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Picturing Rights, Judging Wrongs: Photography and the Emergence of Human Rights

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Picturing Rights, Judging Wrongs: Photography and the Emergence of Human Rights

Senior Project Submitted to
The Division of Social Studies
of Bard College

by
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Acknowledgements

Arriving at this paper was, to put it lightly, an extremely arduous task. It was never my intention to write a *paper* for my final project, I was intending to be a photography major, yet, things don't often end up the way they start and here I am with 100 pages of my own words. So it goes. First and foremost I want to thank the frankly unnecessary number of 'unprecedented events' which have occurred since I began this paper, thanks, I guess.

What has, in my mind, always set Bard apart from every other school is the dedication of our professors. I would like to specifically thank Tabetha Ewing, Robert Weston, Gilles Peress, Thurman Barker, Roland Vazquez, and Sophia Stamatopoulou-Robbins for opening my eyes to the absolute and breathtaking beauty of learning. I wish I could have another four years here. Special thanks to my advisor Thomas Keenan for four years of his mentorship, kindness, and always being open to lend a willing ear. I promise I haven't completely given up on Human Rights, not yet.

Of course all my love and gratitude to my family who, despite being on the other side of a continent, have always been there for me with love and support. To Grandpa Craig, thank you for all always knowing how to make me laugh. To my Aunt TT thank you for always being willing to lend an uncensored ear and provide much needed advice, I cherish every piece. To Gmama, thank you for everything you've ever done for me and for blazing a trail through life on your terms, and those alone, you inspire me every day.

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Preface: A Note on the Inclusion of Photos

Violence before the camera is a tricky thing. Writers often have attested to the physical and dizzying effects pictures of human subjects stripped of their humanity-people brought down to the lowest common denominator of organic life, people treated as things that have neither body nor soul; physical feelings of disgust, the turn of the stomach, and dizziness. In the time I spent with these pictures I finally came to understand that feeling. Images of atrocity are haunts of real violence which occurred, yet, in bearing this mark of horror, something is communicated which is not often *felt* by testimony alone. But they do so at a distance, which may be a *critical* one, but is still a distance all the same. I struggle with wanting to include pictures, especially Lee Miller's work. On one hand I felt *include* the pictures meant to replicate visions of violence which felt, at times, superfluous and unnecessary. On the other hand, if I were to leave them out I would, in a way, undermine my own argument by attesting to the fact there is an inextricable reaction when one looks at a photograph of *horror* that is not the same as when looking at any other representational medium. In the end I included the pictures because I am, after all, talking about photographs and unlike Sontag I do not contain the literary capacity to textually replicate a sufficient copy of the camera vision. However, I do want to recognize that these pictures discussed in this paper do contain graphic depictions of genocide, death, and mass graves. As such, they should be viewed with trepidation, care, and respect both for ourselves as witnesses and for the dead.

Introduction

What does it mean to picture Human Rights? Rights are of course, immaterial concepts. They can not be held in our hands, turned over and over like a stone or a penny, it would seem at first, paradoxical that universal rights are so widely defended in pictures. Perhaps then more pertinent question to ask would be, in what form must right appear to ‘work’ in pictures? Unlike the French and American declarations, Human Rights asserted a wholly new conception of rights where material needs were as much *rights* to be defended, afforded, and assured as life, liberty, and justice. Human Rights signified two profound shifts in the definition of ‘rights’; first and foremost they conceptualized that one deserved rights solely based on an inalienable humanity, rather than citizenship, and secondly new forms of rights, namely the right to the material necessities of life, where enshrined as equal to the political rights of former declarations. These new conceptions of rights, this paper will argue, would not have been made if the first drafters of the Universal Declaration of Human Rights had been witness to the atrocities of the Holocaust through drawing, painting, literature, or the testimony of survivors. Rather than follow a textual, literary, or political trail in outlining the emergence of Human Rights will follow a similar pictorial emergence of right as Sharon Sliwinski outlines in *Human Rights in Camera*. In Sliwinski’s pictorial lineage of rights reveals a drastically different story of how Human Rights came to be;

Attending these aesthetic scenes as primary historical evidence-focusing on the picture trail rather than the textual trail-generates a strikingly different narrative about the development of universal human rights. Such a construction asks us to rethink how the very concepts of ‘humanity’ or even ‘the human’ come to be envisaged and held in imagination. Put differently, attending these Aesthetic scenes casts a spotlight on a figure that is usually not accorded much due in the traditional story of how human beings become human. Indeed, in this narrative *the spectator* has a starring role.¹

¹ Sliwinski, Sharon. *Human Rights in Camera*. University of Chicago Press, 2011, 19-20.

I would add, in addition to arising from an aesthetic encounter with atrocity, as seen through the camera's field of vision and its unique aesthetics, Human Rights became imbued with a photographic structure and form. Simply put, Human Rights are photographic.

Human Rights emerged from the unique aesthetics of what the camera could, or would not, and did, or did not, show in the camps. This is to say that Human Rights only emerged as a universalist defense of material necessities because the camera made visible a violation of more than political rights and necessitated new language, and rights, by which to defend and describe what had occurred. The camera not only visualized people stripped of their political and social rights to 'life, liberty, and freedom', but asked spectators to bear witness to violations of rights that did not yet exist, of events to which there were not yet words. The camera produced "a painful proximity to that which genocide puts into motion: the reduction of Human Life to mere matter'... 'people brought down to the lowest common denominator of organic life, people treated as things that have neither body nor soul"², or put another way, the camera made a *visual* case for how political rights were not a strong enough metric by which to determine, describe, or even hold in the mind what had occurred. These were people, who in addition to being stripped of their political rights, had been stripped of all the material necessities of life which the constitutions of Europe had not considered to include in their declaration. The camera, however, made the loss of those rights, of the right to living, *visually*, not verbally or textually, apparent; a distinction which forms the core of Human Rights. Photographs allowed for a space of judgment to be constructed where witnesses could, in a way not allotted by any other representational medium, attempt to make sense of the horrors of the holocaust.

For rights to emerge from *pictures*, the camera had to first hold a firm position as evidentiary and uncorrectable true. That is to say, the historical position of the camera as an

² Sliwinski, *Human Rights in Camera*, 134-35.

incorruptible pure object of vision³, which rendered the world in the objective hand of light, rather than the subjective hand of the artist, witness, or survivor, allowed for a new claim of rights to be made; a claim which could, and had not, been made in the witnessing of atrocities through other mediums. Human Rights, then, are not only emergent from pictures but are themselves photographic. While claims to a truthful photographic indexicality can best be attested to the 19th-century positivist dream of the camera as a “universal mimetic language’...which ‘yielded up a higher, more cerebral truth, a truth that could be uttered in the universal language of mathematics’”; such a dream, as I will outline, has always been only that, a dream. In reality pictures have always been firmly discursive objects of vision which derive meaning from their joining with words. Nonetheless, without such a construction Human Rights may not have emerged as they did. Or, to put it differently, if photography had been understood as a discursive object, akin to how Alun Sekula outlines it always has been⁴, there would have been no foundational ontological conception of the ‘human’ upon which inalienable and universal rights could be built.

Chapter one begins with the early deployment of photography to the battlefields of the 18th century. It was in the battlefields of the Crimean war and the American civil war that photography was first asserted as visualizing a wholly new Indexical vision. Positivists of the time quickly asserted that the camera produces a novel form of vision because, unlike traditional representation, photographs were the product of only light and chemicals. This view assumed the camera's vision as incorruptibly truthful, however, most of these early canonical war photos, as we will see, have been proven to be ‘frauds’. In considering why some of these early pictures

³ Azoulay, Ariella. *The Civil Contract of Photography*. New York : Cambridge, Mass: Zone Books ; Distributed by The MIT Press, 2008.

⁴ Sekula, Allan. “Dismantling Modernism, Reinventing Documentary (Notes on the Politics of Representation).” *The Massachusetts Review* 19, no. 4 (Winter 1978): 859–83.

were staged we will also see where the camera's indexicality proved to be a limit, rather than the source of its vision. It was in this period that the limits, and capabilities, of the camera's vision were defined.

Chapter two will outline how the emergence of Human Rights must be attested to the aesthetic experience of spectators bearing witness, in photographs, to the atrocities of World War II. Rather than testifying to a more traditional legalistic, declarative, or liberalist history of rights, where the arrival at Human Rights represents the great moral success of Western Europe, I will attest to a pictorial trail which outlines a history where “opposed [sic] to humans simply *being* free and equal in dignity and rights, such a focus shows that individuals must be *judged* human in order to enjoy the benefits associated with this title”⁵. By critically reading Lee Miller's images of World War II, specifically the liberation of the Bergen-Belson and Dachau concentration camps, as well as the Soviet Extraordinary commissions forensic photographs of ‘yars’ (pits) which were the primary sight of Nazi violence in eastern Europe, this chapter will outline how Human Rights emerged from the judgment of spectators bearing witness to unknowable atrocities, which necessitated new formulations of rights and language to make sense of what had occurred. Pictures, when words failed, were able to make visual sense of the Holocaust. So while the Holocaust represented a moment of complete and utter social breakdown, the rendering of Human life to its bare nakedness, pictures allowed for a space, a critical distance, to be opened between spectators and the corpses and survivors of the Final Solution. This is tall to say, Human Rights were constructed in the space which emerges between the spectating witnesses of the world and the subjects of the camera's vision. Miller's images of the Holocaust, most notably the images she took from within the corpse filled train cars in Dachau, bore witness and made real a place “filled with nameless dread” where atrocities had occurred ‘for which there was not yet

⁵ Sliwinski, *Human Rights in Camera*, 25.

language”⁶. The photographs of the Holocaust, implicitly, set the stage for the rise of a wholly new set of rights which would, in the future, be mobilized to defend those material necessities which made Human life possible.

Finally, chapter 3 will outline how governments have, over the past three decades, taken drastic steps to weaponize the camera. Most of the advances, however, have been made in response to *honorific* usage of the image, specifically, as an attempt to gain control over the political community of spectators which has emerged as a legitimate, and powerful, political body whose collective conscience is bound up in the aesthetic experience unique to looking at photographs of atrocity. If discourses of Human Rights are what made necessary the presence of a camera in war we must also interrogate how the relationship between photography and Human Rights has become so ubiquitous. As I will argue, the state's obsession with expanding its ability to reproduce, create, and take images is a direct response to the emergence of a global, politically active, community of spectators who make political, democratic, and social choices in response to their Aesthetic encounter with images; most importantly in the defense of Human Rights. will bring into question the validity of the cameras claim to an indexical vision.

The core of each of these chapters is a series of photos which each bear witness to many forms of atrocity. However, what unites all of them is an overarching argument that Human Rights are not only photographic, but, it could be said, exist only in the world of photographs. Therefor, outlining *why* photographs have come to be ubiquitous with the visualizations of war, violence, and genocide will prove a necessary endeavor for properly understanding Human Rights as photographic. Or to put it another way, if photographs are the only way through which rights were first imagined, remain defensible, and are made legitimate then could it be said that rights only exist in the false two dimensionality of the photographed world? It is no secret, then,

⁶ Sliwinski, 100.

why communities that defend and make claims to Human Rights heavily, if not solely, utilize the *camera* to make those claims, it is, so to speak, a natural occurrence.

We want the photographer to be a spy in the house of love and of death.
 ~Susan Sontag, *Regarding the Pain of Others*.

Chapter One

Dreams of a Universal Language

Visions of war have become so ubiquitous with images of dead bodies, disfigured civilians, destroyed buildings, and aerial bombardments it becomes easy to forget this is a relatively modern engagement of photographic deployment of the battlefield. The vast pictorial rolodex of war has, as Sontag writes, historically offered “mostly positive images of the warrior’s trade, and of the satisfactions of starting a war’ ... ‘if governments had their way, war photography; like most war poetry, would drum of support for soldiers' sacrifice.’”⁷ Indeed, the pictorial trail of Human Rights begins where spectators first bore witness to war, not in pictures which were critical of its violence, but rather, “with such a mission, with such disgrace.”⁸ One of the first deployments of photography to the battlefield was Roger Fenton's dispatch to the Crimean war in 1855. Fenton, was arguably the first photojournalist to enter the battlefield and “no less than the war’s ‘official’ photographer”. Sent on the behalf of the British government, at the behest of prince Albert, Fentons photographic engagement with the war was primarily a ruse to counteract “the alarming printed accounts of the unanticipated risk and privations endured by the British soldiers dispatched there the previous year”⁹, the camera was deployed to the battlefield with the expectation *photographs* would provide irrefutable evidence against a critical press. Most notably, the highly regarded, and picture-less, London Newspaper *The Times* was

⁷ Sontag, Susan. *Regarding the Pain of Others*. Farrar, Straus, and Giroux, 2003, 48.

⁸ Ibid.

⁹ Ibid.

heavily critical of what had widely been regarded as an irresponsible military leadership, which had drawn out the war, and caused a formidable loss of British life on the peninsula. As Sontag outlines, the war in Crimea was “more than news...it was bad news”¹⁰, and the death toll “from causes other than combat was horrendous - twenty-two thousand died of illnesses; many thousands lost limbs to frostbite during the long Russian winter of the protracted siege of Sebastopol - and several of the military engagements were disasters.”¹¹ This is all to say, that the war had become wildly unpopular amongst the British public, Fenton’s photographs were intended to reassure said public that the cost was worth it.

Paradoxically, Fenton was “under instructions from the War Office to photograph the dead, the maimed, or the ill” and given the mechanical limits of the camera any honorific glory of action on the front was rendered impossible to picture. Perhaps this is an early sign of the aesthetic weariness photographers, and spectators, have often experienced in photographic death. While large scale paintings of the glory and honor of conflict had long been a common feature of romantic and historical paintings, and was common during Fenton’s time as well, the camera was regarded to be incapable of producing such visions.¹² If one pays attention, however, in these paintings it is only the enemies who are dead. Perhaps as a sign of the wickedness of the camera’s indexicality not even the bodies of the enemies were shown, in fact, not a single picture of death, bodily harm, or any of the negative accusations of the press was photographed. Violence or the witnessing death or the dead, was not the problem, rather, there was something in the coldness of silver which made death somehow *more* disturbing in pictures than paintings.

¹⁰ Sontag, 49.

¹¹ Ibid.

¹² For examples of painting romanticized vision of war see: “*Battle of Marengo, 14 June 1800*”, Louis Francois Lejeune, 1802; “*Battle of the Alma, September 20, 1854; Crimean War*”, Eugène Louis Lami, 1855; and, “*The Death of General Warren at the Battle of Bunker’s Hill, 17 June, 1775*”, John Trumbull, 1815-1831.

Photography was quickly theorized as having more in common with the absolute truths of mathematics, chemistry, and physics than the subjective, and by contrast *fictitious*, hand of the printmaker, painter, or artists. Henry Fox Talbot, an early inventor of paper printing methods, furthered this assumption in "*The Pencil of Nature*", he writes;

The term "Photography" is now so well known, that an explanation of it is perhaps superfluous; yet, as some persons may still be unacquainted with the art, even by name, its discovery being still of very recent date, a few words may be looked for of general explanation. It may suffice, then, to say, that the plates of this work have been obtained by the mere action of Light upon sensitive paper. They have been formed or depicted by optical and chemical means alone, and without the aid of any one acquainted with the art of drawing. It is needless, therefore, to say that they differ in all respects, and as widely as possible, in their origin, from plates of the ordinary kind, which owe their existence to the united skill of the Artist and the Engraver. They are impressed by Nature's hand; and what they want as yet of delicacy and finish of execution arises chiefly from our want of sufficient knowledge of her laws. When we have learnt more, by experience, respecting the formation of such pictures, they will doubtless be brought much nearer to perfection; and though we may not be able to conjecture with any certainty what rank they may hereafter attain to as pictorial productions, they will surely find their own sphere of utility, both for completeness of detail and correctness of perspective.¹³

Talbot outlined that photographs represented a superior form of vision, functionally, because they spoke through the 'nature's hand', and by extension, the holy immutable language of God. As deriving its vision from mechanical means, as Allan Sekula outline, photography came to represent "a new legalistic truth, the truth of an indexical rather than textual inventory" where the camera, uniquely, is able 'to claim the legal status of a *visual* document of ownership"¹⁴. What early expectations of photographic truth represent is a recognition of "a new *instrumental* potential in photography: a silence that silences.."The presence of human influence on representation in contrast to the harsh indexicality of the camera began to be regarded with suspicion. The hand of the artist, then, was constructed as contaminating an image's claim to an

¹³ Talbot, William Henry Fox. *The Pencil of Nature*. KWS Publishers, in association with National Media Museum, 2011.

¹⁴ Sekula, Allan. "The Body and the Archive." *October* 39 (Winter 1986), 6.

objective truth. In fact, objectivity in representation was eclipsed by the wholly new *indexicality* of the camera. As the technology of the camera increases then one would expect that the vision it produces would consistently require less and less interpretation, or textual context, to imbue it with meaning. Squeezing more visual data in a picture frame does not, paradoxically, result in a better understanding of what the camera shows.

In the battlefield, however, the camera was limited both by the mecha-chemical functions of its process, as well as, spectators' judgement that such a vision of the dead violated social conventions of the time. That is to say, rather than producing irrefutable evidence of the war, as many early practitioners speculated, the camera's indexicality became the *limit* of its vision. The vast majority of the images Fenton produced during his four-month stay, did not depict the glory, honor, or triumph of the British, in fact as Sontag writes, they depicted very little of the battle at all;

His pictures are tableaux of military life behind the front lines; the war-movement, disorder, drama-stays off camera. The one photography Fenton took in the Crimea that reached beyond benign documentation is '*The Valley of the Shadow of Death*,' whose title evokes the consolation offered by the biblical psalmist as well as the disaster of the previous October in which six hundred British soldiers were ambushed on the plain above Balaklava-Tennyson called the site the 'valley of death' in his memorial poem 'The Charge of the Light Brigade.' Fenton's memorial photograph is a portrait of absence, of death without the dead. It is the only photograph he took that would not have needed to be staged, for all it shows is a wide rutted road studded with rocks and cannonballs that curves onward across a barren rolling plain to the distant void.¹⁵

However, Fenton made another version of "*In the Valley of the Shadow of Death*" that day; where the road is clean from debris and easily passable. Only what Errol Morris calls the "good Fenton photograph, honest and unadorned by a desire for contrivance or misdirection"¹⁶(Fig 1)

¹⁵

¹⁶ Morris, Errol. "Which Came First, the Chicken or the Egg? (Part One)." *The New York Times*, September 25, 2007. <https://opinionator.blogs.nytimes.com/2007/09/25/which-came-first-the-chicken-or-the-egg-part-one/>.

image would eventually be printed in the British paper *The Daily News* on September 20, 1855¹⁷. The second image, “the bad Fenton photograph”...‘corrupted by the sleight of hand, the trick, the calculated deception’¹⁸(Fig 2) was never publicly displayed and wasn’t widely published until the former curator of photography at the Victoria & Albert galleries in London, Mark Haworth-Booth, uncovered it in the 1980’s (who Sontag cites in *Regarding the Pain of Others*). This revelation, that one of the earliest documentary photographs of war might have been staged, signifies a very destabilizing reveal for a medium which has historically been regarded as ‘incorruptibly’ truthful. If Fenton had arranged his historic picture, placed the cannonballs on the road himself, much of the positivist view of photography as historically, and presently, inherently objective would prove to be a mirage. Furthermore, if Fenton altered the image, imbued it with his aesthetic or artistic desires, then the early belief in photograph's duty to record as the “eye of history” would also be but to test¹⁹.



Roger Fenton, English, 1819 - 1869. April 23, 1855. Valley of the Shadow of Death. Place: The J. Paul Getty Museum, Los Angeles. (Figure 1)

Indexically, that is visually Fentons picture reveals very little. If one were to come across this picture, eyes first so-to-speak, devoid of context and caption one would only see two barren hillsides scattered with debris and bisected by the road. It is through the interjection of context, by way of textual and historical knowledge, that one can begin to

see what Fenton intended for the picture to show, that is, the “landscape, [where] the Light Brigade made its doomed charge” and 600 British soldiers died. While Fenton’s images could be

¹⁷ Ibid.

¹⁸ Morris, “Which Came First, the Chicken or the Egg? (Part One),” 13.

¹⁹ Sontag, *Regarding the Pain of Others*, 52.

described as only visualizing the leftovers of the Crimean War, “a portrait of absence, of death without the dead”, this does not mean the opposite, images of corpses, bayonet charges, and exploding shells would have necessarily been regarded by the public as reasons to end the war²⁰. These images, alongside Sontag's analysis, make clear that images are not made devoid of the context of the surrounding world, rather, “the meaning of the photograph, then[sic], does not lie exclusively in the image, but in the conjunction of image *and* text. Two discourses [sic]-the discourse of written language and the discourse of photography - are required to produce and ‘fix’ the meaning [of photography]”²¹; and regardless of “whether the photograph is understood as a naive object or the work of an experienced artificer, its meaning-and the viewer’s response-depends on how the picture is identified or misidentified; that is, on words”²². This is all to say that while Fenton’s *shows* very little, a road, some rocks, and some cannonballs, the



Fenton, Roger, English, 1819-1869. 1855. The Valley of the Shadow of Death. (Figure 2)

picture can *mean* more than the sum of its parts. Indexicality, then, is not a firm immovable representation of the world, rather, is the result of the binding of a vast web of processes, actors, reactions, and aesthetic desires.

²⁰ Ibid, 50.

²¹ Hall, Stuart. “Representation,” n.d., 28.

²² Sontag, *Regarding the Pain of Others*, 29.

Expanding to a broader view of these early photographs to include the Brady war pictures taken during the American Civil war, Felice Beato's documentation of the Sepoy Rebellion in British occupied India (1858) and the Second Opium war in China (1860), as well as the photographs utilized by the reform campaigners of the Congo Reform Association (CRA) and the missionary photographs of Alice and John Seely Harris; reveals that the camera was widely engaged in documenting the violent conflicts of the 19th century. What this expansive view also outlines is how, when picturing violence, photographs are never *solely* indexical, rather, they have always been discursive objects of vision utilized in tandem with, and supported by, a textual practice. Nearly all of the most 'iconographic' photographs of war from the 1850's to the end of the century where after-the-battle images and many of them, we will see, have been revealed to be faked. However, we must interrogate why the reveal of an images forgery, the fact that it was tampered with, is often quite a scandal for witnesses who believed it to be real. Additionally, and perhaps more importantly, interrogating why photographers *choose* to construct pictures will shed light on how a picture's *meaning* is not dependent, solely, on its indexicality.

In the Valley of the Shadow of Truth

While Fenton's images mark the first engagement of the camera in war, it should be noted that in Crimea the camera was mobilized in the defense of a vast military failure, as such, the dead did not make an appearance. It was not until three years later that the photographer Felice Beato in documenting a vicious exaction of British colonial might after the sepoy rebellion of 1857-58 would the ultimate cost of war, the dead, would be photographed. Beato was celebrating a "fierce victory of the British army over a mutiny of native soldiers under its command, the first important challenge to British rule in India. The arresting photography Beato took in Lucknow of the Sikandarbagh Palace, gutted by the British bombardment, shows the

courtyard strewn with rebels' bones.”²³ Beato's image “[*Interior of Secundrabagh After the Massacre*], 1858-1862” (Fig 3) was indeed a place where mass violence had been committed, however, while the rebellion took place in November of 1857, “after which the victorious British troops and loyal Indian units searched the palace room by room, bayoneting the eighteen hundred surviving Sepoy defenders’...‘throwing their bodies into the courtyard; vultures and dogs did the rest’”²⁴; Beato made this image in the spring of ‘58. The camera's indexical vision in the courtyard legitimized his constructed, false, scene of horror as historical fact, when in reality, it was Beato who scattered the bones and remains for the camera. This is not to say that his forgery lessens the potency of the image as historical documentation of British colonial crimes, rather, it points to how the camera can, through the joining of different *meanings*, testify to alternate histories and radically different projects. Beato's imagine, that is, at the time of its



²³ So
²⁴ Ibi

Felice Beato, English, born Italy, 1832 - 1909, Henry Hering, British, 1814 - 1893. 1858 - 1862. [*Interior of Secundrabagh After the Massacre*]. Place: The J. Paul Getty Museum, Los Angeles. (Figure 3)

creation was constructed in support of the British occupation, in looking at the history of colonial violence the camera's indexicality actually, it could be argued, depicts two crimes; the slaughter of the Sepoy guards who had surrendered as well as a complete disregard for the remains of the dead.

However, for the colonial powers of Europe, the camera's ability to *appear* objective and impartial would serve as a fundamental tool to uphold binaries of colonial power. Additionally, the reproducibility of the medium allowed for the empire to be brought home, not in the brutality or violence of occupation-as happened in the two worlds wars-but in the gallery, archives, and homes of settlers and the colonially fed cities of Europe. As Henry Louis Gates, citing Anne McClintock argues, "the Victorian middle-class home became a space for the display of imperial spectacle and the reinvention of race, while colonies - in particular Africa - became a theatre for exhibiting the Victorian cult of domesticity and the reinvention of gender". Photography made legible, without leaving Europe, the divisions of colonialism which gave these cities their wealth and power; images were brought of the glorious, but terrifying, natural world that stone and lumber protected the soft human body from; colonial wars became an object to touch and hold, subjugation became an object of study and looking, and while the vastness of the globe came into focus the camera served as a legitimizer and commissioner of colonial domination.

Not long after the Sepoy rebellion, the outbreak of the American Civil war would also mark the first full scale employment of photography in the documentation of the war in full. A group of northern photographers headed by Mathew Brady - but mostly taken by Alexander Gardner and Timothy O'Sullivan - produced a wide ranging archive of the war which included "conventional subjects such as encampments populated by officers and foot soldiers, towns in war's way, ordnance, ships, as well as, most famously, dead Union and Confederate soldiers

lying on the blasted ground of Gettysburg and Antietam.”²⁵ These pictures, which would come to be known as the Brady war pictures, legitimized their brutal pictures of dead soldiers - which until then had been boundary photographers were unwilling to pass - by attesting to a constructed responsibility to record history. In two of the most well known Brady pictures, “*A Harvest of Death, Gettysburg, Pa., 1863*” (fig 4) and “*On the Antietam Battlefield, 1862*” (fig 5), the center field of the cameras vision is littered with the unknown bodies of fallen soldiers. The captions only inform the location of the dead; it does not, surprisingly, distinguish if these Union are Confederate soldiers. Given that access to the battlefield was extended to Brady and his team by Lincoln Himself, one would have expected that the images would be produced in support of the Union effort by only showing dead confederate soldiers. However, unlike Fenton Brady and his team were not commissioned as supporting evidence for the war, rather, Bradys purpose for documenting the war was simply the duty to record.

Brady famously wrote in *Gardner's photographic sketch book of the War (1866)*, where this vast archive of the dead was presented, that pictures convey “a useful history” by showing “the blank horror and reality of war, in opposition to its pageantry’ ... ‘Here are the dreadful details! Let them aid in preventing such another calamity from falling upon the nation.’”²⁶ The responsibility to witness, to document history, here is invoked “in the name of realism, [which] permitted-required-[one] to show unpleasant, hard facts”, as Sontag outlined.²⁷ In evoking an emergent responsibility to history, which did not exist, and imagining a community of witnesses, which had not yet emerged, Brady’s photograph function in much the same way that “the emergence of the concept of crimes against humanity’ over a century later was ‘presupposes the

²⁵ Sontag, 52

²⁶ Sontag, 53.

²⁷ Ibid.



O'Sullivan, Timothy H., 1840-1882.. 1863. A harvest of death, Gettysburg, Pa.. Figures (representations), Stereographs.. Place: George Eastman House..(Figure 4)

prior emergence of humanity as such”²⁸. Or to put in another way, the Brady war pictures produced both objects of witnessing and the *responsibility* to witness.

It would seem highly unlikely then, that Brady and his team, given their staunch alignment to realism, would have taken steps to alter any of their photos. However, it is now known, that “*Home of a rebel sharpshooter, Gettysburg, 1863*” (fig 5), was in fact a fully staged picture where the body of the confederate soldier was dragged from wherever he had fallen to this cove (most likely because the hideout was more photogenic than the fields of the dead) and a rifle had been propped up as if it had fallen from the man's dying hands. (“It seems not to have been the special rifle a sharpshooter would have used, but a common infantryman’s rifle;

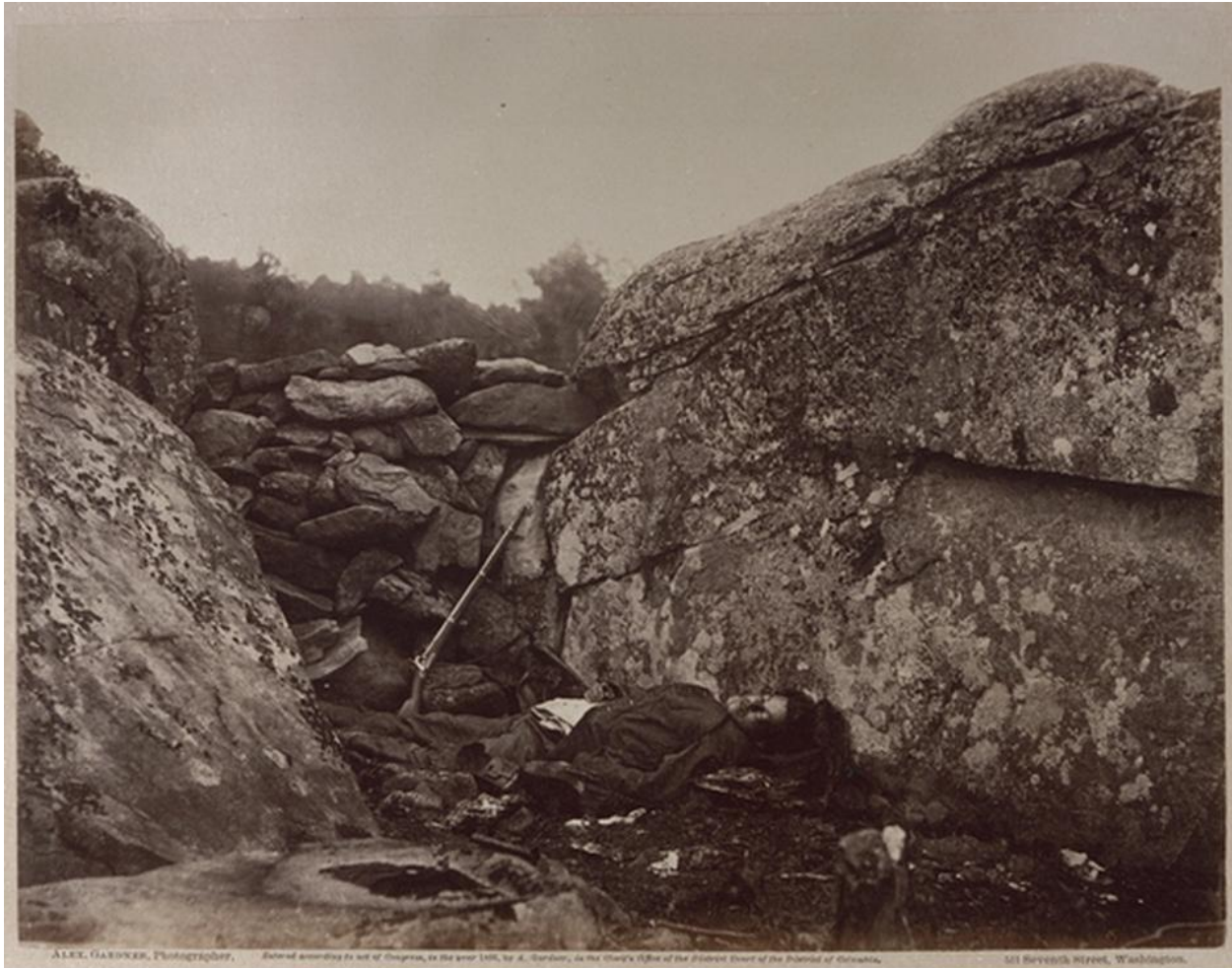
²⁸ Sliwinski, Sharon. *Human Rights in Camera*. University of Chicago Press, 2011, 67.

Gardner didn't know or didn't care.")²⁹. Bearing bare witness, it would seem, was not enough for Brady's team. Perhaps it is not so hard to understand why. After bearing witness to two of the bloodiest battles of the war, 51,000 casualties at Gettysburg and 22,000 at Antietam, it would not seem unlikely that Brady and his team would try to make sense of the war, rather than simply record the dead. Their staging of the scene, then, could be better understood as evidence for the limits of the camera's indexicality. Brady's act of forgery, if we can call it that, then is an attempt to find meaning from the immensity of violent conflict. This is to say, pictures of dead soldiers, the-after-pictures- of war, alone don't actually make sense of the dead. Indexicality does lead to fixed meaning.



Brady, Mathew B., 1823 (ca.)-1896. 1862. On the Antietam Battlefield. photograph. (Figure 5)

²⁹ Sontag, 55.



Gardner, Alexander, 1821-1882.. 1863.. Home of a rebel sharpshooter, Gettysburg. (Figure 6)

However, the knowledge that the Brady image, or any of these pictures for that matter, were constructed does not significantly diminish their importance or meaning. The uncovering of these scenes as being staged for the camera, paradoxically, helps to make a very tricky thing clear; all pictures are, to some extent, ‘forgeries’. Not in the sense that they produce new realities out of thin air, rather, all pictures are the result of distinguished moments being selected from a regime of other, similar moments, by the photographer-or camera- to produce a specific meaning. What is ‘forged’ in all photos is not what they show, or the world is visualized, but rather, the meaning with which that specific moment is imbued.

Meaning does not derive exclusively from what the picture shows “but in the conjunction of image *and* text’ in fact ‘two discourses-the discourse of written language and the discourse of photography - are required to produce and ‘fix’ the meaning.’”³⁰ Fixating, solely, on the *content* of the photograph, paired with a materialist focus on images as “nothing more than silver halide crystals arranged on paper or... ‘nothing more than a concatenation of 1’s and 0’s resident on a hard-drive”³¹ leads towards an assumption that the problems of representation arise not from a “collective need to endow photographs with intentions” where meaning is produced, but rather from indexical vision of the camera.³² Meaning, however, does not derive from the camera's vision, nor can it be fixed, as Stuart Hall outlines “*meaning* is highly ambiguous’... ‘there is no one, true meaning. Meaning ‘floats.’”³³ An important distinction must be made between the *content* of the two photographs as opposed to their shared nature as images.

This is to say that photographs are rendered true or false not from the object of their vision or as a product of certain mechanical, chemical, or digital processes; but rather, through their interplay with specific institutions or groups who hold epistemological ability to ‘read’ an image and determine its legitimacy. This process, as Stuart Hall outlines, results in a “Gain[ing] in meaning when they [images] are read in context, against or in connection with one another. This is another way of saying that images do not carry meaning or ‘signify’ on their own. They accumulate meanings, or play off their meanings against one another, across a variety of texts and media. Each image carries its own, specific meaning”³⁴. Hall's text reminds us that photography never has fixed meaning, so while Fentons images could be ‘false’ and claimed other wise and Casements images could be ‘true’ but claimed to be false, neither can serve as

³⁰ Hall, “Representation,” 228.

³¹ Morris, “Which Came First, the Chicken or the Egg? (Part One).” 11.

³² Ibid, 21.

³³ Hall, “Representation”, 228.

³⁴ Ibid.

testaments to a 'nature' of photography because photographs 'meaning' derives from its context, from the combining of "the discourse of written language and the discourse of photography" to produce the meaning of the image. Hall's text redirects critiques of photography away from narratives of truth/falsity towards an epistemological problem of who gets to decide meaning and who then meaning may serve, a practice Eyal Weizman terms as *verification*; "not as a noun or as an essence, but as a practice, one that is contingent, collective, and poly-perspectival."³⁵

Perhaps this inability to 'fix' meaning is what leads to our collective dismay when images are inevitably revealed to have been staged. As Sontag famously writes;

The Photographs we are particularly dismayed to have been posed are those that appear to record romantic climaxes, above all, of love and death'...Robert Doisneau never explicitly claimed snapshot status for a photography taken in 1950 for *Life* of a young couple kissing on the sidewalk near Paris's Hotel De Ville. Still, the revelation more than forty years later that the picture was a directorial setup was a woman and a man hired for the day to smooch for Doisneau provoked many a spasm of chagrin among those for whom it is a cherished vision of romantic love and romantic Paris.³⁶

In a sense, these moments when the content of the picture is revealed to have been staged for the *camera* we are given a look into the *backstage* of the photo. Rather than the cold hard indexicality of positivism we are greeted with the decidedly human presence of the photographer, and, like Dorothy drawing back the curtain of Oz, we are dismayed to find only light and mirrors, there is no magic.

³⁵ "Open Verification - Architecture - e-Flux." Accessed May 5, 2021.
<https://www.e-flux.com/architecture/becoming-digital/248062/open-verification/>.

³⁶ Sontag, 55.

The Chiasmus of Rights

Across the Atlantic, Frederick Douglass, in addition to utilizing text and speech to fight for the abolition of the slave trade, heavily utilized photography as a tool to fight for freedom³⁷. He understood that to fight in the political sphere, in a world with access to photography, too meant to fight first and foremost in the visual sphere³⁸. He utilized photography, specifically self-portraits, so heavily that he became the most photographed man of the 19th century. Y Douglass's work as an abolitionist revolved on the axis of a chiasmus the "repeating [of] two or more words or clauses or grammatical constructions, balanced against each other in reverse order, a rhetorical "x", somewhat akin to a linguistic seesaw: 'You have seen how a man was made a slave; you shall see how a slave is made a man'"³⁹. The technical functioning of a camera's prism, taking something right side up, inverting it, to reproduce it in positive once more, functions by the same pretense. Douglass utilized images of himself to invert and provide visual testimony which inverted racist associations "showing that we had gotten these associations wrong all along, that there was nothing natural or fixed about them after all; that they were constructed, arbitrary, and, infact, evil perversions of the natural order of things in which all men and women are meant to have equal rights" . Douglass's work towards abolition was rooted in an engagement of photography as a part of a "war over the representation of the black subject' seeing 'much more clearly than many of his colleagues that no single text, no single photograph, no single word nor image, could stanch the Niagara flow of stereotypes that American society would call upon to do the symbolic work of a mode of economic neoslavery' ... 'if racist imagery could not be crushed, they could be countered, and countered

³⁷ Henry Louis Gates, Jr. "Frederick Douglass's Camera Obscura." *Aperture*, no. 223 (Summer 2016): 150-153.

³⁸ Azoulay, *The Civil Contract of Photography*, 281.

³⁹ Henry Louis Gates, Jr. "Frederick Douglass's Camera Obscura."

with force⁴⁰”. While the cameras' indexicality have proven to be a limit in making sense of war for Douglas, however, the camera's stilted vision proved to be the foundation of his abolitionist framework precisely because meaning could not be fixed. Douglas recognized, before most, that the relationship between what the camera *pictures* and what the image *means* are not mutually exclusive.

In the fight for abolition photography was put to task to strike down the “storehouse of racist stereotypes that had been accumulated in the American archive of antiblack imagery”, for the goal of abolition the subjectivity of the camera became not only the object of focus, but the foundation on abolitionists who mounted their claims to “a common humanity, and therefore the rights to freedom and citizenship and economic opportunity”⁴¹. However, the meaning of images can never be permanently fixed, as Stuart Hall reminds us, however it is possible to overcome certain “regime[s] of representation” and for images to be reconstituted with newly forged meaning⁴². This representational practice, which in the case of Douglas’s images constitutes a battle against the racialized regime of representation in the United States, relied on the fact that meaning could not be rooted to a picture. It was specifically the medium's unmoored relation to meaning which allowed Douglas to counteract the racist visual regimes of the United State. More importantly, he relied on how photographic “meaning begins [sic] to slip and slide; it begins to drift, or be wrenched, or infected into new directions’ and how this lubricated relation to meaning allowed for ‘New meanings to be grafted on to old ones’”⁴³. This is all to say, when speaking of pictures mobilize in the defense of rights to assume that any picture can, alone, make self evident the necessity for rights to be defended is extremely folly. Pictures do not *mean*

⁴⁰ Henry Louis Gates, Jr, “Frederick Douglass’s Camera Obscura.”

⁴¹ Ibid.

⁴² Hall, “Representation,” 232.

⁴³ Ibid, 270.

anything alone, that much is clear looking at Douglas's portraits, however, when furnished and caught up in wider textual or orated claims to rights, photographs prove to be indisputable tools for their defence.

Yet, pictures must be used with caution. In defending rights today and attempting to bring cessations of violence it has become far too common that pictures of violence, which perhaps a loose spattering of context and text, is enough to make the defence of rights self evident. All too often well-meaning NGOs and humanitarian organisations confuse pictures of atrocity for a *defense* of rights. Rather than render a defence of rights necessary and explicit, these pictures typically, and uncritically, magnify violence while doing little, if anything, to actually lessen violence. This is why we must avoid, at all costs, the individualist and positivistic cult of the singular image. No such pure object of vision exists, and attempting to create-or find one-is a venture doomed to fail because it refuses an engagement with the fact that not only has no such image exists, but more importantly, that there is no 'perfect' moment for revolution and the beginnings of a better world. The striving for justice has never come, as Douglas's life lone photographic project reminds us, because of one singular, lone moment or event. Pictures must be understood not as the silver bullet for progress, but rather, as an immensely powerful representation tool which, nevertheless, must be utilized with care and trepidation. The camera does not make rights evident and images may never stop violence, yet, it was in pictures spectators first imagined Human Rights to be possible, and perhaps the role of photographs and their spectators is still being written.

Chapter 2

The Weight of Bearing Witness

Following a pictorial trail of the emergence of rights arrives, necessarily, at the end of World War II where spectators in Europe and the United States bore witness to the horror of the Holocaust before the words to express what had occurred came into being. The pictorial trail of Human Rights simultaneously outlines what violence was considered ‘grave social breakdowns’, the Holocaust and the World Wars, while also attesting, by way of their absence, to what forms violence had not only been overlooked but had become foundational to the Nation-states of the west. The lacking presence of Human Rights before the Holocaust must then be attested not to the absence of the camera's vision, but rather, to the fact that the structural violence which built, financed, and furnished the Western nation-state project had been rendered the norm. To be precise, the long-standing violence of Europe's genocidal colonial projects was finally ‘brought home’ during World War II; and was well poised to meet it. Perhaps, then, we should ask; where are the pictures of Hiroshima and Nagasaki, Nanking, Guernica, Leningrad, or Dresden? Where was the camera when the structures of the Final Solution were first constructed on the Reservations, along the Trail of Tears, and in the Plantation? In addition, we might ask, Why did Human Rights not emerge from the photographs of the Belgian atrocities in the Congo, the German genocide of the Herero and Namaqua, or American Lynchings? This is to say that the camera constructed the violence of the Holocaust as a unique, uncommon, and historically unprecedented moment of grave social breakdown; when it should be understood as the logical conclusion of the European settler colonial project.

The photos of the gate at Auschwitz and the death train in Dachau came, in a sense, to represent the whole of the atrocity. In turn, these images and spaces became iconographic of the whole of Nazi war crimes and, by extension, the measuring stick against which all genocides are measured against. The problem with this formulation, as the Extraordinary Commission photos remind, is that the place where atrocities are committed is not always so well-formed to become iconographic beneath the photographic gaze as a gate that reads “Work will set you free”. However, as David Shneer lays out, the structure of the Final Solution was drastically different across the territories of the Third Reich, a historical fact which, throughout my limited public education of the Holocaust, is not often attested to. This may be, in part, that images made in the liberation of the Western Front are simultaneous rejections to the success of the Final solution, in showing the survivors of the camp, and relatively simple visual objects to explain the vicious machine of the Holocaust. Yet, these images, as often happens between the image and history, have only reconstructed a part of the forms of killing which supported the Final Solution;

Visually, the Holocaust in the Soviet Union looks nothing like it looked in France, Germany, Poland, Hungary, or elsewhere. Trains haunt the Western imagination for their connotation of deportations nach Osten, “to the east.” The Soviet Union was the East, in fact even farther east than the nightmarish East of Poland that was the Germans’ euphemism for death. And there, east of East, it is not the technology of murder that haunts. It is the natural landscape itself. If images of the gates of Auschwitz, taken by Soviet liberator-photographers in January and February 1945, seared the Western imagination, the thousands of photographs of forests, ravines, and trenches taken by those same photographers of liberation sites on Soviet soil lie fallow in archives. No searing, no iconic imagery.⁴⁴

The liberation of the Western Front brought a deluge of reportage on what was being uncovered as the war drew to its close. In the summer of 1945 Allied publics became well acquainted with the mass manufacture of corpses in the Nazi’s Final Solution primarily in radio feeds, eye witness reports, survivors testimony, and the mass circulation of photographs both in print media,

⁴⁴ Shneer, “Ghostly Landscapes: Soviet Liberators Photograph the Holocaust,” 3.

and in gallery exhibitions which tens of thousands attended⁴⁵. Yet, while “the public bore witness in 1945, but they did not know what they had seen”⁴⁶, neither the reporting nor the pictures were able to make sense of what had occurred under Nazi rule.

While the camera had long been regarded as being able to succeed when words were not enough, in the camps the camera alone could not make sense of what transpired. Here, the indexical qualities of the camera proved utterly insufficient to communicate what had transpired. This was not because the camera could not physically render images of corpses, prisoners, and the infrastructure of the final solution, but rather, there could be no captions to describe, inform, or legitimize what the camera had rendered; the language had not yet been invented. As Sharon Slinwsky outlines “during this period, pictorial evidence came to outweigh all other forms of testimony”⁴⁷ for the journalist, governments, and citizens trying to make sense of the camps. Factual knowledge of what had transpired in the camps, as communicated by Nazi ledgers, was not enough to communicate the atrocities; “indeed, the public rejected the first news about the Nazi ledgers because the enormity of what the reports signified could not be accepted without destroying the prevailing worldview”⁴⁸. As famously stated by Edward R. Murrow: “I have reported what I saw and heard, but only part of it. For most of it, I have no words”; where words failed, the image prospered in reproducing and visualizing the atrocities of Nazi crimes. As the war drew to a close revealing the full extent of Third Reich’s atrocities, allied publics responded by leaning more and more on the indexical quality of the camera to tell them what happened. So much so that “it did not seem to matter that the images sometimes went without proper captions or were presented out of context to the times and places in which they had been taken’... ‘In many

⁴⁵ Slinwsky, *Human Rights in Camera*, 83.

⁴⁶ *Ibid*, 83.

⁴⁷ *Ibid*, 102.

⁴⁸ *Ibid*, 100.

cases, the images were so devoid of identifiable details, it was difficult to anchor them in a given time or geographic place. Yet the broader the horror the photographs could invoke, the more vociferous the public judgment⁴⁹. What emerged was a vast photographic catalogue which assumed the indexical nature of the camera could, when brought into the camps, make sense of these atrocities in a way words, testimonies, and radio reports could not.

While this factual usage of the camera did *convince* many of what occurred, it could not *make sense* of the atrocities which spectators were brought into close proximity to. In part this is due to the representational problem in photographing the Holocaust where the ultimate goal was of course, the eradication of both European Jews as well as the knowledge, evidence, and remnants of their existence both as living people and in visual testimony, as such, the Nazi's went to extensive lengths to limit the possibilities of European Jews being photographed dead, or alive. Parts of the Holocaust, simply, could not be photographed. As the allied forces began advancing East the Germans made attempts to obscure and obliterate any evidence of their crimes through mass burials of bodies, the scattering of ashes, and dynamiting many of the gas chambers, crematoriums, and camps themselves. When allied forces did finally liberate the camps some, but not all, of the visible evidence of Nazi crimes no longer stood. The presence of the camera came to signify the failure of the Final solution because it provided irrefutable evidence that a crime was beyond the pale of what contemporary communities could understand.

While contemporary witnesses now know the primary target of the Final Solution to be the Jewish people the same can not be said of witnessing publics in 1945, this fact was not made visible by the camera. More often than not radio reports, politicians, and printed news media all commonly referred to the people in the camps as "German political prisoners", with the caption

⁴⁹ Sliwinski, *Human Rights in Camera*, 102.

of “Jewish people” rarely appearing. This is due, in part, as Sliwinski citing Peter Novick attests to the fact that;

Since the time of its official pronouncement at the Wannsee Conference, held January 20th, 1942, the ‘Final Solution to the Jewish Question’ was deliberately opaque. Near the end of the war, this deliberate obfuscation included targeting the remaining Jews in the camps, so by the time American and British troops entered the western camps in April 1945, the majority of the surviving prisoners were not, in fact, Jewish. The massive camps in the east, which were composed almost entirely of Jews, had either been closed by the time the Allies arrived, or, as in the case of Auschwitz-Birkenau, were liberated by the Soviets with few American or British reporters present.⁵⁰

This dreadful absence which haunted the liberation of the camps was invisible to the camera of allied photojournalists who under deadlines and editorial commands to capture the ‘camps’ in their entirety could not step back, so to speak, and utilize the camera as a forensic tool, like the Soviet photographers in the Eastern front, to construct the site of a crime. Rather, allied photographers began to blur the lines between journalism and so-called ‘art’ photography⁵¹.

Unlike the Soviet Exceptional Commission, which was convened with the expectation that the camera was producing *evidence* for a courtroom where Nazi crimes would be put on trial, the role of Allied photographers was explicitly to support the western ideals of glory, liberty, and righteousness which supported the war effort by driving the sale of war bonds, solidifying political power, and drumming up patriotic support.

Perhaps most effectively the rejection of the camera’s journalistic or documentarian indexically, in favor of its more emotionally charged artistic evocative possibilities, can be seen in the reports and photographs of the American war correspondent, Lee Miller, more precisely in her photographs of the liberation of Dachau in the summer of 1945. While her images of Dachau, most notably her images of the Dachau death train, would come to be regarded as some of the

⁵⁰ Sliwinski, *Human Rights in Camera*, 84.

⁵¹ For more on the shaky lines between ‘artist’, ‘photographer’, and ‘artists-at-large working in photography’ see De Duve, “Art in the Face of Radical Evil.”

most iconographic images of the Holocaust, her early images such as her photographs; *Surgeon and Anaesthetist* (fig 1), *Fall of the Citadel*, *Aerial bombardment* (fig 2), and *Untitled (Saint-Malo Boat)* (Fig 3); should be read simultaneously photographic documents of the war as well as artistic works that try to make sense of wanton destruction by way of subverting the cameras indexically in favor of the evocations of its artistic practice. Miller's images did not simply try to document the war, not in the formal journalistic sense that is, rather, she engaged the camera as a means through which she could bear witness to, and make sense of, violence which she could not understand; an endeavour which would remain impossible of being complete. Before her arrival first at Buchenwald, and eventually, at Dachau, Miller was already sharpening her aesthetic judgments and utilizing the camera to produce images that simultaneously serve as testimony to World War II and exceed the formalism of bare evidence.

Rolleiflex Visions

In 1939 Lee Miller traveled to London to join her partner Roland Penrose, where the war had passed from “uneasiness into impatient acceptance: the war of nerves had become the war of Yawns as the city awaited Hitler’s imminent *Blitzkrieg*.”⁵² Miller spent her time as a fashion photographer at *British Vogue*, however, her sights were set on the front, and by D-Day in the summer of 1944, Miller had secured accreditation as a US correspondent and six weeks later shipped out to army field camps in Normandy. She would shoot over 35 rolls of film and compile a ten-thousand-word reportage on her first expedition to the front. Beginning that first report on the field hospitals of Normandy, she writes;

“The surgical tent had a white floor and white walls, and white mosquito netting shut off the vestibule from the operating tables. A wing opened out for the preparation of dressings and instruments.’ ... ‘Three patients were conscious. The far one was nearly

⁵² Sliwinski, *Human Rights in Camera*, 88.

completed; that is, his leg had been dealt with and clenched-faced men were patting the last of a plaster bandage in place. In the chiaroscuro of khaki and white I was reminded of Hieronymus Bosch's painting 'The Carrying of the Cross'. He had watched me take his photograph and had made an effort with his good hand to smooth his hair. I didn't know that he was already asleep with sodium pentathol when they started on his other arm. I had turned away for fear my face would betray to him what I had seen"

The drama of the hospital to which Miller writes of, with a sense of partial disbelief, completely astounded the editors of *Vogue* who ran the full story, titled "Unarmed Warriors", alongside fourteen pictures in the August issue in 1944.. In, *Surgeon and Anaesthetist* (fig 1), there is a timidity to her witnessing which is unique to her earliest pictures, however, she does not shy away from the dram of the Boschian 'chiaroscuro of khaki and white'. The faces of the surgeons are obscured by deep black shadows and the low angle completely obscures the body of whoever



Photographer: Lee Miller (American, 1907-1977). Creation date: 1944. *Surgeon and Anaesthetist*. gelatin silver prints; photographs; photographic prints. Place: Lee Miller Archive, Chiddingfold, East Sussex, England, United Kingdom. (Figure 1)

is lying on the operating table, while the outline of the surgeons tower, the hunches and poses accentuated by the harsh light of the operating room. Yet, the presence of an *artist* behind the camera here is diminished by her reliance on the indexicality of the camera to reproduce the scene of the operation room, and her artistic reference primarily remains in

her notes and texts. Here the camera becomes the primary source of evidence because it presents a stark unbiased portrait of the war; the indexicality and the evidence of the photograph are what

is important, less what it can evoke. These early images, despite her textual evocation of Bosch, are firmly *photojournalistic*, in that they seek to inform readers of what life looking like on the front. One gets the sense that Miller, in Normandy at least, was bearing witness from *behind* the camera rather than *through* it as she would later come to be known.

Rather than returning to London, Miller hitched a ride to the Western Front at the Siege of St. Malo. Thanks to inconsistent reporting that St. Malo had already been liberated, and was no longer an active sight of conflict, Miller was able to reach the front lines despite women journalists not being allowed near active conflict.⁵³ Rather than reach a newly liberated city Miller arrived in St. Malo amid a brutal street-by-street conflict as Allied troops pushed towards the citadel at the heart of the city.⁵⁴ Despite finding herself embedded in the active conflict of the Western Front, the majority of the only images she made of active conflict was the aerial bombardment of the citadel taken from the serious distance of her hotel window. In *Bombs Bursting on the Cité d'Aleth* (fig 2) the smoke of the bombing rises from the citadel, but no bodies are shown, the force of the war on the physical body, for now at least, was not yet a figure in Miller's images. Most of her images are of abandoned dugouts, rubble-filled streets, and battered troops. In a long lineage of photojournalism, dating back to Roger Fenton's images of the Crimean War, these pictures are primarily concerned with the leftovers of conflict rather than the upfront action shots which were popularized by Robert Capa in the Spanish Civil War. However, her distance from the immediate sight of violence allowed her a critical space, both of safety and vision, to begin pushing the boundaries of the Camera's indexical capabilities. In *Fall of the Citadel, Aerial bombardment* (fig 2), which bears a formal semblance to her earlier work

⁵³ Sliwinski, *Human Rights in Camera*, 90.

⁵⁴ *Ibid*, 90.

of surrealism *Portrait of Space* (1937), Miller begins to lean into this critical distance employing both the camera as both a journalistic tool to *show* that bombs were falling, while her ‘framing’ of the siege, within the window of her balcony, evokes an artistic suggestion to the uniqueness of the event as seen *through* the camera rather than behind it. Her view from the balcony, and her



photographer: Lee Miller (American, 1907-1977). Creation date: 1944. Bombs Bursting on the Cité d' Aleth. gelatin silver prints; photographs; photographic prints. Place: Lee Miller Archive, Chiddingly, East Sussex, England, United Kingdom (Figure 2)

literal ‘framing’ of the citadels bombardment, can be read as an invitation to viewers to speculate, imagine even, the sounds of the blast, the scent of gunpowder, and the feeling of bombs falling as shockwaves rolled through the city. In line with her Surrealist sensibilities, Miller also used the camera as a way to transfigure and mutate

her visions of the war in order to make sense of it. In *Untitled (Saint-Malo Boot)* (Fig 3), also titled *Boot and Ammunition*, a belt of ammo sticks out an empty boot, evoking the bodies of the dead, disfigured, and otherwise. In these early images Miller turns away from evidence,

testimony, and fact, to fix her camera, as was a common practice of the surrealists, on the abnormalities, contradictions, and beauties she encountered in the war. These early photos then should be read not as testimonies to the war, or as historical evidence, but rather, a documentation of her experience as one of the few, if not only, women artist/journalists who found themselves on the frontlines of history tasked with making sense and documenting of what she bore witness to.

After St. Malo Miller found her way to Paris on the eve of its liberation, where the city had exploded in liberatory glee after its liberation, she wrote on her arrival; “the long, graceful,



photographer: Lee Miller (American, 1907-1977). Surrealist; creation date: 1944. Untitled (Saint-Malo Boot). gelatin silver prints; photographs; photographic prints; positives (photographs). Place: Lee Miller Archive, Chiddingfold, East Sussex, England, United Kingdom. (figure 3)

dignified avenues were invaded with flags and filled with screaming, cheering, pretty people.

Girls, bicycles, Kisses and wine and around the corner sniping, a bursting grenade and a burning

tank'... 'the next day Paris started cleaning up after the world's most gigantic party'"⁵⁵; these dramatic oscillations, between the extremes of liberation and the horrors of Nazi crimes, could be defined as some of Miller's most enduring themes to which she would utilize in photographing the war. After its liberation, Miller made the city a semi-permanent home to which she would retreat after her many trips across the Western Front. As the war continued Miller, both from previous friendships as well as on assignment for *Vogue*, began to seek out and document the her artist friends from before the war including the painters Pablo Picasso and Christian Bérard, the designer Elsa Schiaparelli, the poet Jean Cocteau, the novelist Colette, as well as the modernist fathers of documentary photography Robert Capa and Henri-Cartier Bresson⁵⁶.

For the remainder of 1944 and into the spring of 1945 Miller was dispatched across the front writing reports and making images as the allies advanced east. As she stayed longer in the war, and bore witness to increasingly more horrific atrocities, the wide-eyed Boschian drama of life and death in the operating room, the possibility of hiding her face from the "Chiaroscuro of Beige and white" begins to seem an impossibility naive and distant place. The longer she stayed, it would seem, the more her "reports beg[an] to [increasingly] bear the marks of prolonged exposure to war. Her characteristic references to painting become fewer and fewer as if the terrifying proximity to the real was slowly devouring her imaginative capacity". Writing from Alsace she makes vividly apparent the effect the war had taken on her; "I'll never see acid-yellow and gray again like where shells burst near snow without seeing also the pale, quivering faces of replacements, gray and yellow with apprehension; their fumbling hands and furtive, shortsighted glances at the field they must cross"⁵⁷. As Sharon Sliwinski writes; "the ruined landscapes Miller

⁵⁵ Miller and Penrose, *Lee Miller's War*.

⁵⁶ While purely speculative, it seems highly possible that part of the shift in Miller's work can be attested to her interactions with Capa and Bresson.

⁵⁷ Miller and Penrose, *Lee Miller's War*.

encountered could no longer be seen in terms of the acute colors of a Bosch painting. Instead, the stains of exploded shells, smoke-singed snow, acid yellows, and trails of bright blood tramped into an icy sheen began filling up her symbolic palette. The strange, dreamlike images that habitually dot her narratives become increasingly macabre and disjointed...⁵⁸. Where Bosch has left Millers imaginative, so too, it would seem, her conception of the liberating mission as the holy defense of Europe. Miller begins to refocus the war, critically bearing witness to its violence and contradictions. Utilizing the evocative propensities of the camera, often by whispering and gesturing towards work of classical art, she attempts to make sense of the war, rather than simply document it.

April of 1945, on the brink of the war's end, would bring Miller face to face with the ultimate machine of the Final Solution first in Buchenwald and lantern in Dachau. Miller arrived in Buchenwald soon after its liberation on April 11th, where 21,000 prisoners had survived, among them, the novelist and poet Elie Wiesel. Her images in Buchenwald mark a drastic shift in Miller's reportage. In bearing witness to the atrocities of Buchenwald any timidity of being behind the camera, or trepidation in bearing painfully close witness to history, she seems to have left behind. Any allegiance to the strict formalism of the documentary form was also abandoned. This is to say, Miller's images attempted to make sense of the atrocities she bore witness to, rather than solely document them. In rejecting journalistic objectivity, ethics, and distance she began to wield the camera as a tool of *evocation* rather than *evidence*. Upon entering the camp, "According to Miller's son, Anthony Penrose, the photographer's initial reaction to the camp was one of total disbelief. 'Speechless and numb, she could not accept at first the enormity of the

⁵⁸ Sliwinski, *Human Rights in Camera*, 84.

carnage and wanton slaughter.”⁵⁹Indexically came to be insufficient a litmus for representation and meaning in the face of such wanton slaughter.



In

photographer: Lee Miller (American, 1907-1977). Surrealist; creation date:1945. Released Prisoners in Striped Prison Dress Beside a Heap of Bones from Bodies Burned in the Crematoriumgelatin silver prints; photographs; photographic prints; positives (photographs). Place: Lee Miller Archive, Chiddingly, East Sussex, England, United Kingdom. (Figure 4)

“*Released Prisoners in Striped Prison Dress Beside a Heap of Bones from Bodies Burned in the Crematorium*”(Fig 4), five figures stand, headless, side by side forming a line which bisects the camera's frame. They bear a ghostly, eyeless witness, to a mound of bones before them. The bright light of a flash sets the whole moment in a brilliantly stark contrast. The caption tells us

⁵⁹ Ibid, 92.

these are the bones of people murdered and incinerated in the camps, yet, the lack of the gaze of the five figures suggests the inability of our witnessing. Indexically the camera could not make sense, or bear witness, to this scene. In front of the camera, that is, a pile of bones is a pile of bones, striped pajamas are just bars of black and white. What arises is a tension between the *knowledge* that these are the bones of murdered Jewish people, which comes from beyond the photo, either at the time of its publication or its historical presence, and the lack of any visual testimony to prove that this is so. The removal of the heads of the five figures where there were eyes bearing witness, alongside the camera and the spectator, can be read as testifying to the crises of both bearing witness and visualizing the Holocaust. It is also a paradox of vision, of witnessing the unimaginable; of bearing witness, to something which can never be understood. The picture, alone, does not connect the dots of what it shows, that task is relegated to the captions and context in which it is present, the camera is only responsible for *how* visions are



made. In conversation, or the presence of other images, the picture can explain what has transpired, however, this was not what Miller set out to picture in the camps. Perhaps in an attempt to make sense, and give a face to these crimes, Miller photographed several SS guards still present in the camp at the time of its liberation. In “*Beaten SS Prison*

photographer: Lee Miller (American, 1907-1977). creation date: April 1945. SS Prison Guard. photographs. Place: Lee Miller Archive, Chiddingfold, East Sussex, England, United Kingdom. (Figure 5)

Guard” (Fig 5), the bloodied face of an SS guard, who was beaten after attempting to disguise himself in Civilian clothes, sits dead center in the hard light of a flash. His eyes shining, white and bulging, distant and trance like. The background is a hazy grey where the only discernible reality is the shadowy bars of a radiator. His eyes, neither of which directly meet the camera's gaze, glow as they gaze back out at us. Again the tension in the impossibility of witnessing, on knowing, is ratcheted up, the camera does not reveal this ghastly figure as anything but a figure posed before the camera, and yet, it is a horrid gaze for we know what these eyes have borne witness to, what they have caused.

The connection between this pile of bones, prisoners' feet, beaten guards, and starved corpses is not one made by either the camera or the captions. Yet, it would be naive to assume the camera could make those connections alone. As Sliwinski vividly outlines;

Miller’s images and words provide an optic through which to grasp the shock of confronting the camps. Instead of regarding the work as mere reportage, here the photographer’s pictures are read as testimony to an encounter with occurrences that exploded the very grounds of understanding. This is not to suggest Miller provides a transparent view or totalizing account of what occurred in these Nazi lagers. Rather her work is read for the ways it is inscribed with all that she *did not know* of the events to which she nevertheless bore witness.⁶⁰

If, as Sliwinski suggests, Miller’s images must be read because of what she did not, could not know, in the camps, what do we make of the words which accompanied the images, that attempted to make the images understandable? What do we make of the presence of words and images which nevertheless attempted to make sense of what had happened before the language had been created⁶¹?

⁶⁰ Sliwinski, *Human Rights in Camera*, 87.

⁶¹ It was not commonly held, as Sliwinski outlined, that the majority of the dead were Jewish people at the time of the camp's liberation in 1945. It wasn't until well into the 1950-60's that the term *Holocaust*, as a close translation from the Hebrew word *Shoah* meaning catastrophe, came into wider usage. The usage of the term *Holocaust* has also been troubled and criticized by some Jewish scholars and historians due to its historical definition as a Jewish sacrificial offering that was burned completely on an altar.



photographer: Lee Miller (American, 1907-1977). creation date: April 1945. Dead Prisoners. Place: Lee Miller Archive, Chiddingly, East Sussex, England, United Kingdom. (Figure 6)

Dead Prisoners (Fig 6), Miller's first picturing of the bodies of the dead, is a convulsion of emaciated and starved corpses stacked on top of each other, lit again by a hard flash the whole

of the scene is cast by the terror of the spectator. We can see many sets of eyes gazing in all directions, however, only one meets the gaze of the camera. Halfway down the frame on the right border, two dark, pupil-less eyes gaze back at the camera beneath the foot of a body stacked above it. Yet, it is not a returned gaze, the picture reminds, everyone here is dead. Death, the ultimate point of Genocide, has finally, at last, ceased to be a nameless haunt over her images; from here on out Miller becomes unflinching in her willingness to picture the atrocities to which she would bear witness. More than any of her other images in Buchenwald this image outlines



photographer: Lee Miller (American, 1907-1977). Creation date: 1945. Bürgermeister of Leipzig's Daughter Suicided. gelatin silver prints, photographs; photographic prints. Place: Lee Miller Archive, Chiddingfold, East Sussex, England, United Kingdom. (Figure 7).

the intensity and paradoxical relationship between photographers and subjects who were not alive when their picture was made. The dead do not speak, this much is known, but Miller's image asks that if we gaze at the dead what do we make of the gaze they returned? In the archives the description of "*Dead Prisoners*" is blunt in the extreme; "Every disease imaginable was rife in the camp, and weakened by starvation and abuse, the

prisoners died in the thousands"⁶². Where less than a year earlier Miller accompanied photos of a field hospital with 10,000 words, here, at the center of the Final Solution, as close as she possibly could get to history, only 20 words were given. Perhaps this is the effect of long-term and

⁶² Lee, "Dead Prisoners."

repeated exposure to the war where a new distance opens up, an aesthetic and textual hollow-eyed shell shock, where the burden of her witness becomes immense. Whatever critical distance the camera afforded her in St. Malo seems to have finally collapsed under the sheer weight of the responsibility to bear witness. What is left in the rubble, however, is the picture, and what remains is for spectators to watch and try, for better or for worse, to make sense of the unimaginable.



photographer: Lee Miller (American, 1907-1977). Creation date: 1945. Suicided Volkssturm Commander, photographs: photographic prints. Place: Lee Miller Archive, Chiddingly, East Sussex, England, United Kingdom. (Figure 8)

Upon leaving Buchenwald, and just days before arriving in Dachau, Miller photographed the Deputy mayor of Leipzig who, along with his wife, young daughter Regina Lisso, and his chief of staff, had committed suicide by cyanide as allied forces approached the city. In Miller's contact sheet from that day, we can see how, like a proper photojournalist, she makes several exposures from an informative

distance, but she also made a close-up photograph image of the Mayor's daughter draped across a dark leather couch. It is an eerily tranquil photo, heavy with allusions to classic figures in art history, yet, unlike her earlier work Miller does not divulge if "*The Deputy Bürgermeister's daughter [Regina Lisso]*" (Fig 7) was a conscious reference to classical art. If, however, Miller seems to be luxuriating in the sheer beauty of the light, of the connotations of youth and purity,

of the sheer Manichean contrast which drips from the frame; “*Suicided Volkssturm Commander; Walter Doenicke (outside the window the scales of justice can be seen)*” (Fig 8) is an aesthetic club over the proverbial head that these images are not a place to mourn. A Nazi is dead, and, quite literally, the scales hang balanced in the hands of justice just outside the windows .

Perhaps in a rejection of the impossibility of her bearing witness, Miller's few images in Leipzig mark a furthering of the aesthetic shift which she began in Buchenwald. We get a sense that Miller is trying to wear both the hat of an artist, looking to evoke emotion and meaning, as well as the journalist trying to document and bear witness. Her images in Leipzig bear the weight of what could be described as an ethical exhaustion. Miller's images, from here on out, become increasingly structured, dense with references, and firmly dramatic.

Within days of leaving Leipzig Miller would enter Dachau just one day after its liberation alongside the Life photographer David E. Scherman and troops from the 43rd Rainbow Division.⁶³ What she had encountered in her time on the front could not have prepared her for the atrocities of Dachau. Just two days before her arrival;

The last transport of prisoners arrived at Dachau's gates. The train was made up of some thirty-nine boxcars. It extended well past the borders of the camp, in full view of the city's suburban villas ringing the camp's perimeter. The train's cargo consisted of approximately three thousand prisoners whom the Nazis had evacuated from Buchenwald on or about April 7. As allied troops approached the camp on the afternoon of April 29, the train was their first discovery. When they opened the 'quarantined' boxcars, corpses tumbled out onto the gravel below. Each car was filled with bodies impossibly tangled in rage, blood, and excrement. Of thousands packed onto the train, fewer than twenty still drew breath. There were signs of cannibalism. Beyond the horrific scenes of death and decay, the terrible, cloying stench is often what remains uppermost in the memories of those who took part in the liberation.⁶⁴

Unlike in Buchenwald, the camera was mobilized, intentionally and instrumentally, to attempt to make sense of the Nazi atrocities. For days after the camp's liberation, on April 29th, allied

⁶³ Sliwinski, *Human Rights in Camera*, 91.

⁶⁴ Sliwinski, *Human Rights in Camera*, 91.

forces were ordered to leave the remnants of the camps untouched so they could be viewed and documented by G.I.s, journalists, and photographers. Countless photographers-both allied G.I.s posing for grotesque snapshots as well as professional journalists-made images of the camp in the days following the liberation of the camp. Hundreds, if not thousands, of photographs, prospered in those days and the camera became entrusted as the sole carrier of things to which there were not yet words, I do not mean this pedantically, quite literally the word to describe what occurred had not been invented; Raphael Lemkin was actively penning his "*Axis Rule in Occupied Europe*" which would create the word genocide, while the *Holocaust* as a name for mass German eradication of European Jewry would not come into common discourse until well after the end of the War in the 1960s, and it was not until the 1948 United Nations Genocide Conference that an international definition would be agreed upon⁶⁵. Even if there had been words, they may not have been enough, the pictures certainly were not. Miller's initial reaction, on seeing the train "was one of total disbelief...Speechless and numb, she could not accept at first the enormity of the carnage and wanton slaughter"⁶⁶. Even battle-hardened Soldiers broke down in tears or began vomiting uncontrollably, believing at first, that "the camp was a grotesque propaganda stunt faked by their side"⁶⁸. The liberator's physical, and uncontrollable, reactions to that train makes vividly clear that "the direct sight of human subjects stripped of their humanity-people treated as mere matter, things that had neither body nor soul-was, not something that could be held in mind, nor indeed, digested"⁶⁹.

⁶⁵ Sliwinski, *Human Rights in Camera*, 86.

⁶⁶ Sliwinski Cites Miller's son Anthony Penrose and his biography of Miller, *Lee Miller's War*, for originally publishing Miller's reaction.

⁶⁷ *Ibid*, 91.

⁶⁸ *Ibid*, 91.

⁶⁹ *Ibid*, 91.

Likely one of the first images she made upon entering the camp was of the body of an SS guard floating partially submerged in the Camps's canal. Again, like in Leipzig, Miller seems incapable of not giving in to the immense thematic contrast *Dead SS Prison Guard Floating in Canal, 30th April 1945*” (Fig 9) is laden with. The body lies suspended in space as it floats in the



photographer: Lee Miller (American, 1907-1977). Creation date: 1945. Dead SS Guard in Canal. gelatin silver prints; photographs; photographic prints. Place: Lee Miller Archive, Chiddingfold, East Sussex, England, United Kingdom. (Figure 9)

canal and in time by the camera's lens. Eyes closed, the figure seems at peace, which is given an eerie presence by the knowledge that the corpse is of a dead SS guard who oversaw the longest running concentration camp of the war. In a troublesome echo, the placid face of the dead soldier evokes Millais' *Ophelia*⁷⁰; floating,

wistfully, with flowers in her hair down the stream. At once redemptive and justified his partial submergence in the shimmering water gestures towards Miller's struggles with the question of "responsibility, memory, and grief."⁷¹ However, a corpse does not float forever, eventually, his body, his crimes, unless disturbed, will sink beneath the muck of history. Yet, Miller neither allows meaning to rise from the murky water nor, for the tension of these contradictions to float

⁷⁰ Lowe, "Framing the Perpetrators: Lee Miller's Photography of the Liberation of Dachau," 218.

⁷¹ *Ibid*, 219

photographer: Lee Miller (American, 1907-1977). Creation date: 1945. Box cars with dead prisoners and US soldiers examine a truck load of dead prisoners. Place: Lee Miller Archive, Chiddingfold, East Sussex, England, United Kingdom. (Figure 10)

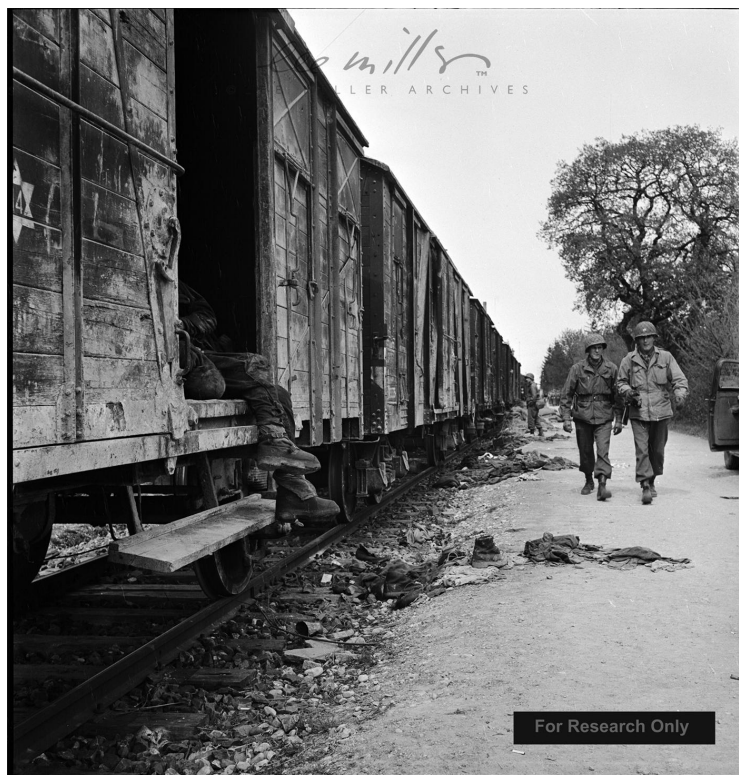


away. Only the soldier's dark-sleeved arm rises above the surface of the water, a breach between the murky depths of history and the bright reality of the cameras present. Miller remains in this breach, violating the boundaries between journalist and artist, oscillating between the unknowability of the Shoah and her active bearing witness as she moves farther into the camp.

In Miller's contact sheet "*Box cars with dead prisoners and US soldiers examine a truck load of dead prisoners*" (fig 10) we see her framing, setting the scene so to speak, as two G.I.s approach alongside a row of train cars (fig 11), every car they pass the doors are shut tight, the camera turns (fig 12) and reveals the corpses tumbling out from the deep shadows. In (fig 13) the two soldiers replicate the gaze of the camera and accompany gaze into the murky shadows of the train car, and finally, perhaps finding these other views not compelling enough, (fig 14) Miller steps beyond the boundary and enters the train car. A severe violation of the expected boundaries of the witness and spectator was passed through when Miller entered that car, and yet, what distinguishes that view, what makes it so unnerving, is

not easy to describe or distinguish. Something is revealed and surpassed which she stepped into that train car, and yet;

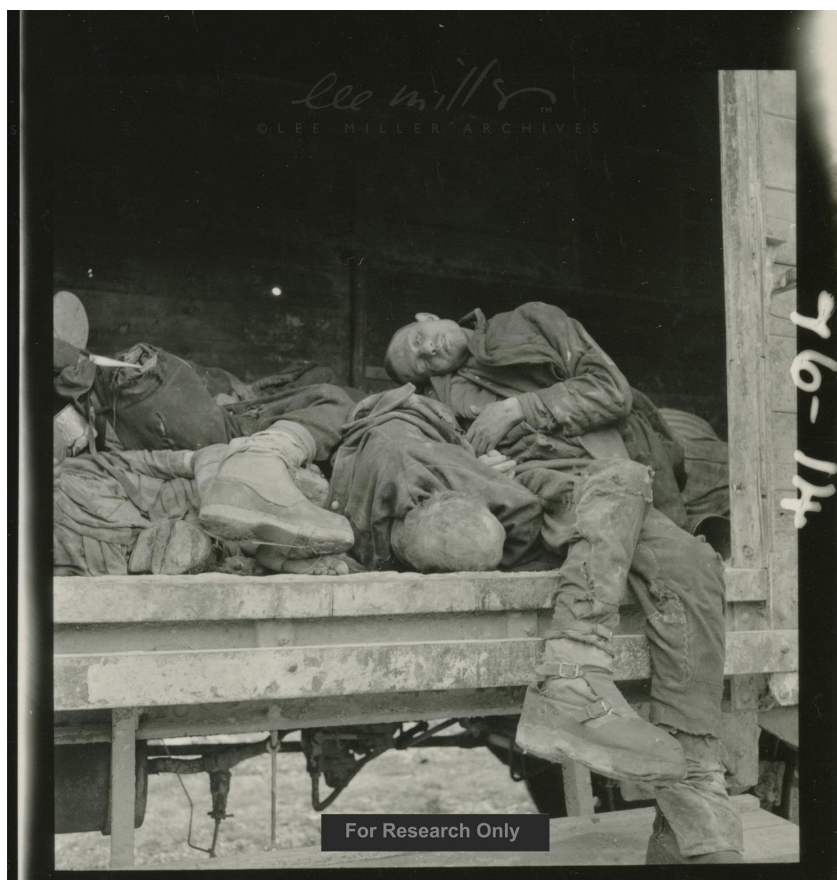
It is difficult to describe precisely what this image brings into view, the nature of what it transmits to the spectator. If Dachau were only a play, a grotesque propaganda stunt as the liberators first imagined, one might say this photograph breaks the 'fourth wall'. It takes us behind the scenes to show us the scaffolding of the stage. But of course, this is no play. Miller crosses what seems like an impossible boundary, entering into monstrous, unimaginable space, this gruesome community of the dead. As spectators of this image we, too, are imaginatively brought into this railcar-cum-coffin. From inside the train, we observe the living peering across this last frontier without recognition. Miller's pictures show what language can never say. It is a devastating revelation of that which can never be put into words. The photographer's fragile arrangement of figures in space simply imposes itself on us. It offers to our gaze an opening toward the inside and the depths of the invisible, arousing our own fascination and anxiety about what we cannot and do not want to know about death, and especially this death, this brutal extinction which one hesitates to even call death.⁷²



photographer: Lee Miller (American, 1907-1977). Creation date: 1945. Box cars with dead prisoners and US soldiers examine a truck load of dead prisoners (76-13); photographs; photographic prints. Place: Lee Miller Archive, Chiddingly, CoEast Sussex, England, United Kingdom. Courtesy of the archive. (Figure 11)

⁷² Ibid, 99

These pictures “testify to events at the heart of civilization’s discontents and stubbornly remain at the limits of human understanding”⁷³. They resist our desires to witness them, they remain unknowable, and perhaps as “another sign of the paradoxes of traumatic sight: there are thousands of photographs of the Dachau train, but all are taken from outside of its borders. With the exception of Miller’s single image, the view from inside this world remains out of sight, and indeed, beyond the scope of understanding”⁷⁴.



photographer: Lee Miller (American, 1907-1977). Creation date: 1945. Box cars with dead prisoners and US soldiers examine a truck load of dead prisoners (76-14); photographs; photographic prints. Place: Lee Miller Archive, Chiddingly, CoEast Sussex, England, United Kingdom. Courtesy of the archive. (Figure 11)

⁷³ Sliwinski, *Human Rights in Camera*, 87.

⁷⁴ Sliwinski, *Human Rights in Camera*, 99.

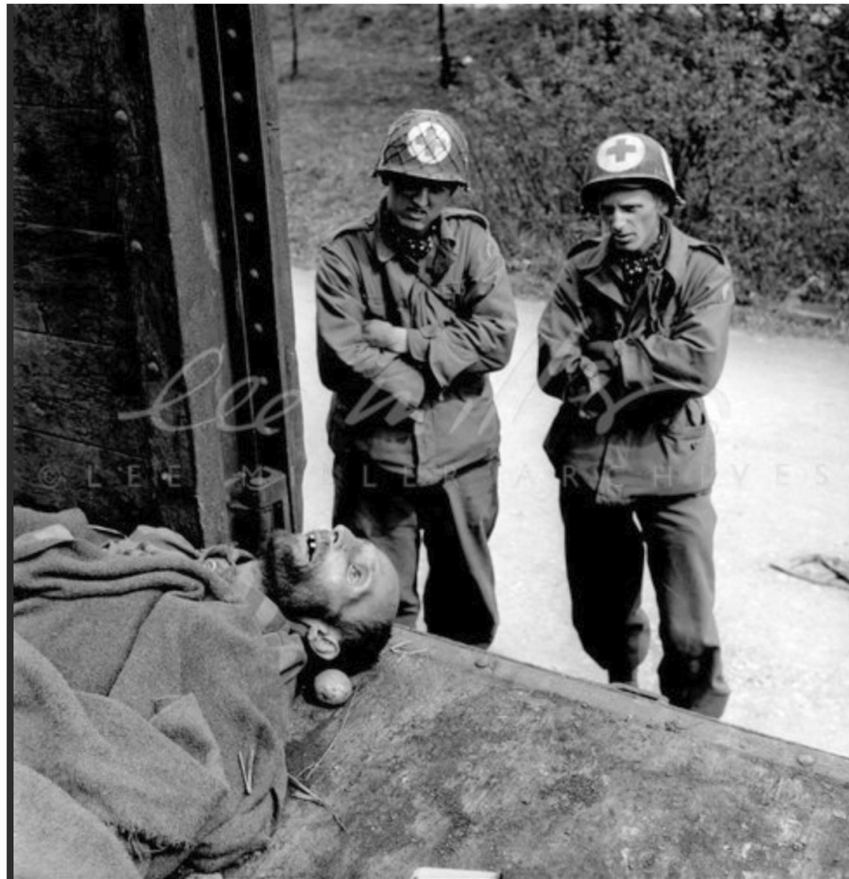


photographer: Lee Miller (American, 1907-1977). Creation date: 1945. Box cars with dead prisoners and US soldiers examine a truck load of dead prisoners (76-15); photographs; photographic prints. Place: Lee Miller Archive, Chiddingly, CoEast Sussex, England, United Kingdom. Courtesy of the archive. (Figure 11)

Perhaps as a sign of the severity of Miller's breaching of this barrier between life and death, this picture was not published in *Vogue* that spring. In a world already rife with images of horror this view, joining with the community of the dead, proved beyond the limits of the allowed imagination, it was *made* unbearable to witness. Was the reason Audrey Withers, *Vogue*'s formidable editor during WWII, did not publish this image in *Vogue* that spring⁷⁵ because she was concerned with an ethic in line with the filmmaker Claude Lanzmann's critical position where these pictures can only ever function as a "veil and shield, inciting a false sense

⁷⁵ Sliwinski, *Human Rights in Camera*, 98.

of knowledge all the while protecting the spectator from the true horror”⁷⁶? Or, was she concerned of the effect that remaining “with this photograph for any length of time is to risk [sic] experiencing a tear in one’s imaginative capacity” would have on the viewers back home?⁷⁷ Witnessing horror, in the printing room, has, it would seem, limits. Yet, why is it that to bear witness from the space of the dead proved to push past the limit of journalistic integrity in a moment flushed with images of atrocity?



photographer: Lee Miller (American, 1907-1977). Creation date: 1945. Box cars with dead prisoners and US soldiers examine a truck load of dead prisoners (76-16); photographs; photographic prints. Place: Lee Miller Archive, Chiddingfold, CoEast Sussex, England, United Kingdom. Courtesy of the archive. (Figure 11)

⁷⁶ Sliwinski, *Human Rights in Camera*, 87.

⁷⁷ Sliwinski, *Human Rights in Camera*, 98.

While this vision was kept from the public eyes the war drew to a close, the testimony of survivors began to circulate, and at times, surpass the *modus operandi* which was unique to the act of bearing witness in camera. For contemporary witnesses, it can be taken for granted all that *we do know* about these atrocities. Most of the understanding of the Final solution only *happened* long after the camps were liberated and the cameras stowed away. The camera, we must remember, was primarily mobilized to make visual sense of the camps and to reproduce in the printing press, revised on editors' guests, and witnessed by public eyes. What is at stake then;

in attending the testimony these images offer is not, of course, merely an issue of verifying the material form of a past reality. The copious photographs of the same crumpled corpse should not simply lead us to question how images can supplement the historical evidence offered by other kinds of documents'... 'An interpretation of the testimony of the image must do more than aim to accurately describe social reality or a collective sensibility of a past period. Indeed, like its verbal counterpart, visual testimony is less about verifying material evidence than about registering the *impact* of experience.⁷⁸

This is to say that the very act of *witnessing* was pushed, and exceeded, by the vision of the camera in the camps. As Primo Levi famously outlined "we the survivors are not the true witnesses. The true witnesses, those in possession of the unspeakable truth are the drowned, the dead, the disappeared"; the only gaze the dead can return is one of absolute, totalizing, silence. This critical position, as Sliwinski outlines, is perhaps best summarised by the position of the Filmmaker Claude Lanzmann "for whom there can be no understanding of the Final Solution. In his view, striving toward intelligibility-the very project of understanding-itself constitutes an obscenity. In his nine and a half hour film, *Shoah*, Lanzmann famously refused to include any historical photographs, which, he argues, is the only responsible way to represent what is, in fact, unimaginable"⁷⁹. Miller's work in Dachau is underlined, perhaps even *defined*, by both the

⁷⁸ Sliwinski, *Human Rights in Camera*, 100.

⁷⁹ Sliwinski, *Human Rights in Camera*, 87.

unknowability contained by that silence, the experience of dying in the camps, in addition to all she could not know. The atrocity to which Millers pictures attested in Buchenwald, and later in Dachau, was so unimaginable in the minds of those who bore witness that they did not produce a better sense of understanding of what had happened, in direct opposition to the long-held notion of photographs indexical truth, these pictures, alone, couldn't tell what happened, but "rather [they] open[ed] a kind of ethical abyss". The visions that the twin-lenses of her Rolleiflex produced attested to were "occurrences that could not be understood at the time of their unfolding, occurrences for which there were not yet words"⁸⁰. That is to say, the camera could not make sense of what had happened; because neither the language to describe it, *genocide*, the crime which had committed, *a crime against humanity*, nor the testimonies of witnesses, *of the survivors*, yet existed. Witnesses could not know to what the camera had bore witness, modern spectators still can not know

It is no coincidence then that the drafting of the Universal Declaration of Human Rights was immediately preceded by the circulation of these images, in fact, "the preamble of the [Universal Declaration of Human Rights] quietly refers to this pictorial revelation of the camps' operations as those 'barbarous acts which have outraged the conscience of mankind'"⁸¹. These images attest to events for which the declarations and constitutions of Western democracies not only had not imagined, but proved completely incapable, or perhaps unwilling, to defend. As such, the drafters of the UDHR set out to construct a wholly new form of rights that could explain, and defend, the rights which had been violated in the camps. Human Rights were created as a direct reaction to the witnessing of this new unnamable, unbearable, horror, which

⁸⁰ Sliwinski, *Human Rights in Camera*, 88.

⁸¹ Sliwinski, *Human Rights in Camera*, 19.

pushed the limits ontological limits of the capacity of the Human and necessitated new languages, politics, and rights to make sense of and defend⁸².

Looking to the East.

On the other side of Europe, as the war was drawing to a close, the Soviet army was producing highly forensic photographic documents of Nazi atrocities in the East. Where the Nazi atrocities on the Western Front were defined by the camps, buildings, cities, and railroad cars the East had pits, canyons, forests, and mineshafts where the atrocities were carried out. As David Shneer outlines;

The majority of photographs testifying to Nazi crimes on the eastern front were taken by photographers working for the Soviet Extraordinary Commissions, a body established in November 1942 to investigate crimes that took place in every city that the Red Army liberated' ...The Extraordinary Commission teams were made up of military leaders, forensic experts, doctors, journalists, photographers, and interviewers who gathered testimony of survivors. After the team conducted its research it often wrote a report stating its findings and generally included photographs taken at the investigation site. This kind of forensic photography emerged as a powerful means of visualizing Nazi atrocities and served as some of the earliest Holocaust liberation photography anywhere in the world.⁸³

Rather than following the modernist tradition of documentary photographs, intended for the printing presses, Soviet images have a closer resemblance to the factual, flatly lit, and highly evidentiary images of crime scene photographs. In part, it is their forensic construction that adds

⁸² While this paper does not attempt to make sense of the fact that western Europe was built on acts of immensen violence-in fact the Nazi's attested to the genocide of Indigenous peoples in the Americas and across the colonial world as inspiration for the structure of the Final Solution-this messy, convoluted history, is none the less the precise position from which Human Rights emerged. Raoul Peck sums it up quite well in the *Exterminate all the Brutes*; "when what had been done in the heart of darkness was repeated in the heart of Europe, no one wished to recognize what everyone knew Auschwitz is the modern industrial application of established extermination methods". Far from being the historical *outlier* the Holocaust should be understood as the logical concluision of the settler colonail project.

⁸³ Shneer, David. "Ghostly Landscapes: Soviet Liberators Photograph the Holocaust." *Humanity* 5, no. 2 (Summer 2014): 235–46. <https://doi.org/10.1353/hum.2014.0010>, 3-4.

to why they feel less emotionally evocative than iconographic images of western liberation. Soviet photographers were less interested in picturing those who had survived, because the purpose of these images was to produce forensic evidence against Nazi war crimes. As such “In very few Soviet liberation photographs do we ever see close-ups of living human faces. One is more likely to see a close-up of the dead than of the living”; however, this did not inhibit these locations, crimes, and images from becoming any less synonymous with Nazi crimes than the camps have in the west. The ‘iconography’ of a photo is not, counterintuitively, a product solely of the camera's vision; “a photograph of exhumed corpses without context only reveals corpses, not how they got there. We need the all-powerful caption writer to present the interpretive frame for genocide. The caption gives the photograph meaning”⁸⁴. The captions are as much what raises an image to an iconographic status as the visual object of the photograph alone.

Babi Yar, was “a pit among other pits throughout the Ukrainian countryside, but one that held the remains of more than 100,000 people” and, given its magnitude, quickly became as ubiquitous to the East as the gates of Auschwitz were to the west;

The name of Kiev’s Babi Yar became infamous throughout the Soviet Union, and much later worldwide, as the icon of the Nazi genocide against Jews and others in the Soviet Union. And like Auschwitz, Babi Yar overshadows the fact that every town, especially in Ukraine, had its ravine (Yar), pit (Yama), or trench (Rov) on its outskirts, to which the Nazis took local Jews to murder them.¹ If in English, in relation to World War II, the word “camp” has become overdetermined, the Russian word yar came to stand for Nazi atrocities, so much so that poets used it to evoke a whole series of associations for the reader. As the Soviet (and Jewish) writer Ilya Ehrenburg poetically wrote about the scarred Soviet landscape, ‘I used to live in cities, / And happily lived among the living, / Now on empty vacant lands / I must dig up the graves. / Now every ravine is a sign / And every ravine is now my home.’⁸⁵

The series of images that the Extraordinary Commission produced of Babi Yar attests to the formal process these sites underwent in order to represent the Holocaust in the east. After the

⁸⁴ Shneer, “Ghostly Landscapes: Soviet Liberators Photograph the Holocaust,” 8.

⁸⁵ Shneer, “Ghostly Landscapes: Soviet Liberators Photograph the Holocaust,” 2.

victory at Stalingrad in February of 1943, the Soviet army pushed consistently west until the fall of the Reich in 1945. Kiev, which was in the direct path to Berlin, was liberated in November of 1943. The city had been leveled under Nazi occupation and the Soviet newspapers “covered the liberation of Kiev with great triumph but also with utter disgust as writers and photographers bore witness to Nazi atrocities”⁸⁶. It was in the outskirts of Kiev that the mass grave at Babi yar was uncovered. While this would not have been the first mass graves the Soviets had unearthed on the Eastern front, nothing they had encountered could scale in the light of what had taken place at Babi Yar.



"General View of the Execution Site at Babi Yar." All photos reprinted in this essay are courtesy Ukrainian State Film, Photo, and Sound-Archives, Kiev, but are cited from Yad Vashem Photo (Figure 1)

The nine photos of Babi Yar (this paper will only cite six of them) - archived in the Ukrainian State Photo, Film, and Sound Archives and presented for the first time in Shneers

⁸⁶ Ibid, 4.

article - begin where the photographers, most likely coming from Kiev, first caught a glimpse of the canyon below. The first image, “*General View of the Execution Site at Babi Yar,*”(Fig 1), looks down a steep canyon onto a light, sandy, or perhaps ashy floor. Not much can be discerned of what has occurred from up here, but this was likely not the first of these mass graves the photographer had come across. As such the photographer “He (rarely she) would already know how the scene would unfold, but like a good forensic photographer, he began at the beginning—with a “general view [obshchii vid]” of the crime scene⁸⁷. The Caption is stark and simple, only providing a wide and general explanation of the valley below, it reads; “General View of the Execution Site at Babi Yar”.

In Figures two and three, which are nearly indistinguishable from each other, the photographer has begun to descend into the canyon. The camera looks straight ahead towards a steep cliffside which juts up from the canyon floor. Barren and pale, the landscape is not only devoid of life but seems antagonistic to its very existence. The small brush that can be seen is brambly and mostly withered. While the camera suggests we are looking at the same scene from different angles, however, “The archival notations on the verso’...‘tell us (correctly or not) that these two identical images are radically different crime scenes”⁸⁸. The caption to figure 2 reads, “View of the Execution Site of Soviet Citizens at Babi Yar in 1941 (Kiev, 1944)”. In only a few words the caption writer has re-wrote how we *see* an empty canyon. It is no longer *empty*, but rather, a site where an act of *emptying* has occurred. While the caption writer knows only what she (not likely he) knows from official reports, and local tel-tale, she identifies them first, and only, as *soviet* citizens.⁸⁹ There is an intense nationalism that is served in the captioning of all the Babi Yar photos, which informs who the crime was committed against, Soviet citizens on their

⁸⁷ Ibid, 239.

⁸⁸ Shneer, “Ghostly Landscapes: Soviet Liberators Photograph the Holocaust,” 239

⁸⁹ Ibid, 240.

territory, and who perpetrated it, National Socialists. While the photograph, alone, does not provide easily legible iconography and signifiers, the captions assure *we* know what we are *seeing*. What neither the image nor the captions tell us, however, is that the people murdered here were Soviet *Jewish* citizens. If that distinction mattered to the captioners it can not be assured by the information provided by the images and their captions⁹⁰. Absent, of course, both in the



"View of the Execution Site of Soviet Citizens at Babi Yar in 1941 (Kiev, 1944)," Yad Vashem, Series 4147, No. 21 (Figure 2)

captions, the picture, and its history are the names, faces, and voices of those who fell. Yet, the camera does not resolve in a dead-end, but in a space where we are invited, for better or for worse, to comprehend what has occurred here; "to close our eyes and picture crowds of Jewish men, women, and children lined up at the top of the empty ravine, perched at the precipice, crying, screaming, wailing as the sound of shots rings out in the picture. Body after body falls

⁹⁰ Ibid, 240.

into the pit as the mound of the dead piles up in the foreground. But just as quickly, we open our eyes and see what the camera captured—emptiness.”⁹¹ Emptiness is not always silence, and the absent are not always relegated, only, to a fixed and mute past.

Yet, Fig 2. Only attested to half of the crime committed at Babi Yar. The next landscape, *“Territory at Babi Yar Where the Corpses of Soviet Citizens Shot by the Germans Were Incinerated in 1941 (Kiev, 1943–1944)”*⁹² (fig 3), also deep in the canyon, tells us what happened after the bodies fell. It reads. Light sand, grey gravel, the sediment of the canyon is now revealed to be the ashes of the Soviet Jews who were murdered here. This image, while most likely of the same area, now asks us “to conjure a different moment in the crime, from the murder to its cover-up as the German occupation authorities attempted to destroy evidence of genocide”⁹³. Once again the camera here registers the emptiness of a grave.



“Territory at Babi Yar Where the Corpses of Soviet Citizens Shot by the Germans Were Incinerated in 1941 (Kiev, 1943–1944),” Yad Vashem, Series 4147, No. 22 (Figure 3)

⁹¹ Shneer, “Ghostly Landscapes: Soviet Liberators Photograph the Holocaust,” 240.

⁹² *Ibid*, 240.

⁹³ *Ibid*, 240.

Yet, the emptiness is not only the absence of life, in the way a grave marks the site and contains the body of the dead, but rather, the absence even of the bodies of the dead. The caption attests to the fact that mass extermination was not the ultimate goal of the Holocaust, but rather, the complete eradication in the present, future, and past of Jewish, Queer, Disabled, and Communist lives and Bodies⁹⁴. As Nicholas Mirzoeff outlines, the eradication of Jewish visual representation, histories, and cultural practice was just as central to the Final Solution as mass murder. The camera, then, in the Nazi crimes became symbolic of the failure of their project as it could hold the bodies, faces, and lives of those the Reich murdered long after their deaths. As such;

The Nazis made every effort to keep their crimes secret and invisible, referring to those killed as *figuren*, puppets or drawings, rather than as people. In choosing this metaphor, Nazi ideology evinced a contempt for visual representation as being a subordinate or inferior form of cultural practice. The Jewish/queer/disabled or Communist body was an inferior copy of the perfect Aryan and consequently did not even deserve to exist. During the Shoah, bodies were turned to ash, which was itself dispersed.⁹⁵



“Overview of the Execution Site at Babi Yar in 1941,” Yad Vashem, Series 4147, No. 23
(Figure 4)

The camera, in
“*Overview of the Execution Site at Babi Yar in 1941*” (Fig 4),
draws out from the
canyon and once again
provides a wide
landscape shot of the
site. After the intensity

⁹⁴ Mirzoeff, “Invisible Again: Rwanda and Representation After Genocide,” 86.

⁹⁵ Mirzoeff, “Invisible Again: Rwanda and Representation After Genocide,” 86.

of the last two images this scene, despite it being of the same location with a similar caption, providing a brief space of respite where the photographer foregrounds “life this time, albeit in the form of brush, which obscures the desolation of the ravine itself”⁹⁶. Having set the scene in perspective, scale, content, and context the photographer draws in close as the camera becomes further utilized as a forensic tool in “*Remains of Ashes in Babi Yar, In Which the Corpses of Those Executed Were Incinerated (Kiev, 1943–1944)*”⁹⁷(Fig 5).



“Remains of Ashes in Babi Yar, In Which the Corpses of Those Executed Were Incinerated (Kiev, 1943–1944),” Yad Vashem, Series 4147, No. 24 (Figure 5)

Even this close to the crime, the camera fails to register anything but rocks, sand, and it is only from the forensic process, which came after the camera and informed the captioner, that we can

⁹⁶ Shneer, “Ghostly Landscapes: Soviet Liberators Photograph the Holocaust,”240.

⁹⁷ Ibid, 240.

begin to *see* ash. We have zoomed in, so to speak, on the grey sandy bottom from which we had only been allowed to see from a distance.



“Exhumations of Graves in Babi Yar, Where Soviet Citizens Were Executed (Kiev, 1944),” Yad Vashem, Series 4147, No. 62 (Figure 6)

While the photograph does not make it explicitly clear both its caption and its position alongside the other images in the series, make it vividly clear that we have descended into a mass grave. It is not until the last two photographs from Babi Yar, “*Exhumations of Graves in Babi Yar, Where Soviet Citizens Were Executed (Kiev, 1944)*” (fig 6 and 7), that the presence of both the living and the dead, enter the frame;

The final two photographs take us further along in the forensic process as living people emerge. At last, the ghosts come out of the ground, the truth is revealed. The German attempt to hide the crime has failed as exhumations reveal a long, grim trench filled with bodies. If the photographer had backed up to give us another “general view,” we would

see this exhumation at the bottom of that first trench as we come full circle in unmasking genocide.”⁹⁸

Figure six unearths the long, narrow, mass grave which sat buried at the bottom of the canyon we had already seen from a distance. Wavering over the scene the camera depicts not “the exhumation itself, but to the Extraordinary Commission team bearing witness to the now revealed crime scene”⁹⁹. We bear witness not only to the atrocity of the mass grave but also, to the gaze of the Soviets looking down into the full extent of the crime; into the unknown and unbelievable.

A consistent presence, once the dead become present, is that of the witnessing scientists, researchers, military officers, and other societies whose gaze into the pits. Once the bodies of Babi Yar are exhumed the presence of Soviet “researchers posing over the bodies’ seems to be ‘proof that the crimes we viewers bear witness to are German, not Soviet, crimes, or at least that is what we are supposed to think”¹⁰⁰. Like forensic researchers who study murder scenes day in and day out, these photographers too captioned their photographs in a hauntingly dry, descriptive manner”¹⁰¹; in a strange inversion of Sontag’s warning that “a saturation point” may be reached by “everyone [gaining] a certain familiarity with atrocity [in pictures], making the horrible seem more ordinary”¹⁰², it was not the camera which brought about a deadening of the senses, but rather, the repeated exposure to the reality of the Final Solution.

There are two distances at play here. There is, of course, the distance mandated by the camera. Which is mediated and filtered through, in this order, the photographer's judgment, the physical body of the camera, its lens, shutter, and film, and finally its dissemination be it

⁹⁸ Shneer, “Ghostly Landscapes: Soviet Liberators Photograph the Holocaust,”.

⁹⁹ Ibid, 241+ 244.

¹⁰⁰ Ibid, 240.

¹⁰¹ Shneer, “Ghostly Landscapes: Soviet Liberators Photograph the Holocaust,” 244.

¹⁰² Sontag, *On Photography*, 21.

journalistic, propagandistic, or democratic. Then there is the distance which comes with the job, so to speak. The images of the Committee must primarily be understood not as documentary, at least not in the modernist connotations of intent and evocation, but rather, in the language of forensic and criminal photographs.



“Exhumations of Graves in Babi Yar, Where Soviet Citizens Were Executed (Kiev, 1944),” Yad Vashem, Series 4147, No. 62 (Figure 7)

These photos of atrocity were intended as part of a wider project of forensic investigation where the final destination of the photograph is not in the press, to evoke emotion, nor the history books, to remember the crimes, but rather, the courts. Not to say these weren't both at play in the commission's images and dissemination, they assuredly were, rather the main goal of the pictures then should be understood as objects which assisted in the uncovering and

documentation of Nazi crimes as well as the production of evidence which would later be used as “evidence in war crimes trials, including the earliest ones at Krasnodar, in southern Russia, in 1943”¹⁰³. As part of the forensic process, the camera becomes engaged in the transformation of not only the physical landscape of eastern Europe into evidence of Nazi Atrocities but also, “into the medium in which different types of evidence come together and into relation with each other.”¹⁰⁴ The point of these images is not that they prove the Soviets liberated Kiev. The point of the images, at the time of their creation, was that they showed, indexically, a crime. They leave the scene ‘untouched’ for the forensic teams to make sense of what happened;

The empty ravine photographs leave everything to the imagination. The goal of such photographs was to document a crime scene, and in crime scene photography a photographer invites the viewer to conjure what was once in the scene. It is a moment when the camera fails as a tool of documentation. Its indexicality becomes an invitation for imagination, not the final word of evidence.¹⁰⁵

In reading the picture, alone, one would not know that these are the bodies of Ukrainian Jews who were murdered by the National Socialists and whose bodies are now being exhumed by the advancing Soviet armies. For the forensic scientists, however, what mattered in the image was precisely how the indexical quality of the camera only *rendered*, and did not attempt to make sense of, a canyon filled with sand, rocks, and brambles. What transpired, how many died, and how they were killed was not expected to be the task of the camera, “that is [sic] for the forensic scientists, researchers, and of course the ubiquitous representatives of the National Commissariat of Internal Affairs, the notorious NKVD, to determine through interviews (or interrogations) of local townspeople, who may have borne witness to (or participated in) the crime”¹⁰⁶. It can be easy to confuse the coldness of Forensic’s analytical language of visuals, especially in contrast to

¹⁰³ Ibid, 238.

¹⁰⁴ Weizman, “Introduction,” 19.

¹⁰⁵ Shneer, “Ghostly Landscapes: Soviet Liberators Photograph the Holocaust,” 245.

¹⁰⁶ Ibid, 241.

the drama of liberation seen in Miller's images, for lacking in a compassionate or ethical enough gaze, however, a rigidity of form or strictness of intent should not be confused with an uncompassionate gaze. As Shneer attests to, in focusing on the sight of Nazi atrocities as crime scenes, and thus producing crime scene photographs, the Soviet photographers could better grasp the impossibility of their witness than the liberatoy visions of Allied photographers;

In very few Soviet liberation photographs do we ever see close-ups of living human faces. One is more likely to see a close-up of the dead than of the living. This makes Soviet liberation photography more reflective of the experience of genocide than the human drama of survival captured in American and British photography. Ultimately, there is an epistemological problem with understanding genocide through the images and voices of the survivors. If genocide is defined by the mass murder of a group of people, then those who survive genocide have a minority experience. The vast majority of those who experience a genocide—whether it be the Holocaust, Rwanda, or Cambodia—die. That is the point of genocide. And yet the dead cannot bear witness to their own experience of death. In these mundane, haunting, and sublime images, Soviet photographers have unwittingly captured that which tells the story of genocide—ghostly landscapes haunted by the dead, not by the living.¹⁰⁷

The camera, in the East, was primarily engaged with producing evidence, rather than the production of emotive images of the *visual* horror of Human suffering, of people stripped to the bareness of their humanness, as seen in the liberation of the Western camps. American Liberation photos, before being considered as *evidence*, were primarily intended as propaganda images to support the heroism of the American forces and distributed in the pages of *Life* and *Vogue*. While soviet journalists, photographers, and the Extraordinary Commission researchers widely distributed the news and photographs of Nazi Atrocities in newspapers such as the leading wartime newspaper *Red Star*, the 500-page project documenting the Nazi murder of Soviet Jews the *Black Book*, and the *Illustrated Newspaper* which published the works of photojournalist Arkady Shaykhet¹⁰⁸; ultimately the reason the Eastern sites of extermination were so widely photographed was for *evidence*, not *evocation*. A distinction that should not be overlooked.

¹⁰⁷ Shneer, "Ghostly Landscapes: Soviet Liberatros Photograph the Holocaust," 10-11.

¹⁰⁸ Shneer, "Ghostly Landscapes: Soviet Liberatros Photograph the Holocaust," 139.

After

Its blazingly ironic how much these two distinct bodies of photographs come to resemble the stereotypes of anti-communist American politics which emerged during the Red Scare; where the western democracies represent the golden honorific godly light of glory in human heroism, individualism, and goodness from laissez-faire capitalism; and life behind the iron curtain of Soviet communism is a bleak, non-individualistic, tundra where the expression of human emotion more closely resembles the function of a factory than the empathy of spirit. This is why we must pay special attention to the reception, reaction, and politics that emerged from the spectator's engagement with the images in the Capitalist West and Soviet east, respectively. If we are to take Sliwinski analysis seriously, in “rewriting the history of human rights as born, in part, from spectators’ aesthetic response”¹⁰⁹ to the photographs of the Holocaust, we must also contest with the fact that Human Rights did not emerge from the images of the east but the iconographic drama of liberation as seen through the eyes of Lee Miller. Human Rights emerged, then, under a false witness to crimes which could not be understood in pictures.

What these photographs from the eastern front, of the canyons and landscapes, outline is how the photos of the liberation of the Western Front constructed the violence perpetrated there as the whole machine of the Final Solution. When, in reality, atrocities took place as much in the camps liberated by the allies in the west as the canyons and streets of the Eastern bloc. The camps, by way of the camera, became seared into the minds of the west as the sole form of the Holocaust. In many ways the camps represent the central industrialized machine to the Nazi’s genocidal project, however: “the problem with Auschwitz as a metonym of genocide is that it

¹⁰⁹ Sliwinski, *Human Rights in Camera*, 25-26.

conceals as much as it reveals. Genocide takes place less often in purpose-built death centers than in mundane sites of daily existence, like “killing fields” in Cambodia or by the sides of roads in Rwanda. So too with the Holocaust. In the Soviet Union, the Holocaust was more mundane, by which I mean it was more integrated into daily life under Nazi occupation”¹¹⁰. Places where vast and horrific violence occurred, where a camera was not present, become then, in contrast, only fables of atrocity in comparison to the industrial machine of genocide in Auschwitz. The camera's vision is better engaged with visualizing the events as the *exception* rather than the *rule*. This blind spot of the camera, in its lacking ability to depict non-iconographic violence, proves to be a major flaw in attempting to understand a genocide where, as Hannah Arendt precisely named, violence was more often *banal* than *exceptional*.

Two distinct forms of the Final Solution, each requiring distinct fields of vision and unique discursive forms. Miller's images of the camps come no closer to bearing true witness than the Commission's forensic images of the eastern landscapes. However, as Shneer writes on the latter; “in these mundane, haunting, and sublime images, Soviet photographers have unwittingly captured that which tells the story of genocide—ghostly landscapes haunted by the dead, not by the living”¹¹¹. Both sets of images are engaged in a visual mythologizing of the Holocaust, iconographic cataloging of the unimaginable, where the joining of words and images, either forensically or evocatively, attempted to make sense of the unimaginable.

Yet, it was not the photos of Babi Yar and the landscapes of the East which shadowed the drafters as they penned these words in the preamble of the UDHR; “Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy the freedom of speech and belief

¹¹⁰ Shneer, “Ghostly Landscapes: Soviet Liberators Photograph the Holocaust,” 2.

¹¹¹ Shneer, “Ghostly Landscapes: Soviet Liberators Photograph the Holocaust,” 10-11.

and freedom from fear and want has been proclaimed as the highest aspiration of the common people...Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge”. Implied in the preamble is a commonality of shared humanity to which no one can be denied of these rights, “But all these fragile testimonies’ ...‘attest such rights cannot be claimed as natural, inalienable endowments of the species”¹¹². If pre-determinant to Human Rights ever being recognized in full, is a shared common understanding of these rights, what would it mean to then take seriously the fact that it was in the minds of spectators bearing witness to something for which there could be no *commonality of understanding* that Human Rights emerged? That is to say, Human Rights are, at their core, acts of judgment and witnessing. What then do we make of the contradictions inherent to the shaky representational grounds from which Human Rights emerged? To bear witness to the unwitnessable is the foundational paradox of Human Rights. For better or worse, it was from this fraught and contested space of the spectator's judgment held in representations of unknowable atrocities, from which universal rights emerged. They were born from contradictions to which images do not show us the answers, and too, they remain in contradiction. In reading a pictorial trail of rights emergence, frustratingly, the camera, indexically and evocatively, proves utterly incapable of *stopping* violence, only making it real for those who were not there. Perhaps this is too bold an assumption to ever have been thrust upon it, nevertheless, this is the position which photography has been given;

Ultimately, there is an epistemological problem with understanding genocide through the images and voices of the survivors. If genocide is defined by the mass murder of a group of people, then those who survive genocide have a minority experience. The vast majority of those who experience a genocide—whether it be the Holocaust, Rwanda, or

¹¹² Sliwinski, *Human Rights in Camera*, 109.

Cambodia—die. That is the point of genocide. And yet the dead cannot bear witness to their own experience of death.¹¹³

Human Rights, then, in being conjured only in the judgment of spectators, fraught and impossible as that space may be, are “concepts and realities that are always, in some sense, to come”¹¹⁴. If the dead could speak, if their shadowy eyes could only return our gaze, perhaps it would not be so impossible to understand these atrocities, yet, they can not speak and they do not return our gaze. Human Rights then must be defined as arising from a place of impossibility, spectators did not know what they bore witness to in the camps, contemporary witnesses still do not know, nevertheless, they bore witness to the pictures and from that witness, Human Rights emerged.

¹¹³ Shneer, “Ghostly Landscapes: Soviet Liberators Photograph the Holocaust,” 10-11.

¹¹⁴ Shneer, “Ghostly Landscapes: Soviet Liberators Photograph the Holocaust,” 140.

During the Vietnam War, which lasted longer than any war we've ever been in - and which we lost - every respectable artist in this country was against the war. It was like a laser beam. We were all aimed in the same direction. The power of this weapon turns out to be that of a custard pie dropped from a stepladder six feet high.

~Kurt Vonnegut

Chapter 3

Inverted Visions

To speak of war today and its many discontents, violence, genocide, hunger, displacement, refugees, as well as its haunts, trauma, survival, and environmental degradation-is to speak with and through images. The dominance of images over the battlefield can be attested to the rise of Human Rights as the primary vernacular by which peace is defended. Since the ratification of the UDHR in 1948, and especially since the end of the cold war, the defense of Human Rights has been used as intended by anti-war defenders in addition to global governments utilizing defense of rights as a guise through which to continue military and colonial expansion. Regardless of how the language of universal rights has been utilized it is always accompanied, furnished, and legitimized by photographs, specifically, the image of atrocity. Much has been spoken about the violence of the image, of its tendency to often reproduce and disseminate, without a critical eye, images of war, death, and atrocity. The makers of these images often defend their work as being a necessary bearing of witness to a constructed responsibility to history, fellow humanity, or country. Perhaps, they might say, these images are self-evident, and the violence they depict is so horrific that its very presence, in images, is enough to drive spectators to immediately act and make political claims against violence. Or

they conceptualize a certain responsibility to history, fellow humanity, or country to bear witness and document violent atrocities.

Commonly this is a notion well circulated in discussions of representative ethics, journalism, and art, which attempts to address questions of what direct and measurable impact art can have on political life. Much of this discourse abounded during the first fully-fledged war that was both highly photographed as well as transported directly to the television sets of suburban America, the Vietnam war. It was expected that one image would have more of an effect on the public to bring about the cessation of the conflict than the whole of the Anti-War movement combined. Embedded in this desire is an assumption that “simply seeing the suffering and violence of war some-how make possible the thought of its prevention”.¹¹⁵ This mode of photography is engaged in a search for a perfect instant, a pure object of vision, which can in theory communicate the importance of the conflict as a stand-alone image; privileging the singular image over the series of images, images in context, or images in pairing with words. Not to say that art has no influence, but rather, that images *alone* can not stem the tides of military might and we should be wary of any snake-oil salesman who tries to convince otherwise. Images alone, as an act of resistance, fall short of achieving a political or social victory. It only when contextualized, or placed in ecologies of solidarity, power can emerge from actions and art. The engagement of photography during the Vietnam war was certainly a historical turning point in the usage of photography. For the first time, the vast physical distances between the military front and civilian life were able to be lessened by the presence of embedded photographers as well as news cameras. This kind of image, however, is inseparable from the medium of its production and dissemination as directly overseen, allowed, and filtered by armies, large media corporations, and state censorship. Images of war that appear alone, decontextualized, and

¹¹⁵ Sliwinski, *Human Rights in Camera*, 9.

separated from larger patterns of images or textual support are made as such to be well oiled to smoothly traverse media infrastructures from the battlefield to television; to be functional, meaningless.

This trafficking of images has often fallen under sharp criticism from scholars, activists, and artists who critique these images-which have been coined as ‘images of atrocity’-as mobilizing images of violence in a form that produces atrocity as consumable rather than critical. Perhaps most famously, Susan Sontag claimed that the reproduction of the image of atrocity is often guilty of engaging in a *pornographic* rather than *photographic* act. Where the viewer is immobilized as a *voyeur* rather than a spectator with political and social responsibility to act on the horrors contained by the image's border¹¹⁶. While Sontag would later revise, and to some extent, attempt to retract her earlier vindication against photography in *Regarding the Pain of Others*, it is her first argument that still haunts photography today. I do not mean to attempt moralizing the image, it is too ubiquitous and unyielding to ever be pinned down as having an inherent morality. Rather, the argument I will attempt to make, that photography and human Rights are ubiquitous because Human Rights are *inherently* photographic, relies on an understanding of photography as being incapable of inherent meaning.

So while the image can be violent, and often is utilized as such, as I will argue, this capability of the image to do harm and reproduce violence has less to do with the nature of the image, or the inherent vice of silver halides and pixels, and more to do with the uneven plains of power upon which images are made, reproduced, interpreted, contextualized, and disseminated. What is often at stake is less the *truth* a photographic image may attest to, but rather, the political or social implications implicit to a photographer. In other words, the meaning of images is what is up for grabs in these debates. It is necessary, however, to recognize the extent to which

¹¹⁶ Sontag, Susan. *On Photography*. Farrar, Straus, and Giroux, 1977.

photographies *repressive* function has, in recent decades, grown in usage and presence throughout state rule; most severely in the surveillance of hyper militarized border zones, as the mechanism which allows bombs to be dropped by unmanned drones piloted from across the globe, in the embedded military photographers who produce state-sanctioned propaganda, and from satellite imaging which provides visual evidence of geographies and infrastructures which legitimize military interventions in the defense of rights.

In Sontag's Shadow

In looking at the reception of images today, and the scandals which abound when one is proven to be *faked*, it seems we *trust* images to tell us what happened. While words, and stories, even when they are spoken by survivors, have become untrustworthy against the stark reality images produce and the events to which they testify. As such, photographs have propagated across law, insurance, governance, policing, science, bureaucracy, family histories, archives, medical practice, and the academy as the ultimate and final representative evidence of the world. The rise of a world contained, and defined, by images implies the rise of someone, of a specific community, who would gaze, ponder, judge, and hopefully act upon the images imperative; this is the community of the spectator. Much has been spoken about the violence of these images and the often apathetic, inactive, responses of the communities who view them. Perhaps most famously, as articulated by Susan Sontag, photographs have a tendency to be consumed and produced in a way that is more in line with the *pornographic* image than that of the evidentiary, revolutionary, or moving.

There is a long history of critics of photography painting the community of spectators as blinded by an overwhelming stimulus of images, that there are *too* many photographs in the world; “they would rather avoid looking; they are wary of *horrific* [intolerable] images, they

need more stimulation sights and more powerful images to move them”¹¹⁷. Or that the “The vast photographic catalogs of misery and injustice throughout the world has given everyone a certain familiarity with atrocity, making the horrible seem more ordinary-making it appear familiar, remote (‘it’s only a photograph’), inevitable”¹¹⁸. Through this criticism images are imagined as deriving their value [meaning] in much the same way as a currency of exchange in current capitalist economies, that is, their value is in constant flux and the ‘price’ of their meaning is in a constant upward trajectory where each image must replicate, and intensify, the emotionality of the last to *extract* the same product; action. In this conception, images are placed in the same currents of capital as shipping, industry, and global trade.

To ‘traffic’ in images, then, means to attempt fixing the power of the image to repeatedly extract ‘emotional value’ and to spur spectators to action. In other words, if images are ‘trafficked’ through capitalism in the same way as capital then we must understand its dominant mode is the production of action through the commodity language of advertising¹¹⁹. Images that attempt to produce emotional responses from events that have a deficit social capital value rather than creating emotionality respond in the same way as economic currency; deflation. We see more yet feel less. From this position it has been extrapolated that the *empathy* response of the spectator has also gone through a process of inflation; images that move communities to revolution, protest, and action must be constantly upping the ante from the movements before them.

On the opposite side of this historical debate is a desire for a ‘pure object of vision’ which also implies the presence of a “pure spectator who will encounter the image, be appalled

¹¹⁷ Azoulay, *The Civil Contract of Photography*, 190, (Italics added).

¹¹⁸ Sontag, *On Photography*, 21.

¹¹⁹ Sekula, Allan. “Dismantling Modernism, Reinventing Documentary (Notes on the Politics of Representation).” *The Massachusetts Review* 19, no. 4 (Winter 1978): 859–83.

by what is revealed, and successfully change the world through her active response to it”¹²⁰. Yet despite repeated failures of such a spectator to arise the desire for one to exist has not considerably waned. This dream for such a character is a faulty and unattainable desire in its lacking to take seriously several key considerations; first and foremost the lack of a field in which such a vision could be possible let alone the fact that there is no such image in existence¹²¹; secondly, it ignores the historic reactions to images of atrocity which has more commonly not been immediate action but the closing of eyes and the evasion of gazes¹²²; and lastly, this formulation conveniently separates photography “as a tool for seeing the world, for recording ‘truthfully’ what the world looks like especially across the field of violent acts’ from the ‘ideological forces simultaneously at work that shape perception of the subject in focus’”¹²³.

What both of these positions imply, however timidly, is an admittance that photography-however precariously¹²⁴-does contain the ability to make accurate, reproducible, and recognizable pictures of the world. Yet, Given the long lineage of positivist claims to the mechanical nature of photography as producing inalienable, ‘un corruptible’, evidence¹²⁵. It is necessary to understand that while truthful, the solitary image is insufficient to wholly testify to what has happened¹²⁶. The image requires, demands, that words, testimony, and other mediums make its visual claim legible and legitimate. The reality to which photography testifies is a promiscuous one, so while the image can attest to a specific moment of reality it is not a fixed truth of the world, rather, photography produces a nebulous, unmoored, momentary product of

¹²⁰ Azoulay, Ariella. *The Civil Contract of Photography*. New York : Cambridge, Mass: Zone Books ; Distributed by The MIT Press, 2008. 191.

¹²¹ Ibid.

¹²² Rancière, Jacques. *The Emancipated Spectator*. Verso, 2009, 85.

¹²³ Mark Sealy, et al. “THE ANXIETY OF IMAGES.” *Aperture*, no. 204 (2011): 50–73.

¹²⁴ Azoulay, *The Civil Contract of Photography*, 191.

¹²⁵ Sekula, Allan. “The Body and the Archive.” *October* 39 (Winter 1986).

¹²⁶ Azoulay, *The Civil Contract of Photography*, 191.

the photographer's vision which is only legitimized through its interlocking with “another image, another piece of information, another assertion of description, another grievance or piece of evidence, another broadcast, another transmitter’... ‘an image is only ever another statement in a regime of statements’”¹²⁷. It is against this loose reality of silver halides and pixels, and the spectators who watch them, that critics of photographs have launched their strongest attacks. It is telling, then, that few if any of the strongest critics of photography have been able to construct a case that pictures do not, at least to some extent, show something of the real world. Rather, the field of their argument rests in the variability of pictorial realities, the nature of their production, the value of their truth, their power to produce action, and the context in which they are received.

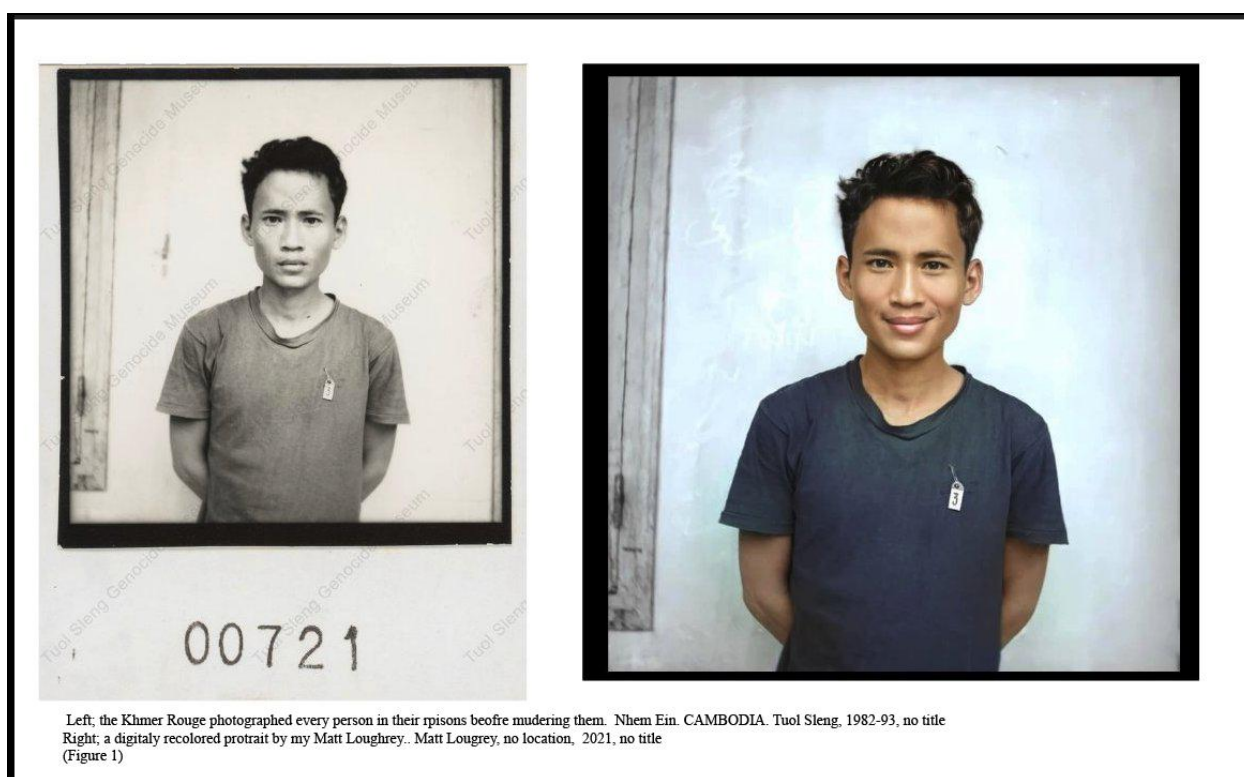
False Histories

Vice Asia published an interview with the Irish artist Matt Loughrey in April of 2021 alongside a series of his re-colored portraits from prisoners of the S21 prisoner death camps in Cambodia. Re-colorization is the process of taking historical black and white photography, made before the advent of color film, and digitally ‘matching’ the greys, blacks, and whites with their corresponding full-spectrum color values. The resulting images give an ‘updated’ ‘modern’ look to history which is intended to make the distant past seem a little less strange.

In addition to adding color to the black and white portraits, however, he also extensively altered the faces of the people photographed, including the addition of smiles (Fig 1, and completely altering people's facial complexions (Fig 2). The original *Vice* article, which has since been removed due to public outcry and was replaced with an editorial statement apologizing “for any pain, this has caused and sincerely apologize to the families of the victims

¹²⁷ Azoulay, 191.

and the communities in Cambodia”¹²⁸, did not include the original black and white images and presented Loughrey’s ‘colorized’ images as historically accurate. In the original article Loughrey engages a psycho-analytic framework which he uses to legitimize his added smiles, smirks, and facial of the prisoners as a reaction to the commands and presence of the guards, while never admitting to that alteration of the pictures. Later, in an Instagram message, he claimed to have been working with families who asked him to recolor the images and add smiling faces onto their



loved ones.

Loughrey’s act of forgery is uniquely egregious because the Khmer Rouge images were often made by the same people who directly carried out the massacre of nearly two million Cambodians. The photographs that were created in Pol Pot's prisons serve as gruesome evidence

¹²⁸ “Editorial Statement Regarding Photographs of Khmer Rouge Victims.”

of their mass slaughter, and transformed the body and personhood of each portrait into an object by way of the camera, ledger, and filing cabinet; “The central artifact of this system’ then ‘is not the camera but the filing cabinet”¹²⁹. There is a fugitivity - in the sense the camera allows for these prisoners to escape and push beyond the dehumanizing project of the camps - to the original images that are lost by their manipulation through the hands of colorization. What is lost amounts to a feeling, a tactile and textual interpretation of the image, which allows for the people photographed to resist their dehumanization by remaining ‘fugitive’ within the borders of the photograph.



Left; the Khmer Rouge photographed every person in their prisons before murdering them. Nhem Ein. CAMBODIA. Tuol Sleng, 1982-93, no title
 Right; a digitally recolored portrait by my Matt Loughrey. Matt Loughrey, no location, 2021, no title
 (Figure 2)

The haptic here is from Tina M. Campt and her critical reading of prisoner photo albums at BreakWater prison in British occupied South Africa at the turn of the 20th century. Camp

¹²⁹ Sekula, Allan, “The Body and the Archive,” 16.

defines the haptic: “as multiple forms of touch, which, when understood as constitutive of the sonic frequencies of these photos, create alternative modalities for understanding the archival temporalities of images”¹³⁰. Re-colorizing and upscaling (the process of taking historically low-quality videos and digitizing them into more high definition 4k and color formats) further restrict the already limited, but wholly present, fugitive capabilities of those photographs in the camps.

In so drastically altering the original S21 images it becomes drastically more challenging to resist the “original intent of the archive: to reduce the individuals to statistics”¹³¹. These images, these faces, we must remember, are the direct product of a physical-chemical reaction, which is incapable of being translated or scaled into a digital sphere, namely; the reaction of the light that fell on their faces that day, in that precise moment, and the silver halides which expanded and contracted, on a thin strip of emulsified photographic film, to produce the image. The act of removing that physicality, the way the light was captured on that day, with digital colors and pixels amounts to historical fakery alone, not to mention the facial alterations Loughrey decided to additionally add. It counteracts and restricts, the lower frequencies of these images which allowed for their subjects, even in death, to resist the subjectifying forces of genocide and imprisonment.

The trend towards recolorizing historical evidence, in an attempt to make it more modern, is part of a troublesome trend in historical photography where the past, as seen through archival and historical images, becomes a fictional representation of reality because the medium through which it is remembered does not hold up to the representative mediums of modern technology. Attesting to the haptic touch of images, and how they are lost in the algorithms that drive

¹³⁰ Campt, Tina. “Haptic Temporalities: The Quiet Frequency of Touch.” In *Listening to Images*. Duke University Press, 2017, 72.

¹³¹ *Ibid*, 90-91.

colorization, makes clear the eerie, perhaps uncanny, images which result from colorizing historical black and white photos. While it has not been the case for the better part of two decades it is important to remember that for the majority of its history photography was as much a tactile interaction with objects as a visual one. It was only in the past two decades, primarily since the advent of the digital high-megapixel cameras and pocket-sized cell phone cameras, that images have completely disarticulated from the physical, felt, world.

It is important to note the main argument for digital upscaling of images and videos, from their original state to digitized recolorizations, is driven by a belief that the past is distant because of a lack of proper technology to reproduce it, rather than the passing of history. Re-colonization attempts always produce fiction of history rather than a modernizing vision of the past. Technically what these images undergo is akin to a form of digital assimilation into modern visual lexicons by way of highly invasive reconstructive surgery. When artists, technicians, and historians ‘re-color’ images what they are doing, on a technical level, is attempting to ‘match’ the color values of scanned black and white images, which derived from the physical reaction of silver halides exposed to light, with digital color codes in programs such as photoshop. The problem with this process, however, is that there is no direct, 1:1, relationship between silver halides and pixelated color codes. This process is also incapable of reproducing, accurately, the multitudes of variability which affected these images from the light which fell when they were produced because black and white film physically reacts to light, thus rendering any ‘translation’ to digital, or color, impossible. Colors become strangely desaturated, hues are often misinterpreted, shadows and textures look wrong, while skin tones are often flat and appear somewhat plasticized. The main loss in upscaling physical film photographs into digital colorized pictures is the physicality of the original image, which include; the film canisters on

which rolls of photographs are stored, the process through which they were developed, printer, and stored, the digital scanning through which the images pass between physical and digital spaces and the physical reactions between silver halides and light on emulsified film.

This is why, perhaps, watching Denis Shrivave's AI recolored videos of New York in [1911](#) or Wuppertal's flying train in Germany at the turn of the [20th century](#), appear more fictitious than their original black and white counterparts. While some hobbyists, most notably in online Reddit forums, hand upscale historical pictures and photographs, often at the request of families, friends, and institutions, most re-colorization is primarily carried out specifically trained AI networks known as Application Programming Interface's (API). The goal of these programs is to teach AI-driven machine learning, or linked groups of AI's known as Neural Nets, how to quickly, and more accurately, than the slow and tedious process of hand-selecting and replacing black and white pixels, known as grayscale values, with their full-color counterparts.

Additionally, colorization APIs often fail to correctly reproduce color accurately primarily due to historical and cultural conceptions of the past as dull, colorless, and gray in addition to the limitation of digital technologies. These images are often assumed as being 'truthful' reconstructions of the world precisely because they are made by the joining of two assumed objective bodies; photography and technology. Much like photographs, AI reconstructed images gain their legitimacy by replacing the untrusting, subjective, hand of the artist with the objective vision of science and technology. In short, recolorization is a dangerous myth that propagates functionally false images of historical moments as modern, historically accurate, full-color images. What results from recolorization is also, frankly, a visually uncanny image that ends up looking not quite right against the B&W originals and inferior to contemporary color images.

However, as author and artist Gwen C. Katz outlined in a Twitter thread after Vice republished the fake S21 images, these APIs often “strip away the vibrant colors from history and replace them with a world full of dull tans, muddy browns, and slate grays’ ... [and] reinforces our impression that the past was the drab and lifeless-in contradiction of reality”¹³². Katz, in extremely helpful and clear documentation, took a number of color pictures by Sergey Prokudin-Gorsky taken between 1909 and 1915 (figure 3), digitally decolorized them in Photoshop, and then used common, and free, upscaling APIs to produce ‘re-colorizations’ of those black and white images (figure 4). Side by side these images make exceptionally apparent the false notion of history, as dull and lacking color, to which digital upscaling and re-colorization often attest and reproduce.



Sergey Prokudin-Gorsky, 1909 and 1915, left to right, Group of Jewish children with a teacher Samarkand, Palace, another facade, Bukhara, Peasant Girls, and Clothing Display (Figure 3)

¹³²Gwen C. Katz, “Colorization APIs Are Becoming Widespread, But Curious Historical Photos Are Circulated without Caveat.”

The uncanniness of colorization begins to erode the historical assumption of photography not only *looking* more like the real world than traditional art but to be able to reproduce it in such a way that it would become inarguable to debate the events to which it depicted. This is not to say that cameras may be able to picture the world easily, and with relative accuracy, but rather, that any similarities of vision between pictures and the real are just that, visions. Much like Sekula, as outlined by Thomas Keenan, I am not solely interested in outlining the photographic reality as one which can only be defined as illusory, “that the force of the indexical is not imminent, that everything is rhetorical or needs to be interpreted”¹³³. Photographs may testify to a somewhat promiscuous reality but it is challenging, if not impossible, to completely disregard the vividness with which the visions they produce resemble the world of my eyes. Yet, while reality may be paramount within the borders of the image, photographs are also discursive objects which require context and other forms of knowledge for both meaning and accurate representation. (“The point is not that the camera does not record what it sees, that the camera lies.”)¹³⁴ Again, like Sekula, I am interested in “in the ‘conditions’ that make [pictures] work, in how well it can be made to work, and in the consequences of that “conditional” workaround”¹³⁵. Yet neither form, alone, amount to a photograph;

Neither is correct. Sekula’s argument is more complicated than the mere exposure of the myth that so often simply inverts an allegiance to the indexical truth into its opposite. He argues that we need to understand the evidence provided by the photograph not in terms of its relation to the reality it presents, as if the photograph offered proof that was not only indexical but decisive or definitive. Rather, photographic evidence must be considered in terms of the forum or the debate into which its testimony is entered, what he calls in his Steichen essay its “conditions” and what he calls in “dismantling modernisms” its presentational circumstances.¹³⁶

¹³³ Keenan, “Counter-Forensics and Photography,” 6.

¹³⁴ *Ibid*, 7-8.

¹³⁵ *Ibid*, 6.

¹³⁶ *Ibid*, 7-8.



Gewn C. Katz, 2021, Digital colorisation of four original Sergey Prokudin-Gorsky pictures. (Figure 4)

Recolorization algorithms are clear examples of how photographs are simultaneously visual objects produced by precise mechanical, technological, and chemical processes as well as the desires of photographers, institutions, spectators, and the subjects themselves; while simultaneously not solely the sum of their parts. Furthermore, when we attest to the photograph's accurate re-producing of a place, person, or 'time' is that the form of the image, and the form of the space, are typically, but not necessarily, in unison. This is why pictures of monuments, landmarks, and structures, which remain unchanged through time, become such strong objects of historical representation. Not because the camera reproduced the precise look of the thing, but

rather, that it can properly attest to the form and the objects placed in a unique space, and be 'read' (made legible) by a specific mecha-chemical process.

A Folksy Detour.

My argument is rooted, firmly, in agreement with Kampts intense focusing on the haptic *touch* of images, in part because for the vast history of photography they have been material, felt objects as much as they have been visions and pictures. Follow along with me while we interrogate the legitimacy of the reality of images. Pick up a picture, hold it in your hands, feel in between your fingers, smell it; perhaps it is framed, just a loose piece of glossy paper, a book of images, or an entire family album, and will do as long as it is made of physical material, not digital matter. Now, look at the image, what do you see? Try to distinguish between what you can *see* and how the picture makes you feel, what memories it triggers, and what visions it produces. Not only is the meaning of this picture variable but the world to which it attests is rarely, actually, how it looked in that moment that time when the photographer clicked a shutter. Again, to your photo, perhaps it is a family portrait, a headshot from a school yearbook, or maybe its a more artistic image, regardless, how often can you remember a scene, a moment, or a lover's face and your memory matches the form of the world of the image? The experience of gazing into the faces of those who died in S21, surely, must be a different experience for the families who died. In fact, Lougrhey, without evidence, claimed that he had made the photos after being asked, or possibly payed his website widely to market the cost of his colorization work, by the families of those who died. What determines what a photo means, this is to say, is not held within the content of the image but in the relation spectators have with pictures. If we seriously consider our images, we will find our memories quite different and that it is the

presence of the image, the dominance of the form, which has overtaken our senses as primary in understanding the world. The world in memory is then made in the figure of the camera's vision rather than the senses.



Photo Courtesy of the Author. (Figure 5)

My picture (fig 5) is of my family, my mother, Michelle, she wears a green-striped shawl, blue jeans, and dark sunglasses, just behind her left shoulder is me, I am wearing a light grey and purple tie-dye tee, also with blue jeans, and I am holding a camera (a Nikon FM-3 to be precise), and lastly, to her right is my father, Steve, he wears a light grey jacket, a white and black baseball

tee, and blue jeans; in his arms is Buddy, our beloved Weiner dog, he is wearing a red and black vest and a red leash; we are standing on the beach at Cardiff State Beach in my hometown of Encinitas, CA. It is New Year's Day.

I have described the image and you have also looked at it, however, you, at least, can not *feel* it. While this is a common move in photo theory, it is not so common in discussions of Human rights and witnessing. Rights have to be made recognizable in vision because they are not things we can touch and hold. In much the same way you can not touch the frame my mother placed it in, nor the glass which encases it, none of us can hold 'the right to a nationality' but we can hold the paper it was declared and the pictures which defend that right. The camera also does not tell you how it *felt* to be there, the sand beneath our feet, the wind in our hair, and the bonds between us. Nor do you truly know what the picture means, what it meant to be there and what it means to hold this image. This is the problem with the camera, and its seemingly endless tenure as properly representational of the world, it can only attest to a single experience of the senses, that of sight. More than only attest to the way a moment looked, or where objects and figures were at that time, the long duration of the photograph as being a pure object of vision has resulted in the dominance of vision over the rest of the senses. The reality, when photographed, gains a promiscuous relationship to the memories of those who were there, and as such, the picture's relation to the truth also becomes one defined by promiscuity. That is to say, photographs can simultaneously resemble the *vision* of a moment while simultaneously telling nothing at all about what that place is like. Yes, the picture of my family *looks* like my family, but, it also *looks* like my family in a picture, not as we appear. I want you to try this with the image in your hands, how often has the person in that picture made that face, not for the Camera? If they are posed do they ever pose like that in the absence of the camera? If not, if it's one of

those beloved ‘candid’ images, how many times, in the memories of your eyes, if you are seeing, has that person, that place, looked like it does in the image? It gets tricky here, looking back-at least in my visions-reality has become closer in the form to what I see in pictures, it feels, at times, that reality has become a set stage waiting for the presence of the camera to bring it to the realm of reality; that the camera has re-written our world so that it constantly appears as though rather than document the world as it was. At the camera's inception it was bestowed as the pure eye of god since it spoke in the holy language of the natural universe, mathematics. Now, nearly two hundred years into photography's relatively uncriticized ten-year there is “no longer any solid reality to counter-pose to the reign of appearances, nor any dark reverse side to be opposed to the triumph of consumer society”; the camera has consumed it.¹³⁷

Weaponizing Visions

Much like Thomas Keenan I too am interested in “trying to identify and display [in photography]’...‘a ‘double gesture’: a self-critical hesitation, a turning away and a refocusing, an investigation of the event of photography itself. It explores the time and space in which reality anticipates the camera, where the images constitute the event-and it does it with cameras”.¹³⁸ I would wager, your picture, as well as mine, doesn't matter to you or me solely because it is a visual object. It doesn't hold meaning solely because people and places are reproduced through similarities that allow us to recognize the form and the structure of those times and the people we love. Pictures, especially personal images, have meaning because we were there because *we*-the spectators-give them meaning. This is to say, “what is registered by the eye of the camera has no sense in and of itself-or better, no *signification* in and of itself-other than those meanings brought

¹³⁷ Rancière, *The Emancipated Spectator*, 16.

¹³⁸ Keenan, et al. “THE ANXIETY OF IMAGES.” *Aperture*, no. 204 (2011): 50–73.

to bear on it”¹³⁹, it requires meaning to be welded upon it from the joining of resources, and the addition of outside contexts; namely “the discourse of written language and the discourse of photography - are required to produce and ‘fix’ the meaning”¹⁴⁰.

Yet, this meaning does not hold, at least not very well. The challenge when speaking of the political image, the loose field of ‘documentary’ photography, or when images are mobilized in defense of rights, becomes how to ‘fix’ an intended meaning to a given picture. This challenge is primarily “the work of a representational practice, which intervenes in the many potential meanings of an image in an attempt to privilege one”¹⁴¹. What is also made evident in our needing to explain pictures, as I did above with my family portrait, is that what an image shows, and how we see that world, is as much a question of the photographs *meaning* as the discourses which have attempted to fix a given meaning. This is because not everyone who *looks* or *watches* pictures effectively *sees* and understands their content, form, and meaning; “seeing requires a special intention, which is manifested by a certain responsibility on the part of an addressee toward what is seen”¹⁴². Looking, then, becomes a wholly different act than watching or seeing a photograph. To look at an image is then that most basic of acts, the physical action of photosensitive rods and corneas processing visual data between the mind, eye, and picture. To look, rather than watching or seeing images, is a fraught endeavor because it threatens to fix the image in time and assumes that the object of the camera's vision, people especially, cease to exist beyond the moment of photography.

The question then must be how do we look at images in such a way which preserves the real while evading the false photographic vision of the world? Ariella Azoulay outlines one such

¹³⁹ Solomon-Godeau et al., “THE ANXIETY OF IMAGES,” 56..

¹⁴⁰ Hall, “Representation,” 228.

¹⁴¹ Ibid.

¹⁴² Azoulay, *The Civil Contract of Photography*, 197.

new way of understanding images, namely, through the act of watching pictures them rather than solely looking;

When the assumption is that not only were the photographed people there, but that, in addition, they are still present there at the time I'm watching them, my viewing of these photographs is less susceptible to becoming immoral. Addressing these photographs is a limited, partial, sometimes imagined attempt to respond to the photographed figure, an attempt to reconstruct the part it played, which is sometimes difficult to discern at first glance, and to realize even if fleetingly, a space of political relations between those who are governed, a space in which the demand not to be ruled in this way becomes the basis for every civil negotiation.¹⁴³

To *watch* images, in Azoulay's formulation, outlines the act of bearing witness as a discursive political position and implies a more active and critical read of images than the assumedly more passive act of only looking at images. The political communities which emerge from such endeavors are then bound up in a "*Civil Contract of Photography* [which] seeks to develop a concept of citizenship through the study of photographic practices and to analyze photography within the framework of citizenship as a status, an institution, and a set of practices"¹⁴⁴. This new contract reformulates the position of the spectator as a trans-national, non-state-sanctioned, political body capable of coagulating power amongst itself, solely in the collective position of the witness, which lies beyond the borders of sovereign territories and the reach of state power. A long line of critics has conceptualized the distance implied by the camera, between the spectator and the photographed, as one of inaction, voyeurism, and guilt. This renders all politics which derive from images useless, this new formulation of *watching* rather than *looking* asserts it is within this distance, one which is made rather dialectical in *The Civil Contract of Photography* is precisely where this community finds a political foothold. As Azoulay outlines:

¹⁴³ Azoulay, *The Civil Contract of Photography*, 16.

¹⁴⁴ *Ibid*, 24.

The relations between the three parties involved in the photographic act - the photographed person, the photographer, and the spectator - are not mediated through a sovereign power and are not limited to the bounds of a nation-state or an economic contract. The users of photography thus re-emerge as people who are not totally identified with the power that governs them and who have new means to look at and show *its* deeds, as well, and eventually to address this power and negotiate it - citizens and noncitizens alike.¹⁴⁵

Functionally, it is another discursive form for attempting to re-order the borders, mechanism, and politics at play in the image in an attempt to better *see* what the image shows, which, as I have outlined already, is, at its core, an attempt to *fix* the meaning of the image. Unlike past formulation of such a relationship, where “postmodern theorists- such as Roland Barthes, Jean Baudrillard, and Susan Sontag - who bore witness to a glut of images were the first fall prey to a kind of ‘image fatigue’; they simply stopped looking. The world filled up with images of horrors and they loudly proclaimed that viewers’ eyes had grown unseeing, proceeding to unburden themselves of the responsibility to hold onto the elementary gesture of looking at what is presented to one’s gaze [sic]”;¹⁴⁶ Azoulay’s formulation is hand-crafted for our modern democracy of images, where “as long as there are cameras in this world, photographs will continue to be made simultaneously by different people, and heterogeneous realities will be presented that will eat away at any supposed monopoly”¹⁴⁷. She also accepts that both photographs capability to build political communities, as well as its ability to legitimize violence against them, derives from the fact that it “is out there, an object in the world, and anyone, always (at least in principle), can pull at one of its threads and trace it in such a way as to reopen the image and renegotiate what it shows, possibly even completely overturning what was seen in it before”¹⁴⁸. In our age of increasing digitization, we must resist the turn to forget

¹⁴⁵ Azoulay, *The Civil Contract of Photography*, 24.

¹⁴⁶ *Ibid*, 11.

¹⁴⁷ Azoulay, 190.

¹⁴⁸ *Ibid*, 13.

that photography is as much a physical object to touch, cherish, despise, tarnish, create, and share, as much as it is a digital amalgamation of politics, technology, and pixels on a screen. Insisting on the physicality of the photograph is an act of resistance against an ever-encroaching aesthetic politics of isolation and refocusing on a politics of interconnectedness. To do so, however, “In an age that denies the very existence of society, to insist on the scandal of the world's increasingly grotesque connectedness in the hidden merciless grinding away beneath the slick superficial liquidity of markets’ ... as Sekula outlines ‘is akin to putting oneself in the position of the ocean swimmer, timing one’s strokes to the swell, turning one's submerged ear with every breath to the deep rumble of stones rolling on the bottom below. To insist on the social is simply to practice purposeful immersion.’”¹⁴⁹

This formulation of the relationship between spectator, photographer, and the photographed, at first, seems to fall into the common trap, to borrow from Sekula's vivid language, of attempting to traverse the distance between these three figures through an act of submersion. Azoulay, rather than resurface on the other side of such a submersion washed clean of political connotations and civic duty, roots the power of photographs not in the false reality of the image itself, but in a civic skill which must be learned and engaged by the spectator to and engage with the subject of the image. What sets Azoulay's prescriptive method of looking at pictures apart, from the challenging and fraught history of the spectator, lies in active resistance to a notion of the photographic event as a finality, rather than a beginning. In her conception, the event of photography should be the begging of a civic and political relationship, rather than the end of one. This includes replacing the dominant modernist notion of “the command of the single image, the sacred instant, and the crucial moment”¹⁵⁰ with a critical understanding that the

¹⁴⁹ Sekula, Allan. “Between the Net and the Deep Blue Sea (Rethinking the Traffic in Photography).” *October* 102 (Autumn 2002): 7.

¹⁵⁰ Sekula and Guerra, “Found Paintings, Disassembled Movies, World Images,” 118.

“solitary image cannot testify to what is revealed through it, but must be attached to another image, another piece of information, another assertion of description, another grievance or piece of evidence, another broadcast, another transmitter. An image is only ever another statement in a regime of statements”¹⁵¹

While the position of the spectator has long been depicted by critics of photography as one defined by inaction and passivity, Jacques Ranciere reminds us that “Being a spectator is not some passive condition that we should transform into activity. It is our normal situation’ ... ‘Everywhere there are starting points, intersections, and junctions that enable us to learn something new if we refuse, firstly, radical distance, secondly the distribution of roles, and thirdly the boundaries between territories”¹⁵². Under the Civil Contract the witness is no longer a position defined by passivity and inaction, but an engaged and responsible participant in a new political community. In watching photographs we can engage in a discursive aesthetic encounter where the people photographed are not conscripted to the finality of the photographic event. To watch, rather than to look, allows for “a viewing of the photograph that reconstructs the photographic situation and allows a reading of the injury inflicted on others [to] become a civic skill, not an exercise in aesthetic appreciation. This skill is activated the moment one grasps that citizenship is not merely a status, a good, or a piece of private property possessed by the citizen, but rather a tool of a struggle or an obligation to others to struggle against injuries inflicted on those others, citizen and non-citizen alike-other who are governed along with the spectator.”¹⁵³

The historic obligation of the spectator has been assumed to be one of emptiness, the Civil Contract reminds us that the power to act, to pull a thread of meaning from a photograph, is always dependent on the actions of the spectator;

¹⁵¹ Azoulay, *The Civil Contract of Photography*, 191.

¹⁵² Rancière, *The Emancipated Spectator*, 17.

¹⁵³ Azoulay, *The Civil Contract of Photography*, 14.

Every photography of others bears the traces of the meeting between the photographed persons and the photographer, neither of whom can, on their own, determine how this meeting will be inscribed in the resulting image. The photography exceeds any presumption of ownership or monopoly and any attempt at being exhaustive. Even when it seems possible to name correctly in the form of a statement what it shows - "This is X" - it will always turn out that something else can be read in it, some other event can be reconstructed from it, some other player's presence can be discerned through it, constructing the social relations that allowed its production.

It is in the traces of this encounter and the remnants of interaction, where we find evidence of our interconnectedness, perhaps even shared humanity. Photographs open a shallow cove where relations between people can unravel relatively free from the breakwaters of state power and sovereign borders. However, the calm waters of this protected cove are not stagnant, the incoming tide brings the chilling reminder of deeper waters where "ideological forces [are] simultaneously at work [to] shape perception of the subject in focus."¹⁵⁴ We must not tread water here long. While pictures, when engaged with the Civic Contract in mind, can become moments of respite from state oppression and legitimate spaces of solidarity, they must always be watched with a critical eye inwards;

"Why are these men, women, children, and families looking at me? Why have they agreed to be photographed so as to look at me? At whom, precisely, did they seek to look - was it truly at me? And why? Does their use of photography express a civic skill that they possess? What am I supposed to do with their look? What is the foundation of the gaze I might turn back toward them? Is it my gaze alone, or is their demand directed toward the civil position I occupy? What happens to my citizenship in its encounter with this look? What happens to it in this encounter with their catastrophe, knowing that they are more vulnerable than I to catastrophe?"¹⁵⁵

It is only the act of the self-reflexive turn that allows for the *watching* of the image to expand beyond the narrow confines of *looking* at images. Constant vigilance is required when engaging the Civic Contract in attempts to dislodge an image from its intended or primary object of vision.

¹⁵⁴ Sealy et al., "THE ANXIETY OF IMAGES," 55.

¹⁵⁵ Azoulay, *The Civil Contract of Photography*, 18.

Not only are forgeries, false histories, and mythic visions rampant in photography, and being compounded by the increasing expansion of recolorized and AI-created images. Tet as I have attempted to outline earlier, even the unaltered, ‘natural’ vision of reality must at all times be treated (at the very least) as a farce, and perhaps also an outright lie. To quote the lucid aesthete Jacques Ranciere;

On the one hand, the image said: here is the hidden reality that you do not know how to see; you must become acquainted with it and act in accordance with that knowledge. But it is not obviously the case that knowledge of a situation entails a desire to change it. That is why the image said something else. It said: here is the obvious reality that you do not want to see, because you know that you are responsible for it. The critical procedure thus aimed to have a dual effect: an awareness of the hidden reality and a feeling of guilt about the denied reality.¹⁵⁶

Looking at the U.S. occupation and war in Afghanistan provides a clear example of why images must always be regarded with a certain wariness. Muheb Estmat’s recent thesis exhibit, *No End in Sight*, at the Center for Curatorial Studies at Bard College was the first American showing of three works by the Afghani artist Aziz Hazara. It included a series of images taken through night vision goggles, *Camouflage* (2016); a video installation made up of found footage of various archives and broadcasts beginning with the Russian invasion in 1979, *Dialectics* (2016); and a photographic investigation of the large white surveillance dirigibles which eerily hover Kabul, *Kite Balloon* (2018)¹⁵⁷. All three works, as Harar said in an online interview, “are connected in the sense that they look at the invisible side of the war. The invisible, or less visible, aspects of the war”, and the optical devices, tools, and infrastructures through which the war is continued.

The Gulf War may well have signified a major turning point in the relationship between photographers and war, introducing both the combat shooter armed with a Nikon d5 as well as an ar-15 and the embedded photojournalist. The larger development, however. was the “signaling

¹⁵⁶ Rancière, Jacques. *The Emancipated Spectator*. Verso, 2009, 27.

¹⁵⁷ CCS Bard. “No End In Sight.” Accessed April 20, 2021.
<https://ccs.bard.edu/museum/exhibitions/548-no-end-in-sight>.

[of] a new stage in the government's efforts to monopolize control over the visual image and to impose itself-produced images on the media"¹⁵⁸. Hazara's work, specifically the *Camouflage* images, is quite literally a critical inversion of the vision of the war through the lens of the cameras which support it.



Aziz Hazara, *Camouflage*, 2016, photograph. (Figure 6).

Using military-grade night-vision goggles which made night raids such a common and viable part of the war, “the *Camouflage* photographs are cast in a green hue that produces a dystopian frame for a landscape occupied with

disconsolate bodies traumatized by night raids—people whose stories and experiences have been structurally denied the voice and justice they deserve"¹⁵⁹. Yet, it was through this alternative, uncanny, vision that the war was carried out.

Much like the re-colored S21 pictures, the *Camouflage* images (fig 6 & 7) recreate the landscape of Afghanistan in an uncanny, unreal, vision. The S21 images have a ‘*reality*,’ the original B&W mugshots, against which the upscaled images can be contrasted. In *Camouflage*, however, no such relative reality exists, instead, we are left to gaze at Afghanistan through the very visions of how the war was carried out. These pictures also serve as reminders that

¹⁵⁸ Azoulay, *The Civil Contract of Photography*, 188.

¹⁵⁹ Esmat, Muheb. Silent Languages of War & Space. Interview by Yusuf Yoshi Misdaq, March 17, 2020. <https://medium.com/@YusufMisdaq/silent-languages-of-war-space-a48eb4931528>.

“Conflict doesn’t happen with guns alone. Education, visual media, language and slang itself is all becoming increasingly militaristic.”¹⁶⁰



Aziz Hazara, *Camouflage*, 2016, photograph. (Figure 7).

War has increasingly become a *photographic* endeavor, “in the past decade, new means-not necessarily immediately identifiable as means of execution per se-have been implemented that should be added to this list: unmanned Aerial Vehicles equipped with cameras, expulsion and closed fortress border systems, Sentry Tech Systems (call in Israel, where it was invented, ‘Spot and Strike’), and flood-flow management”¹⁶¹; in addition to unmanned drone warfare, satellite surveillance, and the tethered surveillance dirigible which haunts the skies of

¹⁶⁰ Esmat, *Silent Languages of War & Space*.

¹⁶¹ Azoulay et al., “THE ANXIETY OF IMAGES.”

Kabul daily. As states and armies have moved towards both *weaponizing* photography and making weapons *photographic* it has become increasingly difficult to rest alternative meanings and realities away from the rule of the militaries approved ‘photojournalism’.



Aziz Hazara, *Camouflage*, 2018, photograph. (Figure 8).

In *Kite Balloon*, from the exhibition website, “the artist turns his attention to the latest incarnation of the visualization technologies deployed in the war, represented by all-seeing blimps hovering over Kabul. As they keep watch over the population, their extensive capabilities are largely unknown and highly classified”¹⁶². The airship sits alone above the city of Kabul, it could be mistaken for a cloud. The city sprawls away from the camera, the zeppelin holding dead center. We get a sense of scale and a slim slice of the perspective awarded whatever cameras and instruments are looking down from the belly of the ship. The balloon is relatively unknown, its

¹⁶² “No End In Sight.”

function, capabilities, and reasoning are all being undisclosed by the American military, but, local rumors circulate that it can “zoom in to the point that they could read the writing of someone’s newspaper”¹⁶³. Yet, unlike *Camouflage*, we do not see the eerie view from the ship. That view remains locked and for now, unknowable. What *Kite Balloon* does outline is how technologies of vision, mainly photography “not only allow for the continuation but also the expansion of the Afghan war beyond what we normally perceive as a battlefield”¹⁶⁴. The presence of the camera here, like surveillance, creates a self-legitimizing paradox whereby the very act of its presence becomes legitimization for more violence, for extending the war, which, in turn, leads to more upheaval and the cycle begins anew.

Both *Kite Balloon* and *Camouflage* serve reminders that the role of spectator, no matter how she engages the image, be it watching, looking, touching, listening, or seeing, is constrained ultimately by the aesthetic limits of the photographic itself. As Esmat said himself; “Histories are hazy, so for any visual representations, the politics behind them need to be considered. If we take them as truths, then we’ve already begun to take sides, and we’re giving those people the tools to fight their fight. In essence - we all have a responsibility in stopping this war”¹⁶⁵. There may be images where different meanings and realities can be snatched away from dominant power structures. Hazara’s images remind us that as militaries and states move to self-produce their images, and further construct the allowed narratives of war, extracting resistant narratives and meanings is becoming an increasingly more challenging endeavor.

¹⁶³ Esmat, *Silent Languages of War & Space*.

¹⁶⁴ Esmat, *Silent Languages of War & Space*.

¹⁶⁵ Esmat, *Silent Languages of War & Space*.

We live in capitalism. Its power seems inescapable. So did the divine right of kings. Any human power can be resisted and changed by human beings. Resistance and change often begin in art, and very often in our art, the art of words.

~ Ursula K. Le Guin

Coda

In the final pages of *Human Rights in Camera* Sliwinski writes, “Humanity is not simply given rather exists only as a precarious, virtual community brought into being, in part, through our grappling with world events at a distance - in camera”. Nevertheless, since the advent of rights *which* could exist in camera and in the short history of the witnesses who gaze at them, the greatest disappointment of the camera is that there has been “no end to international and civil wars of genocidal violence.” Far from *preventing* violence the Camera has increasingly been constructed as the site and justification for vicious attacks on human rights. The pictorial trail “plainly shows, spectators’ capacity to witness such events from a distance has had little effect on the frequency of savageness of these atrocities.” This is the central frustration of the Human Rights project; bearing witness to violence, war, and genocide has never proven enough to stop it, only make it visible for those who where not there. To ever expect pictures could be the silver bullet which unravels the worst violence of the Human condition was, perhaps, a lofty expectation. Nonetheless, is this not the grand promise of Human Rights? As Sliwinski writes; “Current human rights discourse presents a familiar dream of liberation and redemption from the violence and aggression that has ruined the world. As in all dreams, a potent wish drives this discursive formulaton: the wish to put an end to the suffering witnessed through the camera’s lens. As laudable a dream as it may be, without historical insight, without the recognition of this dream *as a dream*, human rights discourse, Walter Benjamin mightsay, forgets its own history

and sinks into an even deeper sleep.”¹⁶⁶ Implicit in declaring every person ‘inalienable in rights and dignity’ as the Universal declaration states, is an expectation that rights must also be universally *recognized* and “that when the world spectator encount[ers] something that [throws] her imagination into conflict with her reason” she would rush to the defence of rights.¹⁶⁷ Yet, “History has taught us the tragedy of this faith.”¹⁶⁸ Contemporary witnesses also remind us, however, that pictures are not always a dead end for ensuring rights. Rather it would seem, pictures are not where rights are defended, only where they were-and are-first imagined; a distinction which should not be overlooked. The defence of rights is always, for better or worse, made in the judgment of spectators who, having witnessed in camera, choose to muster a defence of these rights.

The end of the 20th brought many such moments for judgement to be exercised, and yet, even in the excess of the images that prospered throughout the genocides in Rwanda and Bosnia, as well as the gulf wars Human Rights could not be mustered to bring about a serious cessation of violence. This is not to say spectators did not know, looked away, or had become accustomed to such images of violence. Across the world spectators resisted and campaigned to bring about the end of these wars and genocide, but it was not enough. At this moment, at least, the power of spectators could not move the world. The Failure of Human Rights to live up to its most basic promise led to, at the turn of the century, for the experience of the world’s spectators to be something close to angst “that is, a respect for the idea of humanity without the dignified, exultant confidence in universal reason.”¹⁶⁹ As the pictorial trail reminds us, we have yet to live through a moment when rights have been totally universal or completely inalienable. But the

¹⁶⁶ Sliwinski, Sharon. *Human Rights in Camera*. University of Chicago Press, 2011, 81.

¹⁶⁷ *Ibid*, 183.

¹⁶⁸ *Ibid*.

¹⁶⁹ Sliwinski, 138.

failure of rights in one moment should not be taken as an indictment of rights in general, and, “even angst demands to be communicated, indeed, perhaps *especially* this feeling, this brush up against the incommensurable, this aesthetic meeting with injustice that drives the world spectator to stretch her judgement and to share her evaluation with others. Perhaps this is what the *sensus communis* presupposes and finally promises: the idea of a world that is shared by all, an expansive fabric of human judgment from which to weave a home fit to live in.”¹⁷⁰ The path to making rights universally assured and never violated, is as of yet, unmarked. In their current construction the ultimate of universal rights, the only place they have been asserted in full without the messy contradictions of their political affirmations, is within the borders of the photograph. This is what it means for Human Rights to be *photographic*, ultimately, that rights find their strongest shelter, and greatest defence, in the fragile light of the camera's prism. Indeed, “these fragile concepts - humanity, human rights - are ultimately conjured’ only amidst the judgment of a spectator in the order of the world in silver-halides and pixels; ‘and as such, they are concepts and realities that are always, in some sense, to come;”¹⁷¹. As shaky as this foundation might appear, these seemingly simple acts of witnessing and judgment, are the “means by which humanity perpetually seeks - and perhaps may someday find - its home in the world.”¹⁷² Pictures so often feel vastly insignificant in a world so rife with violence, this much is known, what is not known is how much longer such a world order will be allowed to prosper. To bear witness to the violence of this world in pictures allow for brief moments of solidarity and open a space where spectators might begin to see the world, not as it is, but as it *could* be. The future is undecided, perhaps it will be written in the silver light of the camera and brought into existence by the judgement of spectators. Human Rights were first imagined in the order of the

¹⁷⁰ Sliwinski, Sharon. *Human Rights in Camera*. University of Chicago Press, 2011, 138.

¹⁷¹ *Ibid*, 144.

¹⁷² *Ibid*.

world as seen in pictures, in their moment this was an immensely radical act of dedication and assurance to the existence and defence of Humanity. Perhaps a new world, a more just one, is also hidden amongst this scattering of light. Pictures simply provide the space for such an imagination to begin, it is the role of the spectator to seek out and bear witness to all such hidden possibilities.

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