
Torture and the ethics of photography[†]

Judith Butler

Rhetoric Department, 7408 Dwinelle Hall, University of California, Berkeley, CA 94720, USA;
e-mail: jpbutter@berkeley.edu

Presented 19 April 2007

“Photographs state the innocence, the vulnerability of lives heading toward their own destruction, and this link between photography and death haunts all photographs of people.”

Susan Sontag, *On Photography*

Toward the end of *Precarious Life* (2004), I consider the question of what it means to become ethically responsive, to consider and attend to the suffering of others, and, more generally, which frames permit the representability of the human and which do not. This seems important not only to answer the question of whether we might respond effectively to suffering at a distance, but also to formulate a set of precepts that might work to safeguard lives in their fragility and precariousness. I am not asking in this context about the subjective sources of this kind of responsiveness, although I do consider this question in *Giving an Account of Oneself* (2005a). Rather, here I propose to consider the way in which suffering is presented to us, and how that presentation affects our responsiveness. In particular, I want to understand how the *frames* that allocate the recognizability of certain figures of the human are themselves linked with broader *norms* that determine questions of humanization or dehumanization. My point, which is at this point hardly new, is to suggest that, whether and how we respond to the suffering of others, how we formulate moral criticisms, how we articulate political analyses, depend upon a certain field of perceptible reality already being established. This field of perceptible reality is one in which the notion of the recognizable human is formed and maintained over and against what cannot be named or regarded as the human, a figure of the nonhuman that holds the place of the human in its unrecognizability. At the time that I wrote *Precarious Life*, Abu Ghraib had not yet come to light; I was working then only with the pictures of the shackled and crouched bodies in Guantanamo Bay—not yet knowing the details of torture there—as well as other representational issues of the war: the debates about the war dead in Iraq and the problem of embedded reporting.

Some government officials and representatives of the media claimed that we should not see the war dead, our own, or their own, because that would be anti-American; journalists and newspapers were actively denounced for showing coffins of the American war dead shrouded in flags; such images should not be seen because they might arouse certain kinds of sentiments; the mandating of what can be seen—a concern with content—was supplemented by control over the perspective from which the action and destruction of war could be seen at all, which led not only to the institution of ‘embedded’ reporting, but an unprecedented collaboration between journalists and the Department of Defense. In her text, *Regarding the Pain of Others* (2003), Susan Sontag

[†]This is the text of the *Environment and Planning D: Society and Space* lecture, given at the Association of American Geographers in San Francisco on 19 April 2007. The lecture marked the 25th anniversary of the founding of *Society and Space*.

remarks that this practice of embedded reporting begins earlier, with the coverage of the British campaign in the Falklands in 1982 (page 65) where only two photojournalists were permitted to enter the region and no television broadcasts were allowed. Since that time, journalists have increasingly agreed to comply with the exigencies of embedded reporting in order to secure access to the action itself. But what is the action to which access is then secured through embedded reporting? In the case of the recent and current war, it is action established by the perspective that the Department of Defense orchestrates and permits—so we see something of the performative power of the state to orchestrate and ratify what will be called reality or, more philosophically, the reach and extent of the ontological field.

It won't do to say, as Sontag elsewhere does, that the photograph cannot by itself provide an interpretation, that we need captions and analysis to move beyond the discrete and punctual image. I have no doubt that we need such captions and analyses, but if we say that the photograph is not an interpretation we get in another bind. She writes that, whereas prose and painting can be interpretive, photography is merely selective (page 6) and later in the same text, she elaborates:

“while a painting, even one that achieves photographic standards of resemblance, is never more than the stating of an interpretation, a photograph is never less than an emanation (light waves reflected by objects)—a material vestige of its subject in a way that no painting can be” (page 154).

Sontag argued that photographs have the capacity to move us momentarily, but that they do not have the power to build an interpretation. If a photograph becomes effective in informing or moving us politically, it is only because the photograph is received within a context of a relevant political consciousness. For Sontag, photographs render truths in a dissociated moment; they ‘flash up’ in a Benjaminian sense. As a result, they are always atomic and punctual and discrete. What they appear to lack is narrative coherence that, alone, supplies the needs of the understanding. We can see Sontag the writer here defending her trade over and against the photographers with whom she surrounded herself in the last decades of her life. For our purposes, though, it makes sense to know that the mandated photograph, the one that complies with state department requirements, is building an interpretation. We can even say that the political consciousness that moves the photographer to accept those restrictions and yield the compliant photograph is embedded in the frame itself. We do not have to have a caption or a narrative at work to understand that a political background is being explicitly formulated and renewed through the frame. In this sense, the frame takes part in the active interpretation of the war compelled by the state; it is not just a visual image awaiting its interpretation; it is itself interpreting, actively, even forcibly.

As a visual interpretation, it can only be conducted within certain kinds of lines and so within certain kinds of frames, unless, of course, the mandatory framing becomes part of the story, unless there is a way to photograph the frame itself. At that point the photograph that yields its frame to interpretation is one that opens the restrictions on interpreting reality to critical scrutiny. It exposes and thematizes the mechanism of restriction, and it constitutes a disobedient act of seeing. Rarely, if ever, does this operation of mandatory and dramaturgical ‘framing’ itself become part of what is seen, much less what is told. Whenever and wherever the photograph yields up its own forcible frame to visual scrutiny and interpretation, it opens up the restrictions on interpreting reality to critical scrutiny. What this means is that we come to interpret that interpretation that has been imposed upon us.

So there is, it seems to me, in recent war photography a significant departure from the conventions of war photojournalism that were at work thirty and forty years ago where the photographer or camera person would attempt to enter the action through

certain angles and modes of access that sought to expose the war in ways that no government had planned. Currently, the state operates on the field of perception and, more generally, the field of representability, in order to control affect, and in anticipation of the way that affect informs and galvanizes political opposition to the war. I refer to a field of 'representability' rather than 'representation' because this field is structured by state permission; as a result, we cannot understand this field of representability simply by examining its explicit contents, since it is constituted fundamentally by what is cast out and maintained outside the frame within which representations appear. We can think of the frame, then, as active, as jettisoning and presenting, and as doing both at once, in silence, without a visible sign of its operation and yet effectively.

The operation of the frame, where state power exercises its forcible dramaturgy, is not precisely representable or, when it is, it risks becoming insurrectionary and becomes subject to state punishment and control. Prior to the events and actions that are represented within the frame, there is an active, if unmarked, delimitation of the field itself, and so a set of contents and perspectives that are not shown, never shown, impermissible to show. They constitute the nonthematized background of what is represented, one that can only be approached through thematizing the delimiting function itself, one that allows for an exposure of the forcible dramaturgy of the state and the collaboration with it by those who deliver the visual news of the war through complying with permissible perspectives. That delimitation is part of an operation of power that does not appear as a *figure* of oppression. We might image the state as dramaturg, and so secure our understanding of this operation of state power through an available figure. But it is essential to the continuing operation of this power not to be seen. Rather, it is precisely a nonfigurable operation of power that works to delimit the domain of representability itself. That it is nonfigurable does not mean it cannot be shown. But what is shown when it comes into view is the staging apparatus itself, the maps that exclude certain regions, the directives of the army, the positioning of the cameras, the communication of the punishments that lay in wait if protocol is breached.

But when one does see the framing of the frame, what is it that is going on? I would suggest that this is not just a problem internal to the life of the media, but one in which certain larger norms, often racializing and civilizational, are able to instate their structuring effect on what for the time being is called 'reality'.

Before the publication of the photos from Abu Ghraib, I sought to relate three different terms in my efforts to understand the visual dimension of war as it relates to the question of whose lives are grievable, and whose are not: in the first instance, there are *norms*—explicit or tacit—that govern which human lives count as human and as living, and which do not; these norms also determine when and where a life can be said to be lost, and that loss registered as the violent loss of life; in this way, I sought to relate the norms that govern when and where a life counts as human to the question of when and where such a life is grievable and, correlatively, when and where the loss of life remains ungrievable and unrepresentable. Those broader social and political norms that establish the lives that will be considered human, considered a life, and so considered as grievable precisely in those terms, operate in many ways, but one way they operate is through frames that govern the perceptible, frames that effect a delimiting function, bringing into focus an image on the condition that some portion of the visual field is ruled out. What this means, theoretically, is that the image that is represented signifies its admissibility into the domain of representability; that same image thus signifies the delimiting function of the frame even as, or precisely because, it does not represent it.

In the public discourse on Camp Delta in Guantanamo, the treatment of Arabs in the US (both Arab-Americans and those in the US as visitors or permanent residents), the suspension of civil liberties, certain norms are operative in establishing who is human and entitled to human rights and who is not, whose life, if extinguished, is publicly grievable and whose life may leave no public trace to grieve. These norms are, as it were, enacted precisely through specific frames, visual and narrative, that presuppose decisions about what will be unframed, and what will be left outside the frame. If norms and frames constitute the first two hinges for my analysis, the last term of these three is human suffering itself, and there I am worried slightly about the privileging of the human, the anthropomorphism it implies, but I am willing to take that risk for now; it does not mean to imply a lack of respect or regard for the suffering of sentient beings who are not human. It is meant only to identify a difficulty that happens whenever the human is invoked, since not all humans are included in the invocation as it currently travels, and continuing presumptions about civilization support which humans we regard as entitled to legal protection, and which humans we abandon to a domain unprotected by any law.

We might have thought that the US personnel in Abu Ghraib or Guantanamo were bound to engage in humane treatment by virtue of international accords governing prisoners of war. Very few people at Abu Ghraib even knew about those accords. Moreover, once we grasp that the Geneva Convention, originally instituted in 1949, is only applicable to citizens of those countries *already recognized* as nation-states, and that those engaged in conflicts on behalf of emergent nations or outside of the state structure—as noncitizens—are not covered by its terms, it follows that the Geneva Accord does not extend its protection universally. Or, rather, it maintains a parochial version of universality that only extends to those humans *already recognized* as citizens of existing nation-states. Moreover, the language of the accord makes numerous civilizational and racial presumptions, and it will turn out that racial norms frame the human, and also exclude those we must still insist on calling ‘human’ from within its purview. Do I need to make plain in what I consider the human to consist? For our purposes, I propose that we consider the way it works as a differential norm. Let us think of the human as a value and a morphology that is allocated and retracted, aggrandized, personified, degraded and disavowed, elevated and affirmed. It continues to produce the nearly impossible paradox of a human who is no human, or a norm of the human that effaces the human as it is otherwise known. Wherever there is the human, there is the inhuman: when we proclaim some group of beings who have not been considered to be human, we admit that humanness is a shifting prerogative. Some humans take their humanness for granted, and others struggle to gain access to the term. The term ‘human’ is constantly producing a doubling that exposes the ideality and coercive character of the norm: some humans qualify as human; some humans do not, and when I use the term in the second of these utterances, I do nothing more than assert a discursive life for a human who is not the same as the norm that determines what and who will count as a human life, and what and who will not.

When Donna Haraway asks, “have we ever yet become human?”, she is at once positing a ‘we’ that is outside the norm of the human, and questioning whether the human is ever something that can be fully accomplished. I would suggest that this norm is not something that we must seek to embody, but a differential of power that we must learn to read, to assess culturally and politically, and to oppose in the differential way it works. And yet, we also need the term, to assert it precisely where it cannot be asserted, and to do this in the name of opposing the differential of power by which it operates and inciting ethical responsiveness to suffering, as a way of working

against the forces of neutralization or erasure that separate us from knowing and responding to the suffering that is caused in our names.

If, as the philosopher Emmanuel Levinas claims, it is the *face* of the other that demands from us an ethical response, then it would seem that the norms that allocate who is human and who is not arrive in visual form. These norms work to *give face* and *efface*. Accordingly, our capacity to respond with outrage, with opposition, and with critique will depend in part on how the differential norm of the human is communicated through visual and discursive frames. There are ways of framing that will bring the human in its frailty and precariousness into view, allow us to stand for the value and dignity of human life, to react with outrage when lives are degraded or eviscerated without regard for their value as lives. And then there are frames that foreclose responsiveness, to be understood as the negative action of existing frames, so that no alternative frames can exist; for them to exist and to permit another kind of content would perhaps communicate a suffering that might lead to an alteration of our political assessment of the current war. For photographs to communicate in this way, they must have a transitive function. They do not merely portray or represent, but they relay affect. In times of war, this transitive affectivity of the photograph may well overwhelm and numb us, but it may also incite and motivate.

In her book *On Photography* in 1977, Sontag argued that the photographic image no longer has the power to enrage, to incite, that the visual representation of suffering has become clichéd, that we have become bombarded by sensationalist photography and that, as a result, our capacity for ethical responsiveness has become diminished. In her next book, *Regarding the Pain of Others* (2003), she is more ambivalent about the status of the photograph, since she concedes that it can and must represent human suffering, teach us how to register human loss and devastation across global distances, establish through the visual frame a proximity to suffering that keeps us alert to the human cost of war, famine, and destruction in places that are far from us both geographically and culturally. For photographs to accuse and possibly invoke a moral response, they must shock. And shock is something other than aestheticizing, conforming to a rote formula, or preparing for a consumer demand.

But she still believes that the photograph is fatally linked to the momentary. Over and against this predicament of the photograph, the pathos of narrative “does not wear out” (page 83). She writes “narratives can make us understand; photographs do something else. They haunt us.” Of course, we must ask whether narratives don’t haunt us as well, and whether photographs, in their status as visual representations, don’t also make us understand? And is it not the case that the power of the photograph to excite and enrage us is bound up with the very interpretation of reality it delivers? If we claim that only words can offer us that interpretive understanding, have we created a needless divide between photography, understood to convey affect, and prose, understood to convey understanding? What psychological theory would support such a view, and is it actually right?

For Sontag, the matter is more complicated, since before we can even say that the photograph can both affect us emotionally and establish an interpretive understanding, we have to make sure that the photograph still has the power to affect us at all. Sometimes it seems to bespeak our numbness, and other times it seems to establish our prurience and tendency to respond to sensationalism. It would seem that, if Sontag were right in her earlier thesis that the photograph no longer has the power to excite and enrage us, then Mr Rumsfeld’s response to the photos depicting the torture in the Abu Ghraib prison would not have made sense. When, for instance, Rumsfeld claimed that to show all the photos would allow the photos of torture and humiliation and rape to *define us* as Americans, he attributed an enormous power to photography

to construct national identity itself. This seems also to be what one of the more reactionary pundits on US television, a Mr O Reilly, meant—when he proclaimed that to show these photos would constitute Anti-American actions. It would seem that I should show the photos with this essay, but I confess to being worried about how they circulate, a point I'll return to later. For now, though, let me recapitulate the argument so that we know where we are heading.

The question for me is the following: how do the *norms* that govern which lives will be regarded as human lives and which will not, enter into the *frames* through which discourse and visual representation proceed, and how do these in turn delimit and orchestrate or foreclose ethical responsiveness to suffering. I am not suggesting that these norms and frames determine our response, which would make our responses into behaviorist effects of a monstrously powerful visual culture. I am suggesting only that the way these norms enter into frames and into larger circuits of communicability are vigorously contested precisely in an effort to regulate affect, outrage, and response.

When some of the Abu Ghraib photos were released, what was the public response, and what has happened to that response over the course of the last years? The problem is not to establish that the public viewing of the photographs led to a significant decline in popular support for the war. I think that surely the photographs did play a role and that methodologists of public opinion have views on how to regard this 'factor'. My concern is rather different. I want to suggest that the photographs do not necessarily numb our senses nor do they necessarily determine a particular response. They are shown again and again, and this history of their differing framing and reception structures, without determining, the kinds of public interpretations of torture that we have. In particular, I want to consider how the norms governing the 'human' are relayed and abrogated through the communication of these photos, and that the response of First World viewers is critically involved in the 'trace' of the human. This 'trace' is not the same as the full restitution of the humanity of the victim, however desirable that surely is, but the public condition under which we feel outrage and construct political views that incorporate that outrage. In a sense, my reflections are a further effort to come to terms with the problems that preoccupied Sontag toward the end of her life,⁽¹⁾ even though I differ from her on the relationship between photography and interpretation.

Indeed, I've found Susan Sontag's last publications to be good company as I consider what they are and what they do, and these include both her *Regarding the Pain of Others*, published two years ago, and "Regarding the torture of others" that was released on the Internet and published in *The New York Times* (Sontag, 2004) after the release of these photographs. As you know, the photographs taken within the Abu Ghraib prison showed brutality, humiliation, rape, murder, and in that sense they were clear representational evidence of war crimes. They have functioned in many ways, including as evidence in legal proceedings against those who are pictured as engaging in acts of torture and humiliation. They have also become iconic for the way that the US government, in alliance with Britain, has spurned the Geneva Conventions, particularly the protocols governing the fair treatment of prisoners of war. The photographs showed instances of abuse and torture, but it quickly became clear within the months of April and May of 2004 that there was a pattern among them and that, as the Red Cross contended for many months before the scandal broke,

⁽¹⁾ See Sontag (2004), <http://www.nytimes.com/2004/05/23/magazine/23PRISONS.html>, and my "Photography, war, outrage" (2005b) which includes an earlier discussion of some of the issues covered in this essay.

there was a systematic mistreatment of prisoners in Iraq, paralleling a systematic mistreatment at Guantanamo.⁽²⁾ Only later did it become clear that the protocols devised for Guantanamo were explicitly used by the personnel at Abu Ghraib, and that both sets of protocols were indifferent to the Geneva Accords. Whether governmental officials called what is depicted in the photos 'abuse' or 'torture' suggests that the relation to international law is already at work. They did not dispute that the photographs are real, that they recorded something that did happen. Establishing the referentiality of the photographs was, however, not enough. The photos are not only shown, but named; both the way that they are shown, the way they are framed and the words used to describe what is shown work together to produce an interpretive matrix for what is seen.

But before we consider the conditions under which they are published and the form in which they are made public, let us consider the way the frame works to establish a relation between the photographer, the camera, and the scene. The photos depict or represent a scene, the visual image that is preserved within the photographic frame. But the frame also belongs to a camera that is situated spatially in the field of vision, thus not shown within the image, but the technological precondition of an image that indicates that camera through indirect reference. Although the camera is outside the frame, it is clearly 'in' the scene as its constitutive outside. When the photographing of these tortures became the topic for public debate, the scene of the photograph was extended. It is not just the spatial location and social scenario in the prison itself, but the entire social sphere in which the photograph is shown, seen, censored, publicized, discussed, and debated. So we might say that the scene of the photograph has changed through time. Let's notice a few things about this larger scene, one in which visual evidence and discursive interpretation play off against one another. There was 'news' because there were photos, the photos lay claim to a representational status, and the photos have traveled beyond the original place where they were taken, the place depicted in the photos themselves. On the one hand, they are referential; on the other hand, they change their meaning depending on the context in which they are shown and the purpose for which they are invoked. They are representing events as they actually were, and so the photos refer and the photo functions as incontestable evidence and proof of torture. The photos are published within newspapers, but the newspapers also make selections: some photos are shown, and others are not. To this day, *Newsweek* maintains possession of numerous photos that it refused to publish on the grounds that the publication would not be 'useful'. Useful for what? Clearly, they mean, 'useful to the war effort'—surely they do not mean 'useful for individuals who require free access to information about the current war in order to establish lines of accountability and to form political viewpoints on the war in question.' In restricting what we may see, do the government and the media then also limit the kinds of evidence that a public has at its disposal in order to make judgments about the wisdom and course of the current war? If, as Sontag claims, the contemporary notion of atrocity requires photographic evidence, then the only way to establish that torture or atrocity has taken place is through photographic evidence, at which point the evidence constitutes the phenomenon. Put another way, the photograph builds the act of torture in its evidentiary form.

In the US, the prurient interests in the photographs themselves seemed to preempt a fair amount of political response. Lynndie England with the leash around the man's

⁽²⁾ Geoffrey Miller, Major General in the US Army is generally regarded as responsible for devising torture protocols at Guantanamo, including instituting dogs for the purposes of torture, and for transposing those protocols to Abu Ghraib (see *Salon* 2006).

head can be front and center in *The New York Times*, and yet some papers relegated that photo to the inside of the newspaper, selecting those that are most incendiary or those that are least incendiary. And yet, within military court proceedings, the photo is considered evidence from within a frame of potential or actual legal proceedings is already framed within the discourse of law and of truth. The photo presupposes a photographer, and that person is never shown in the frame. The question of guilt has been juridically restricted to those who committed such actions or who were responsible for those who did commit those actions. And these prosecutions have been limited to the most well-publicized cases.

One question that is not often asked is, who were the people who took these photos, and what can we infer from their occluded spatial relation to the image itself? Did they take them to expose abuse or to gloat in the spirit of US triumphalism? Is the taking of the photo a way to participate in the event and, if so, in what way? It would seem that the photos were taken by those who were recording the event, producing, as *The Guardian* called it, a pornography of the event, but at some point one person, aware of an ongoing investigation, or perhaps a set of persons, realized that there was something wrong with the actions depicted or became fearful of an impending investigation. It may be that the photographers were ambivalent at the time they took the photos or grew ambivalent with time; it may be that they feasted on the sadistic scene in some way that would demand at least a psychological account. I don't dispute the importance of psychology to understanding what goes on here, but psychology should not be used to reduce the torture to exclusively individual acts of pathology. We're in a group scene with these photographs, so we need something more actively approximating a psychology of group behavior or, better yet, an account of how the norms of war in this instance neutralize morally significant relationships to violence and to humanity. We're also in a specific political situation, so any effort to reduce these acts to individual psychologies alone would return us to a familiar consideration of the individual along with the concept of personality as the causal matrix for the understanding of events. Understanding the structural and spatial dynamics of the photograph can offer an alternative point of departure for our understanding of these events.

The photographer is recording a visual image of the scene, and so approaching the scene through a frame before which those who engaged in torture and its triumphal aftermath also stood and posed. The relation between the photographer and the photographed takes place by virtue of the frame. The frame permits, orchestrates, and mediates that relation. And though the photographers at Abu Ghraib had no Defense Department authorization for the pictures they took, perhaps their perspective can also be rightly considered a form of embedded reporting. After all, the perspective on the so-called enemy was not idiosyncratic, but shared, so widely shared, it seems, that there was hardly a thought that something might be amiss here. Can we see these photographers not only as reiterating and confirming a certain practice of decimating Islamic cultural practice and norms, but as conforming to—and articulating—the widely shared social norms of the war?

So what are the *norms* according to which security personnel, actively recruited from private firms contracted to supervise US domestic prisons, and US soldiers acted as they did? And what are the norms that reside in the active framing by the camera, since these are what forms the basis of the cultural and political text at issue here. If the photograph does not only depict the event, but build and augment the event, if the photograph can be said to reiterate and continue the event, then the photograph does not, strictly speaking, postdate the event, but becomes crucial to its production, its legibility, its illegibility, and its very status as reality. Perhaps the camera promises a

festive cruelty: 'Oh, good, the camera's here: let's begin the torture so that the photograph might capture and commemorate our act!' If so, the photograph is already at work prompting, framing, and orchestrating the act, even as the photograph captures the act at the moment of its accomplishment.

The task, in a way, is to understand the operation of a norm that circumscribes reality that works through the action of the frame itself; we have yet to understand this frame, these frames, where they come from and what kind of action they perform. So if there is more than one photographer and we cannot lay claim to a clear motivation of these photographers from the photos that are available, we are left to read the scene in another way. We can say with some confidence that the photographer is catching the event, but when we say that the photographer is recording the event, an implied audience becomes an issue. It may be that he or she is recording the event to show to those who are perpetrating the torture so that they may enjoy the reflection of their actions on the digital camera, and disseminate that particular accomplishment quickly, as digital technology allows. The photos may also be a kind of evidence, conceived as proof that just punishment was administered. Photographing is a kind of action that is not always anterior to the event, not always posterior to the event. The photograph is a kind of promise that the event will continue, is that very continuation of the event, producing an equivocation at the level of the temporality of the event; did those actions happen then; do they continue to happen? Does the photograph continue the event in the present?

It would seem that photographing the scene can be a way of contributing to the scene, providing a visual reflection and documentation for it, giving it the status of history in some sense. Does the photograph or, indeed, the photographer, contribute to the scene? Act upon the scene? Intervene upon the scene? Photography has a relation to intervention, but photographing is not the same as an intervening. There are the photos of bodies bound together, of individuals killed, of forced fellatio, or dehumanizing degradation, and they were taken, unobstructed. The field of vision is clear. No one is seen lunging in front of the camera to intercept the view. No one is shackling the photographer and throwing him or her in the bin. This is torture in plain view, in front of the camera, even for the camera. After all, it is centered action, and the torturers regularly turn toward the camera to make sure their own faces are shown, even as the faces of those they torture are mainly shrouded. The camera itself is ungagged, unbound, and so occupies and references the safety zone that surrounds and supports the persecutors in this scene. And we do not know how much of this torture is actually done for the camera, to 'show' what the US can do, as a sign of military triumphalism, sadistic control, the ability to effect a nearly complete degradation of the putative enemy, an effort to win the clash of civilizations and subject the ostensible barbarians to our civilizing mission which, we can see, has rid itself so beautifully of its own barbarism. To the extent that the photograph communicates the scene, potentially, to newspapers and media sources, and the torture is, in some sense, *for* the photograph, it is, from the start, meant to be communicated; its own perspective is in plain view, and the cameraman or woman is referenced by the smiles that the torturers offer him or her: as if to say, thank you for taking my picture, thank you for memorializing my triumph. And then there is the question of whether the photographs were shown to those who might be tortured, as a warning and a threat. It is clear that the photographs were used to blackmail those depicted there with the threat that their families would see their humiliation and shame, especially sexual shame.

The photograph depicts; it has a representational and referential function. But it seems there are at least two questions that are raised by this referential function: one is, *what does the referential function do besides refer?* What other functions does it serve?

What other effects does it produce? And the second, one that I will deal with below, has to do with the range of what is represented. If the photo represents reality, which reality is it that is represented? And how does the frame circumscribe what will be called reality in this instance?

So we are seeing what is true—in the sense that *this really happened*, and yet, the truth of what we see has already been selected for us—and *in that way we do not know precisely where the happening begins and ends*; we see, nevertheless, this true event in the newspaper or on the television or on the Internet, and editorial decisions are being made; they are also being contested; they are also the topic of newspaper articles on editorial decisions, on self-censorship and on the political biases of various instruments of media. And so, what is it that we see? A name must be given to what we see, and at this point a debate ensues: is it poor treatment, is it torture? If it is poor treatment, then it is lamentable, but it does not defy international law and put the US in direct violation of the Geneva Accord, a situation that could bring the US before the World Court or the International Criminal Court. If it had been poor treatment, then we could have said that we are ‘sorry’ for the poor treatment, admit to a moral failure, avert the legal question of noncompliance with international law and of crimes against humanity, and get on with the business of war, where the ‘business of war’ is understood to be something other than this moral failure, illegal torture, where the business of war is understood to be something other than the practice of torture, where the business of war is somehow understood to be morally and politically justified in this instance.

Whether or not this occupation which is supposed to postdate a war, but which continues to be a war, is legal has, of course, not been actively addressed by the US administration or its willing allies, and we can see, I believe, a recourse to extralegal grounds for legitimating this war from the beginning (a refusal to honor either congressional or UN inquiries into the legitimacy of military action), something which has strong implications, as we will see, for how the war is now conducted and whether war crimes can and will be prosecuted. The photographs might be said, then, to depict the extralegality of the war itself.

Do these images, then, refer not only to the continuing extralegality of the war, but to the practice of photography and its relation to violence? Consider the photograph in relation to other photographs that were taken by the same digital cameras. Sontag tells us that photographs cannot narrate, and that narrative alone satisfies the needs of the understanding. But they produce specific kinds of *sequences* in their digital forms; they constitute their own forms of seriality that reflect upon a certain structure of ordinary life under conditions of violently imposed occupation. Some of these digital cameras had files that include picture of dead Iraqis, Iraqis being killed, murdered, raped, forced into sexual relations, and these are interspersed with photos of the local bazaar, friends smiling and eating, soldiers saluting the flag, views of the street and the neighborhood, Americans making love in apparently consensual terms, a soldier randomly shooting a camel in the head. So in these instances, it would seem that the photos are part of a record of everyday life, and that everyday life has to be understood in this context as consisting in a certain sequential interchangeability of such images. According to this view, it would not be triumphalism that motivates the photograph, but something more closely approximating the mundanity of brutality, what Hannah Arendt called the banality of evil and which we might call the ‘digitalization of evil’ (though *not* the evil of digitality). The camera is, as it were, in the photo, in many of these instances, since the soldiers are not ‘caught’ holding the leash tied to the neck of a bound and named man on the floor. They look directly into the camera and wait for the camera to record them in their activity. This activity is not morally alarming;

it is quotidian; it only becomes morally alarming after seeing and hearing how people outside the frame react to the image once it is communicated. So when the photo is taken, it seems, it is part of the scene, helping to make the scene possible, orchestrating its pose, but not operated as a tool of investigative journalism or the exposure of human rights abuse. The intention of the photographer does not finally matter, though, since the photos become evidence, even indirectly accusing the one who furnishes them with failing to intervene in a crime against humanity. Although it now turns out that some of the photographers were involved in the torture itself, offering humiliating props, engaged in sexual humiliation.

The action of the camera itself is either oddly compliant, recording, as it were, without comment, and raising no alarm, or it works as an incitement to orchestrate the scene, but also to extend the scene in time, to keep the scene going, again and again, promising a further visual consumption of the sadistic pleasure after the event. Indeed, the camera does not exactly delineate the event in time and space, although it does do that, and the time and space can be duly chronicled and recorded. At the same time, it allows the event to continue to happen, and I would suggest that, because of the photo, the event has not stopped happening.

It is difficult to understand this proliferation of images, but it seems to coincide with a proliferation of acts, a frenzy of photography. There is not only a certain pleasure involved in the scenes of torture, something we must consider, but a pleasure or perhaps a compulsion involved in the taking of the photographs itself. Why else would there be so many? Joanna Bourke, an historian at Birkbeck, who published a book about the history of rape, wrote an article in *The Guardian* on 7 May 2004 entitled "Torture as pornography". Some of what she says seems clearly right to me, though I am not sure she can, with the use of 'pornography' as her explanatory category, explain the role of the photograph as actor in the scene. She does write, shrewdly, that there is exultation in the photographer, though we do not get images of the photographer, so it is an inference she makes by considering the photographs, their number, the circumstance of their taking. Although I'm prepared to believe that her attribution of pleasure to the photographer is true, I am not sure on what basis I ground my belief. She writes,

"the people taking the photographs exult in the genitals of their victims. There is no moral confusion here: the photographers don't even seem aware that they are recording a war crime. There is no suggestion that they are documenting anything particularly morally skewed. For the person behind the camera, the aesthetic of pornography protects them from blame."

So perhaps I am odd, but as I understand it, the problem with the photos is *not* that someone is exulting in another person's genitals. Let's assume that we all do that on occasion and that there is nothing particularly objectionable in that exultation, and that it might even be precisely what is needed to make for a good day or a good night. What is clearly objectionable is coercion and force as well as the exploitation of sexual acts in the service of shaming and debasing another human being. The distinction is crucial, of course, since the first finds sexual exchange to be a problem, and the second finds the coercive nature of sexual acts to be a problem. This equivocation was compounded when Mr Bush emerged from the senate chambers after viewing some of these photographs. When asked for his response, he said, "it is disgusting" leaving unclear whether the homosexual acts of sodomy and fellatio he witnessed were disgusting, or the physically coercive and psychologically debasing conditions and effects of the torture itself. Indeed, if it is homosexual acts that are "disgusting" to him, then he misses the point about torture, allowing his sexual revulsion and moralism to take the place of an ethical objection to torture. If the torture is disgusting, why did he use

that word, rather than *wrong* or *objectionable* or *criminal*? The word “disgusting” keeps the equivocation in tact, and so leaves two issues questionably intertwined: homosexual acts, on the one hand, and physical and sexual torture, on the other.

In some ways, the faulting of these photographs as pornography seems to commit a similar category mistake. Bourke’s conjectures on the psychology of the photographer are interesting, and there is doubtless some mix of cruelty and pleasure that we need to think about. But how would we go about deciding the issue? Don’t we need to ask why we are prepared to believe such things in order to approach the question of photography and torture critically? How would the photographer’s awareness that he or she is recording a war crime appear within the terms of the photograph itself? It is one thing to affirm that some of what is recorded is rape and torture, and another to say that the means of representation is pornographic. My fear is that the old slippage between pornography and rape reappears here in unexamined form. In case you don’t remember it, the view was that pornography motivates or incites rape, that it is causally linked with rape (those who watch it end up doing what they watch), and that what happens at the level of the body, in rape, happens at the level of representation, in pornography.

I think it is true that there seems to be *no* sense that the photographs, at the time that they are taken, are intervening as an instrument of moral inquiry, political exposure, legal investigation. The soldiers and security personnel photographed are clearly at ease with the camera, playing to it, and though I have suggested that there might be triumphalism, Bourke claims that the photographs themselves act as “trophies, memorialising agreeable actions”. She further argues that the abuse is performed for the camera, and it is this thesis, one that I tentatively share, that leads to her a conclusion with which I disagree. Her argument is that the abuse is performed by the camera, and this leads her to the conclusion that the images are pornographic, producing pleasure in the sight of suffering for the photographer and, I presume, for the consumer of these images. What emerges in the midst of this thoughtful argument is a presumption that pornography is fundamentally defined by visual pleasure taken in the seeing of human and animal suffering and torture. At this point, if the pleasure is in the seeing, and the pleasure is taken in the suffering depicted, the torture is the effect of the camera, and the camera or, rather, its pornographic gaze, is the cause of the scene of suffering itself; in effect, the camera becomes the torturer. Sometimes Bourke refers to the “perpetrators in these photographs”, but other times it seems that the photograph and the photographer are the perpetrators. Both may be true in some significant sense. But the ethical problem becomes more difficult when, at the end of her provocative article, she writes that “these pornographic images have stripped bare what little force remained in the humanitarian rhetoric concerning the war.” I gather she means that these images give the lie to humanitarian justifications for the war. That may well be true for some. But she does not exactly say why this is true. Here it seems that the problem is not what the images are of—namely, torture, rape, humiliation, and murder—but the so-called pornography of the image itself, where pornography is defined as the pleasure taken in seeing human degradation, in the eroticization of human degradation.

This definition of pornography evacuates the photographs of the specific brutality of the photographic scene. There are examples of women torturing men, of men and women both forcing Iraqi women, Muslim women, to bare their breasts, and Iraqi men, Muslim men, to perform homosexual acts or to masturbate. The torturer knows that this will cause the tortured one shame; the photograph enhances the shame, provides a reflection of the act for the one who is forced to do it; threatens to circulate the act as public knowledge and so as public shame. The US soldiers exploit the

Muslim prohibition against nudity, homosexuality, and masturbation in order to tear down the cultural fabric that keeps the integrity of these persons in tact. But the US soldiers have their own erotic shame and fear, one that is mixed with aggression in some very distinct ways. Why, for instance, in both the first and second Gulf War were missiles launched against Iraq on which American soldiers had written, “up your ass”. In this scenario, the bombing, maiming, and killing of Iraqis is figured through sodomy, one that is supposed to inflict the ostensible shame of sodomy on those who are being bombed. But what does it inadvertently say about the bombers, those who ejaculate those missiles? After all, it takes two to commit an act of sodomy, as I understand it, which suggests that the US soldiers secure their place in the fantasized scene of sodomy in the active and penetrating position, a position that makes them no less homosexual for being on top. That the homosexual act is figured as murder, though, suggests that it is fully taken up by an aggressive circuit that exploits the shame of sexuality, and converts its pleasure into a more raw version of sadism. That the US prison guards continue this fantasy by coercing their prisoners into acts of sodomy suggests that homosexuality is equated with the decimation of personhood. Paradoxically, this may be a place where the Islamic taboo against homosexual acts works in perfect concert with homophobia within the US military. The scene of torture that coerced homosexual acts, and seeks to decimate personhood through that coercion, presumes that for both torturer and tortured, homosexuality is the destruction of one’s being. The problem, of course, is that the US soldiers seek to externalize this truth by coercing others to perform these acts, but the witnesses, the photographers, and those who orchestrate the scene of torture are all party to the pleasure, exhibiting the very pleasure that they also degrade, acting the top to externalize penetration, and yet demanding to see it again and again. A frenzy of the visible. A sadistic frenzy of the visible.

Obviously, Bourke is right to say that some of that kind of pleasure is at work in these photos and in these scenes, but we make an error if we insist that the ‘pornography’ of the photo is to blame. After all, part of what has to be explained is the excitation of the photo, the proliferation of the imagery, the relation between the acts depicted and the means through which the depiction takes place. And there does seem to be a frenzy and excitement, surely also a sexualization of the act of seeing and photographing that is distinct, though acting in tandem with, the sexualization of the scene depicted. It is not, however, the practice of eroticized seeing that is the problem here, but the moral indifference of the photograph coupled with its investment in the continuation and reiteration of the scene as a visual icon. But let us not, with this important point, say that it is the technology of the camera or the pornographic gaze that is finally to blame for these actions. The torture may well have been incited by the presence of the camera, continued in anticipation of the camera, but this does not establish as its cause either the camera or ‘pornography’—which, after all, has many nonviolent versions and several genres that are clearly ‘vanilla’ at best and whose worst crimes seem to be the failure to supply an innovative plot.

There is an important question raised by all of this about the relationship between the camera and ethical responsiveness. It seems clear that these images were circulated, enjoyed, consumed, and communicated without there being any accompanying sense of moral outrage. How this particular banalization of evil took place, and why the photo did not alarm, or alarmed only too late, or became alarming only to those who were outside the scenes of war and imprisonment, are doubtless crucial to ask. One might expect that the photo would, at once, alert us to the abominable human suffering in the scene, and yet the photo has no magical moral agency of this kind. In the same way, it is not the same as the torturer, even if it functions as an incitement to brutality.

The photos have functioned in at least three ways since their publication: as the incitement to brutality, as the testimony to the radical unacceptability of torture, and as documentary work displayed in a few museums in this country, including a gallery in Pittsburg and the International Center for Photography in New York City (along with a more recent exposition in Venice and the traveling Botero exposition⁽³⁾ as well). The photo has clearly traveled outside the original scene, left the hands of the photographer, or turned against the photographer him or herself, even perhaps vanquished his or her pleasure. It gave rise to a different gaze than the one that would ask for more, and so we probably need to accept that the photograph neither tortures nor redeems, but can be instrumentalized in radically different directions, depending on how it is discursively framed, and through what media presentation the matter of its reality is presented.

One reality we see in these photos is the reality of rules being ignored or broken. So the photograph functions, in part, as a way of registering a certain lawlessness. Recent news reports have confirmed that the rules governing treatment of prisoners in Guantanamo were used as a model for the treatment of prisoners in Iraq. In fact, it seems, the treatment of prisoners in Guantanamo were better. But what do we make of the connection? In the first instance, the US claimed not to be bound by the Geneva Convention, and in the second instance, it is clear that the US, though legally bound to the Geneva Convention, defies the standards of treatment stipulated by that convention. These prisoners are not humans according to the norms established by the convention, and somehow, that legal move in which the US claimed that the prisoners at Camp Delta were not entitled to protection under the Geneva Convention, is one that institutes the expectation, registers the expectation, that these prisoners are less than human. They are considered enemies of the state, but they are also not conceptualizable in terms of the civilizational and racial norms by which the human is constituted. In this sense, their status as less than human is not only presupposed by the torture, but reinstated by the torture. And here we have to see—as Theodor Adorno cautioned us to see—that violence in the name of civilization reveals its own barbarism, even as it ‘justifies’ its own violence by presuming the barbaric subhumanity of the other against whom violence is waged.

The critique of the frame is, of course, beset by the problem that the presumptive viewer is ‘outside’ the frame, over ‘here’ in a First World context, and those who are depicted remain nameless and unknown. In this way, the critique I have been following stays on this side of the visual divide, offering a First World critique of First World visual consumption or offering a First World ethic and politic that would demand an outraged and informed response on the part of those whose government perpetrates or permits such torture. The problem is, of course, compounded by the fact that the publication of the most extensive set of photographs (more than 1000) by *Salon* in February and March of 2006 is constrained by international law to protect the privacy of persons who have been the victims of war crimes. It may well be that the materials received and published by *Salon* are the same as those which had been the subject of legal battles with the Department of Defense, but even if there are some images missing, the number is extensive. The files, leaked from the Criminal Investigation Command of the US Army included 1325 images and 93 videos. These images do not represent the sum total of torture, and as reporter Joan Walsh pointed out in 2006, “this set of images from Abu Ghraib is only one snapshot of systematic tactics the United States has used in four-plus years of the global war on terror.”⁽⁴⁾

⁽³⁾ See http://www.zonaeuropa.com/20050413_2.htm

⁽⁴⁾ See http://www.salon.com/news/abu_ghraib/2006/03/14/introduction/

Salon investigated the ‘captions’ that the US Army used to identify the various scenes of torture, and they apparently included misspellings of names and unclear accounts of time and place that had to be reconstructed. The ‘reality’ of the events was not immediately clear on the basis of the imagery alone, and the ‘timeline’ had to be retrospectively figured out in order to understand the evolution and systematic character of the torture itself. The question of reconstructing or, indeed, restituting the ‘humanity’ of the victims is made all the more difficult by the fact that faces, when not already shrouded as part of the act of torture, had to be deliberately obscured to protect the privacy of the victims. What we are left with are photos of people who are for the most part faceless and nameless. But can we nevertheless say that the obscured face and the absent name function as the visual trace—even if it is a lacuna within the visible field—by which the humanity of the victim is marked? This would mean that the humans are not restored to a visual or corporeal or socially recognizable identity, but that their occlusion and erasure become the continuing sign and mark of their suffering and their humanity. The point is not to substitute one set of idealized norms for understanding the ‘human’ with another, but to grasp those instances in which the norm destroys its instance, when human life exceeds the norm of the human. So the names of the victims are not included in the captions, but the names of the perpetrators are. Do we lament this lack of names? Yes and no. They are, and are not, ours to know. We might think that our norms of humanization require the name and the face, but perhaps the ‘face’ functions here precisely through its shroud and the means by which it is subsequently obscured. The face and name are not ‘ours’ to know, and perhaps affirming this limit is a way of affirming the humanity that has escaped the visual control of the photograph. To expose the victim further would be to reiterate the crime, so the task would seem to be a full documentation of the acts of the torturer as well as a full documentation of those who responsibility exposed the scandal—but all this without intensifying the ‘exposure’ of the victim, either through discursive or visual means.

When the photos were shown in New York as part of a show curated by Brian Wallis, the photographers were not credited for the pictures; the news organizations that first agreed to publish them were. Importantly, it was the publication of the photos that brings them into the public domain as objects of scrutiny. The photographer is given no credit for this; indeed, the photographer, though not photographed, is part of the scene that is published, and so a certain complicity is exposed. In this sense, the exhibition of the photographs with caption and commentary on the history of their publication and reception becomes a way of exposing and countering the closed circuit of triumphalist and sadistic exchange that formed the original scene of the photograph itself. The scene of that photograph now becomes the object, and we are not so much directed by the frame as directed toward it with a renewed critical capacity.

And though we feel shock at these photographs, it is not the shock that finally informs us. Sontag in her last chapter of *Regarding the Pain of Others* seeks to counter her earlier critique of photography. In an emotional, nearly exasperated outcry, one that seems quite different from her usual, measured rationalism, Sontag remarks, “Let the atrocious images haunt us.” We see the photograph and cannot let go of the image that is transitively relayed to us. Sontag does not think the image alone can educate us, and she opposes the naivete and innocence of those who continue to be shocked again and again by the images of atrocity. Surely, we should have learned something. But she will not stand for coldness either. She writes that the photograph can be an “invitation” “to pay attention, reflect... examine the rationalizations for mass suffering offered by established powers” (page 117). And it is my sense that the curated exhibition of the Abu Ghraib photos did precisely that. But what is most interesting to me about the increasing outrage and exasperation she expressed not only in this last

book, but in her articles on 9/11 and yet another called “Regarding the torture of others” referring explicitly to Abu Ghraib, is that it continues to be directed against the photograph not only for making her feel outrage, but for failing to show her how to transform that affect into effective political action. She allows that she has in the past turned against the photograph with moralistic denunciation precisely because it enrages without directing the rage, and so excites our moral sentiments at the same time that it confirms our political paralysis. Even this frustration frustrates her, since it remains a guilty and narcissistic preoccupation with what one can do, a First World intellectual, and so fails again to attend to the suffering of others. Even at the end of that consideration, it is a museum piece by Jeff Wall that allows her to formulate this problem of responding to the pain of others, and so, we might surmise, a certain consolidation of the museum world as the one within which she is most likely to find room for reflection and deliberation. A modernist to the end, no doubt, Sontag nevertheless poses a question that I will pose again here, which is the question of whether the tortured can and do look back, and what do they see when they look at us. She was faulted for saying that the photographs in Abu Ghraib were photographs of “us” and some critics suggested that this was again a kind of self-preoccupation that occluded the suffering of others.

But perhaps she was merely saying that in seeing the photos, we see ourselves seeing, that we are those photographers to the extent that we share those norms that provide those frames in which those lives are rendered destitute and abject, sometimes clearly beaten to death. In Sontag’s view, the dead are profoundly uninterested in us—they do not seek our gaze. This rebuff to our visual consumerism that comes from the shrouded head, the averted glance, the glazed eyes; this indifference to us performs an autocritique of the role of the photograph within media consumption. Although we might want to see, the photograph tells us clearly that the dead do not care whether we see. For Sontag, this is the ethical force of the photograph, to mirror back the final narcissism of our desire to see and to refuse satisfaction to that narcissistic demand.

She may be right, but perhaps it is also our inability to see what we see that is also of critical concern. To learn to see the frame that blinds us to what we see is no easy matter. And if there is a critical role for visual culture during times of war it is precisely to thematize the forcible frame, the one that conducts the dehumanizing norm. The restriction we are asked to live with not only impose constraints on what ‘can’ be heard, read, seen, felt, and known.

It is this numbing of the senses that we witness in the photograph, the decimation of the capacity to feel outrage in the face of human suffering, the belief that any suffering one inflicts is justified by the suffering that one has undergone, or others have undergone. It is not that some stray people in the military or in security contracts failed to see, to feel, to maintain a moral perception of other persons as persons. This ‘not seeing’ in the midst of seeing, this not-seeing that is the condition of seeing, has become the visual norm, and it is that norm that is a national norm, one that we read in the photographic frame as it conducts this fateful disavowal.

References

- Butler J, 2004 *Precarious Life: The Powers of Mourning and Violence* (Verso, London)
 Butler J, 2005a *Giving an Account of Oneself* (Fordham University Press, New York)
 Butler J, 2005b, “Photography, war, outrage” *PMLA* **120** 318–320
Salon 2006, “The Abu Ghraib files”, 14 March
 Sontag S, 1977 *On Photography* (Farrar, Strauss and Giroux, New York)
 Sontag S, 2003 *Regarding the Pain of Others* (Farrar, Strauss and Giroux, New York)
 Sontag S, 2004, “Regarding the torture of others” *The New York Times* 23 May,
<http://www.nytimes.com/2004/05/23/magazine/23PRISONS.html>

Conditions of use. This article may be downloaded from the E&P website for personal research by members of subscribing organisations. This PDF may not be placed on any website (or other online distribution system) without permission of the publisher.