



Book Review

Biber, Katherine. 2007. *Captive Images: Race, Crime, Photography*. London: Routledge-Cavendish. 132 pp. Paperback \$32.10 (US). ISBN 978-0-415-42039-6

David Sealy

Lecturer in Law and Society, Division of Social Science, York University, Toronto, Canada. <mailto:dsealy@yorku.ca>

Perhaps no issue has come to plague the discourses of social justice, in what could be called the white settler post colonial nation states of our contemporary present, more than that of racial prejudice and racism. From Toronto to Sydney to Soweto, charges of racism, and racial profiling, directed at what Allison Young calls “the crimino-legal complex,” abound. This crisis in racial justice has precipitated a catalogue of inquiries and empirical studies exploring the effects of racism and racial prejudice on the operation of specific institutional practices of the crimino-legal complex. Explorations of the way race works through institutional practices such as arrest rates, prosecution rates, and incarceration rates of racial minority subjects have become commonplace. But there has been very little work done on how race grounds the operation of the crimino-legal complex.

Katherine Bider’s *Captive Images* is part of an emerging body of critical literature that shifts the frame of analysis about how race works in the constitution of criminal subjectivity away from empirical analyses of the operation of specific institutional practices of the crimino-legal complex. Instead, she presents an analysis of the way racial fantasy works in the constitution of criminal subjects in the white settler post colonial nation state of Australia. This little book covers a great deal of ground in seven provocatively titled chapters: The hooded bandit; the national bank; the epidermal examination; the mothers trouble; the danger zone; the spectre; and your fantasy, my crime. Bider draws on materials from an impressive array of academic disciplines and critical theoretical perspectives, including critical legal studies, literary theory, feminist theory, postcolonial theory, feminism, psychoanalysis, and deconstruction. In so doing she formulates an analysis of the knowledges that circulate through and around the Mundara Smith case in Australia, explicating along the way, the racial fantasy that grounds questions of Aboriginal justice. But what does Bider mean by racial fantasy, and how is it connected to issues of race, racism and social justice in white settler post colonial nation states?

To step away from Bider’s book for a moment, simply put, we could say that racial fantasy is at work in the anti-Semitic story of the purported Jewish plot to take over the world. This is so, not only in so far as the figure of the Jew in this story prevents society from existing as a true organic whole. But it is so, in so far as the figure of the Jew materializes, or gives body to, the primordial social antagonism which grounds any constitution of society. In this sense, during the period of Nazi rule in Germany, anti-Semitism was hegemonic. We can see here how racial fantasy is not just false, for it is this racial fantasy that, for example, grounded the Nazi’s constitution of the Holocaust as evil actions that must be undertaken for the good of the fatherland. As Slavoj Žižek notes of the Holocaust in refuting the “banality of evil” thesis made famous by Hannah Arendt:

Nazis themselves treated the Holocaust as a kind of “dirty secret.” This fact not only posed no obstacle to the execution of the Holocaust—it precisely served as its libinal support, since the very awareness that “we are all together in it” that we participate in a

common transgression, served as a “cement” to the Nazi collective coherence. (Žižek 1997, 57)

But how then is this racial fantasy articulated through the crimino-legal complex in Australia? Let me begin to answer this question with an exploration of the story that grounds Katherine Biber's analysis in *Captive Images*.

As Allison Young suggests in her foreword, the story that grounds *Captive Images* is in no way exceptional. In Sydney, Australia, the image of a man supposedly robbing a bank is caught on the security camera. Mundara Smith, a young Aboriginal man, is arrested and charged with the crime after he was identified as the perpetrator by a police officer who recognized him from the image taken from the bank's security camera. He was convicted on the basis of the testimonies of the police. Three years later, on appeal, the High Court of Australia quashed the jury's conviction on the basis that given the history of racial bias that grounded the ways that Aboriginal people in Australia have been seen or represented, it could not be established beyond a reasonable doubt that the Aboriginal man seen in images from the bank's security camera was the same Aboriginal man sitting in the court docket. Thus, in one stroke, the Australian high court indicted the entire history of visual representation of Aboriginal peoples in Australian society. Police expertise was called into question, as the entire history of visual representation of Aboriginal peoples in Australia was found to be grounded in a racist colonial fantasy. According to Biber, this ruling precipitated a crisis in Australian states policing of Aboriginal peoples, as policing techniques for establishing the liability of offenders that had a long history in Australian society were indicted as being founded in a colonial racist fantasy. This required immediate reconsideration of these techniques in the wake of the High Court decision, as “other aboriginal men who had been convicted of bank robbery using the same method had their convictions quashed and retrials ordered” (10).

In 2004, following the death of an Aboriginal youth during a police pursuit, rioting erupted in Redfern, and Police Minister John Watkins, after seeking legal advice, issued a statement asserting that “the Smith case, cannot be used as an authority to exclude images of offences being committed.” For the police Minister “as long as the picture is of an offence being committed they are relevant and admissible” (Watkins, quoted in Biber 2007,10). For the Minister, where there is an Aboriginal defendant, the law could appeal to established common knowledges about Aboriginal peoples in making its rulings. Thus, according to Biber, was restored the integrity of the Australian colonial racist fantasy about Aboriginal criminality.

In conclusion, as Biber points out “images are never neutral: the machine that captures them operate on a different scale, with impacts that may be exacerbated by race, culture, age, class, and location” (114). Furthermore, she notes in quoting Žižek, that “the function of fascination is to blind us to the fact that the other is already gazing at us” (Žižek, quoted in Biber 2007, 124). Katherine Biber's *Captive Images* does an excellent job of explicating the way that white settler post colonial nations return again and again to the colonial racial fantasies that bind them. The challenge of our post colonial present is perhaps, to transgress other colonial racial fantasies that bind us, not in order to return to the fantasy, as was done in the wake of the Smith ruling, but to develop and articulate forms of social solidarity based on a politics founded in broader, more all encompassing, hegemonies.

Reference

Žižek, Slavoj. 1997. *The Plague of Fantasies*. London: Verso.