

An Introduction to Public Hearing

By Mikkel Krause Frantzen, Ph.D, University of Copenhagen

Transcribed from a talk given at the 10th Copenhagen International Documentary Festival (CPH:DOX) at Copenhagen City Hall, Denmark, 2012.

In a few minutes, we are about to watch an extremely boring film. It is called “Public Hearing” because it restages a public hearing that actually took place concerning a proposed expansion of a Walmart in Allegany, a little town of 8,000 inhabitants in the western part of the state of New York. The director of the film, James N. Kienitz Wilkins, came across a transcription of this particular hearing and reenacted the event in its entirety. It is a reenactment, a reconstruction.

Usually, you choose to reenact dramatic events, traumatic incidents, magnificent scenes, a revolution, a murder; in short, examples of what psychoanalysts love to call the *real*. Here, though, what is being reenacted is rather the *reality*: a democracy in its almost tedious, everyday quality. It is boring yet very comical, and also quite tragic. It takes place in Allegany, but it could be anywhere.

So what is going on in this hearing? People plead, debate, and discuss. Some support the expansion and others are against it. Issues raised involve the local area, jobs, and the environment, including a species of salamander that goes by the name, “Allegany Alligator.” People on either side of the argument do not seem to listen to one another. It is paradoxical that it’s called a “hearing” when one does not really hear what others have to say. Even as spectator, it’s sometimes difficult to pay attention to the statements being made. Though who in their right mind could have expected otherwise? The point and premise of the film is that this conversation goes nowhere.

A public hearing is generally supposed to function as a public forum like the kind from the good old days. There is supposed to be dialogue and discussion: Democracy, in other words. The possibility to raise a concern is certainly granted to the citizens of Allegany, since the representatives of Walmart are sitting right there. Local authorities are present as well. However, an abyss separates the people who talk from the people who listen. An unbridgeable gulf emerges between people who make decisions and people who do not. The whole process is thus a mere formality, a spectacle.

Ironically, all of us sitting right *here* are in the heart of local democracy. We are in the “hovedkassen” at the city hall of Copenhagen, where public hearings take place. Recently, I stumbled on a hearing transcript concerning a local development plan for the Scala-building just across the street. I don’t know anything about its outcome, but I do know they talked a lot about public announcements and the general public. I am not quite sure whether something decisive was said about the *status* of the public today, but in any case, reading the responses to any given hearing request is a good laugh. As an example, here is a quote from Jan Kofod in a statement made on August 7, 2012:

In extension of my statement on June 27, I’ll use the enclosed page from Gehl Architect’s counting of the pedestrian traffic in the Metropolzone to document the disproportion in the distribution of the sidewalk area in front of the Tivoli and the Scala Ground/Axel Torv, respectively. From this it appears that the pedestrian traffic on Vesterbrogade’s southern sidewalk along the Tivoli – 30,000 people on a summer’s day – is three times higher than on the northern sidewalk.

As for the film *Public Hearing*, it is safe to say that Kienitz Wilkins exposes the notion (or fantasy) of this so-called *communication*, without showing active citizenship to be mistaken or naïve. His film draws attention to the very frames within dialogue. Something has preceded this dialogue: *who* is allowed to talk and *what* they're allowed to say has been established and determined in advance. The rules are there from the beginning and it is not a matter of free play. In the film, the moderator (who is also a municipal consultant) elucidates the framing of a public sphere. Reilly, is his name.

Reilly at one point states you are *not* to talk about "economic competition." It says so in the law, he makes clear. There are some things you can talk about, and some things you can't. He warns, "It is okay, just go and ahead and say it, say 'economic competition' if you like...nobody is going to listen you, nor is it to going to be entered on the record." Furthermore, Reilly explains *process* by numerating the rules. He says, "We want to help you with everything," with no apparent awareness for how condescending that sounds. It is a classical asymmetry: those who speak are not concerned with the question of *who* speaks, because the power inherent in their position is invisible to them. Whereas those who listen are very well capable of seeing this same power, yet they cannot help but notice *who* speaks, because they themselves can't. After telling everybody about the "process," Reilly says, "And now the fun begins, the part where you get involved." And then he laughs.

Reilly continues: "This is a democracy and we want to hear everybody. But we do not want to hear the same thing over and over again . . . It is not going to help us." We must not forget to ask who does "us" refer to? Who does the personal pronoun include? Who are "we" and who are "they"? This is the essential conflict that the film—and every real democracy—confronts. Who is a part of the "we," not only given the right to speak, but be *heard*? These are the crucial questions

being raised by *Public Hearing*. To speak and to assert certain claims and demands is a privilege that some people are simply denied, even if they have been invited to a public hearing.

Let me also draw your attention to the fact that the exposure of the frames within the hearing is being matched and amplified by the formal frames of the film itself. The film is above all an illumination of frames, including its own. It is a black and white 16mm film. It is indeed a rather conceptual piece of work formed and informed by an almost archival and archaeological undertaking. Kienitz Wilkins presents excavated material from a small but significant *locus* of present-day democracy. In other words, it is extremely stylized and formalized, but there is really no other way to highlight the relation between the visual and the verbal, which is a fundamental dividing line of any modern democracy. Any art form that wishes to be political and/or democratic must in one way or another disturb or redistribute the hierarchical order of what is visual and what is not, and what is considered intelligible speech on the one hand, and pure noise—or silence even—on the other.

In the past decade or so, there has been a lot of talk in academic circles about the intermingling of journalism and art, documentary and feature films, fact and fiction. This film is a little bit of everything. To be sure, it plays with fact and fiction. Is it facts that have been fictionalized? Or is it the other way around that the facts are, in a sense, always and already fictionalized, or framed if you like. Consider, for instance, Colin Powell's speech to the UN about weapons of mass destruction in Iraq. Was it not an excellent example of fact as pure fiction (or was it rather a case of fictions being presented as facts)?

Last, it is worth noting another prominent feature of the film: the close-up. The film consists almost entirely of close-ups. If Danish filmmaker Carl Th. Dreyer, who also preferred this way of filming, had ever made a documentary about democracy, it might have looked something like this. (Except *Public Hearing* is a bit more humorous and a bit less spiritual than the average Dreyer film!)

A striking effect of the close-up strategy is that it provides the film with a tactile quality: you can almost feel the different shots, such as a pen dangling in a mouth, hands fiddling a cigarette, the pouring of a Coca Cola into a glass, or the shuffling of feet. Not once is the viewer given a total picture. All you get is fragments and snatches, or namely, close-ups of the public hearing.

All in all, *Public Hearing* delivers a close-up of local democracy by a democratic overhaul. Kienitz Wilkins, however, does not choose sides. He does not judge, but instead takes a step back to expose the paradoxical and comical aspects of a concrete and contemporary *process*. Rather unobtrusively, he seems to suggest that, well, okay, maybe it is not *here* that democracy takes place. In order to assemble a proper democracy or a real political event, a different set of frames is indeed required. Democracy is not something you get invited to: it is what happens when a group of people all of a sudden show up, stand up, and speak up, uninvited and unannounced. You are not one of the actors, but you enter the stage anyway. This is where theatre and democratic politics meet.