

professional archivists and community members. As mentioned above, Indigenous perspectives and perspectives from non-Western countries would enrich the discussion and provide an outlet for voices that are often silent or silenced. Pairing theoretical essays with case studies that focus on concrete applications of the same topic would also strengthen the continuing dialogue between theory and practice.

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Evidence and the Archive: Ethics, Aesthetics and Emotion. KATHERINE BIBER and TRISH LUKER, eds. London and New York: Routledge, 2017. x, 168 pp. ISBN: 978-1-138-21032-5.

As Katherine Biber and Trish Luker rather flatly understate in their introduction to this generally stimulating collection of essays, “the notion of the ‘archive’ has been claimed and contested within cultural and critical discourse in the humanities” (p. 6). The proof of the editors’ contention is to be found in the pages of their book. In *Evidence and the Archive*, we discover, for example, the Solomon Islands National Archives, the type of state repository of official records familiar to most archivists and historians. But we also run up against “law’s archive as ‘commandment’” and “as genre” (p. 124). I am no longer certain what is to be gained in the long-running tug-of-war over the archive as workaday, bureaucratic institution or Derridean metaphor. The editors would seem to agree, concurring with one cultural theorist that “to some extent, the term has to be surrendered” (p. 6). I, for one, surrender.

Thus freed up, one is better able to appreciate the many useful ways this collection expands the notion of law’s archive and the afterlife of legal evidence. As a historian who for over 25 years has been researching court records to write queer history, I expected to encounter a series of essays on the by-now familiar methodological possibilities and limitations of using the kinds of evidence – textual, photographic, artifactual – that one finds in law’s archive. Readers of this journal might expect to be treated to discussions of the acquisition and processing of court records, along with the rules governing access to them. None of these matters is entirely absent. However, the book is aimed at legal scholars (it originally appeared in 2014 as an issue of the *Australian Feminist Law Journal* and, incidentally, the book reproduces what was then the journal’s sloppy footnoting format), who, it is claimed, have not sufficiently grappled with the “archival turn.” It’s a paradoxical state of affairs in view of the law’s voluminous contributions to archives, both public and private. Yet this is no simple primer on archives for those in the legal

profession. The contributors, mainly legal specialists but also cultural/gender studies scholars and cultural producers, were asked “to explore the types of uses to which evidence is put after the conclusion of court proceedings, and also to examine the ethical, aesthetic, and affective implications of drawing upon this material” (p. 6).

There are at least two different ways to think about the relationship between the ethical/aesthetic/affective and the archive. First, there are the researchers, armed with the latest in theories of affect and aesthetics, who bring this knowledge with them into the archives to analyze the material they encounter. Second, there are those who plunder the archive for primary material to produce creative work in the public sphere, which can generate any number of affective responses. For both groups, there is also the ethical to consider.

An example of the first group is Rosanne Kennedy, whose chapter focuses on the “epistolary archive” created in 1922 by Edith Thompson, a 28-year-old London woman, and Freddy Bywaters, her 20-year-old merchant seaman lover, who murdered Thompson’s husband. Kennedy reads the 62 letters, not in terms of the law, not for probative value, but as “affecting evidence,” for their elements of melodrama, which proved so irresistible in court and in the sensational media coverage of the case. Analyzing the evidence, the trial, and the press through the prism of “melodrama as an essentially affective mode,” Kennedy sidesteps the law’s primary focus – guilt or innocence – to pose instead the novel, as it were, question as to “whether the law should be required to bring in literary experts when they are dealing with literary evidence” (p. 33).

Continuing with affect in the archives, Rebecca Monson offers a self-reflexive look at the “allure and anxiety” she experienced while using the records of land commissions and courts to explore the struggle between colonial administrators and Indigenous peoples in the Solomon Islands. Monson is very good on the ethical dimensions of such work, noting how archives-based research conducted by academics, given its written form and professional status, can be used by the state in court to bolster the property rights it asserts over and against often oral-based Indigenous claims to the land. Monson’s handling of the affective is less satisfactory. Writing about the ways legal disputes pit different Indigenous groups against each other, Monson writes, “I found it sad, even distressing.” She also “often felt embarrassed or ashamed while reading court transcripts” (p. 45). Here, affect seems to fall short of the high stakes involved for Indigenous people, described by Monson as dangerous disputes for survival, and neither does it seem adequate to capture what is theorized as “the epistemic violence of the law” (p. 50). More thought needs to be given to the ethical value and political potential of a researcher’s acknowledgement of sadness, embarrassment, and shame.

One way to mobilize the affective and aesthetic in the face of law's violence is provided by Honni van Rijswijk. Delving into the archive of Australia's Northern Territory Intervention, van Rijswijk demonstrates how this legislation deployed the figure of the abused Aboriginal child as pretext for state intervention into Aboriginal land rights, welfare benefits, and access to services. Van Rijswijk introduces *The Swan Book*, a dystopian novel by Aboriginal author Alexis Wright. In the novel, whose central character is a young woman named Oblivia, the Northern Territory Intervention has been in place for a hundred years. Oblivia has experienced sexual violence, but in Wright's novel the sexual abuse of Aboriginal girls and women cannot be understood apart from state practices of incarceration, poverty, racism, and intergenerational trauma – all socio-economic determinants occluded by the state's singular, decontextualized focus on “the abused Aboriginal child” and, consequently, missing in the actual archival record of the Northern Territory Intervention and similar legislation. In this way, *The Swan Book* functions as a crucial “counter-archival text” (p. 121).

Turning to the second type of researcher – the one who raids the archive for material to produce cultural work – Olivera Simic looks at documentary theatre in the Balkans. Focusing on the work of several women directors, Simic traces how they adapt women's testimony archived from private hearings and public courtrooms to write plays, both performed and published, as a way to recuperate and circulate women's often marginalized experience of the region's wars. Kate Rossmannith draws on her experience as a writer of true-crime literature to reflect on the ethics of using archived forensic evidence – she urges empathy – and the fine line between fact and fiction in “true” crime writing. Both Simic and Rossmannith draw attention to the selection and arrangement of archival material by playwright or editor, which is not altogether different from the work of the archivist, usefully blurring the line between the aesthetic and the archival.

One of the most common aesthetic uses of law's archive is the public exhibition and coffee-table book publication of police crime-scene photographs. In a tightly argued essay with carefully chosen examples, Rebecca Scott Bray details a shift from curators and publishers who simply re-present archival police photographs in relatively “straight” translation to a more complex handling of the material by the four artists whose work she explores. Scott Bray argues that the forensic aesthetic, often based upon a “quasi-legal and extra-legal archive” (p. 79), can generate a greater surplus of meaning for spectators than the legal system or the law's archive where the images originated.

Crime photographs also figure in what is surely the centrepiece of this collection. In just a few haunting pages, the filmmaker, writer, and artist Juliet Darling shares her experience of viewing the crime-scene photographs of “the frenzied knife attack” and murder of her partner, Nick Waterlow, and his

daughter at the hands of his schizophrenic son. Darling formulates an ethics grounded in the necessity of both reason and imagination in the approach to difficult images. She offers this as a counter to the distortions of spectatorial fantasy unleashed by decontextualized shock photographs, which are often supposed to force us to see a reality we'd rather ignore. For Darling, imagination, like empathy, is "a form of love" and gentle guide into painful reality; fantasy is both sentimental and pornographic, and ultimately "contemptuous of reality" (p. 117). I should add that Darling's is the only essay that stirred emotion for this reader, which is ironic given the subject of the book and perhaps points to the need to think more about how academic writing on affect drains it of the very thing it wants to represent.

Unfortunately, the last two chapters end the book on a low note. An unchallenging chapter on the swearing-in ceremonies of Australian women judges – unnecessarily dressed up as "ceremonial archives" – reaches the entirely unsurprising conclusion that between 1993 and 2013 there was a shift from a feminizing to a more feminist portrayal of women judges, from stereotypes of the good- or guilty-mother judge to a greater appreciation of women's judicial identities and accomplishments. The penultimate chapter looks at "stained evidence," from Jackie Kennedy's blood-stained Chanel-style suit to Monica Lewinsky's semen-stained blue dress, from the Shroud of Turin to the fungi-embroidered clothing of Belgian fashion designer Martin Margiela. While many of the book's previous chapters rightly insist on the deep contextualizing of evidence, this chapter, located more in cultural studies than in legal scholarship or archival theory, sticks out because of its disregard for historical origin and context, its haphazard evidence loosely strung together through a universalizing and essentializing application of Julia Kristeva's theory of abjection.

Throughout *Evidence and the Archive*, an incipient argument is proposed, sometimes explicitly, more often implicitly, for a mode of "thinking archivally" (p. 11). It's an intriguing if still underdeveloped notion, which, if it is to have any intellectual integrity, must maintain some relation, even if only agonistic, to the archivist's concern for provenance, context, and order, and most contributors to this volume do so in productive ways. Maybe I haven't entirely surrendered after all.

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