constitutes noise is perhaps less obvious than one might think. Not strictly in the sense of

preferences or thresholds of tolerance, but definitionally and ultimately theoretically. The issue here is meaningfully amplified when thinking about the account of noise that appears in R. Murray Schafer's 1977 *Soundscapes: Our Sonic Environment and the Tuning of the World*. Written by a Canadian composer in the era of the establishment of the now dismantled Environmental Protection Agency in Washington, DC, this book addresses itself to many things, but centrally to the then emergent relation between sound and well-being, that is, the concept of noise pollution. Consulting the provisions concerning noise in the relevant federal legislation one discovers quickly that noise is described both as unwanted sound—readers of Bijsterveld will think immediately of her colorful accounts of the neighborly conflicts between radios and turntables—and dangerous sounds, the latter being defined in relation to another of Bijsterveld's great themes, "the decibel" (named, apparently, after Alexander Graham Bell). Picking up on the theme of dangerous sound, but from an opposite angle, Schafer shifts the terrain and wonders not about hearing loss, but, if I may put words in his mouth, *listening loss*. For him, noise is not unwanted sound, but sound so tediously uninteresting that we ignore it. And, in ignoring it, we pollute our *listening* in the sense that we lose interest in harkening to the soundscape around us. Noise is thus not unwanted sound, but un-listened to sound. As these formulations touch on the motif of what I have elsewhere proposed to call "the audit" (Mowitt 2015), I will return to them, but here it seems relevant simply to note that what Schafer turns up is a deep set of questions about what it is the philosophers of Quiet are opposing quiet to. What would noise abatement policies seek to shout down, if the noise in question is what defies and weakens listening? Indeed, are such policies *themselves* part of the menace to listening? In Alain Corbin's fastidious history, *Village*

Bells he draws out the rallying cry of those seeking to monitor, even prohibit bell ringing in urban areas, a cry formulated in terms of having “the right to sleep.” Benjamin, among others is clearly calling for something else, namely “the right to think,” inviting, I will propose, that we hear here the significant resonance between thinking and listening as practiced by Schafer.

But let’s now return to my title: the color of noise. Clearly what has happened in the intervening pages is that we have stumbled upon not only the question of color, but that of noise, and we have done so all while trying to formulate something that might matter to the status of sound within postcolonial studies. I will be the first to acknowledge that we are faced with many moving pieces, some more interesting than others. To proceed, I propose that we get very concrete, very local and, in the methodological spirit of Sanders’ “investigative poetry,” we “open up a file” on noise abatement discourse in South Africa and Cape Town in particular. While it is crucial not to conflate the postcolonial and the post-Apartheid, there is something about their shared “failed historicity” (See, Ahmed 2000, 11), the agonizing impasse of national liberation, that prompts sound studies partisans to consider carefully what in this imperceptible “fade,” speaks to the color of noise/noise of color.

I turn then to the following state document, not because it derives from an “official” archive, but, because ignorance of such things is no excuse, one is virtually compelled to read it. What attracts my attention is the following: first the construction of the problem of noise that it elaborates; second, the rhetoric of abatement, namely, what, if anything, is

noise to be abated for; and third, what as yet un-thought aspect of noise, and especially its locus as a racialization of color, might be legible/audible here? Perhaps, given what I have underscored in Bijsterveld's project, this document, as if retracing Freud's psychopathological anecdote about his futile efforts to once exit the red-light (color of light?) district of Vienna, returns us ineluctably to the neighbor (Freud 2001:17, 237).

The document in question dates from 2007 and is titled, "By-law Relating to Streets, Public Places and the Prevention of Noise Nuisances." As the title makes clear, this text clarifies how the city of Cape Town regulates noise. On line and thus "open" to the public it purports to serve, it appears with a "Quick Help" guide, the last entry of which is titled: "My neighbor is making noise." As with most regulatory discourse that grounds its legitimacy in law this by-law includes definitions, and, as one might expect, noise is not only defined, it is presented via a hot-link as the subject of a short essay titled, "What is Noise?" As it turns out, this essay is also an intertextual wormhole that burrows into a past worth tracing. Following the twists and turns of this hole one learns how noise, nuisance and neighbor are definitionally entwined. Since I am proposing that noise is subject to the audit, that is, a discourse that structures aural perception so as to deprive it of its immediacy, brief consideration of this entwinement is called for.

Sorting the matter of what is noise leads to a certain legal legacy, notably to a text published in 1969 by one J.R.L Milton titled, "The Law of Neighbors in South Africa" (Milton 1969). The opening section of this text treats the concept (his word) of nuisance, a term he turns to as he struggles to track how it served as the transfer point between two

ancient traditions of jurisprudence: English common law and Roman-Dutch law. This matters for Milton because if nuisance can be made subject to legal regulation, this must be conducted in accord with some lawful ground. Usefully, he traces the etymology of nuisance back from English to French to Latin (*nocumentum*) where, to Achille Mbembe's potential delight, it enters into philological association with the "necrotic" (*nek*) and thus death. Nuisance causes injury and, as it turns out, this matter of definition, although subject to a distinction between public and private injury, is shared by the two relevant traditions of jurisprudence. I note, and thus reserve for later comment, Milton at no point mentions the Eurocentricity that produces the relevance of these of traditions in South Africa. Law is simply law. Always was, always will be.

How then do nuisance and noise converge? This is not as straightforward as it seems because, as Milton delineates, the regulation of nuisance routinely appealed to property, whether public or private, where the relevant category of evaluation was that of "trespass," and the pertinent legal question concerned whether one's property had been *physically injured*, or whether one's right to enjoy one's property had been *materially infringed*. It is with the constraint of "trespass" in mind that Milton draws attention to a particular case, prosecuted in 1882, involving the litigants Holland and Smith. The Smith in question was a "blacksmith" who had established a shed at which he plied his trade heating and hammering so called black metal (iron). Technically, he was not "trespassing" on the property of those near him (for example, he was not physically pouring slag water into shared gullies), but he was interfering with the ability of those

near his shed—again technically, his neighbors—to enjoy their property. Or so it was claimed by the plaintiff.

What Milton stresses is that it was in deciding this case in favor of the plaintiff (Holland) that noise decisively broke off from mere sound and became nuisance, and, just as significantly, nuisance—long associated with the challenges of living in common—came to organize those who *live near* and are thus subject to nuisance around the ancillary legal concept of the neighbor. Subsequent case law has nuanced and modified the findings in *Holland v Smith*, largely to facilitate the aggressive sprawl of modernity, but this cascade of definitions, nuisance, noise, neighbor has largely retained its precedential power.

More recently, notably in the wake of South African independence, Hanri Mostert (among others) has brought the law of neighbors into confrontation with human rights law, noting that buried within the neighbor (as de Certeau anticipated), is the Biblical presumption of an able-bodied and biologically distributed human sensorium (Mostert, “Nuisance”). Noise thus is not merely something humans either produce or experience, but noise, or at least the juridical hiving off of noise from sound, is a social site wherein the human arises as a designation for the potential bearer of rights, including the right to be treated in a neighborly fashion.

Unclear in all this is precisely what remedy the abatement of the smith’s nuisance was to secure. Nowhere in the decision are we told that Holland, like Benjamin, was unable to read and write on his property. Instead, we find reference, in fluent legalese, to interference in the plaintiff’s capacity to *enjoy* his property. Enjoyment, a

quintessentially unruly term, is implicitly glossed by its association with “well-being,” with “health,” and with “comfort,” all formulations that remind one of the wisdom contained in Brecht’s acerbic maxim: All men are indeed equal before the law, for it is as illegal for a banker as a beggar to sleep on a park bench. *In other words, nuisance presumes a distribution of property flagrantly contradicted by the South African context.* But beyond that, noise as nuisance highlights a crucial link between sound and space. Sound is provided resonance by space; space is given contour by sound. Sound might even be thought of as a way of seeing in the dark, pricked by fear. Noise, as nuisance, thus amplifies and foregrounds the crucial aspect of spatial transgression, of the capacity of sound to trespass, even violate the social logic of the separation and segregation of spaces. This might suggest that sound—*especially* when defined as noise—has an absolutely fundamental relation to Apartheid and the panic of spatial transgression that drives it. Noise thus takes on color, racialized pigment, from unequally distributed space. Formulated in a more existential register, noise is the color of the neighbor who is not your neighbor.

This wormhole lies deep beneath the surface of the “By-law Relating to Streets, Public Places and the Prevention of Noise Nuisances.” To be sure, the by-law points only to its outer lip, but leaves readers, and presumably attorneys, to spelunk the cavity. However, what the by-law does not even point to, and this will come as no surprise, is its Eurocentricity, that is, its steadfast and dumb embrace of a concept of law that cannot even pose much less answer the so-called southern question (Gramsci 1983).

To further develop this provocation I turn briefly back to the motif of pollution. Recall under this heading the particular intervention of R. Murray Schafer in *Soundscape*. There he argued that the preoccupations of those exercised by the nuisance created by noise—in effect, *precisely* what noise abatement policy concerns itself with—were misguided. Flawed because it confused hearing and listening, the concept of nuisance left out of the juridical category of pollution all sounds that weakened our capacity to listen, sounds often so ubiquitous, so normal, that we could not, or certainly did not, hear them. For Schafer these unheard sounds are the true nuisance, and as such they point to sonorous events that in defying the notion of a tort or delict—whether defined as English or Roman Dutch—gesture toward the limit of law as such. Because Schafer is not terribly interested in either law or its Eurocentricity, we are then left to radicalize and run with his insight into “listening loss” in the South African context.

As this summary makes evident Schafer’s concept of noise pollution situates the limits of the audible in the zone of the habitual, the all-too-familiar-and-thus-ignored. But how might we approach this from the other direction, namely, from the direction of what we might call the unheard? Unheard not in the sense of that with which one is not yet familiar, but unheard in the sense of an absence that constitutes the difference between the audible and the inaudible, a difference operating *between* hearing and listening, a difference that what I call the audit structures. To approach noise, nuisance and neighbor from *this* direction I turn to an unlikely traveling companion: Jean François Lyotard and his baffling little essay, “Music, Mutic,” his contribution to the anthology, *The Musical*

Idea from 1993. This is how the important neologism of the “mutic” (*mutique* in French) appears on the textual scene:

The breath is a wind, a *flatus*, of terror: one is going to be no more. This wind is *deaf*, we are deaf to it. Maybe we *cannot* hear it. But it is not *mute*. Or else it is mute in the sense of the old root, *mu-*, *mut*. The terror lows, bellows, murmurs it rustles its closed lips. (Lyotard 1997, 225)

This follows upon an extended citation from one Pierre Quignard in which, among other things, a structure is sketched of what Quignard calls, “the language before language,” a structure that Lyotard “hijacks” (*détourne*) to describe the relation between music and the mutic. The mutic thus designates, as it were, the music before music.

If you have been reading Lyotard then you will know that the “mutic” in these formulations belongs to what, for lack of a better term, might be called his “aesthetic philosophy.” It is an iteration of what he has also called gesture, or figure, or pagan, or the sublime, all terms deployed by Lyotard to probe what remains unthinkable in philosophy and especially in a philosophy concerned to think art, taste and the beautiful. Thus, the mutic designates the conceptual prop philosophy must deploy in order to concentrate on what in music precedes music, what operates within and upon it as an “inaudible wailing.” In a word: terror. The mutic marks where in music philosophy succumbs to terror, to incapacitation or structural mis-cognition. Do not, I urge, mis-hear the point. Lyotard is not rehashing the tired proposition that musical affect lies radically beyond either reason or language. Instead, he is proposing that something sonorous comes *before* musical sound, something—a bellowing, a banging (all terms put in play in

Quignard's "*traité*," see, Quignard, *Petits Traités* I, "Langue")—to which what becomes music responds, deriving all its energy from the signifying panic induced by what is here called the "mutic." Crucially, this "before" is where Lyotard scores the political with the aesthetic. In his phrase regime if political transformation, emancipation, is possible it is because Art preserves the trace of a force that radically evades socio-historical capture. Because others have more fully aired the differences between Lyotard and Rancière, I'll note here that it is along the mark left by this scoring that they disagree about disagreement, about the conditions of possibility for radical political change. See Rancière's own "The Thinking of Dissensus: Politics and Aesthetics," from *Reading Rancière*.

But then what, if anything, does this tell us about noise pollution? The attentive reader will have noticed that Lyotard's evocation of *flatus* was also an evocation of flatulence, farting and belching, both terms, it happens, put in play by Quignard's comparison of the language that comes before language with what he (and Beecham, remember the lilies!) calls the "stink," the "sonorous scent," that human speech insistently rolls in as an expression of its intractable materiality. If, in relation to such bestial visions, one recalls that "smells," like "noises," and even "sights," fundamentally complicated the legal category of "trespass," then what emerges here is the possibility that the mutic confronts us, and all noise abaters, with a noise that is, strictly speaking, unheard of and as such beyond the concept of nuisance in principle. Or better put, the mutic urges us to attend to sound that operates before, yet on, the distinction between sound and noise, thereby

calling into question the reach of law and its efficacy in the adjudication of sonorous dissent.

Having arrived here through a sustained, if selective, consideration of the South African by-laws regarding noise pollution it seems both fitting and urgent that the implications of the mutic be stated in greater proximity to these animating concerns. At the risk of reducing her to a mere example, I wish to pay homage to Nomonde Calata whose “wailing, almost inhuman cry,” in Jacqueline Rose’s formulation, “[. . .] momentarily brought the hearing to a complete halt” (Rose, 2019 12). As many here will know the hearings in question were those of the TRC, an international tribunal of both vast scope and, if we are to believe Adam Sitze, impossible ambition (Sitze 2013). As significant as it is to have wailed precisely *this* operation to a halt, overemphasis on the *interruption* misses the “long scream” of which Calata’s wail is but a human-all-too-human incarnation. By the same token, the wail is absolutely not, as Schafer might have it, a sound that has become excessively familiar. In this sense its status as an interruption, a juridical punctuation, remains decisive. It breaks in and up. However, this wail is perhaps even more unnerving than the scream Fred Moten hears ripping across *The Narrative of Frederick Douglass* in the character of Aunt Hester. It traces a distinctly mutic effect in drawing attention to what the juridical series noise, nuisance, neighbor cannot, in principle, think and thus adjudicate. Calata’s halting “almost inhuman”⁴ sound

⁴ Despite its various excesses (I remain unconvinced by the plea to grant non-human animals access to courts), so-called Animal Studies has re-invigorated the question of the human animal so that the “inhuman” is no longer merely a term of derogation applied abusively to humans other humans fear and often hate. Say, black South African women involved in resistance struggles. The inhuman (a term Lyotard noted at work in

speaks directly to the Eurocentric foreclosure that operates on the pretense that what is properly noise crosses into spaces of property that are not themselves *already* expressions of occupation, preemption and removal. Here I would like to propose, perhaps uncharitably, that Bijsterveld’s project, situated as it is on territory ordered by Roman Dutch law, cannot meaningfully problematize the social history of noise. In a phrase, it arrives *post festum*, that is, after the unheard has *already* been reduced either to the goal of abatement—the no longer heard—or, to noises we are simply *not yet* familiar with. As a historian of technology this may be her scholarly aim. It need not be ours.

In the guise then of drafting the first stanza of our investigative poem I offer a few closing thoughts about “The Echo of a Noise.” Now a published memoir, “The Echo of a Noise” (Uys 2018) began as a performance piece by the queer Afrikaner trickster and gadfly Pieter-Dirk Uys. As played, the piece unfolds as a polyvocalic monologue with Uys center stage, alone in the spotlight wearing a black t-shirt emblazoned with the words: “almost famous.” As if embarked on a distinctly Benjaminian errand of rearranging our listening habits, the monologue is comprised of stories, stories about his parents, about Sannie the family’s Muslim house maid, about his early experiences in South African theater, his typewriter and much, much more. The title isn’t really taken up in a sustained fashion (see the paragraph that opens the chapter, “Gathering Wet Sand”), but in an interview with Billy Suter in 2017, Uys responds to a *Vanity Fair*-like question about his “dislikes” by expressly listing noise, moaning and people who dislike

philosophy’s tussle with time—see Lyotard 1991) now indicates a problem whose sonic proportions I am invoking here. From this perspective Rose’s “almost” is an unfortunate concession.

cats. By contrast, at the top of the list of “dislikes” in the performance piece itself is the RSA (repressive state apparatuses in Althusser’s abbreviation) of the Apartheid regime, especially as realized in the blunt mechanism of censorship boards. Setting aside the counter-intuitive proposition that censorship produces more than it prohibits (consider the much cited case of the biblical Eve), what such storytelling elements might suggest is that noise is not what is censored, but it is the sound of censorship, a becoming-sonic of what might otherwise defy *listening*. Thus, in naming the piece “the Echo of a Noise” Uys is not only baffling us with an acoustic reiteration of an inaudibility, but he is casting the piece as an echo and echo as the sonic means by which to think what Rancière calls “politics.” In this he suggests a way to think about the structure of an intervention in a properly South African incarnation of the noise, nuisance neighbor series.

Two postcolonial archival sites, at a minimum, might thus call for immediate attention. On the one hand, we are called to map those spaces that think the neighbor outside its Christian, Eurocentric juridical frame. What does noise mean here? Can it *mean* anything at all? What is the political force of this specific meaninglessness? And, on the other hand—and recall that all decisive blows are struck with the left hand (Benjamin 2009)—we need to assemble left leaning listening devices designed to pick up the mutic bellowing that comes *before* noise and perhaps especially in those spaces where something other than noise arises. This archive may be as close as the site of the nearest

“land invasion,”⁵ but it may also be far more impossible to find. It will then have to be forged.

I conclude then by having thus opened a file on the color of noise in South Africa.

Calling all investigative poets.

⁵ “Land Invasion” is the term used by the South African police, hence the press and property owners, to designate occupations of territory, typically although not exclusively farmland, by what in other contexts would be called “squatters,” that is, heterogeneous communities from townships, the urban poor (people living rough), and the occasional activist or students. In effect, a “land invasion” is the eruption of the under-commons in privately held and thus enclosed space. As clear instances of “trespassing,” they invite consideration of the extent to which noises, smells and sights articulate a politics of “dissensus,” a politics of the divvying up of sense and the senses that raises new tactical questions about the impasses of the post-Apartheid moment.

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