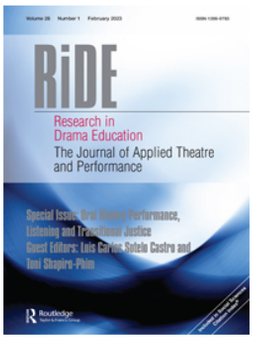

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Scenes from the inquiry: tribunal theatre and the act of listening

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ABSTRACT
This article analyses approaches to listening when creating theatre using the words of real people via a recent tribunal play by Richard Norton-Taylor and Nicolas Kent, *Value Engineering: Scenes from the Grenfell Inquiry* (2021). The article considers the play in relation to transitional justice practices to reveal how listening functioned in its creation and development. It posits the repurposing of the terms 'macro listening' and 'micro listening' to distinguish between two particular forms that listening took on the project. The example of *Value Engineering* serves to demonstrate complex and multimodal approaches to listening when staging legal testimony.

KEYWORDS
Tribunal theatre; transitional justice; documentary theatre; listening; acting processes

Introduction

This article will analyse the complexities of listening when creating theatre using the words of real people via Richard Norton-Taylor and Nicolas Kent's tribunal play, *Value Engineering: Scenes from the Grenfell Inquiry*. The play opened on 13 October 2021 at the Tabernacle Theatre, London, where it ran for a month, before a week's run at Birmingham Rep. The play will be considered in relation to transitional justice practices. Though, as this article will explore, neither the Inquiry nor the play are forms of transitional justice, select elements of transitional justice provide a useful lens to analyse how listening functioned in its creation and development. This article posits the repurposing of the terms 'macro listening' and 'micro listening' – terms originally employed to refer to second language learning (see Rivers and Termperley 1978) – to distinguish between two particular forms that listening took on the project. 'Macro listening', which Rivers and Temperley identify as 'holistic' and necessary for 'a purposeful communicative interchange' contrasts with 'micro listening', which is the 'discrimination of sound and stress which change meaning; recognition of intonation patterns, syntactic segments and word groups' (1978, 93). Following Rivers and Temperley's lead, here 'holistic' macro listening will refer to the context of the production; how Kent and Norton-Taylor listened to the community, the bereaved, survivors and residents groups, how they framed the aims of the play and listened to feedback in their development of it. The second half of the article moves from macro listening to the detailed work of the rehearsal room. 'Micro listening'

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provides a useful starting point in analysing how the actors worked with the Inquiry transcripts and recordings. The example of *Value Engineering* serves to demonstrate complex and multimodal approaches to listening, drawing on practices from transitional justice, to address a major contemporary tragedy.

The Grenfell Tower fire

At 00.54 on 14 June 2017, London Fire Brigade received a 999 call from Behailu Kebede to report a fire in his kitchen on the 4th floor of Grenfell Tower, a 24 storey tower block in the Royal Borough of Chelsea and Kensington, West London. At 01.09, the fire reached the exterior cladding of the tower and rapidly spread up the side of the building, reaching the top floor only 18 min later. The fire swiftly engulfed the tower and claimed the lives of 72 inhabitants. The tragedy was the worst loss of life in a residential fire in Britain since World War Two. It also took place in one of the richest boroughs in the country, as lawyer Leslie Thomas KC[1] later stated:

> This disaster happened within a pocket of one of the smallest yet richest boroughs in London … Yet the community affected was predominantly working class. That is a stark reality that cannot be ignored. The impact of race and poverty on this disaster, this Inquiry must not ignore. (2020, 3)

Across the 72 victims there were 19 nationalities. Thomas continued:

> 32 were from the Middle East or North Africa, nine were from East Africa, seven were white British or white Irish heritage, five were from West Africa, five were from Bangladesh or of Bangladeshi heritage, three were from the Caribbean, one was from the Philippines and one was Colombian, and there was one of unknown BAME [Black, Asian and Minority Ethnic] heritage. (2020, 8)

The devastating fire and investigations which followed revealed a catalogue of errors and malpractice. These included the London Fire Brigade's 'stay put' advice to residents (instructing them not to attempt to exit the tower until it was, for many, too late); the woefully inadequate provision of fire escape staircases; the 'value engineering' of the 2015–2016 renovations (which saw plans for zinc replaced with the cheaper, combustible cladding); the suggestion that the primary motivation for the renovation was to improve the look of the tower for residents in this salubrious area of West London, rather than to improve the conditions for those living within it; and the prior concerns raised by residents about the safety of the tower. However, the fire also raised wider systemic and societal issues, as Thomas stated:

> The statistics are glaring, and provide a stark and continuous reminder that Grenfell is inextricably linked with race. It is the elephant in the room … This disaster happened in a city where there is one housing system for the rich and another housing system for the poor. That political, social and economic context cannot be ignored, brushed aside, in investigating it. Nor can it be decoupled from race in a context where people of colour are disproportionately likely to be poor and live in social housing. (2020, 6–7)

The fire highlighted the stark contrast between poverty and wealth, between those whose safety at home relied on the actions of a TMO (Tenant Management Organisation) and those who lived in multi-million pound private housing only streets away. At the heart of these issues, as Leslie Thomas KC stated, was the correlation between poverty and race.

The Grenfell Tower Inquiry

The day after the fire, Prime Minister Teresa May ordered a public inquiry, established according to the Inquiries Act 2005. Section Two of the Act makes it clear that it has no power to determine criminal liability, though its evidence gathering is by no means entirely separate from criminal proceedings:

(1) An inquiry panel is not to rule on, and has no power to determine, any person's civil or criminal liability.
(2) But an inquiry panel is not to be inhibited in the discharge of its functions by any likelihood of liability being inferred from facts that it determines or recommendations that it makes (The National Archives 2005).

In addition to the possibility of inferred liability through the facts unearthed, documents requested by the Grenfell Tower Inquiry, including private communications, could later be used as evidence in criminal proceedings.

Within fifteen days of the fire, Sir Martin Moore-Bick, a retired judge, was appointed as Chair. The Inquiry comprised two phases: Phase One, designed to establish the facts surrounding the night of the fire, began in June 2018 and was completed in December 2018. Its findings were published in October 2019. Phase Two, which investigated the wider context and circumstances which led to the fire and the loss of life, began in January 2020. It was split into eight modules which included investigations into the recent refurbishment, the cladding materials, building regulations, the management of the tower, central and local government responses, and the actions of London Fire Brigade. At the time of completing this article, Phase Two investigations are concluding with overarching closing statements, including those from the bereaved, survivors and residents groups. Unusually for British inquiries, all hearings are live-streamed on YouTube and recordings are posted on the site. The final outcome of the inquiry, stated in the terms of reference on the Inquiry's website, is 'to report its findings to the Prime Minister as soon as possible and to make recommendations'. Signalling a future-focused approach to the Inquiry's findings, these recommendations, according to the Prime Minister's instructions, should be designed to 'prevent a similar tragedy happening in the future' (May 2017).

The Grenfell Tower Inquiry and transitional justice

It is important to state upfront that the Grenfell Tower fire is not an event that falls within the usual parameters in which transitional justice practices might be applied. As this special issue demonstrates, transitional justice is typically associated with large-scale violent contexts such as in the aftermath of war crimes or crimes against humanity, where it is deployed as a tool in the transition from war to peace or authoritarianism to democracy. As Bickford identifies, transitional justice is 'a field of activity and inquiry focused on how societies address legacies of past human rights abuses, mass atrocity, or other forms of severe social trauma, including genocide or civil war, in order to build a more democratic, just, or peaceful future' (Bickford 2004). My focus in this article is not to make a case for a reappraisal of such definitions. Rather, by identifying the Grenfell Tower fire as an example of what Bickford calls a 'severe social trauma'

and given the wider societal context and structural causes described by Leslie Thomas KC above, this article identifies some shared elements with the familiar focuses of transitional justice, analysing both the Grenfell Inquiry and the play, *Value Engineering*, through the lens of select transitional justice practices.

Transitional justice requires that 'the rights of victims (the now classic triad of truth, justice and reparation) are placed at the centre of the design of models that make it possible to transform societies' (Chenou, Chaparro-Martinez, and Rubio 2019, 93; quoted in Sotelo Castro 2020, 220). The rights and role of the victims have been significant areas of dispute within the Grenfell Tower Inquiry. From the outset, there were tensions between those leading the Inquiry and the bereaved, survivors and residents groups. The appointment of Moore-Bick was met with concern, particularly given a previous judgement in which he upheld a local authority decision to house a homeless family 50 miles from where they lived. Moore-Bick appointed three assessors to assist him, each with expertise relevant to the focus of the Inquiry. Since the start of the Inquiry, several assessors have left and others have joined. The bereaved, survivors and residents groups repeatedly requested that one assessor should be a local resident. However, their requests were rejected due to Moore-Bick's concerns that 'to appoint as an assessor someone who had direct involvement in the fire would risk undermining my impartiality' (2017, 4).

The bereaved, survivors and residents groups have, however, been involved at various stages of the process. The Chair consulted with the groups ahead of drawing up the Terms of Reference, though not all of their responses were incorporated. He also granted core participant status to any individual in these groups who applied. Hennessey explains the importance of this status:

> The most extensive way for victims and survivors to participate in an inquiry is by being designated as a core participant … core participants should receive funding for legal representation and copies of the documentation which is to be referenced at oral hearings, they may make opening and closing statements, and they can suggest questions for counsel to the inquiry to ask of witnesses. (2020, 37)

Despite their core participant status, the bereaved, survivors and residents groups have voiced frustrations about the remit of the Inquiry. Michael Mansfield QC, a barrister representing the groups, wrote to the Prime Minister and the Chair to ask that

> the terms of reference are drawn as widely as possible both geographically (this is not just about Grenfell … it is a national failure) and historically (this is not some recent aberration) and factually from general housing policy, gentrification, attitudes to safety and expenditure, fire regulations, prevention, inspection, planning, building, authorisation, certification … (England and Wales High Court Decisions 2018)

The Chair refused this request, arguing that this was beyond the scope of the Inquiry. In his conclusion on 'transformative justice', a form of justice that goes beyond transitional justice in its 'greater emphasis on the root causes of violations in order to address … ESC [economic, social and cultural] issues' (2020, 22), Hennessey points to the limited involvement of the bereaved, survivors and residents groups in shaping the Inquiry and the lack of representation among those running it when he writes 'the Grenfell Tower Inquiry cannot be seen to be transformative according to the analytical framework provided by transformative justice' (2020, 90). Hennessey specifically points to the narrow focus and the lack of consideration of the wider societal context of inequality in which the

fire took place: 'The consequences of the exclusion of ESC issues from the Terms of Reference are considerable' (2020, 82). There are, however, elements of the Inquiry that can be understood as drawing on practices from transitional, if not transformative, justice. The Prime Minister's instruction that the recommendations should be designed to 'prevent a similar tragedy happening in the future' (May 2017) demonstrates a focus on ensuring the kind of 'peaceful future' that Bickford (2004) describes and indicates that the Inquiry is not simply about identifying responsibility and blame but was also transitional in scope. However, it is clear that those affected had only limited opportunity to contribute to the conduct and recommendations of the Inquiry.

The Grenfell Tower Inquiry thus occupies a contested position in relation to notions of justice surrounding the fire. It was against this complex backdrop that Richard Norton-Taylor began editing the transcripts and, with Nicolas Kent, developed plans for a tribunal play based on them. Though the Inquiry may not have been designed around the tenets of transitional justice, this article will explore what we can learn about *Value Engineering* and the context of the production through the lens of transitional justice. Can the event of staging reconstructions of these scenes begin to act as a form of transitional justice for those affected in a way that the Inquiry did not?

Value Engineering: Scenes from the Grenfell Inquiry

Richard Norton-Taylor and Nicolas Kent are leading proponents of tribunal theatre in the UK. Tribunal theatre, a subset of documentary theatre, is created from the edited transcripts of legal trials and, as is the case in the majority of Kent and Norton-Taylor's work, inquiries. Their seven previous collaborations, *Half the Picture: The Scott Arms to Iraq Inquiry* (1994), *Nuremberg: The 1946 War Crimes Trial* (1996), *The Colour of Justice: The Stephen Lawrence Inquiry* (1999), *Justifying War: Scenes from the Hutton Inquiry* (2003), *Bloody Sunday: Scenes from the Saville Inquiry* (2005), *Called to Account* (2007), and *Tactical Questioning: Scenes from the Baha Mousa Inquiry* (2011) were created and first staged at the Tricycle Theatre (now the Kiln Theatre) in Kilburn, North London, where Kent was Artistic Director between 1984 and 2012.

Like their previous plays, *Value Engineering* represents a considerable act of condensation. Though it may fall short of the scale required in *Bloody Sunday*, in which Norton-Taylor edited Christopher Clarke QC's 42 day-long speech (at the time the longest speech in British legal history) into four short paragraphs, the Inquiry has been running for five years and hundreds of witnesses have given evidence. *Value Engineering* focuses on Phase 2 of the Inquiry, though the first four contributions in the play are from Phase 1, comprising contextual evidence from two expert witnesses and interviews with two members of the London Fire Brigade. There are then eight individuals representing different organisations involved in the Tower and the fire (such as architects, contractors, suppliers of the cladding, a building control officer, and members of the TMO). Three speeches by barristers representing the bereaved, survivors and residents groups are also included. Two such speeches are positioned immediately before the interval and at the end of the play. All witnesses are interviewed by Richard Millett QC, the Counsel to the Inquiry, with the exception of one interview that is conducted by Kate Grange QC. The proceedings are overseen by Sir Martin Moore-Bick.

Macro listening

The announcement of the play and the cast

On 6 September 2021, WhatsOnStage, the theatre website, announced the upcoming project and the casting for the play to its almost 200,000 Twitter followers. The response was swift, almost wholly negative, and raised concerns about the ethics of such a project and the approach taken by the creative team. Responses tended to fall into three categories. Firstly, there was an immediate backlash against the very notion of a play about Grenfell. The Working Class Artist Group (@WCArtistGroup), which supports and campaigns for working class artists, released the following statement on Twitter the day after the announcement:

> Statement || Having learnt yesterday from a casting announcement of a new production by #NickOfTimeProductions based on the ongoing Grenfell inquiry - on behalf of our members, artists + audiences we represent we demand answers and clarification from the show's producers.
>
> We do not believe it is the right decision to create this work whilst victims are still in temporary accommodation or displaced from their community. Whilst families are awaiting answers as to who will be held responsible for the 72 people who lost their lives.
>
> Furthermore, the announcement of this work coinciding with the start of the second phase of the inquiry is tasteless @EmmaHollandPR - we believe it detracts from the key issue - who is responsible for the deaths of so many working class people living in social housing?

This statement was released before the play opened (indeed, before rehearsals began). One of the key aims of the play was to investigate 'who is responsible for the deaths of so many working class people living in social housing?' However, alongside such concerns about the fundamental appropriateness of the subject matter, there were more specific questions asked about two aspects of the project: the relationship between the project and the people affected by the fire, and the casting of the production.

On the question of the relationship between the project and those affected, the Working Class Artist Group's statement continued:

> We ask how have the families and victims been consulted? Have they given permission? Have they been paid for the use of their story and words? How will this production seek to support and care for them and to what extent? How will it ensure not to retraumatise them?

In the aftermath of the tragedy, several campaigning and support groups were established. The most high-profile are Grenfell United, a registered family association representing survivors and bereaved families, and Justice4Grenfell, a community-led organisation, which, according to its website, is 'focused on the long-term goal of obtaining justice for the bereaved families, survivors, evacuated residents and the wider local community'. The relationship between these groups and the project was a common theme in the response to the announcement on Twitter.

The WhatsOnStage announcement of 6 September, from which almost all of the pre-production online criticism of *Value Engineering* emanated, also provided details of the cast. The twelve actors originally announced for the production were all white British, despite only seven of the 72 people who died in the tower being white Britons. One black actor, Derek Elroy, later joined the cast. The Twitter response to the casting was

marked, with repeated accusations of 'white-washing' the tragedy. For example, author Candice Carty-Williams (@CandiceC_W) tweeted, 'So four years on, instead of any form of justice for the victims, we have a stage play that places whiteness at the centre of this enduring tragedy? Who called for this? Who is the intended audience?'

Given Kent and Norton-Taylor's status as political theatre-makers and their track record of staging tribunal plays that hold institutions to account, this response was unexpected. It should also be noted, however, with the benefit of hindsight, that the response on Twitter was as brief as it was angry: almost all of the responses were within the first 24 h of the announcement. It was, though, the concern expressed online that gave rise to a key example of 'macro listening' by Kent and Norton-Taylor. In response to these reactions, they took a quite different approach to explaining *Value Engineering* from their previous tribunal projects. Kent and Norton-Taylor were much more explicit about their political motivations for staging the play. In previous collaborations, Norton-Taylor has sought to downplay the way in which his political agenda informs his selection of material. For example, in his 'Editor's Note' for *The Colour of Justice* (which staged scenes from the Macpherson Inquiry into the racist murder of Stephen Lawrence), he wrote, 'I wanted to select evidence of the inquiry which presented as fair, balanced and rounded a picture as possible' (1999, 5), which belies the careful selection of material to systematically reveal institutional racism in the police. Similarly, in the example of *Bloody Sunday,* Carole-Anne Upton noted that 'The criteria for editing, that is selecting and ordering the material to construct a narrative, are not made explicit' (2009, 186). By contrast, after listening to the reception on Twitter, Norton-Taylor responded in an article in *The Guardian*:

> We're concentrating on the villains … What comes out in the play is the incompetence, the corruption, the lying, the network of chums who knew each other in the construction industry … Put it all together and it becomes a microcosm of what is wrong in other parts of British society. (Quoted in Kale 2021)

Kent has been even more frank about his aims: 'I want people brought to court and charged with corporate manslaughter' (quoted in Curtis 2021). They also added notes on the project to the play's website, including Kent's explanation about his approach to casting:

> The play … deals predominantly with Part 2 of the Inquiry … That part of the Inquiry took evidence from those responsible for the disastrous refurbishment of Grenfell Tower before the tragic fire. The age, background and colour of all those men and women who gave evidence and failed to ensure the building was safe for the residents are represented as accurately as possible in this contemporary reconstruction of the Inquiry.

The concerns about the casting of *Value Engineering* appear to conflate the Inquiry itself and the play, as Dan Rebellato observed, 'If there was a preponderance of white people at the enquiry, arguably that is the fault of the enquiry *(sic)* not the play' (2021). This is true both of those called as witnesses and those who sit on the panel. Hennessey has noted that 'victims and survivors have felt frustration. Perhaps most importantly, their demands for a diverse panel of decision-makers have not been met' (2020, 89). Derek Elroy, who played Leslie Thomas QC, emphasised the significance of the casting choices:

> I think it is very important that the casting reflects the ethnicity of the people being interviewed. To cast it differently would muddy the waters. It would miss the point. It wouldn't

> hit home. It needs to be as accurate as possible. This is what it actually looked like. You watch person after person passing the buck and they are all white, and then a black man [Leslie Thomas QC] comes on and says 'I'm here now and just to let you know, we are watching who is here, we see the race of the people here, and we will bring to question why that is'. It is important to see the true make up of what is happening in order to show that it *is* about race, it *is* about poverty. (Interview with author, 5 November 2021)

Though Elroy and Rebellato's comments about the ethnicity of the actors is persuasive, it is important to contextualise their comments within the particular theatrical frame that Kent's mode of tribunal theatre deploys. *Value Engineering* is a highly edited selection of witness testimony from the Grenfell Tower Inquiry, selected, as the makers make clear, to attribute blame and expose malpractice and corruption. This testimony is staged within as precise a recreation (or what Kent above calls 'a contemporary reconstruction') of the original inquiry room as possible. The play makes no attempt, however, to offer a critique or interrogation of the Inquiry it depicts. In this context, Elroy is right that to cast against the ethnicity of the real person would 'muddy the waters': the exclusively white panel and witnesses and the presence of Leslie Thomas QC as the only black lawyer are important factors in the conduct of the Inquiry. However, given the limitations that the bereaved, survivors and residents groups have identified in the scope of the Inquiry, it is noteworthy that the play offers no commentary on or corrective to this. Therefore, Rebellato's assertion that the 'preponderance of white people … is the fault of the enquiry and not the play' is true only insofar as the play recreates rather than interrogates the workings of the inquiry.

Value Engineering *and select transitional justice practices*

Transitional justice practices provide a useful lens through which to analyse the reception to the play's announcement and the response by the theatre-makers. The sense that the bereaved, survivors and residents should be central, rather than focusing on the 'villains' and thereby, to use Rebellato's term, 'white-cladding' the tragedy with a 'kind of theatrical gentrification' (2021), can be seen as a call for the Inquiry to be transitional in its scope, or for the play to expose the Inquiry's shortcomings in not functioning in this way. Sotelo Castro's comments about the centrality of those affected in transitional justice practices has a strong resonance with the reception the play received online:

> The achievement of postconflict goals such as peacebuilding, justice / accountability, healing and reconciliation requires that the testimonials of victims, whose rights were violated and who can bear witness to the atrocities of the past, are put at the centre of what circulates within the public sphere. (2020, 220)

This wasn't the case here. Though Phase One of the Inquiry opened with 'eight days of hearings focused on commemorating these victims, at which families were able to pay tribute to them' (Hennessey 2020, 71), no material from these eight days was included in the play. Why not include contributions from those affected? Doing so would have led to a more diverse cast and, following the focus of transitional justice, ensured that the 'victims are put at the centre' (Sotelo Castro 2020, 220). The terms of reference of the Inquiry, particularly in Phase Two, which constitutes the majority of *Value Engineering*, are firmly focused on finding answers about how the fire happened. Cast member Derek Elroy provided an explanation for this focus, identifying it as a consequence of the systemic racism that surrounds the events following the fire:

> The fact that this Inquiry is needed is incredible. After four years, no one has been arrested. No one has been held accountable. As Leslie Thomas suggests, there is a level of racial bias, racial discrimination, of systemic racism which is evident for this Inquiry to have to happen. If it had happened 100 metres down the road in a privately owned building and the majority of people who died had been white, there would be arrests, people would be held accountable. There would have been a completely different outcome and I don't think we would be having an inquiry now. It would have been resolved. In other examples, the inquiry comes *after* people have been tried and convicted in criminal trials. If the racial profile was different, people would be in prison. If they weren't culpable, they would be released with time served. But because of the racial profile of those affected, here we have the inquiry first, then lock people up. This is systemic. (Interview with author, 5 November 2021)

Had the criminal trial preceded the Inquiry, its scope might have been somewhat different. Since no one has been charged with or tried for any offence, the play, like the Inquiry itself, feels like a precursor to criminal proceedings rather than as a project designed, in the spirit of transitional justice, to begin to look forwards. The limited progress since the fire can be located using Cohen's list of the challenges inherent in transitional justice:

> To recover from periods of mass atrocities, gross abuses of human rights and longstanding systems of oppression, individuals, communities and societies face complex challenges: to understand the meaning of what has transpired; to consider reparations for those who were injured; to hold those responsible to account; to transform the underlying systems of power and privilege that contributed to the violence; and to build or rebuild trust in both people and institutions. (2020, 1)

Very few of these challenges have been overcome or even confronted. The Inquiry only partially fulfils the first brief: 'to understand the meaning of what has transpired', but, as explored above, there have been concerns about the narrowness of the Inquiry's terms of reference. The Inquiry might 'hold those responsible to account' but it has no legal powers to act on this accountability. The primary drivers behind the play thus belong to retributive justice, which, as Li et al. explain, 'is mainly concerned with unilateral punishment of transgressors' (2018, 134). The play calls professionals to account for their wrongdoing and malpractice. Their incompetence, wilful neglect and obfuscation are centre stage, not the stories of those affected. Given the limitations of the Inquiry, it is arguable that Kent's particular mode of tribunal theatre compromises the potential for these limitations to be exposed in performance. As we have seen in the response to the play's announcement, the content of the play risks recycling the same frustrations raised about the Inquiry rather than functioning as a way to address them. Had it employed transitional justice's notion of victims' centrality, the play could have done what the Inquiry itself did not, providing a valuable opportunity to perform justice differently.

However, though the selection of material in *Value Engineering* may be retributive rather than transitional in its scope, there are a series of features in the wider context of the production, if not the content and style of the play itself, whose function can be understood in relation to transitional justice practices. These features demonstrate a close responsiveness to concerns raised by the bereaved, survivors and residents groups about the Inquiry. Firstly was the location of the play. The Tabernacle is an arts venue less than a mile from Grenfell Tower. The play's proximity to the Tower stood in contrast to the location of the Inquiry, which drew criticism from bereaved, survivors

and residents groups. Chris Imafidon, who tutored children who lost parents in the fire, was quoted in *The Guardian:*

> They say … it's better in Holborn for all the lawyers and all the judges that are there, they said they can't find a convenient place here. Everything that's perceived to be the needs of the survivors, the first thing they say is no. That insensitivity, that arrogance! That they know everything and we know nothing because we're poor. (Gayle 2018)

The site of inquiries has been recognised as key to transitional justice practices by a number of commentators, including Marsavelski and Braithwaite who note, 'location is important because tribunals cannot realistically contribute to reconciliation when they are "physically … removed from the intended beneficiaries of their work, namely the relevant local communities"' (2020, 227; quoting Clark 2009, 434). Central to the conception of the project was listening to such concerns and being more accessible to communities affected by the fire. To further the accessibility of the play, though standard tickets were priced from £18, for residents living in the immediate vicinity of the Tower, tickets were £2/£5, and £5 tickets were also available for anyone living in housing with unsafe cladding when the play opened at Birmingham Rep. Ticket sales included a donation to The Grenfell Foundation and, as a not-for-profit production, any surplus would be returned to the charitable foundations which supported it.

The run of the production served as a platform for discussion by and with those affected. Grenfell United, Justice4Grenfell, Grenfell Next of Kin, and Lancaster West Residents' Association all hosted post-show panel discussions. The function of these was not, as is usual in such discussions, to allow the audience to gain an insight into the creative process. Rather, they used the play as a springboard for discussion about the campaign for justice. Actor Sally Giles explained:

> The structure tends to be a quick thank you for doing the play, and then the next 59 minutes on the Inquiry: discussion of the TMO [Tenant Management Organisation], the fire service, they get into the issues and what can be done next. It isn't a regular theatrical Q&A. (Interview with author, 4 November 2021)

Prior to the play's opening, on 8 October 2021, BBC Radio 4's *Today* programme ran a feature on *Value Engineering*, in which Justice4Grenfell co-founder Yvette Williams spoke of her support for the project:

> I've been inside the Inquiry when the evidence was given. None of the corporates mentioned people. You hear about money, you hear about free lunches, you hear about them getting contracts for their mates … But nobody mentions that these are people's homes, which Nick [Kent] has really brought out. It makes you think about the bigger picture.

In this light, the play, though not itself designed to function as transitional justice, can be seen in the wider context of the pursuit of justice by these campaign groups. The play focuses on one element: those who were directly or indirectly responsible for the maintenance, the safety and the lives of those living in Grenfell Tower. However, the production became a vehicle for the wider campaign, as actor Derek Elroy notes:

> We have to keep the pressure on. That is what the play is doing. Otherwise the hum subsides, people stop watching, and that is when people don't get what is due to them. The government is systematically undermining these causes and trying to maintain the status quo. (Interview with author, 5 November 2021)

Elroy's comments were prophetic: only a week after my interview with him, Michael Gove MP, the then Secretary of State for Levelling Up, Housing and Communities, attended *Value Engineering*. At the end of the play, fellow audience members shouted 'shame on you', whilst another asked 'I live in a tower block too, what're my chances?' The video has been watched over 50,000 times and was reported in several national newspapers.[2]

Macro listening, which, following Temperley and River's lead, I define as a 'holistic' approach of listening to the community, the bereaved, survivors and residents groups, thus functioned on a number of levels. The above analysis suggests a complicated and contradictory relationship with the Grenfell Tower Inquiry. On the one hand, shortcomings in the Inquiry and listening to those affected informed the design of the project from its conception, as is evident in the play's location, its accessibility and the close relationship between the project and the campaign groups during the run. Here, the project employed practices recognisable from transitional justice to address these shortcomings of the Inquiry and work closely with and for those affected. However, the above analysis has also identified a much less critical relationship between the play and the Inquiry it depicts: Kent and Norton-Taylor's 'contemporary reconstruction' restaged and unquestioningly accepted proceedings rather than make manifest and thereby confront the significant concerns raised about the Inquiry's scope and conduct by the groups affected. In this way, the content of the play appeared to be less of a response to listening to the affected communities than was evident in the shaping of the wider project.

Micro listening

If the approaches to macro listening on the project were multi-layered, then the detailed work of micro listening was equally complex. This analysis is based on my observation of a rehearsal for the play and interviews with three of the cast members, Derek Elroy (who played Leslie Thomas QC, the barrister quoted above who represented the bereaved, survivors and residents groups), Sally Giles (who played Kate Grange QC, who assisted the counsel to the Inquiry and led on the interview of one witness in the play), and Howard Ward (who played John Hoban, a Senior Building Control Officer who appeared as a witness). The rehearsal I observed on 28 September 2021 focused on Howard Ward's scene in which John Hoban is questioned by Richard Millett QC (played by Ron Cook).[3]

The recordings of the Grenfell Tower Inquiry hearing provide a type of resource that has rarely been available to actors in Kent and Norton-Taylor's tribunal plays. The actors had the ability to listen to their individual's testimony and the potential to minutely replicate their words, their speech patterns, as well as to observe their body language and demeanour. This opened up the possibility of micro listening which, according to Rivers, includes 'the phonological, morphological, and syntactical operations of the language … it is essential, time-consuming, sometimes tedious, hard work' (1973, 14). Rivers and Temperley note that this detailed approach to listening creates 'understanding of fine detail at crucial points' (1978, 92). The presence of the recording and its effect upon the actors' work, the approaches to listening that the actors employed, and the complex relationship between the original testimony and that included in the play, will form the focus of the following analysis.

Listening to the individual's articulation

Linguistic precision, control in articulation and sophistication in argument are central to the functioning of law and the legal profession. This is the currency of the court. It was therefore of little surprise to observe the central position that clarity of emphasis and meaning took in rehearsal. The five-hour rehearsal focused on John Hoban's evidence and was Howard Ward's first in the role (each actor playing a witness was called for their own scene, which meant that Ron Cook had already completed most of the week's rehearsals as Richard Millett QC is onstage throughout and questions all but one of the witnesses). The main focus of the rehearsal was on understanding the exact line of questioning, the legal implications of the questions, the logic behind Hoban's answers and exploring moments of hesitation and obfuscation. The recording from the actual Inquiry was useful in this; indeed throughout the rehearsal Hoban's evidence was cued up on a laptop and was an oft-consulted reference point. For example, Kent and the actors discussed the following exchange:

> MILLET: […] did you note that [the] fire access plan, which is listed as the second drawing -
>
> HOBAN: I can't recall.
>
> MILLETT: - was missing? Let me give you an example of what those drawings did show. There is also no mention here of any type of insulation that would be installed behind the [rain-screen] panel. Did you spot that?
>
> HOBAN: Yes. (Norton-Taylor 2021, 58)

There was detailed debate in the rehearsal room about the nature of the interruption, 'I don't recall'. Did Hoban preempt the end of the question to make clear his frustration? Was it an abrupt interruption or did Hoban believe that the question had finished? What was the tone of 'I can't recall'? Did Millett then pause after ' – was missing?' What was his response to the interruption? The level of tension, confusion or obfuscation was not clear from the printed testimony alone: micro listening was key to capturing the 'fine detail' that Rivers notes. The recording was consulted to help answer these questions and to ensure that the logic of the passage was clear. Similarly, Ward suggested the micro nature of his listening when he said:

> When I listen to his evidence, I've been working on his starts and stops. He fills with 'umm' a lot. Sometimes it is because he can't find the right word, and sometimes I think he's using it as thinking time or to stop a particular word coming out. He comes up to a word he is about to say and he half covers his mouth. (Interview with author, 21 October 2021)

This kind of attention to detail is familiar from the scholarship of oral historians. Jacquelyn D. Hall identifies the ways in which detailed listening, particularly to the kinds of elements that Ward notes, can reveal useful insights into the individual:

> Listening for the "stuttering and stumbling"—what we sometimes call, more clumsily, "communicative blunders"—the gaps, silences, misrememberings, false starts, and awkward, uncomfortable interactions that are so disconcerting to interviewers but so often comprise the rifts that allow new meanings to break through. (2005, 192)

There is a useful distinction to be drawn from the different types of listening here. Micro listening, as defined by Rivers, suggests a focus on the minutiae of audible verbalisation. However, this was only one function of this rigorously attentive approach

to listening. A second function of listening to the recording more closely aligns with what Hall has called 'deep listening', which she defines as 'Listening beyond and beneath words. Listening for layers of meaning' (2005, 191). Comments in the rehearsal room upon viewing the recording, such as Ward's observation that 'he's still answering the question before' or Cook's that 'there's no response from Hoban to that' to which Kent responded 'No, but you are banking it, aren't you' (suggesting that this is a step in building the case against Hoban) all point towards the value of micro listening (to identify the precise articulation) and deep listening (using the micro features of speech to deduce the wider nature of the exchange).

The recording of John Hoban's evidence was an important resource for Ward. He said: 'I listened to it on press night actually. I had it on my phone and I had a listen' (Interview with author, 21 October 2021). Ward's comments suggest that the recording was useful not only in rehearsal to inform his development of the role, but it also functioned as a touchstone reference point through the run of the play. However, from the experiences of the actors I interviewed, it was clear that their approach to listening was complicated and went beyond using the recording to answer questions about ambiguities in the script.

Listening to the individual's argument

The rehearsal's focus on establishing the logic behind the line of questioning revealed a tension between the testimony recorded from the Inquiry and the heavily edited version that comprises Norton-Taylor's script. This tension limited the usefulness of listening to the Inquiry recording. In rehearsal, Ron Cook showed me his script in which he had cross-referenced each line with the timestamp of the recording. This allowed him, line-by-line, to watch Millett ask the questions staged in the play. Though this had clearly been important in his preparation for rehearsals, Cook sounded a note of caution, pointing out that the emphasis was necessarily different in Norton-Taylor's script due to the condensation of material than in the original interview. In rehearsal, when the focus turned to identifying the new information in each line, this had to be found in the script, not the original testimony. Howard Ward went a step further, noting how Norton-Taylor's editing could change the logic of a line: 'You've got to remember that this is edited. You have to consider whether it is the edit that suggests a particular logic in the response, or changes it' (Interview with author, 21 October 2021). Ward explored this further in my interview:

> Richard Norton-Taylor picks particular threads, and edits it so that there are threads that go through multiple witnesses. These threads were there - they are normally the key points that Millett was wanting to get at - but we have to get there a lot quicker. That does affect how you listen to it. You have to make an artistic decision - not to play it in exactly the way that it was first given. (Interview with author, 21 October 2021)

The 'artistic decision' that Ward identifies refers to the way in which he had to shape his portrayal to follow the logic of the 'threads' that Norton-Taylor weaves through the play, which often necessitated a move away from the original delivery of the evidence. Listening, therefore, begins to emerge as a complex and contradictory element in these actors' work: Cook and Ward did not reject listening in their process but the act of listening does not imply that they recreated what they heard. Micro listening allowed them to identify the gap between the original testimony and the edited play, thereby highlighting Norton-Taylor's intervention and making visible the 'threads' he chose to follow.

Listening and the play's politics

There was a particular example from the project which vividly illustrated the complicated relationship between listening to the original testimony and the politics of the play. In preparing for her portrayal of Kate Grange QC, not only did Sally Giles listen to the recording of Grange's interview with Bruce Sounes (one of the architects who designed the renovation of Grenfell Tower), she also met Grange. Giles reported that in their meeting it became clear that Grange 'actually really liked Bruce Sounes and she thought that he was not corrupt, was innocent. That he could be the fall guy for all of these enormous corporations who are trying to avoid billions of pounds worth of reparations' (2021). Giles therefore wanted to capture this in her portrayal having heard the sympathetic tone Grange took in the Inquiry recordings:

> Having met her, I then went back to rehearsals and started playing it like her. She's very sympathetic … She met with Bruce before and was leading him as he was a bunch of nerves. So I played that in rehearsal. But then Nick Kent said 'You've gone native. You are being really nice to him and you are letting him off. Regardless of the fact that he might not be wilfully negligent or trying to get money, he's been irresponsible. He's an architect and he should have known the building regulations and he put things on buildings repeatedly that were combustible.' So then I was faced with this awful dilemma: I'd met Kate and I said to her that I'd be as faithful as possible to everything, and then I went back into rehearsal and Nick said 'No - don't do it like her, do it the way that this script works. In this script the interview is part of a jigsaw. The jigsaw shows that there is a universal negligence'. (Interview with author, 4 November 2021)

Giles's experience is the starkest example of the difference between the actor's approach to listening to the person (both in a face-to-face conversation and in the recording) and Kent's own agenda in the play. Evidently, Kent disagreed with Grange and saw Sounes as culpable and therefore made it clear that Giles should change her portrayal to highlight his guilt. Listening, therefore, actively compromised Giles's work in creating the character. Her sense of duty to the individual that she portrayed is noteworthy here and, in fact, it was feedback from Grange that finally gave her confidence in the role:

> Kate Grange came to watch it. I wrote to her before and I said 'I'm sorry, I'm not going to do what I said I would do as I need to serve the play. I hope you aren't too disappointed.' And in fact she was fantastic. She said that there were days when she was like that and did take that tone … my tone was more truthful of how she was in the rest of the Inquiry … After she said that I thought 'Thank god - I can do it now!' (Interview with author, 4 November 2021)

Given her sense of responsibility, it was only Grange's approval that allowed Giles to feel confident in her portrayal. However, despite what was clearly a very difficult process, Giles was keenly aware that building the political arc of the piece took precedence over each individual characterisation, no matter how vexed this might be in practice:

> I'm a little piece in the jigsaw and it's important that your own passion doesn't affect the integrity of the bigger picture … I wouldn't have been doing right by the families if I had let Bruce Sounes off the hook. It is right for the play, it is right for the scene and it is right for Grenfell. To hammer home, more forcefully than it was actually done, that these people were not doing their jobs properly. (Interview with author, 4 November 2021)

This example calls into question the value of listening to the original testimony. It is clear that when the original delivery matched the tone that Kent desired, the recording aided the actors' work. However, where Norton-Taylor's edit changed the emphasis or, as in

Sally Giles's experience, the whole tone of the interview did not fit with Kent's designs for the play, listening was either of limited use or actively unhelpful. Giles's experiences provide an example of where macro and micro listening were in tension.

This example raises further questions about the theatrical frame that Kent employs in his mode of tribunal theatre. Sally Giles's portrayal in rehearsal was based on Grange's belief that Sounes 'was innocent'. Kent's rejection of this tone was an implicit criticism of Grange's (and, by extension, the Inquiry's) approach to questioning Sounes. However, rather than the play functioning as a critique of the Inquiry and drawing attention to such shortcomings, Kent's instruction to Giles to completely change her tone concealed this criticism and removed the potential for the play to wrestle with the conduct of the Inquiry. In this light, Giles's comment that 'I wouldn't have been doing right by the families if I had let Bruce Sounes off the hook' is only correct within the context of the theatrical frame that Kent deploys. Writing of performing personal narratives, D Soyini Madison states 'we must represent Subjects in a way that interrogates their material' (1998, 480). This wasn't the case here. Rather, like Upton observed in *Bloody Sunday*, Kent's theatrical frame 'sought to conceal rather than reveal its own seductive process' (2009, 188). What might have been the effect of staging an unexpectedly sympathetic interview? Might this have jarred with the tone elsewhere and raised productive questions about the conduct of the Inquiry itself? Had the play sought to interrogate the material, such unexpected tones might have been embraced, drawing attention to the editorial practices by which it was composed and holding up the Inquiry itself to scrutiny.

Conclusion

This examination of *Value Engineering: Scenes from the Grenfell Inquiry* demonstrates the complexity and multimodality of notions of listening in the creation of documentary theatre. Kent and Norton-Taylor's 'tribunal' mode of documentary theatre, based on a current and ongoing Inquiry, raises a specific set of challenges in relation to listening. The terms 'macro' and 'micro listening' have allowed a distinction to be drawn between the wider context of the project and the approaches to listening in rehearsals.

The Grenfell Tower Inquiry has not been designed primarily as a tool of transitional justice; the limited involvement of those affected and the narrow terms of reference compromise its capacity to be transitional in scope. These limitations of the Inquiry are absent from *Value Engineering*; Kent's approach to making tribunal theatre does not expose or comment on the mode of justice it stages. This mode might raise fewer questions had the source material been less contentious. However, as the scope, conduct and membership of the inquiry has been so contested, in choosing not to engage with these concerns, the play risks perpetuating the very power imbalances it seeks to address. Exploring the relationship between the conduct of the Inquiry and the concerns raised by those affected might have furthered the scope for the play to function in a way that echoes the transitional justice principle of victims' centrality. Including testimony or additional interview from those affected, staging scenes which identify issues with the Inquiry and potential shortcomings, or employing a mode of presentation which draws attention to the editorial practices by which it was created were all potential ways of doing this within the framework of tribunal theatre. However, Kent and Norton-Taylor were clear that their aim was to call those responsible to account. The way in which they reshaped the

testimony in the editing process and then manipulated it in rehearsal ensured that *Value Engineering* functioned as a powerful call for retributive justice.

This focus on retributive justice affected how micro listening functioned in the play. The presence of the recordings allowed the actors to access the original testimony in ways that have rarely been possible in British tribunal theatre. The usefulness of this resource varied significantly: where the original recording matched Kent's agenda, the actors found it to be helpful. However, when the presence of the recording highlighted the way in which the political thrust of the play prompted a departure from the original context, it actively compromised their work.

Though the content of the play may have been retributive in scope, Kent and Norton-Taylor's approach to macro listening borrows practices from transitional justice. These practices tended to focus on the bereaved, survivors and residents groups and addressed shortcomings in the Inquiry that the play itself did not: accessibility, location, and a close relationship with those affected. This article has therefore identified a difference between the content of the play and the wider context of the production. The former maintained and, indeed, strengthened the retributive mode of Phase Two of the Grenfell Inquiry in its staging. The latter, by contrast, used strategies unconsciously echoing select aspects of transitional justice practices to address particular shortcomings of the Inquiry.

Listening is an integral part of staging the words of real people, and categorising listening as 'micro' and 'macro' allows both the minutiae of production and the wider context to be examined as listening acts. In the example of *Value Engineering*, micro and macro listening functioned in quite different ways: this was a result of the complexity and contestation around the source material and the production rather than the inherently contradictory qualities of the macro and micro. This article posits the usefulness of these terms in analysing such works and hopefully future research will continue to explore the complex ways in which macro and micro interact in theatre-making.

Notes

1. 'KC' stands for King's Counsel, an office conferred by the Crown on senior barristers.
2. See https://twitter.com/i/status/1459586591949824004.
3. My attendance at the rehearsal was for the purposes of this research and was approved by the producer, director and actors. All those involved were given information about my project and signed permission forms for me to use their words.

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