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# The trouble with pictures

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## The trouble with pictures

### **Abstract**

The trouble with pictures contributes to an emerging field that explores the myriad of relationships between law and visual culture. The last decade or so has seen the consolidation of ‘visual culture’ into a recognised field of interdisciplinary — even postdisciplinary — study, its permeable borders now enclosing law. When Douzinas and Nead published their collection *Law and the Image* they characterised what has been the traditional relationship of law and art in two analytically distinct ways: ‘law’s art, the ways in which political and legal systems have shaped, used and regulated images and art, and art’s law, the representation of law, justice and other legal themes in art’ (Douzinas & Nead 1999: 11). By taking as our theme the trouble with pictures, we have sought to include pieces that acknowledge these more conventional confrontations between image and law, but which also challenge the sometimes artificial separations between law and the visual. In this collection, we have broadened our field of vision to include not only art, but also photography, film, popular culture and news media imagery. We wanted to chart also the complicated, imbricated and interdependent relations between the legal, visual and aesthetic realms. We have included work that examines representations of law and legal events in visual forms, as well as articles that detail in specific ways some of law’s inadequate attempts to regulate or respond to the challenges of visual culture. There are articles and artworks that look at the role of the visual as evidence; of guilt, of ownership, of law, as well as speculations on the role of the visual as, or standing in for, law. Our aim, in this issue, is not to prescribe or delimit the kinds of trouble we had in mind, but to continue the dialogue between words and pictures, between pictures and pictures, between artists and scholars, between law and the visual — and we want that dialogue to continue beyond the covers of this journal.

## The trouble with pictures

Katherine Biber and Mehera San Roque

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In exploring our theme — the trouble with pictures — we were confronted with so many kinds of pictures, and so many critiques, analyses and interventions into the trouble they posed. You could say that this collection reflects on pictures, images and ideas which are troubling in what they say about law; what it can do to people, to places, to communities. And there are pictures, artworks, images that themselves cause trouble for law. Articles within this collection assist each other and the reader in thinking through these troubles. Who decides whether a picture should be displayed? What makes a picture dangerous and unsuitable for public view? Are there certain pictures or artworks, in certain times and places, that are too provocative to look at? Do they make us feel unsafe? How does imaging the body, whether docile or deviant, make a difference to our understandings of the appropriate limits to privacy? To reputation? To dignity? To security? To innocence? Does law operate within a visual register? Do previous legal incidents and scandals limit the way we imagine law might operate in similar circumstances? And what *about* pictures as evidence? Is our image of the past fixed by pictures? Can old pictures be assembled in a way that recasts the historical past in a new light? Can pictures speak for themselves, either as or to the law?

*The trouble with pictures* opens and closes with the work of two artists whose art speaks to the law, raising troubling questions about inclusion, identity, citizenship, and nation; in both cases laws written on and through the body. Janet Chan, a professor of criminology, offers her artwork, *I am, we are ...* as a response to two significant framing events, the incarceration of Cornelia Rau and the deportation of Vivian Alvarez Solon.<sup>1</sup> The issue closes with a piece by Mireille Astore, a visual artist and scholar, whose art and text invokes the 2001 *Tampa* incident and its aftermath to reflect upon the experience of migration and dislocation, and how she sees law as being implicated in that

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experience. Astore's piece, titled 'When the artwork takes the picture', gives us an insight into the experience of making and being art about law, in a way that draws the audience into engagement with the artwork, but which also surrounds the artwork with a border that excludes us, setting a limit we cannot cross. We close deliberately with this work, as it offers a kind of continuing interrogation of the artist by the scholar, and the scholar by the artist. Astore explores the themes of exclusion and nation by showing the artist-scholar testing the various tools in her collection — her camera, her installation, her diary, her library of academic literature, her understanding of the law — to see which of them best deals with the trouble she is in.

In collecting this series of articles and pictures, we were surprised and pleased to find that, not only were there many ways in which the articles and artworks in our collection spoke to each other and informed our readings of them, but they also represented a continuing series of conversations with the previous issue of *Law Text Culture* that took as its theme *Legal Spaces*. For instance, Frances Guerin's article continues a dialogue opened by Tatiana Flessas in the previous issue. Both of them address the trial of Adolf Eichmann, and the meditation upon that trial written by Hannah Arendt in *Eichmann in Jerusalem*. Guerin's article takes a visual departure by focusing on Eyal Sivan's film, *The Specialist*, a documentary about Eichmann's trial, using original footage, and which draws upon Arendt's book to visualise what was troubling about that trial. Katharine Gelber's article is about the trouble posed by artworks when local government regulation rubs up against freedom of political speech. It continues a focus on local law taken by Mariana Valverde's article on 'Taking "land use" seriously: toward an ontology of municipal law' in *Legal Spaces*; both look at the disciplining of the use of public space that can occur in both legal and extra-legal ways. The artwork and commentary by Sergio Muñoz-Sarmiento, 'Suburban intervention' troubles our assumptions about visualising property and the occupation of public space as private property, engaging in a continuing dialogue with Kirsten Anker, who in her earlier article explored the links and limits between painting and property in the context of indigenous land claims, and Fleur Johns in her article, 'Private

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law, public landscape: troubling the grid'. And so it goes. These are just a few of those links, many more can be made. Manderson in his introduction to *Legal Spaces* says 'Legal spaces are everywhere and nowhere' (Manderson 2005: 8). He says they may be shadowy and hidden, even haunted, but we just need to have the audacity to seek them out. We hope that readers of *The trouble with pictures* will summon up a similar audacity to challenge imagery, and the trouble it causes in the legal spaces that were imagined there and here. And beyond.

## Note

- 1 Cornelia Rau is an Australian permanent resident and Vivian Alvarez Solon is an Australian citizen. Cornelia Rau was held at a Brisbane women's prison and Baxter detention centre for 10 months in 2004 and 2005, under the mistaken belief that she was a German tourist who had overstayed her visa, before her identity and status were confirmed. Vivian Alvarez Solon was deported to the Philippines in 2001 in the mistaken belief that she was an illegal immigrant. In Solon's case there is evidence that officials in the Department of Immigration and Multicultural and Indigenous Affairs were made aware of the mistake by 2003 but failed to take any action to have her brought back to Australia until 2005. In referring to these events when she submitted her work, Janet Chan also included the following quote:  
  
'It is almost unthinkable that in contemporary Australian society one of our citizens could be unlawfully removed from the country by a government department. That such an incident occurred on 20 July 2001 and went unnoticed at the time should be of grave concern to the Australian Government and the community.' (Commonwealth Ombudsman's 2005 report *Inquiry into the Circumstances of the Vivian Alvarez Matter*, p 1.)

## References

- Douzinas C & Nead L eds 1999 *Law and the Image: The Authority of Art and the Aesthetics of Law* University of Chicago Press Chicago
- Law Text Culture* 'Legal Spaces' Volume 9 2005 ed D Manderson