

# *Evidentiary video and “professional vision” in the Hong Kong umbrella movement*

Article

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## **Abstract**

The video documentation of police violence against citizens, and the circulation of these videos over mainstream and social media, has played an important part in many contemporary social movements, from the Black Lives Matter Movement in the US to the Umbrella Movement in Hong Kong. Such videos serve as both evidence of police abuses and discursive artefacts around which viewers build bodies of shared knowledge, attitudes and beliefs about events through engaging in exercises of “collective seeing”. This article analyses the way a video of police officers beating a handcuffed protester, which became an important symbol of the excessive use of force by police during the Occupy Hong Kong protests, was interpreted by different communities, including journalists, protestors, anti-protest groups, and law enforcement officials, and how these collective acts of interpretation served as a means for members of these communities to display group membership and reinforce group norms and ideological values.

*Keywords: digital video, discourse itineraries, police brutality, professional vision*

## **Evidentiary Video and “Professional Vision” in the Hong Kong Umbrella Movement**

### **Introduction**

Like so many recent political movements (Bennett & Segerberg 2011, Garrett 2006), the events of the Umbrella Movement in Hong Kong were to a large extent driven by the powerful combination of digital video and online social networking (Li 2014), which allowed scenes of the protests (especially those involving clashes between protestors and police) to be quickly circulated through online and traditional media. In fact, it is likely that the movement would not have grown to the proportions that it did were it not for the rapid circulation of video footage of police using teargas against peaceful protesters in the initial days of the protests, which galvanized public support and brought large numbers of people onto the streets (see Bhatia, this issue). Throughout the protest period, videos allegedly portraying police violence or misconduct were widely circulated, some produced by protesters themselves and some by professional journalists. These videos functioned not just as touchstones for debates about events and their meaning, but also as discursive sites around which different communities gathered to rehearse and reproduce their ideological positions and their shared interpretive repertoires. As the power to create and circulate video representations of events devolves to more people, protest movements such as the Umbrella Movement in Hong Kong have become not just political struggles over power and ideology, but also, as Wall and Linneman (2014, 133) put it, “practical struggles over the authority and regulation of ways of looking and knowing.”

Perhaps the most widely circulated video during the Hong Kong protests was one shot by a cameraman from a local television station showing a protester, later identified as Civic Party

member Ken Tsang, being handcuffed and dragged into a “dark corner” where he was violently beaten by seven police officers. It is this video, and its trajectory across various media and through various interpretive communities, that is the subject of this article. Below we will explore how this video functioned as a tool with which different communities and professions (including, journalists, police, and protesters of various political persuasions) built bodies of shared knowledge about events through exercises of “collective seeing”, and how the meaning and utility of the video changed as it traveled from context to context, accumulating the interpretations of different communities along the way.

### *Evidentially and “Professional Vision”*

With the proliferation of digital video cameras in the hands of journalist and private citizens, and the increased use of body cams and dash cams by police officers, the actions of authority figures, both in the context of protests, and in the context of everyday law enforcement, have come under a new kind a scrutiny (Goldsmith 2010, Gregory 2010). Videos circulated through social media of police officers shooting or assaulting unarmed African Americans in the US, for example, have sparked renewed debates about police power and institutionalized racism (see for example Rosenberg 2015). What is usually focused on in discussions of such videos in both media and legal contexts is their *evidentiary* function: their status as “proof” of what “really occurred”, and there are many recent examples of such video evidence resulting in disciplinary action against police or acquittal of citizens because what occurred in the video “self-evidently” contradicted police accounts (see for example Hathaway 2015, Hopperstead 2012). In the case of the Umbrella Movement in Hong Kong, in fact, a number of protesters charged with obstructing or attacking police officers were later acquitted after video surfaced which vindicated them (see for example Chan 2015, Cheung 2015).

On many other occasions, however, what is portrayed in such videos has ended up being regarded as less “self-evident” than it first seemed after the videos were subjected to the interpretive practices of various parties such as lawyers, journalists, politicians, and media commentators. Such cases call attention to the fact that the meaning of photographic evidence is never “self-evident”, but always subject to the interpretive practices of different communities. Indeed, as Biber (2007) points out, ways of looking at and interpreting photographic evidence in the contexts of criminal justice are increasingly tied up with myriad techniques, technologies and bodies of knowledge associated with different specialist communities.

Perhaps the best example of this is the 1991 case of Rodney King (what is probably the first widely publicized example of video evidence of police brutality), in which a video of four police officers repeatedly striking and kicking an unarmed African American motorist sparked outrage among the public, but failed to result in convictions of the officers due to the defense attorneys’ success at getting the jury to accept an interpretation of the video which portrayed the officers’ actions as legitimate attempts to perform their professional duties. The verdict attracted widespread condemnation from the U.S. African American community and sparked the Los Angeles riots of 1992. It also received widespread attention from scholars of discourse. Judith Butler (1993), for example, in her analysis of the case, argued that the verdict was the result of the jury viewing the video through a hegemonic interpretive framework in which black male bodies, even when portrayed prone and powerless, are seen as intrinsically threatening.

Goodwin (1994) also offers an analysis of this case, but takes a more nuanced approach. Using tools from interactional sociolinguistics and linguistic anthropology, he argues that the

acquittal of the officers was more than just a matter of racist “ways of seeing” brought into the courtroom by the jury, but that the conditions for this interpretation were *actively created* by defense attorneys, police officers and expert witnesses through specific discursive strategies such as categorizing, framing, and highlighting different segments of the video, strategies which helped to reproduce for the jury the “professional vision” of the officers. He defines “professional vision” as the discursive practices “used by members of a profession to shape events in the phenomenal environment they focus their attention upon.” This shaping, he argues, “creates the objects of knowledge that become the insignia of a profession’s craft: the theories, artefacts, and bodies of expertise that distinguish it from other professions’ (606).

Goodwin’s point is that the “re-reading” of the videotape which resulted in the acquittal of the four police officers was the result of a complex web of professional *literacies* through which groups create the “material and cognitive infrastructure” (626) which makes their professional identities possible. The workings of such professional identities, of course, operate in relation to other groups and the kinds of discursive practices *they* have available to them. As Goodwin points out, for example, King, as a victim of the beating, had no equivalent set of discursive practices to draw upon to explain his “way of seeing” the situation — no body of knowledge that could be articulated by “expert witnesses” or be deployed as an emblem of professional membership. He writes (626):

the power to authoritatively see and produce the range of phenomena that are consequential for the organization of a society is not homogeneously distributed. Different professions — medicine, law, the police, specific sciences such as archaeology — have the power to legitimately see, constitute and articulate alternative kinds of events.

Professional vision is perspectival, lodged within specific social entities, and unevenly allocated.

Mizoeff (2011) similarly argues that one of the main ways authority figures exercise power is through what he calls “visuality” — the process of assembling visualizations of events through naming, categorizing and defining what is seen. The “ability to assemble a visualization,” he writes, (474) “manifests the authority of the visualizer.”

By focusing narrowly on the way the videotape was re-configured as an object of knowledge within the courtroom, however, what Goodwin’s analysis does not take into account is all of the other forms of specialist “vision” that the tape was subjected to before, after and during the trial— the vision of journalists, politicians, and activists — and how these acts of seeing and the social identities enacted through them interacted with the discursive practices of officers and expert witnesses in the courtroom to help make the defense attorneys’ interpretation possible, and to create the conditions for subsequent events (such as the riots in Los Angeles).

While, as Goodwin argues, “All vision is perspectival and lodged within endogenous communities of practice”, none of these communities operate in vacuums. Evidential texts travel along “itineraries” (Scollon 2008) from community to community, being reconfigured as they are subjected to the interpretative practices of each of these communities, practices which do not just respond to the texts themselves, but also to the interpretations of these texts articulated by other communities. In other words, while all vision is perspectival, it is also *dialogic* (Bakhtin, 1981), and while social identities are constructed through discursive practices *within* communities and professions, they are also constructed *in response* to the



discursive practices of other communities and professions.

This understanding of both the perspectival and the dialogic nature of interpretations of photographic evidence is even more important in the digital age, in which individuals from a wide range of communities (both professional and lay) have the means not just to articulate interpretations, but also to reconfigure, remix and edit video texts using technological tools even more sophisticated than those used by the defense attorneys' and expert witnesses in the Rodney King trial. In fact, it is, to a large extent, through engaging in these practices of interpretation and reconfiguration that many of these online communities establish their group identities and socialize new members into community norms. During the protests in Hong Kong, for example, literally hundreds of such online communities formed around practices of circulating, commenting on, critiquing, and sometimes remixing video and photographic representations of events (Li 2014). Added to this is the power of social media to facilitate the rapid dissemination of information across networks and through different communities to be reinterpreted and further reconfigured. In Garrett's (2006) description of this process in the context of previous "occupy style" movements he notes that what is important is not so much the dissemination of information across networks, but the dissemination of the *interpretive frames* that are built up within communities of activist and are then passed on across "networks of influence" (214).

### **Background, Data and Methodology**

The video which is the subject of this article was filmed in the early morning of October 15, 2014 after a protracted struggle between protestors and police during which police successfully prevented protestors from reoccupying Lung Wo Rd., a major thoroughfare near the main protest site in Admiralty. It was shot by a member of the film crew of TVB, a local

television station, and shows seven police officers carrying a handcuffed protester — later identified as Civic Party activist Ken Tsang — to a dark corner in Tamar Park where they took turns repeatedly punching and kicking him.<sup>1</sup> The video was broadcast by TVB beginning at around 3 a.m., and over the course of the morning the version of the video first broadcast, containing commentary by reporters, was replaced by a version in which part of the commentary was deleted. Meanwhile, different versions of the video (enhanced, edited and captioned in various ways) were disseminated over the internet, where it was subject to further commentary by participants on discussion forums and in social media sites. The video was also picked up by overseas news outlets and sparked international condemnation by groups such as Amnesty International. It was not until over a year later — after a slow moving police investigation — that the seven police officers who appeared on the video were charged with “causing grievous bodily harm with intent”. Despite over 170 official complaints of police violence during the protests, this incident is so far the only one leading to police officers being charged. On the very same day that the charges were announced, Ken Tsang, the individual pictured being beaten in the video was also charged with assaulting police officers and resisting arrest, a move which outraged activists and other members of the public. The trials of both Tsang and the officers were in progress as this article was being written.

The data for this analysis consist of several different versions of the video, news reports about the incident, as well as statements from the police force, politicians, citizens and civic organizations. It also includes discussion threads from two popular Facebook groups, *Passion Times* (熱血時報), a group sympathetic to the movement, and *Salute to Hong Kong Police*

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<sup>1</sup> A copy of this video as it originally aired on TVB -- enhanced with English subtitles-- is available at: <https://www.youtube.com/watch?v=oGwVXBEvPcs>

(向香港警察致敬), a group sympathetic to the police.

The focus of the analysis is on the discursively produced “ways of seeing” associated with different interpretive communities: journalists, police, and activist from the two opposing camps who discussed the video on social media, and how these “practices of seeing” affected one another as the video travelled from broadcast media, through online social media, and through the criminal justice system. The theoretical anchor of the analysis is Goodwin’s (1994) notion of “professional vision”, and his argument that the way visual “evidence” is interpreted (whether it be a graph in a scientific article or a photograph in a courtroom) is invariably a matter of the discursive resources people in different communities have at their disposal and the social practices that have grown up around these resources (see also Gee 2011, Latour and Woolgar 1986). As Goodwin (1994, 606) puts it, “seeing” is a socially situated, historically constituted body of practices through which “the objects of knowledge that animate the discourse of a profession” are constructed. From this perspective, as Goodwin points out, practices of seeing are forms of socialization into professional communities and other groups (including, in the context of this discussion, “communities of activists”). “In so far as these practices are lodged within specific communities,” he writes (627), “they must be learned.” It is through engaging in practices of collaborative seeing that members of communities learn both how to see and how to *be* members of those communities.

Along with this orientation, we also make use of ideas from *mediated discourse analysis* (Norris and Jones 2005, Scollon 2001), especially its concern with how discourses travel through different “sites of engagement” along historical “itineraries” (Jones 2014, 2015, Scollon 2008). This concept of “discourse itineraries” is useful in helping us understand the

inherent *intertextuality* involved in practices of seeing – how practices of seeing adopted by one community are invariably affected by the practices of other communities. Intertextuality, as Kristiva (1986, 39) puts it, implies “the insertion of history (society) into a text and of this text into history.” Echoing this, Fairclough (1992, 102) defines intertextuality as “how a text responds to, reaccentuates, and reworks past texts, and in doing so helps to make history and contributes to wider processes of change.” From the perspective of mediated discourse analysis, intertextuality is seen not so much as a property of texts, but as a matter of the *social practices* communities engage in to reinterpret, reconfigure and recontextualize texts. Texts become intertextual when they respond to the practices and identities of actors at earlier points along the itinerary along which they are travelling and anticipate the practices and identities of actors at later points. (Jones 2014).

Finally, our analysis draws on *critical discourse analysis*, especially Van Leeuwen’s (2008) work on the representation of social practices. For Van Leeuwen, the key to understanding how social practices (and the social actors involved in these practices) are represented, and the ideological and material consequences of these representations, is through an understanding of *recontextualization*, a notion he adopts from Bernstein (1990), but which is also a key concept in American linguistic anthropology. All representations, Van Leeuwen argues, are also recontextualizations in which the social practice represented passes through the “filter” of the new social practices in which it is inserted. This filtering process results in practices being transformed, evaluated and legitimated or delegitimated in various ways. Although Van Leeuwen does not mention them, the American anthropologists Bauman and Briggs (1990) offer a similar view of recontextualization in their description of how performances take on new forms, functions and meanings as they are transported from one social context to another, “cited, evaluated, reported, looked back upon, (and) replayed” (80),

and, like Van Leeuwen (and Bernstein), they focus also on issues of power: the ways different people and different groups have access to different means for recontextualizing and transforming texts.

What these three theoretical orientations share is a common analytical strategy of identifying what Fairclough (1992) calls “discourse processes” and examining how these processes operate in the construction of group identity and the promotion of ideologies. Goodwin calls these processes “discursive practices”, and among those he points out in his data are “coding”, “highlighting”, and other means of manipulating representations which serve to organize viewers’ perceptions. Van Leeuwen, on the other hand, considers these processes to be a matter of the “semiotic practices” that text producers engage in as part of the broader process of representation. He divides these practices into broad categories of transformation, legitimation and evaluation, and, within these categories presents a detailed account of the lexicogrammatical resources texts producers have available to them to represent social practices. Finally, Scollon (2008) and Jones (2015) speak of “processes of resemiotization” through which discourse is transformed as it moves from community to community and across different semiotic modes and materialities. Among the processes of resemiotization they mention are: iconization, materialization, metonymization, and narrativization.

In this article we will focus on four broad processes which arose from our analysis of the data. These processes, and the “sub-processes” within them, are drawn from the work of Goodwin, Van Leeuwen, and Scollon and Jones, and adapted to describe what seem to be the most salient and consequential operations participants are performing on the text in question. The processes are:

*Re-entextualization*, which includes all of the various processes by which the text itself is altered, including *inscription* (see Latour and Woolier 1986, referring to processes of adding text, captions, or voiceovers to graphic representations), and *highlighting* (referring to processes which call attention to particular parts of the text).

*Intertextualization*, which might also be thought of as “remixing” (Knobel and Lankshear 2015), processes by which the text is combined with or linked to other texts.

*Classification*, processes through which actors and actions in the text are variously labelled, characterized and categorized, in ways that invoke or promote larger systems of classification which support ideologies and relationships of power.

*Legitimation/Delegitimation*, processes in which the reason or purpose for the actions or practices represented are presented in ways designed to depict them as either legitimate/justified or illegitimate/unjustified. In this regard Van Leeuwen (2008) suggests a number of sub-processes including authorization (legitimation by authoritative claims), rationalization (legitimation by rational argument), moralization (legitimation by moral claims), and mythopoiesis (legitimation by narrative).

As will become clear as we apply these principles to the data, although we present them as separate, these four broad processes are more often than not, intertwined, re-entextualization and intertextualization, for example, often providing the textual foundations for process of categorisation and legitimation. It is also important to regard these processes not just as semiotic operations but as *interactional achievements* through which participants hold each other accountable for the proper “ways of seeing” that define their competence as members

of their particular communities (Goodwin 1994).

### **Journalistic Seeing**

As we mentioned above, the video that is the subject of this article originated from the film crew of TVB, Hong Kong's largest free-to-air television station, and broadcast as part of the station's ongoing coverage of the protests. The video was first aired at around 3 a.m. on October 15, 2014, at which time it was presented with a voiceover commentary, a process of re-entextualization (specifically, of *inscription*) that is a common professional practice of television news reporters. The original voiceover was as follows:

一名示威者雙手被綁上索帶, 由六個警員帶走。警員將他抬起帶到添馬公園一個暗角位, 將他放在地上, 對他拳打腳踢。期間兩個警員離開, 留下的警員繼續再用腳踢示威者。警員最後帶走示威者, 整個過程歷時近四分鐘。

(A protester was handcuffed and taken away by six police officers. Police carried him to a dark corner in Tamar Park, placed him on the ground, and then punched and kicked him. Two officers then walked away from the attack, but the others continued. Finally, the protester was taken away again. The entire process lasted about four minutes.)

The form of this re-entextualization produced by the staff in the TVB newsroom, consistent as it was with normal journalistic practice (as well as with what seemed to be “self-evident” to most viewers) would likely have gone unremarked upon were it not for the fact that, at the request of station managers, the video was re-edited to remove the description of the police officers' actions, resulting in the following voiceover, which began airing on the station beginning at 7 am:

一名示威者雙手被綁上索帶,由六個警員帶走。警員將他抬起帶到添馬公園一個暗角位。警員最後帶走示威者,整個過程歷時近四分鐘。

(A protester was handcuffed and taken away by six police officers. Police carried him to a dark corner in Tamar Park. Finally, the protester was taken away again. The entire process lasted about four minutes.)

Later that day, the video was once again re-inscribed, with the words “the police are suspected of having used violence against him” inserted where the more explicit description of the officers’ actions had been.

The way the television station changed the voiceover on the video attracted almost as much public attention as the video itself, and the next day the journalists involved issued an open letter to the station, which was reprinted in newspapers and posted on social media sites (see “An Open Letter...” 2014), protesting the decision to alter their original inscription. Although much of the public discourse that circulated around this incident focused on the issue of censorship, the reporters in their open letter framed the issue more as a matter of “professionalism”, tying their practices of inscription to broader practices of journalism and to their identities as legitimate members of their profession. “We hope that both front-line reporters and management,” they wrote, “abide by professionalism, adhere to principle and stick to the facts, to deliver accurate, objective and complete information to our viewers.” Their argument against the deletion of the voiceover, focused chiefly on their ability to promote these core professional values of “accuracy” and “objectivity”. They wrote:

Using this version (with the voice-over deleted) means the truth is missing from the report. We would like to reiterate that the script for the voice-over was factual and



objective. The description did not involve any personal feeling or position.

Interestingly, central their definition of “objectivity” is the argument that the “truth” of the video was not “self-evident”, and that when reporters add explanations to representations of events, this renders them more “accurate” and “complete”. The “objectivity” of the report, they argue, was not compromised by the commentary, but by the *lack* of commentary. The letter continues:

Not only does the omission lead to an incomplete report, it suggests that management does not express confidence in the original report... We reiterate that the deleted phrase does not include the personal opinions or mood of any reporting staff and is merely a reflection of the facts. The audience will make its own reactions, whether it be dissatisfaction or sympathy with the police force. News staff should not concern themselves with these reactions.

Of course, the moves by the station management to first delete the phrase “punched and kicked” and later to replace it with “the police are suspected of having used violence” were also premised on the values of “objectivity” and “accuracy”, but, in this case, defined in terms of the discursive practices of a different set of professional communities (lawyers, law enforcement officials, and station managers fearful of offending them) and realized not through the “complete” description of what happened, but through a more restricted description of the *legal status* of what happened. In this regard, it might be argued that, in altering the journalists’ inscription, the station managers were abiding by their own brand of “professionalism”, in which aims such as avoiding liability and a maintaining a good

relationship with the government outweigh the aims of “truth-telling” associated with the work of journalists.

And so, from the moment it was first broadcast in the mainstream media, the video became a contested object of knowledge, subject to the competing practices of seeing of different communities, practices which were manifested through various concrete processes of re-textualization and legitimation that constituted the professional resources of these communities.

### **Activist Seeing**

As we mentioned above, one feature that characterized the Umbrella Movement in Hong Kong (and, indeed, characterizes many contemporary social movements) was the formation of online activist communities of various kinds, representing different interests, espousing different ideologies, and engaging in different kinds of discursive practices. In this section we will consider the way the video introduced above was re-presented and re-interpreted on the Facebook pages of two such communities: a pro-democracy community called *Passion Times* (熱血時報), and an anti-occupy community with the name *Salute to Hong Kong Police* (向警察致敬).

#### *Passion Times*

At 9:54 a.m. on the same day that the video was broadcast on TVB, it was posted on the Facebook page of *Passion Times* with the following accompanying text:

**【黑警暴行 不能容忍】**

本報特別將無綫相關新聞片段推光, 讓大家能清楚看到警察濫用私刑的真實情況。

影片來源: 無綫新聞

(Corrupt [lit. black] police cannot be tolerated

This video from TVB has been lightened to allow everyone to see clearly the real situation of police abusing their power.

Source: TVB News)

It is important to note that the video clip posted to the *Passion Times* Facebook group was the footage that *originally* appeared on TVB (including the description of the police “kicking and punching” the protester), rather than the version that was “revised” by station managers, even though this was not the version of the footage that was airing when this message was posted. In other words, this reposting was not just an act re-circulating material that was available elsewhere, but an act of *archiving* an evidentiary artefact. Along with archiving the earlier version of the video, however, this poster had also performed his own re-entextualization of the footage, digitally enhancing (“lightening”) it so that the actions of the officers could be more clearly discerned. The justification for this in the accompanying comment invokes the same values of “truth” and “objectivity” that the journalists we discussed above used to characterize their practices of professional seeing: to reveal the “truth” of what is represented which, without this enhancement, might remain obscured. The difference, however, is that, in this case, “truth” is less a matter of a complete and objectives portrayal of events, and more a matter of fitting the evidence into a particular *evaluative framework* (in which the police are represented as corrupt and undeserving of the public’s support, and protesters as innocent victims of police abuse). Central to this evaluative practice of seeing is the classificatory process that Scollon (2008:242) refers to as *metonymization* (see also Jones, 2015), which he

defines as ‘the simplification’ of a sequence of actions through “labelling”. What *metonymization* usually entails is collapsing complex combinations of events and social actors into simple labels for social actors (such as “corrupt police”) and for social practices (such as “abuse of power”), and then using these labels to describe not just the particular people and events in question, but more generally “people like this” and the “things they do”.

As is the case with many social practices, one of the best ways to understand the implicit rules that members of a group adhere to in relation to those practices is to observe how members respond when people “breach” the rules (Garfinkel 1967). Occasions when members of opposing activist communities insert themselves into the discussions in the comments sections underneath postings on these Facebook pages and “troll” participants by making provocative comments provide excellent opportunities to observe such “breaches” and the ways members work to reassert group norms. In the case of *Passion Times*, for example, shortly after the “enhanced” video was posted, a poster (who we will refer to as KK) chimed in with the comment:

不如調轉諗下,如果你係警察你會用咩方法對付搞事既人? 唔該前唔該後? 定係多謝合作?

(Why don’t you see it from their perspective? If you were a police, how would you deal with someone who is stirring up unrest? Would you say “please” or perhaps “thank you for your cooperation”?).

Embedded in KK’s response to the posting of the video are a number of interpretive practices characteristic of the anti-occupy activist community we will discuss below, including appeals to emotion and “sympathy” for the police. For now, we are more interested in the discursive

processes of legitimation and delegitimation members of this pro-occupy community engaged in to contest KK's call for an alternative reading of the video, for it is in these processes that the values animating members' interpretive practices can be discerned.

What followed from KK's remark was a flood of comments from members, most of them making use of strategies for legitimating (the community's viewpoint) and delegitimizing (the poster's alternative reading), the most common of which were what Van Leeuwen calls "rationalization", the legitimation of a practice or point of view using "logical argument", and "othering", discrediting one's opponent with *ad hominem* attacks. An example of how these two strategies were combined in these posts can be seen below:

KK 打人可以合法合理化? 咩野 logic? 定 係你有讀過書,唔識咩叫 logic?

(KK, according to what logic such an assault can be legitimized? Or are you not well-educated enough to understand what logic is?)

What is interesting about this post is not just the representation of "logic" (written in English) as the community's central value in evaluating events, but also the move to discredit KK based on accusations regarding her educational attainment, which makes her somehow unfit to engage in the debate in a "logical" manner. A similar move can be seen in the example below:

Rule of Law 同 Rule by Law 根本就係兩個概念。想要 Rule by Law 咁你真係生錯時代囉,返返去奏朝啦。KK 唔該你讀多兩年書先再同人講咩係法律, 如果法律唔係根據普遍原則去訂立社會契約, 唔能夠保障人既 political right 同 civil liberty, 果種法律根本就係假既。不過同你講依 d 都係 浪費時間

(Rule of Law and Rule by Law are two entirely different concepts. If you want rule by law, you are living in the wrong era. Go back to the Qin dynasty. KK please go back and study more before entering the discussion about what law is. If law is not a social contract based on norms and safeguarding people's political rights and civil liberty, it is not a real law. But I guess I am wasting my time talking about this to you.)

Underpinning these processes of rationalization and “othering” is a particular set of discourses about “western values”, education, sophistication and the use of English that has been part of public discourse in Hong Kong since the colonial era. What characterizes this set of discourses is not just the kinds of values it promotes, values like individualism, “reason”, liberty and the rule of law which originate from what Scollon and his colleagues (2011) call the “utilitarian discourse system”, but also the *way* these values are expressed using English rather than Chinese terms. Of course, code-mixing has long been a characteristic of the sociolinguistic situation in Hong Kong, but in this context, such use of language helps to reinforce the association of western “liberal” values and the use of the English language with educational attainment and modernity, and traditional Chinese values with ignorance and backwardness.

### *Salute to Hong Kong Police*

Later that day (1:00 p.m.), the video was appropriated by the members of a different activist community, this one maintaining a Facebook page entitled *Salute to Hong Kong Police* (向香港警察致敬). Whereas in the last example, the key interpretive process involved was “re-textualization” — actually altering the original footage by digitally enhancing it— the version circulated by this community is an example of what we have called *intertextualization* (or “remixing”), the combination of the original footage with other footage

in order to create associations between different events. The beginning of this version features not the footage of the beating, but footage from a local cable station, Now TV (which began airing at around 11:30 a.m.), showing scenes of the protests before the beating occurred, including footage of an individual resembling the beating victim — who by now had been identified as Civic Party member Ken Tsang — throwing water on police from an overpass. This is followed by the TVB footage, but this time the version chosen (perhaps not surprisingly) is the one from which TVB managers had removed the voiceover of journalists describing the actions of the officers as “kicking and punching”. This is followed by a clip of Tsang himself at a campaign rally stating that since he was a student he has been “active in protests and social movements”, which is then followed by a still image of an article from *Eastweek* magazine in which Tsang is accused of “encouraging protester to charge police barricades” (煽動人群衝鐵馬) in the early days of the protests, and “using radical actions to increase his political influence” (似是藉激進行動建立江湖地位). The article includes a picture of Tsang alone wearing a black and white scarf (in what does not appear to be a protest situation) next to one of him on another occasion speaking into a megaphone, along with the caption: “As we can see, Tsang was wearing a Palestine Liberation Army style scarf, asking the others to charge with him, yet no one was following him” (現場所見，曾健超戴住「巴解」式頸巾，周圍走用大聲公叫人與他一齊衝鐵馬，但有乜激青跟他)<sup>2</sup>.

The text posted along with the video contains a commentary in which the implicit relationships created by this combination of different clips are made explicit. It reads:

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<sup>2</sup> The original article and pictures are available at <http://eastweek.my-magazine.me/index.php?aid=5145&highlight>

曾健超在高處多次向執法警員淋不明液體，在被警員上前拘捕時極不合作，令到有警員受傷，最後要由六名警員押走，途中極不合作，令到疲累的警察要多人抬起曾健超離場!

雖然今次有前線警員有不當的行為，希望警方可以嚴正處理和檢討，但亦希望警方高層可安排專業人員去疏導被壓抑了十多天受示威者辱罵和挑釁的情緒，更希望市民明白前線警員在市民和輿論下的執法壓力。

有網民指出曾健超突然淋不明液體向警察，其實可當係襲警，是嚴重罪行，如果液體是有毒或是易燃液體，更會造成警員受害。還有警員配備的電子器材，都可以受到液體淋下而損毀。

(Tsang threw unknown liquid from a height to police who were just doing their job.

He was also extremely uncooperative when police tried to arrest him, causing injuries to the police. Finally he had to be transported by 6 police. Since he was so uncooperative, even though police were exhausted, they had to spend extra effort escorting him away from the scene.

Although this time frontline police might have misbehaved, which should be handled in a fair and serious manner, I hope police leaders can also arrange professionals to help officers deal with the increasing stress caused by being frequently provoked by protesters these days. I also hope citizens understand frontline police are under a lot of pressure while they are doing their job of enforcing the law.

As many netizens have pointed out, Tsang's action of throwing unknown liquid onto police actually constitutes assaulting police officers, which is a serious crime. If the liquid were poisonous or flammable, it would have injured the police. In addition, the electrical equipment carried by police could also have been damaged.)



Intertextualization of the kind we see in this example can support a variety of different interpretive processes depending on the ways the different texts in question are combined, and the kinds of relationships between these texts that this combination creates. Texts might be combined, for example, in an additive fashion — “this happened *and* that happened— which might create a relationship of equivalence between the two represented events (Harris, 1952). They might be combined to highlight *sequentially* — “this happened before that” — which often creates the implication of cause and effect — “this caused that”. Or they might be combined so that one text is used to create an interpretive context for another — “this explains that”. None of these principles of combination, of course, are mutually exclusive, a point amply illustrated by the example above, in which the conjunction of the representation of what appears to be Tsang dousing police officers with water placed before the footage of the beating acts to legitimate the beating through both *narrativization*, creating a “story” in which the sequentially of events is meant to imply casualty, and through *equivalence*, the association of one event with the other in a way that implies that they are of the same order, and should be treated equally as examples of “assault”. Similarly, the footage of Tsang speaking at the end of the video followed by the newspaper report accusing him of radical behavior create a broader “historical” context in which the two incidents represented earlier are meant to be interpreted.

Above we spoke of how the interpretive practices of both journalists and pro-occupy activist were animated by attempts to present what they considered a more “complete”, “accurate” rendering of the video, journalists by adding their explanatory voiceover, and pro-occupy activist by enhancing the video so that the actions of the police officers were more visible. The re-presentation of the video on the “anti-occupy” Facebook page constitutes a similar attempt, but, like the re-presentation by the “pro-occupy” group, its orientation is essentially

evaluative, designed to portray Tsang as a provocateur and the police as figures of sympathy whose actions are an understandable professional response to an “uncooperative” “rioter” who had “assaulted” them.

Where the difference lies between the members of these two communities is in the rhetorical processes they use to legitimate their readings. Whereas “pro-occupy” activists tended to make use of *rationalization*, invoking ideas like “logic” and “the rule of law”, anti-occupy activists tended to use *moralization*, invoking notions of ‘emotion’, ‘sympathy’, and ‘respect for authority’. One commenter, for example, declared:

個人情感上我個人都好想打柒佢, "濫用私刑"係犯法, "擾民亂港"仲大罪,  
(Emotionally speaking, I also want to beat him, though ‘abuse of power’ is against the  
law, disturbing social stability of Hong Kong is a serious crime.)

Another made the following argument:

理智上我覺得警察打制服咗 ge 暴徒係錯,但感情上好難同情個暴徒。倘若調查  
顯示確有警員使用過分暴力,必須按照既定程序執行紀律處分甚至法律行動;同  
時,該暴徒 ge 違法行徑,包括襲警、拒捕等,亦不能因其遭遇而逃脫法律制裁,咁先  
可以體現法律公平公正。

(Rationally I think it is wrong for the police to beat a neutralized rioter, yet  
emotionally it is hard for me to sympathize with the rioter. If there is further  
investigation indicating that the police were using excessive force, there should be  
disciplinary or even legal actions. At the same time, this rioter’s illegal actions such as  
assaulting police officers and resisting arrest should be judged by law and what he

experienced should not be used as an excuse for him to escape his legal responsibilities. In this sense, the justice and fairness of law are served.)

In statements like these, “reason” or “rationality” is, to some degree, trumped by feelings of sympathy towards the police or lack of sympathy for the Tsang. The most important trope evident in these two examples, and seen in many of the other comments on this page, however, is the setting up of what Laclau and Mouffe (2001) call “chains of equivalence” between Tsang’s actions and the police officers’ response, the representation of both actions as “equally illegal” with the implication that Tsang deserved what he got.

### **Official Seeing**

The final interpretive community we would like to discuss is that of the criminal justice system, which is, of course, made of up various different professional groups including police officers, prosecutors, judges, politicians and other public officials, but which, through the coordinated communication channels of the government, at least in Hong Kong, tends to promote a fairly unified framework for interpreting events. Whereas the practices of professional seeing of the journalists we analyzed were characterized by processes of inscription animated by values of truth and objectivity, and the practices of seeing of the different activist communities we analyzed were characterized by processes of legitimation and delegitimation animated by particular ideological values (for example, democracy, freedom, patriotism, and stability), the practices of police and government officials, at least when it came to this particular video, were characterized by a what can only be described as a discursive strategy of “reticence”, a general lack of engagement with the evidence. In response to the incident, for example, the police force issued the following brief press release at 10:22 a.m., refusing at subsequent press conferences and briefings to comment further on

an “ongoing investigation”:

### **Police response to officers suspected of using excessive force**

Police express concern over the video clip showing several plainclothes officers who are suspected of using excessive force this morning. Police have already taken immediate actions and will conduct investigation impartially. The Complaints Against Police Office has already received a relevant complaint and will handle it in accordance with the established procedures in a just and impartial manner.

Of course, this text displays many of the same kinds of discursive strategies seen in some of the texts analyzed above, with complex combinations of actors and actions being collapsed into practices such as “taking immediate action”, “conducting an investigation” and “following established procedures”, phrases which obscure the actual steps that had or would be taken and by whom. It is also interesting how the actions of the officers in the video are backgrounded by being relegated to a relative clause (“officers who are suspected of using excessive force”) in a sentence whose main process is the police “expressing concern”. But the most important thing about this passage is that it is constructed around a brand of professional vision in which the focus is not on representing what actually happened, but on representing the various legal and administrative processes that have been put into place to determine what happened.

For a year after the incident, the government refused to comment officially, until October 15, 2015, on the anniversary of the incident, when it was announced that both the seven officers involved and Tsang would *both* be charged on the same day in the same court, the officers for “causing grievous bodily harm with intent” and Tsang for “assaulting officers and resisting

arrest”. When asked why the decision had been made to charge both parties on the same day, Secretary for Justice Rimsky Yuen was quoted in the local press saying: “We believe that the two cases should be handled in the fairest possible way, and that’s why we made arrangements for Mr Tsang and also the seven police officers to be charged on the same day, this is today... it would be beneficial for both of them to be appearing before the same court on the same day.” What is important about this action (and the invocation of “fairness” that accompanied it) is that it recreates the same “chain of equivalence” seen in the interpretive practice of the “anti-occupy” community described above. The main difference is that, while the “anti-occupy” community created equivalence by joining two events into a single representation, the government created equivalence through what Blommaert (2005) calls *synchronization*, attempting to synchronize events on two different timescales – the shorter timescale of the events on the day that Tsang was beaten, and the longer timescale of the investigation and trial. By arranging the legal procedures related to the two parties –the seven police officers and Tsang – so that they occur at the same time, the government reinforced the impression that the actions of the two parties on the day of the incident were not just related but equal in their seriousness. The effect of synchronization, as Blommaert (129) points out, is to “combine elements that are of a *different order*” in ways that “obscure (these) fundamental differences.”

In a final act of “professional vision” by the criminal justice system occurred shortly before this article went to press. On May 26, 2016 Ken Tsang was convicted by the Kowloon City Court of one count of police assault and two of resisting arrest. His conviction hinged on the admission as evidence of the video of Tsang throwing water on police we discussed above combined with testimony from police officers and from the cameraman who filmed the video (Siu, 26 May 2016). In the trial of the seven police officers, on the other hand, defense

attorneys challenged whether the video showing Tsang allegedly being beaten by police should be admissible as evidence, given the difficulty in verifying its “authenticity” and the failure of the prosecution to produce testimony from the cameraman who shot it. The judge presiding over the case originally agreed that the prosecution would need to provide evidence “that the video had not been tampered with” (Cheung 2015). The defense also argued that the television station should be compelled to hand over the raw footage shot on that evening, of which this particular video was a part, in order to provide the “context” for the incident. In this regard, however, the judge ruled against them, finding that the television station did not have the obligation to hand over the original material, since it was already in the public domain and constituted “journalistic material” (Lee 2016). At the same time, the video’s status as “journalistic material” may alter its status as evidence in the trial.

The “practices of seeing” evident in these courtrooms are a particular feature of legal communities which place different kinds of demands on the “truth value” of evidence than do the communities that we considered above. Interestingly, it is the very features of the medium which made it such an effective evidentiary tool for journalists and activists — its ability to be easily re-entextualized, intertextualized, and recontextualized (in short, to be “tampered with”) — that creates doubts around its evidentiary status in a court of law, where verbal accounts of eye-witnesses are more highly regarded.

## **Conclusion**

In this article we have traced the trajectory of a video of police beating a protester during the Hong Kong Umbrella Movement protests of 2014 as it passed through different interpretive communities, including communities of journalists, “pro-occupy” activists, “anti-occupy activists” and law enforcement officials. We have shown how, as it was taken up by each of

these communities, the video was subjected to various discursive “practices of seeing” associated with these communities. Some of these practices involved actually altering the text by adding or removing audio commentary, enhancing the images in it, or combining it with other footage from different sources, and some of them involved more rhetorical processes of categorizing, characterizing, or legitimating the actions and actors that appear in the video. These practices were shown to be not just exercises through which members of these communities expressed their particular points of view of events, but also opportunities for them to define themselves as members of these communities, to promote the underlying ideological values that animated these practices of seeing, and to distinguish themselves from members of other communities. Journalists, for example, displayed their identities as journalists by contrasting their professional practices from those of the station management, and “pro-occupy” activist displayed their identities as “democrats” by contrasting their practices of evaluating events from those of “anti-occupy” forces.

The most important point we have tried to make, however, is that none of these practices of seeing occurred in isolation from other practices of seeing taking place in other communities. Each time the video was re-appropriated and re-interpreted in the examples we gave above, community members were either building upon or contesting interpretations made of the video by other communities. By the time the police officers were finally charged, the video evidence of the beating no longer had the status of a single, unitary text, but rather had become a complex object of knowledge to which all sorts of narratives and evaluations and other texts had been attached. It could be argued that the trajectory of interpretation and reinterpretation that the video travelled along through mainstream and social media helped to create the conditions leading up to the government deciding to charge both the perpetrators of the beating and the victim of the beating in a way that made them both seem equally at fault,

as well as to the doubts cast by defense attorneys regarding the “authenticity” of the video in the trial of the seven police officers, which was still ongoing (more than 19 months after the incident) when the final version of this article was submitted.

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