

# **PHOTOGRAPHY AS CRIME**

## **Saturday 15 October 2011**

### Symposium Program

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#### **Welcome: 1.10-1.30**

Professor Anne Marsh (Chair)

Dr Anne Marsh is Professor of Art Theory in the Faculty of Art & Design, Monash University. She is author of *LOOK! Contemporary Australian Photography since 1980* (2010), *Pat Brassington: This is Not a Photograph* (Quintus/University of Tasmania, 2006), *The Darkroom: Photography and the Theatre of Desire* (Macmillan, 2003) and *Body and Self: Performance Art in Australian, 1969-1992* (Oxford University Press, 1993).

#### **Session 1: 1.30–3.00**

Dr Melissa Miles

**Photography and its Publics:** There has been a recent shift in our perception of photography and privacy. The view that our privacy is under threat has created an atmosphere of paranoia and fuelled demands for law reform in relation to photography in public space. As photographers and privacy advocates battle each other by opposing the right to privacy with the right to free expression, there seems little chance of finding a workable solution. This paper seeks to address this issue by analyzing the links between photography, privacy and the public, and assessing the cultural and political implications of this new climate.

Dr Melissa Miles is a photography historian and theorist based at the Faculty of Art & Design at Monash University. Her interest in the interdisciplinary qualities of photography informs her first book, *The Burning Mirror: Photography in an Ambivalent Light* (Australian Scholarly Publishing, 2008).

Dr Jessica Whyte

**Sexting, anxiety and 'photographic injuries':** Recent 'sexting' cases in Australia and the United States have seen girls as young as 14 charged with producing and child-pornography for taking and distributing photographs of themselves. Undoubtedly, the ease of distribution enabled by new technologies creates extra hazards for teens, who may come to regret images that may circulate far further than they had desired. Yet, the other trajectory, which could see teenage displays of sexuality resulting in lengthy jail sentences and teenagers having their names and faces publicly displayed on lists of sex offenders for at least the next decade is hardly an attractive one. This paper questions the assumption that protecting young people's privacy from themselves justifies laws that both criminalise them and reinforce their status as powerless victims whose sexual experimentation is too dangerous for the state to turn a blind eye.

Jessica Whyte is a post-doctoral fellow in the School of English, Communication and Performance Studies, Monash University. She has published widely on contemporary continental philosophy (Agamben, Foucault, Rancière), sovereignty and biopolitics, critical legal theory and critiques of human rights.

Professor Mark Davison

**Law of Photography: What is it and how is it decided?:** Taking photographs in public places and subsequently distributing those photographs is subject to a multitude of laws that may impose criminal or civil law consequences on photographers. There is also considerable uncertainty about the nature and operation of some of those laws. For example, what constitutes offensive conduct in the context of, say, taking photographs on a beach is difficult to define. Similarly, care needs to be taken in defining what is a public place and what is a private place in a legal sense because those definitions will vary according to the context in which the distinction is being made. One consequence of this uncertainty is

that incorrect statements of the law come to be acted upon with a further consequence that incorrect perceptions of the law actually become the law in a practical and de facto manner. This presentation will be designed to give an overview of some of the key legal issues relating to photography in public places.

Mark Davison is a Professor in the Faculty of Law at Monash University. His main areas of expertise are intellectual property and contract law. He is a member of the Commonwealth government's Expert Advisory Group on plain packaging of tobacco products and a member of the Intellectual Property Committee of the Law Council of Australia.

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**Break: 3–3.30**

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## **Session 2: 3.30–4.30**

Dr Daniel Palmer

***Social Space in the Age of Networked Photography:*** In the era of ubiquitous networked photography, cameras have colonised social space in new ways. One result, according to Michael T. Jones, Google's Chief Technology Advocate, is that "the earth itself is like a table of contents for direct exploration of all the photographs that have ever been shared by people around the world, automatically." This paper explores some of the unexpected consequences of GPS-enabled camera phones and Google Street View for our understanding of the dynamic relationship between photography, surveillance and social space. As urban space is transformed by increasingly participatory and automated forms of visual mediation, how are photographers and other artists responding?

Dr Daniel Palmer is a Senior Lecturer in the Art Theory Program in the Faculty of Art & Design at Monash University. His publications include the books *Twelve Australian Photo Artists* (2009), co-authored with Blair French, and the edited volume *Photogenic: Essays/Photography/CCP 2000–2004* (2005). He is currently writing a book on digital photography as part of the ARC Discovery Project Genealogies of Digital Light.

Dr Martyn Jolly

***Facial Velocities:*** What pressures are recent changes in the relationship between publicity and privacy, as well as advances in technological surveillance, image capture and dissemination, putting on the meaning and significance of the human face? After a brief historical excursion to Kaspar Lavater, Charles Darwin and Lillie Langtry, I will focus on a range of examples drawn from: the current 'war' between celebrity and paparazzi; tabloid scandals about the nocturnal indiscretions of footballers; social media; developments in the use of facial recognition algorithms; plastic surgery; and recent developments in movie CGI motion capture techniques. Using these examples I will argue that there has been a subtle but profound shift in the concept of the face from the 'private' in the sense of the 'discreet', to the 'private' in the sense of the 'owned'. And further, that faces now do not so much have expressive features, as transactional velocities.

Dr Martyn Jolly is Head of Photography and Media Arts at the ANU School of Art. He is an artist and a writer. This year he was a Scholar and Artist in Residence at the National Film and Sound Archive, working in their magic lantern slide collection, and a Harold White Fellow at the National Library of Australia, working on Australiana picture books of the 1960s.

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**Closing Panel 4.30–5pm**