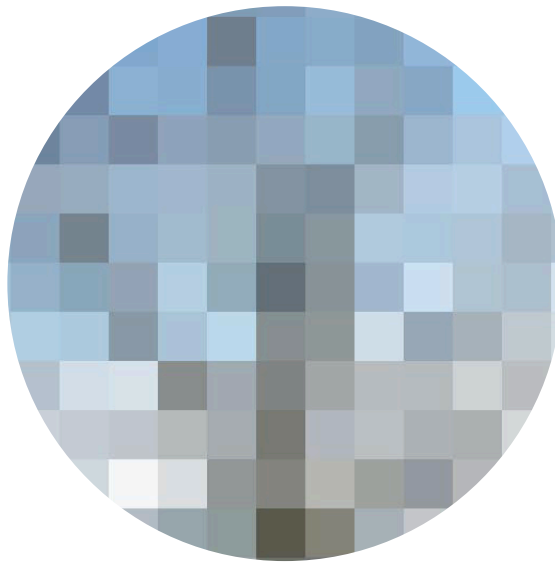# POLICING THE PUBLIC GAZE: THE ASSAULT ON CITIZEN PHOTOGRAPHY

PAULINE HADAWAY

Policing the Public Gaze:
The Assault on Citizen Photography

Contents

Executive summary

From the late nineteenth century, countless 'citizen photographers' recorded almost every aspect of human experience, from intimate family occasions to uncensored images of war. They bestowed a vast photographic legacy, which provides us with a key insight into the past.

Throughout the twentieth century - through wars, cold wars, public disorder, IRA campaigns and countless national emergencies - British citizens enjoyed almost unhindered rights to take pictures of anything or anybody in public places.

Yet today, in peacetime, citizen photography is coming under growing assault. There is no overarching ban on photography, but there has been a creeping restriction of everyday photography - by community safety wardens, private security guards, and self-appointed 'jobsworths'. The dynamic behind this is a suspicion of the citizen, and the identification of the citizen photographer with the paedophile or terrorist.

There are countless 'no-go' or touchy subjects for citizen photography. As a result, many children are growing up with gaps in the family photo album – no sports day or first swim photos - and as a society we have big gaps in our archives. No-go areas include:

> Photos of children – photos of nativity plays/ children playing in the park or swimming pools. Indeed, organisations are self-censoring photos of children. The Child Protection in Sport Unit suggests that sports organisations 'consider using models or illustrations' of children, rather than photos; and never to give children's names on their photographs.

> Subjects related to authority – CCTV cameras, policemen.

> Subjects related to any potential terrorist threat - transport facilities, official buildings, Arab-origin people taking photos, political demonstrations.

There is also a growing official specification of 'acceptable' poses for photographs. Examples included in this report include:

> Children on photography courses told they can only take 'head-shots' of other children, or that certain poses or parts of the body are 'inappropriate';

> Parents told they can take photographs, but only of their own child 'against a wall/fence/hedge where they are sure that no other child is in the photo';

> Parents told they can photograph their child's nativity play so long as they 'don't focus on any particular child';

> The Child Protection in Sport Unit advises photographers to 'focus on the overall activity, not on a particular child…photographs of children in a pool would be appropriate if shot poolside from waist or shoulder up.'

The reasons given for restricting photography are legally questionable, and often shifting and vague, attached to general 'privacy' or 'security' concerns. Some of the dubious reasons cited in this report include:

> Members of the public told they cannot photograph because they might steal a building's design;

Citizens told they must have written permission to film in an airport or train station;

A member of the public told that he needs a 'licence' for his camera;

Parents told that photos of their children's nativity play could be pasted on a child pornography website;

A Safeguarding Children Board warning that sex offenders could use school photos to single out children for 'grooming';

Grandparents told they couldn't take photos of their grandchildren in a shopping centre to protect 'the security of the shops';

A man photographing in Hull city centre had his camera confiscated on suspicion of 'obtaining photos of sensitive material'.

The impulse to impose bans on photography in public is profoundly anti-democratic, preoccupied with safeguarding private interests against the interests of ordinary men and women. Photo bans limit citizens' political freedom to ask questions of the world. Citizen photography serves the public interest, in as much as it upsets vested interests with something to hide. From the videotape showing Los Angeles police officers beating Rodney King to the horrors of Abu Ghraib, 'accidental journalism' may challenge political certainties and help expose the misdeeds of those in power to public scrutiny. It is time to stand up for citizen photography against the impulse to police the public gaze.

The origins of citizen photography

As cholera swept through Europe in 1884, the *New York Times* ran a feature called 'The Camera Epidemic', taking a sideways swipe at the craze for street photography, which it likened to a contagion, infecting its victims with an uncontrollable urge to capture 'instantaneous views' on camera. In associating photography with a particularly nasty and virulent disease, the article reflected polite society's growing distaste for the unruly snap-shooter, and the threat he (and, increasingly, she) appeared to pose to civilised values. The perceived threat of 'photography riff-raff', indifferent to traditional notions of good manners, deference or respect for privacy, continued to grow in the elite imagination, as new technologies placed cheap, portable cameras into the hands of the unregulated, unqualified and at times, downright disorderly masses.

In his 1986 essay, *The Camera Fiend*[1], cultural commentator Bill Jay documents newspaper stories of angry confrontations between street photographers and members of the public, which gave rise to calls for legal prohibitions and professional regulation, or even direct action:

 'There is but one remedy for the amateur photographer. Put a brick through his camera whenever you suspect he has taken you unawares. And if there is any doubt, give the benefit of it to the brick, not to the camera. The rights of private property, personal liberty, and personal security – birthrights, all of them, of American citizens – are distinctly inconsistent with the unlicensed use of the instantaneous process.'[2]

With the introduction of dry plates and roll film, as cameras became smaller, cheaper and more accessible, photography could no longer remain the privilege of wealthy professional elites. Mass production paved the way for greater simplicity of design and affordability, leading to the manufacture of the 5 shillings Box Brownie in 1900, with sales reaching over 100,000 in its first year. Alongside technological advances, western societies were being politically transformed, as a more skilled working- and lower-middle class emerged to fill new administrative and technical roles, created during the second phase of the Industrial Revolution.

From the late nineteenth into the early twentieth century, responding to these new democratic forces, photography began shifting its gaze towards the everyday social arrangements of men and women, homing in on the detail of their daily transactions and conversations. As city streets, railways stations, seaside resorts, factories, shipyards and public buildings became sites of 'human interest', the camera would soon become as ubiquitous to modern life as the tramway or the typewriter. The business of taking pictures and posing or performing for the camera, became increasingly commonplace for millions around the world. For every Cartier-Bresson, countless unskilled 'citizen photographers', largely anonymous, were recording almost every aspect of human experience, from intimate family occasions to uncensored images of war. They bestowed a vast photographic legacy, which informs our collective consciousness of the history of the modern world.

The mass availability of the technology, alongside its potential for furtive surveillance and instantaneous imaging, has inevitably placed photography at the centre of a great deal of evangelical moralising and ethical concern. From 'cads with cameras' to blackmailers, pornographers, hoaxers and paparazzi, moral panics have come and gone, but general distaste for the aggressive or surreptitious picture-taker remains constant. Yet for most people the everyday business of taking and

[1] The Camera Fiend, 1986
www.billjayonphotography.com

[2] The Amateur Photographer, 1885

i. Mervyn Smyth, *Young Orange bandsmen*, 1999, Belfast Exposed Archive

ii. Sean McKernan, *Celebrating the second IRA ceasefire*, 1997, Belfast Exposed Archive

iii. Michael Valente, *Campaign for return of Republican prisoners*, 1996, Belfast Exposed Archive

viewing photographs – among family and friends, let alone strangers – has always been nuanced by questions of courtesy, decency and good taste.

Whether in public or private, the intrusion of the camera challenges our sense of entitlement to choose what to reveal and what to conceal about ourselves. Beyond pre-modern notions of photographs 'stealing our souls' or contemporary concerns around misrepresentation or protecting self- image, taking pictures of strangers carries an element of risk. Photography is always hedged around with the necessity for consent, often negotiated amid conflicting notions of public and private space.

Perhaps in recognition of the intensely personal, not to say messy nature of photography's contestations, the British state historically preferred to keep its distance. Where a breach of the peace was threatened, the boys in blue might intervene. Otherwise, throughout most of the twentieth century, through wars, cold wars, public disorder, IRA campaigns and countless national emergencies, aside from a small number of plainly identifiable 'security zones', British citizens enjoyed almost unhindered rights to take pictures of anything or anybody in public space.

Photography Bans

Two asylum seekers were arrested under the Terrorism Act and quizzed for 44 hours after filming themselves in a park. The Iraqi pair, who had been in Wales for just two months, were using a camcorder in Bute Park, Cardiff, when an undercover cop swooped. [3]

Mandy Smith and her partner were taking photographs of their 11-month daughter in Alexandra Park in Oldham, when a park warden marched over to the play area and ordered them to stop taking photographs. The couple pointed out that they were 11-month-old Rebecca's parents and that no one else was using the playground but he informed them it was 'illegal' to take pictures of children there. [4]

Piers Mason, print display worker, before G20 protests: 'I saw a film crew setting up outside Royal Bank of Scotland and thought that would make an interesting picture. The next thing I knew, three police officers approached me and asked me to explain what I was doing. According to them, this was to 'investigate suspected crime, disorder or anti-social behaviour'.' [5]

Cheryl Hudson, Abingdon: 'My husband and I took our young son to a local swimming pool at a time when it was very quiet so as not to distress him since it was his first time swimming. The pool was empty and I wanted to take a snap to record his first entry into the water but the lifeguard stopped me and told me that it was against the regulations. There were no other children in the water but I was still prevented from taking a photograph of my own son having his first swim.' [6]

US tourist, York airport: 'Before checking in at York airport, I stood at the bus stop and took some photographs of the airport building. I had just bought a new camera at York and wanted to test it. Within less than two minutes, a security guard came running across the parking lot and told me that taking photographs of the building was forbidden and that I had to ask for a permit from the airport administration for taking pictures. ' [7]

In recent years photography appears to be resurfacing as a site of heated political contestation. This comes amid a flood of arbitrary and often downright bizarre interpretations of privacy, security and public order rules, by police, community safety wardens, private security guards or self appointed 'jobsworths'. Decisions to prevent photography in public places often appear capricious and overbearing, enforced through intimidation rather than lawful authority, with official explanations after the event simply adding insult to injury. In a climate of fear and suspicion, fuelled by alarming reports of terrorist alerts and predatory paedophiles, uncertainties around the limits of personal freedom appear to be making room for a new and muddled form of authoritarianism.

When grandparents Kim and Trevor Sparshott were marched out of Fareham shopping centre in early 2008 for taking 'unauthorized photographs' of their grandchildren, security staff insisted that cameras were banned because of the risk of terrorist attack. Expressing their disbelief and anger in a letter to the centre manager, the couple explained an entirely innocent intention to snap the children's delight at grandma and grandad's surprise appearance during a family shopping trip. Apologising for his security guards' failure to properly clarify the rules, the centre manager explained that the photography ban, although not terrorism related, was part of a general policy supporting 'the security of the shops, where the taking of photographs needs prior permission'. [8]

[3] Cops swoop on Iraqi pair as they film in city park, Wales Online, 8 June 2008

[4] London Evening Standard, 14 December 2007

[5] The Register, 7 April 2009

[6] Submission to Manifesto Club's Campaign Against Vetting

[7] Post by Benpal, 14 April 2009, on www.bakelblog.com

[8] Couple banned for life from shopping centre and branded 'terrorists' – for taking photos of their grandchildren. Reported in the Daily Mail, 2 January 2008

iv

iv. Birmingham Bullring
(Birmingham Mail)

Endorsing the Fareham shopping centre's position, a centre manager in neighbouring Havant offered his own procedural arrangements to a local newspaper, by way of further explanation:

'[Photography] is not banned, it is difficult to ban, with all the modern technology and with phone cameras. But if we see someone taking photographs we will approach them – we have five security guards on the floor – and we will ask them why they are taking the photo and ask them to produce some identification for security reasons.'

Hampshire Police's counter terrorism strategy coordinator, Inspector Jim Atherton, suggested that, although 'the decision to ban cameras in shopping centres is a private one, [managers] are probably following government advice'. While reassuring the public that 'there was no new intelligence suggesting a terror attack', the Inspector nevertheless advised everyone to remain vigilant, before adding that taking photographs might also be banned 'to avoid snaps being taken of children'. [9] Reading evil intent into the actions of a middle-aged couple taking snapshots of children in a busy shopping centre suggests a level of delusion verging on the pathological. Paranoia aside, a genuine bewilderment concerning the legality of photography in public places appears to have taken hold, even encroaching on the authority of official law enforcers.

When Suffolk Police challenged amateur photographer Phil Smith, as he photographed the 2008 Xmas lights switch-on ceremony in Ipswich town centre, they asked him if he had a licence for his camera. When Smith replied that he didn't (no such license exists) he was formally stopped and searched and asked to show and then delete all the images in his camera. According to reports, a complaint from Smith elicited 'a written apology from Suffolk Police, alongside a visit from an Inspector, who explained that the officer, a special constable, had acted wrongly'. [10] Being ordered off the streets then having your home visited by a police inspector may not be everybody's idea of a satisfactory outcome, but in the light of a swift official climb-down, the police action in this instance appears more Inspector Clouseau than 'rule of terror'.

[9] Reported in the Portsmouth News, January 2, 2008

[10] Innocent photographer or terrorist? Reported in BBC News Magazine, November 2008

Steve Carroll, a 53-year-old financial director, was taking photographs in Hull city centre in late 2008, when police officers issued him with a formal stop and search on the grounds of 'obtaining photos of sensitive material'. Claiming at first to be acting in response to complaints from a concerned member of the public, the police seized two rolls of film, which they developed and subsequently returned. Carroll recalled asking the police if he was legally obliged to hand over his film, to which the officers responded by robotically repeating the words, 'I am taking your films from you' over and over until Carroll complied.

On returning the (entirely innocuous) photographs, the police officers privately acknowledged that there had been no complaint from any member of the public and they had challenged Carroll in the belief that he might have been taking pictures of children. Carroll issued a formal complaint on the basis that he had effectively been intimidated and hoodwinked into handing over his film. Responding to Carroll's complaint, Humberside Police issued a statement, endorsing the actions of its officers, on the basis that 'any person who appears to be taking photos in a covert manner should expect to be stopped and spoken to by police to enquire into what their business is'. This prompted the following response from Pete Jenkins, vice-chair of the Photographers' Sub Committee at the National Union of Journalists:

'Taking photographs in a public place in the UK is still not a prohibited act, nor is it any way against the law. We as citizens expect the police to uphold the law, not to make it up as they go along.'[11]

Making it up as they go along is precisely what the Metropolitan Police appeared to be doing when two of their officers informed transport enthusiast, Klaus Matzka, that taking photographs of anything to do with public transport was illegal. On holiday in London in March 2009, Matzka was photographing the iconic Arup-designed Vauxhall Bus station with his teenage son, Loris. A couple of policemen told them to stop, took their names, passport numbers and addresses and ordered them to delete a number of 'sensitive' images. After Matzka wrote a letter to the *Guardian*, complaining of 'enforced destruction of private property' and 'infringements of privacy', a spokeswoman for the Metropolitan Police admitted she had 'no knowledge' of any ban on photographing public transport in the capital, adding that 'it is not the police's intention to prevent tourists from taking photographs'.[12]

Police stop and search powers may be used under the Terrorism Act (2000), which created a new criminal offence of collecting or making a record of information 'likely to be useful to a person committing or preparing an act of terrorism'. However, far from placing a ban on street photography, the Metropolitan Police guidelines, agreed in 2008 in response to complaints by the NUJ and supported by an early day motion tabled by MP Austin Mitchell, clearly state that:

'Police officers may not prevent someone from taking a photograph in public unless they suspect criminal or terrorist intent. Their powers are strictly regulated by law and once an image has been recorded, the police have no power to delete or confiscate it without a court order.'[13]

[11] Reported in the Amateur Photographer, 17 December 2007 & 2 January 2008 & Daily Telegraph, 12 December 2008

[12] Police delete London tourists' photos 'to prevent terrorism'. Reported in the Guardian, 19 April 2009

[13] ACPO Police-Media Guidelines, published on the Editorial Photographers UK website, April 2007

Muddled authoritarianism

Dubious justifications for restrictions on citizen photography:

Photography is banned/illegal
This is private property
Because of the Data Protection Act
Photography is assault
To protect the safety of children
Because of the terrorist threat
To prevent theft/burglaries
Photography is anti-social behaviour
Because of privacy laws

Mrs Cunningham, on restrictions at Birmingham Bullring: '[My friends] were taking pictures from the walkway when a security officer said we had to stop. She said it was for security reasons and that it was private property. We questioned her and she called for back-up. Then one of her colleagues said it was for architectural reasons - so we didn't steal the design!' [14]

Conservative MP Andrew Pelling was stopped and searched by police on suspicion of being a terrorist after taking photographs of a cycle path in his constituency, near East Croydon station. A police spokeswoman said: 'The officer conducted a stop-and-search, taking into account the current terror threat, as [the MP] was taking pictures in the vicinity of a major transport hub.' [15]

Trainspotter Edmund Tan was told to stop photographing trains at Macclesfield station. A Virgin spokesperson said: 'Mr Tan was advised not to take photos at the station without permission. He was then told he could not have permission. [Stations] are private property and it is reasonable that people as a courtesy should check-in before taking photos. It also helps ensure safety and security, both of the people taking the pictures and of the general public. There are a number of issues around security. They could include things like terrorism or the security of the station – for example, we've had some burglaries at Macclesfield station.' [16]

Andrew Norris said a swimming pool lifeguard stopped him photographing his four-month-old son at an indoor pool run by Haven in Chichester, West Sussex. The lifeguard told him that the ban was due to 'privacy laws'. A Haven spokeswoman later said that the ban was to guard against the risk of paedophiles. 'We need to provide a safe and secure environment for our guests,' she said, adding that the park cannot guarantee where the pictures will end up. [17]

The youth officer for the Peterborough Diocese says that children's nativity photos could end up on a child pornography website, with the head pasted on to a naked child's body: 'You can take one child's head and add it to another. We know that it is possible. We can clearly extrapolate to find out what could be done.' [18]

A council has apologised to two women pensioners after a worker reprimanded them for photographing a deserted paddling pool over fears about paedophiles. Mike Harris, head of leisure and culture at Southampton City Council, said in a statement: 'A lot of people are more concerned about the safety of their children these days so it is appropriate that our staff are aware of who is taking photos.' [19]

[14] 'Terrorist threat' sparks Bullring photo ban, Birmingham Post, 24 August 2005

[15] Andrew Pelling MP stopped by cops for taking pictures of East Croydon cycle path, South London Guardian, 7 January 2009

[16] Telegraph, 19 March 2009

[17] Amateur Photographer, 10 June 2009

[18] Interview with Manifesto Club's Campaign Against Vetting

[19] Pensioners reprimanded for taking photos of a deserted paddling pool - because of paedophile fears, Daily Mail, 24 July 2008

Haunted by insubstantial fears of public malevolence, the clumsy character of contemporary authoritarianism is succinctly captured in short film pieces, regularly posted to You Tube, showing official attempts to enforce photography bans. These vignettes, portraying fraught public face-offs between photographers and various categories of officialdom, are generally played against humdrum High Street settings, amid mildly curious passers-by. Confrontations typically begin with an order to stop filming, provoking angry declamations of individual rights from behind the camera. As the situation escalates, enraged officials address farcically inaccurate claims about the extent of their powers straight to camera or else hold forth on the perils of unregulated picture taking.

The fact that so many of these furious displays end either in stalemate or ignominious retreat, suggests officials' precarious lack of legal knowledge not to mention common sense. While attempts to enforce photography bans suggest a crisis of authority among official law enforcers, campaigns against photography bans can appear equally muddled. In early 2007, photographer Simon Taylor posted an e-petition to the No 10 website, calling on the British government to halt proposed restrictions on citizens' rights to take photographs in public spaces, including a requirement for photographers to carry ID cards. The petition, attracted nearly 70,000 signatures and prompted a swift and unequivocal response from the prime minister's office:

'The government appreciates that millions of people in this country enjoy photography. So we have checked carefully to see if any government department was considering any proposal that might possibly lead to the sort of restrictions suggested by this petition. We have been assured this is not the case.'[20]

Admitting that the wording of his petition was ambiguous, Taylor backtracked on his original claims, explaining that far from implicating the government in moves to restrict photographers' freedoms, he had intended to call attention to proposals by the Royal Photographic Society (RPS) for the introduction of voluntary ID cards, designed to help members 'explain why they are taking photographs'. According to Taylor, the RPS proposal that members should use ID cards to justify or explain their intentions was not only unnecessary but self-defeating. However flawed the petition, Taylor's arguments make sense. Yet the petition revealed the gap between existing law, and the widespread belief that the right to take photographs in public is subject to official sanction.

The impulse to impose bans on photography in public is profoundly anti-democratic, preoccupied with safeguarding private interests against the interests of ordinary men and women. Restrictions on photography limit citizens' political freedom to ask questions of the world. Whether by accident or design, citizen photography serves the public interest, in as much as it upsets vested interests with something to hide. From the videotape showing Los Angeles police officers beating Rodney King to the horrors of Abu Ghraib, 'accidental journalism' may challenge political certainties and help expose the misdeeds of those in power to public scrutiny.

A small group of Worthing citizens had been taking part in a tongue-in-cheek 'celebration' of the 12th anniversary of Worthing's CCTV cameras: 'We started at the station and had worked our way into town, stopping off at various cameras and making a brief comment or two through a megaphone, while also pointing our own little cameras back at the surveillance cameras. It was all very light-hearted and easy-going until we reached Holder's Corner in Montague Street and these wardens came storming over to tell us we weren't allowed to take photos in a public place!'[21]

[20] Petition update, 29 March 2007, while petition was still open: http://petitions.number10.gov.uk/ Photography

[21] Reported in The Pork-Bolter, Worthing Newsletter, 30 August 2008

v. Philip Smith's Encounter & Stop /Search Record

vi. Metropolitan Police Poster

Alongside the restriction of citizen photography, there is an increasingly unhindered power of the state to observe us, highlighted in the proliferation of CCTV cameras, which have effectively removed all privacy rights in public places in the UK. There are an estimated five million CCTV cameras across the country, many enhanced with 'smart' software designed to record and recognise faces and even to pick up 'behavioural oddities' among individuals and groups. According to some estimates, citizens going about their business in the streets, shops, parks, banks, schools, hospitals, leisure centres, transport systems and public buildings of major UK cities can expect to be sighted on by as many as 100 cameras every day.[22]

In a political culture where assaults on privacy and disclosure of personal information have become commonplace, complaints about the surveillance state are often dismissed as 'liberal overreaction'. Responding to the Convention on Modern Liberty in spring 2009, David Goodhart, editor of Prospect magazine, cited the time-honoured logic, 'if you've nothing to hide, you've nothing to fear':

'Nowhere have I heard of innocent people suffering injustice as a result of either technology [CCTV cameras and DNA databases] and, as the father of four children who often travel on their own around central London, I find the cameras reassuring (on some estimates half of all British transport police convictions are won thanks to CCTV evidence).'[23]

In many ways, Goodhart reflects popular sentiments towards the institutionalisation of surveillance, where traditional concerns around the power of the state have been supplanted by a much more powerful mistrust of other people. Yet Goodhart underestimates the corrosive nature of mass surveillance, where citizens routinely interact with each other under the perpetual gaze of a watchful state – a state which, protecting itself from our scrutiny, encourages mistrust towards the motivations of our fellow citizens.

Indeed, the general public is invited to participate in this process of official surveillance. When London's Metropolitan police launched a counter-terrorism poster in 2008, they encouraged members of the public to report via a telephone hotline, what they termed 'suspicious photography'. The poster, picturing hundreds of identical cameras, with one highlighted, posed the question: *'Thousands of people take photos every day. What if one of them seems odd?'* The poster was

22 Watching you watching me, Brendan O'Neill, New Statesman, October 2, 2008

23 Rebels without a cause, David Goodheart, Prospect, issue 157, April 2009

essentially asking us to spy upon our fellow citizens – to be constantly alert to 'behavioural oddities', on the basis that the outward appearance of fellow citizen photographers, so innocently similar to our own, may mask malicious intent. Where the gaze is predatory, to look is to threaten, while to look away betrays a guilty conscience.

Indeed, *looking* becomes itself identified with predation. Edinburgh council famously issued policy guidelines in 2002, preventing parents from filming their children in school nativity plays. Explaining that the guidelines had been intended to prevent paedophiles from obtaining footage of children, the council caved in after legal action by an angry parent, who asserted the majority desire to take photographs of happy boys and girls having fun with their friends. At that time, the National Association of Clubs for Young People advised their membership to remove pictures of children receiving trophies or playing sports from club websites, in a bid to protect them from the gaze of paedophiles.

Yet ad hoc photo bans in schools remain widespread, as does confusion about their validity. A Church of England primary school in Devon recently drew criticism from the UK Information Commissioner over a photography ban at a school sports day, imposed on the grounds of unspecified child protection legislation and 'data protection myths'.[24] In many cases, legal and technical disputes around photography appear to be little more than a surface expression of authoritarian tendencies, a fact indicated by East Bedfordshire School Sports Partnership (EBSSP)'s blanket ban on spectators per se. A spokesman for the EBSSP expressed the thinking behind the spectator ban in the following terms:

'If we let parents into the school they would have been free to roam the grounds. ***All unsupervised adults must be kept away from children*** *(my emphasis) … . The ultimate fear is that a child is hurt or abducted, and we must take all measures possible to prevent that.'*[25]

The EBSSP is effectively expanding its role beyond the boundaries of existing child protection legislation, into the wider remit of 'safeguarding' children from all adults. Likewise, the Manchester Safeguarding Children Board (MSCB), a multi-agency statutory body set up in 2006, publishes strict guidelines on photographing children and young people, on the basis that children's images *may* be passed on and 'adapted for inappropriate use' or that sex offenders *may* identify actual children from their images and single them out for 'grooming' and sexual abuse.

The Child Protection in Sport Unit also suggests that these photos of children playing sport could be used by paedophiles, either by using it to identify and 'groom' a child, or adapting the photos for 'inappropriate use', although its reasoning is somewhat convoluted.

'Photographs can be used as a means of identifying children when they are accompanied with personal information – this is X who lives at y, is a member of the z gymnastics club and who likes a certain music group. This information can make a child vulnerable to an individual who may wish to start to "groom" that child for abuse. Secondly the content of the photo can be used or adapted for inappropriate use. There is evidence of this adapted material finding its way onto child pornography sites.'[26]

Local authority, social services and child protection agency guidelines, whether published or presented as 'good practice models', often betray a tendency to go way beyond any statutory child protection requirement. Worse still, by replacing the presumption of innocence with a presumption of malice, unelected agencies potentially subvert and corrupt the rule of law. In any event why should official or

[24] You can't ban parents from taking pictures, schools told, Daily Mail, 23 June 2009

[25] Reported in the Daily Telelgraph, July 3 2009

[26] Child Protection in Sport Unit Briefing, Photographs and Images of Children

semi official agencies dictate to parents or children what kinds of photographs are permissible or appropriate? Arbitrary, unenforceable and even contradictory, these rules provide powerful evidence of the official desire to police the public gaze.

Head-shots only: Defining 'appropriate' photography

The Child Protection in Sport Unit: '[photos should] focus on the overall activity, not on a particular child, and should avoid full face and body shots … photographs of children in a pool would be appropriate if shot poolside from waist or shoulder up.'

Teacher: 'We let [parents] know that we can't let them take photos in the general manner, but that they may take photos of their own child against a wall/fence/hedge where they are sure that no other child is in the photo.' [27]

Child protection adviser, the Diocese of Guilford: 'Parents can photograph, but it is suggested that parents do not focus on any particular child.' [28]

Parent: 'I took a DV camcorder to the school nativity play and was told by the Head Teacher that it was ok as long as I only filmed my own child.' [29]

Teacher: 'There is now a list of those children whose photograph must not appear on the website, so when you go on a trip and take a group photo, you take one with those children in and then ask them to step out so you can take a website-friendly one.' [30]

Church child protection adviser says photography is permitted at particular points in the nativity play: 'Sometimes churches have a tableau at the end of a performance, where parents can come up and take photos.' [31]

Standing up for the citizen photographer

Almost 30 years ago, a small group of Belfast-based photographers initiated an exhibition of photography to be shown in a disused linen mill situated between the Falls and Shankill on the nationalist side of West Belfast's peace wall. A call for work was made, with entry open to 'any amateur photographer who wishes to explore any aspects of the city or its people', photographs being preferred on the basis of content rather than artistic or technical merit. The exhibition was called 'Belfast Exposed', and comprised over 200 photographs and slides, articulating the life of the city from predominately young working-class perspectives. Opening a Belfast Exposed exhibition in Dublin in 1984, the poet Seamus Heaney remarked on the 'powerful, democratic feel running through these photographs', which documented a common experience of unemployment, poor housing and economic deprivation, at once intensified by the effects of sectarian division and alleviated by the gritty humour of working-class Belfast life.

One of the recurring features of Belfast Exposed's outreach work has been its ambition to go beneath mainstream representation of the Northern Irish conflict, through giving people the means and freedom to portray their own experience. Over three decades, many thousands of children and adults have taken to the streets with a point and shoot camera, recording events of the day and contributing to the formation of a substantial archive, recording a turbulent historical period from the perspective of those who experienced conflict at first hand. A rich resource

[27] Posted on TES discussion forum

[28] Interview with Manifesto Club Campaign Against Vetting

[29] Posted on Ephotozine discussion forum

[30] Posted on TES discussion forum

[31] Interview with Manifesto Club Campaign Against Vetting

for study, research or general enquiry, many of the photos in our collection – particularly photographs of children, police or army officers, or conflict – would today be subject to official or self-censoring sanction.

Today's restrictions on photographing children are based not on any 'average person', and respond instead to the imagined appetites of the most marginal and depraved, effectively asking the question 'how would a paedophile see this photograph?'. According to the Creative Youth Partnership's (NI) guidelines around photography and film:

'it is important to understand the motivation of a person who is involved in the sexual exploitation of children, young people and vulnerable adults and that even the most innocent of photographs, images or film can provide them with sexual stimulation'. [32]

The idea that even the most innocent photograph may incite depravity, raises intractable problems in relation to publication, even extending to photographs that are decades old. All over Belfast, photographic collections, private and public, are peopled with generations of unruly children, kicking balls round streets, swinging off lamp posts, performing to camera for their mates, dozing in pushchairs, playing at soldiers or merrily chucking stones at army patrols. In an essay exploring representations of childhood and the Northern Ireland peace process, sociologist Chris Gilligan refers to the mischievous and rascally character of many of the children in Belfast Exposed's collection. For Gilligan, one of the problems with media representation of children in the Northern Ireland conflict has been the tendency to

'present children as essentially passive recipients of experiences imposed on them by an external, adult world. Children, as many of the images from Belfast Exposed Photography indicate, actively negotiate the world they inhabit. They can be wilful, wily, playful or pugnacious. When children are allowed to speak for themselves they often surprise us with the things they say.' [33]

According to a briefing paper published by the Child Protection in Sport Unit (CPSU), organisations working with children are advised to draw up codes of practice with which to brief photographers covering sporting events. Definitions of appropriate images may be determined by the nature of the activity, for example at swimming events photographers should

'focus on the overall activity, not on a particular child, and should avoid full face and body shots … photographs of children in a pool would be appropriate if shot poolside from waist or shoulder up … . The age of children is another factor to be considered when deciding what is appropriate' [34]

[32] Creative Youth Partnerships, Code of Practice for Child Protection

[33] Real/imagined children: images of children in the Northern Ireland peace process Chris Gilligan (María José Carrera, Anunciación Carrera, Enrique Cámara, Clesa Dapía (eds), (2008), The Irish Knot: Essays on Imaginary/Real Ireland, Universidad de Valladolid

[34] Child Protection in Sport Unit Briefing, Photographs and Images of Children

The CPSU further advises that organisations avoid the whole photography minefield altogether, and simply 'consider using models or illustrations' to promote their activities. This advice proposes an equivalence between making an authentic record of children's voluntary actions, and the passive role of the child model posing for a PR photo shoot. At a child protection training session last summer, Belfast Exposed was advised to consider applying a 'code of behaviour contract' to its practical photography programme, where at the start of each workshop, children would be briefed against taking inappropriate images of their classmates, with tutors identifying those poses and parts of the body which were out of bounds. It's hard to imagine a more disheartening and dismal method of introducing young people to photography, and a more numbing effect on joy and creativity.

vii

viii

vii. Sean McKernan, Lee Clegg
riots, 1995, Belfast Exposed
Archive

viii. Michael Valente, Saoirse
campaign, 1997, Belfast Exposed
Archive

*'I was taking photographs of various activities at our pre-school when a parent
jested 'Likes his photos - probably got an ulterior motive.' This was deeply
unfunny but it forced me to think again. I now leave most of the photography
to the female members of staff. Unfortunately they have no idea how to compose
a decent picture but rather that than a sudden police raid!' Male nursery
professional* [35]

Photography is simply a concentrated way of looking and a means of
communicating what we see to others. This curious and enquiring method
of engagement records individual experience, and permits reflection and
reengagement from the distance of time and from other points of view. Like any
form of human interaction, from striking up a conversation, to exchanging a smile,
the intention behind making a photograph, spontaneous or considered, often
remains unresolved or even unknown to those involved in the exchange. From
this perspective, the current assault on citizen photography betrays a menacing
compulsion to micro-manage human behaviour, relationships, even thoughts.

   Much of the contemporary paranoia around photography appears to be driven
more by vague suspicion than by any real and present danger. The reasons given
for restrictions on photography are shaky at best, and often crumble in the face
of challenge. Official regulation of citizen photography may be clumsy and
uncertain, yet it is also coercive. The extension of official regulation into the fabric
of our lives is diminishing our capacity for self-regulation, and cutting us adrift
from the business of negotiating the limits of our freedom with others. In a climate
of uncertainty, where the mere act of looking may be enough to trigger suspicion,
a new authoritarianism is finding expression within photography's perennial
contestations. It is time to stand up for citizen photography against the anti-
democratic impulse to police the public gaze.

[35] Submission to Manifesto Club
Campaign Against Vetting

About the author

Pauline Hadaway is director of Belfast Exposed, Northern Ireland's only gallery of contemporary photography, archive and community photography. Founded in 1982 as a platform for Belfast communities to record and publish their experience, Belfast Exposed retains an ambition to uncover and record the city behind mainstream media representation. It employs distinctive approaches to programming and project origination, which link into contemporary political and social debates and open up multiple opportunities for public engagement. The gallery has compiled a substantial 'citizen's archive' recording a turbulent historical period over three decades, from the perspective of those who experienced conflict at first hand. So far, over 2500 images have been digitised, with around 300 currently accessible on the Belfast Exposed website and over 2000 available in an interactive browser located in the gallery. www.belfastexposed.org

About the Manifesto Club

MANIFESTO CLUB
FOR FREEDOM IN EVERYDAY LIFE

The Manifesto Club campaigns against the hyperregulation of everyday life. We support free movement across borders, free expression and free association. We challenge booze bans, photo bans, vetting and speech codes - all new ways in which the state regulates everyday life on the streets, in workplaces and in our private lives.

Our rapidly growing membership is composed of free thinkers and free spirits, from all political traditions and none, and from all corners of the world. To join this club of free thinkers and campaigners see: www.manifestoclub.com/join

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