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Epistemic Injustice and the Body in Photography¹

Abstract

This paper analyzes the role of the viewers of photographs of violence. The main argument is that due to the characteristic of the medium, both the photographer and the photographed subjects shape the image. The customary overlooking of the photographed subjects' agency is conceptualized as epistemic injustice first committed by the photographer and then by the viewer. A method of interpreting war photographs influenced by critical fabulation and listening to images is proposed to overcome it.

Keywords

War Photography, Epistemic Injustice, Somaesthetics, Critical Fabulation, Listening to Images

Flood of (War) Images

From its peak during the Vietnam War (Sontag 2004, 46), war photography has never stopped haunting us. Horrifying pictures of conflicts worldwide are broadcasted all over the news in TV, posted on the Internet, or published in the press.² However, the recent events in Ukraine—especially in the con-

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² See: Mirzoeff 2016.

Even though many conflicts around the world are broadcasted nowadays, this clearly does not mean that European or American media attention is distributed evenly. This is also true about the war in Ukraine that at least in Eastern Europe—that feels threatened by Russia aggression—is one of the main topics for several months while media in many other countries present it more as one of many challenging issues.

text of Eastern Europe, which is known to me from first-hand experience—again raised the ethical and political importance of those photographs. After the photographs of the Bucha massacre were revealed, many wondered how such images could even be approached.³ By recognizing the seriousness of the problem, this paper does not attempt to give a definite answer to those questions. It is seen as an ongoing project and a joint effort to get closer to the answer step by step. After all, as is shown in this paper, not looking at or ignoring photographs of violence is unconvincing from an ethical point of view.⁴

Even though every case of the photography of violence is different due to its particular context, issues concerning the documentation of atrocities have been raised for many years, especially by those researching colonial or Holocaust archives. Authoritarian regimes often leave behind many files, among them photographs (Maliszewska 2022). The following generation faces doubts as to how to read those archives and give justice to the dead. Furthermore, today—in the era of photographs immediately spreading around the globe via social media—questions about viewers' attitudes to the photography of violence seem even more pressing. Those issues are raised, among others, from feminist and postcolonial perspectives. This paper focuses on how the theory of epistemic injustice and the two methods of interpreting—"listening to images" and "critical fabulation"—can be applied to at least some cases of violent photography to better understand the role of its viewers.

This paper claims that two moments of epistemic injustice in photography can be distinguished: first, when a photographer tries to impose their perspective on the photographed subjects in the act of photographing, and second when the viewer focuses on interpreting, even if critically, the photographer's perspective only. In the second case, the viewer unconsciously becomes the perpetrator of epistemic injustice. Two methods of interpreting photographs can be referenced: "listening to images" and "critical fabula-

³ After Jacques Rancière (2009a), those images can be called "naked" as they "intent solely on witnessing" (26).

⁴ In the paper I use the term "photography of violence" to refer to both amateur and professional documentary (not staged) photographs depicting human victims of organized state violence. Even though I agree that this term can be understood in a broader sense or that it is not always possible to tell if a photograph shows a victim of violence (and not, for example, a victim of a natural catastrophe) or if it is not staged (and we can always make a mistake in judgment), for the clarity of this paper I have decided not to focus on those issues.

tion” to overcome this and preserve the perspective of the photographed subject. In this process, the corporeal reactions of the viewer become the critical element, which helps to elicit the photographed subject’s testimonies.

Two Acts of Testimonial Injustice in Photography

Next to hermeneutical injustice, testimonial injustice is a form of epistemic injustice. Miranda Fricker (2003), who first described this phenomenon, writes that testimonial injustice “occurs when prejudice on the part of the hearer leads to the speaker receiving less credibility than he or she deserves” (154).⁵ This form of injustice is often illustrated by the history of the racist attitude to Black witnesses during juridical trials in the XIX century in the US—their voices were seen as much less reliable, and several Black witnesses had to testify in order to overcome a testimony of a single white person. In the case of testimonial injustice, “an act of telling someone something” (Wanderere 2017, 28) takes place. This “something”—the message that can be called a testimony—is ignored by the Hearer in the act of injustice.

When the communicative situation described by Fricker is compared to photography, one must return to an often-referenced relation between the photographer, the viewer, and the photographed subject (Barthes 1984, 9). This triangle is usually described in critical analysis as an uneven power structure, especially in the case of the photographer–photographed subject relations. Susan Sontag (2005, 3-5) goes as far as to describe photography as an act of imposing the photographer’s intentions on the reality of the photographed. Following this reasoning, it can be said that the first episode of testimonial injustice might occur if the photographer attributes little credibility to the photographed subject—to stories they might want to present in the picture—instead dictating their own perspective. The photographer’s domination may be implemented in a more or less intentional manner. Thus, some stylistic devices help the photographer minimize the potential testimony of the photographed subject by strict formal outlines, as in the case of mugshots, that blur individual portraits in masses of similarly looking faces with the same expression. Another device, which gives the photographer authoritative power over the image and photographed individuals, is fram-

⁵ Jeremy Wanderer (2017) summarizes Fricker’s definition: “[...] testimonial injustice occurs when, following an act of telling someone something, a Speaker is accorded insufficient credibility by a Hearer due to a prejudicial stereotype held by Hearer” (28).

ing—deciding who and how they will be captured.⁶ A famous case of injustice in photography exemplifying these analyses is the one of XIX century police criminal archives, which used mugshot photography not only to identify photographed people but also to demonstrate the existence of a specific physiognomic type of criminal (Sekula 1986). Many of those photographed probably had their own stories—histories about suffering and injustice in societies that equate poverty and crime. However, those testimonies are forgotten in police archives. Instead, police photographers took pictures of incarcerated people not to allow them to voice their experiences but to show—by a standardized aesthetic of those photographs—that they are all the same, that photographed subjects represent a particular type predestinating them to become criminals. Even though it is an extreme example, there is the potential for violence and injustice in every act of taking a picture. Those issues seem even more pressing in photographing violence, where photographs of victims' bodies are often one of the few things—or even the only ones—that are left.

It might seem tempting to conclude at this point that the photography of violence is unethical. Thus, the burden of looking at those photographs could be lifted. One could turn off the screen every time new photos of Russian military atrocities appear—furthermore, it could be done with a wholehearted conviction of moral superiority. However, what is missed at that point is that those photographs are not shocking and unacceptable *per se*—the reality that exists behind them is the one that will not disappear when one stops looking.⁷

Following the claim, even if one agrees that an uneven power distribution shapes the relations in photography, it does not mean that the photographed subjects have no impact on the image; seeing photographs as only a photographer's vision does not fully resolve those issues. To better understand the influence of the photographed subjects, one must focus on the potential of their bodies to shape meanings.⁸

⁶ Judith Butler (2009), in their analyses of Abu Ghraib photographs, proposes the strategy of "re-framing"—always asking what is outside of the frame—to overcome the photographer's power of framing.

⁷ W. J. T. Mitchell (2005) writes: "Perhaps the most obvious problem is that the critical exposure and demolition of the nefarious power of images is both easy and ineffectual. Pictures are popular political antagonists because one can take a tough stand on them, and yet, at the end of the day, everything remains pretty much the same" (33).

⁸ This approach to aesthetics is highly influenced by the feminist perspective that focuses on embodied experience, presented by Jane Gallop in her often-referenced book *Thinking Through the Body* (1990).

Recognizing this potential requires a different understanding of what photography is. Instead of perceiving it as some abstract code of references intended by the photographer, one must look at it through the lens of *somaesthetics*:⁹ an embodied praxis (Schusterman 2012). This perspective lets us realize that meaning in photography is created not by the photographer but in a space between the photographer and the photographed subject's bodies, even if this space is often marked by violence and uneven power structures. However—as Ariella Azoulay (2015) and Christopher Pinney (2015) notice—as long as the photographed subjects are separate living human beings, there is always some freedom in the act of posing in front of the camera. Nevertheless, a photographer cannot fully control their minds and bodies. Even in the extreme case of mugshots, the photographer cannot shape the photographed subjects' gaze. This gaze could potentially tell viewers a story about suffering.

The fact that the photographer may impose a variety of disciplinary techniques on the photographed subjects' bodies does not mean that their power over the photographed subjects or the image is omnipotent. Following Vilém Flusser (1984, 21-32), it might be said that what differentiates photography from other, more traditional media of representation is that in photography, the author does not have complete control over the image. They cannot control what is happening inside the camera—that photography represents the reality in front of a lens of a camera and not the author's impression of it (even though it does not mean that one can forget about the photographers' influence via framing or other stylistic devices). There is always hope—even if it is against the photographer's intention—for saving the photographed subject's testimony in the photograph.

Thus, the photographed subjects may perform acts of micro-resistance that the photographer misses. Body postures, hand gestures, facial expressions, or gazes might be seen as hidden messages.¹⁰ One can also look for

⁹ "*Somaesthetics*" is a term coined by Richard Schusterman (2006), who writes: "*Somaesthetics*, roughly defined, concern the body as a locus of sensory-aesthetic appreciation (*aesthesis*) and creative self-fashioning. As an ameliorative discipline of both theory and practice, it aims to enrich not only our abstract, discursive knowledge of the body but also our lived somatic experience and performance; it seeks to enhance the meaning, understanding, efficacy, and beauty of our movements and of the environments to which our movement contribute and from which they also draw their energies and significance" (2). In his analyses of art practices Schusterman focuses on their corporeal dimension, often overlooked in traditional understanding of aesthetics.

¹⁰ Fathima Tobing-Rony (1996), in her research on first ethnographic documentaries, applies the strategy that consists of carefully analyzing the bodies of photographed sub-

marks that are present in and on bodies. Acts of violence are embodied experiences that often leave some characteristics and more or less visible scars. Regardless of the perpetrator's and even the victim's will, the body records the history of violence. Those intentional and unintentional signs may preserve the traces of victims' stories and often remain the only testimony of their suffering.

However, I claim that due to our prejudicial aesthetic stereotypes, these testimonies receive less credibility than they deserve. The first stereotype, common even in critical analyses of war photography, overestimates the photographer's power and sees the photograph entirely commanded to their will. Our habit of reading photography as an expression of its author's intention makes us forget the agency of the photographed subjects and, as a result, makes us perpetrators of testimonial injustice. The other stereotype is rooted in underestimating the significance of both images and corporeal experience, which presents them as less valuable and unreliable than verbal reports (Ranci re 2009b).

In extreme cases, as Jos e Medina (2017) warns, epistemic injustice—which we, as photography viewers, also often commit—can lead even to “epistemic death.” It is a social annihilation of voices and perspectives that cannot be recognized anymore by the rest of society.¹¹ We are obliged to resist it as witnesses of epistemic injustice and even more as its perpetrators. This resistance could teach us not only to notice other perspectives but also help us to reshape society less unjustly: “A well communicated social body is needed so that all can share experiences, compare and contrast perspectives, learn about the insights and limitations of differently situated social gazes, and engage in the difficult process of social learning across differences” (Medina 2013, 22). Photography can become a tool for social learning. By overcoming our prejudices and trying to look at photographs differently, we can also learn how to benefit from the epistemic contribution of victims. It shows that giving justice to the photographed subjects does not end with a better understanding of images but extends to—at least—trying to better understand the reality behind it to counter our perspectives with victims' testimonies.

jects. It helps her to overcome the colonial perspective of their authors and use these materials to elicit marginalized testimonies of colonial victims.

¹¹ While writing about ‘epistemic death’ Medina (2017) focuses on consequences of hermeneutical injustice. However, I believe this term describes well also extreme cases of testimonial injustice even if in this context it gains slightly different meaning.

The photography of violence poses a challenge to its viewers. However, in the collective learning process, they might overcome it and gain access to other perspectives.¹² This effort must be undertaken if they want to reject the perpetrators' gazes. Furthermore—if one agrees with what has been presented in this paragraph, that photography may save testimonies and not only illustrate the news—it seems necessary.

Listening to Images and Critical Fabulation in the Photography of Violence

Notwithstanding, the question emerges: how is that done? As it was emphasized at the beginning of the text, providing an exact remedy to those issues is not the aim. Instead, two existing theories of aesthetic interpretation, which might be helpful to understand better the task of viewers facing the photography of violence, can be referenced. The first, formulated by Tina Campt (2017), accents the significance of affective and corporeal experience in approaching photography. She studies identification photographs of Black people living in a diaspora to see how those photographs may save the memory of this community. To elicit this memory, she proposes the “listening to images” method. It focuses on listening to “a quiet hum” of photographs which is a multisensorial experience.¹³ The second approach, “critical fabulation,” proposed by Saidiya Hartman (2008), emphasizes the role of imagination in interpreting. In her archives research, Hartman looks for traces of colonial victims and creates stories about their possible fates. This creation is an ongoing process that can never reach a definite answer on what this person's life looked like, but rather, it can give them more than a mention in the documents of perpetrators. Even though both researchers focus on the (post)colonial context, I propose extending their methods of interpreting other oppression documents to war photography.

To overcome the photographer's point of view, one must learn to look at photographs from the perspective that elicits testimonies that had to be hard to notice to survive. Campt describes this kind of image as quiet—the photographed subjects do not shout their messages, but they are easily drowned

¹² This strategy is related to how Jacques Rancière (2004) understands the relation between aesthetics and politics when he writes that art practices are “‘ways of doing and making’ that intervene in the general distribution of ways of doing and making as well as in the relationship they maintain to modes of being and forms of visibility” (13).

¹³ “They [photographs] are accessible instead at the haptic frequency of vibration, like the vibrato of a hum felt more in the throat than in the ear” (Campt 2017, 8).

out by a photographer or even by a viewer. Quiet images ask to be listened to instead of read or looked at—the gut impulses of viewers might help save the photographed subjects' hidden messages:

What is the frequency of these images? Quiet. A quiet hum full of reverb and vibrato. Not always perceptible to the human ear, we feel it more in the throat. To look at these images is to see genre and form. To look at them is to look through their sitters and see function and format, to 'oversee' them [...]. To listen to them is to be attuned to their unsayable truths, to perceive their quiet frequencies of possibility (Campt 2017, 45).

This approach to photography focuses not on what can be seen while looking at images but rather on what can be felt or heard. Listening to images is not based on verbal communication but on corporeal reactions. Campt contrasts "listening" with "seeing"—while the first approach emphasizes the viewer's affects, the other proposes a more analytical understanding of interpretation. Seeing images does not consider the viewer's response but requires systematic analyses and classification. It poses questions about already coined categories we can use to describe an image. This dichotomy is similar to Roland Barthes's division between "studium" and "punctum." Studium is what one perceives due to their knowledge or a cultural context that they are part of (Barthes 1984, 25). Punctum, on the other hand, is sudden and unintentional—it "break[s] (or punctuates) the *studium*" (26). It is—as Barthes writes—"[...] this element which rises from the scene, shoots [out] of it like an arrow and pierces me" (26). To see an image means to analyze its studium. It is an interpretation based on recognizing the sociopolitical or aesthetic context. Listening in a different way emphasizes the viewer's affective reactions. They start with punctum, which is experienced in an intimate relationship between the viewer and the photograph. What differentiates Campt from Barthes is that, for her, those intuitions are not only mental but corporeal as well—punctum is what we can "feel in the throat."

However, those feelings cannot obscure what the photographed subjects might want to tell us. Imposing our position on their experiences would be an act of testimonial injustice. This feeling requires attuning to—as Campt puts it—"unsayable truths" of those images and those represented in them. Even if—as it often happens in the case of photography of violence—those truths might be far beyond our imagination. This effort to understand—to even feel—the perspective of others is a part of the "difficult process of social learning across differences."

This gut feeling might offer an impulse for a critical interpretation of the image for questions about power structures that represent violence and people in the photograph. Who are they? The short answer is—victims. However, this answer is deeply unsatisfying as well. This short answer reduces their lives to one position imposed on them by the perpetrators. Instead, one could ask: What stories might they want to tell? What are the overlooked stories they tell through a photograph?

Starting with this question again cannot lead to a definitive answer. It instead marks the beginning of an ongoing hermeneutical process that combines archival research with Hartman's method (2008) "critical fabulation." She explains it as:

Narrative restraint, the refusal to fill in the gaps and provide closure, is a requirement of this method [...]. The intent of this practice is not to give voice to the slave but rather to imagine what cannot be verified, a realm of experience which is situated between two zones of death—social and corporeal death—and to reckon with the precarious lives which are visible only in the moment of disappearance. It is an impossible writing which attempts to say that which resist being said [...] It is a history of an unrecoverable past; it is a narrative of what might have or could have been (12).

Critical fabulation aims to provide a story or rather multiple possible stories to those who are reduced to being only victims—stories that combine not only the experience of violence but also what is outside of it, beyond the perpetrators' control. In order to start writing these stories, the viewer needs some clue—one name or a record mentioned in an archive surrounded by silence. Alternatively, one photograph appearing only for a short moment in the news to never come back (or otherwise be published so many times that it loses its significance). The viewer's task is to pluck this photograph up from a never-ending flood of images and carefully examine it¹⁴ to fill and feel those gaps repeatedly. In this process, the viewer experiencing the photographed subjects' hum becomes a medium and conveys victims' testimonies using their living bodies. Hence, another story can begin, a story about the sufferings of the victims and (im)possible joys that would make them visible for a time longer than only the moment of their disappearance.

¹⁴ Georges Didi-Huberman (2012) applies the strategy of careful examination in his attempt to analyze four photographs taken by Sonderkommando in Auschwitz.

Conclusion

To understand the ethical and political potential of war photography, one must look at it from a different perspective—see it not as a final set of signs arranged by the photographer but as a performative process. This other way of conceptualizing photography may help us avoid becoming a perpetrator of epistemic violence. Valuing the agency of photographed subjects allows us to see photographs as forms of testimony.

The eliciting of those testimonies must consider the photographed subjects' bodies and the viewer's bodies. Images can cause corporeal reactions in the viewer, which may become an essential stimulus for interpretation. Attuning to those gut feelings may help in developing the process of critical fabulation. It may take the form of listening to the subject's body through the viewer's body—opening for corporeal affects and emerging from similarities and otherness between the photographed subject and the viewer. What happens at the intersection of the familiar and unfamiliar contributes to challenging the viewer's perspective of the testimonies of the victims. It may bring us closer to the "well-communicated social body."

The next time we see the photographs from the war in Ukraine—often published in mass by media without any second thoughts about their significance (and in a manner that makes them interchangeable), we might stop for a moment. We should look for a while and ask ourselves, "what stories do these people in this photograph want to tell?" We will never know for sure; however, attuning to our affective reactions and taking them as another way of understanding photographs may help us start an ongoing listening process.

Bibliography

1. Azoulay Ariella (2015), *Civil Imagination. A Political Ontology of Photography*, Verso Books: London, New York.
2. Barthes Roland (1984), *Camera Lucida. Reflections on Photography*, Harper Collins: New York.
3. Butler Judith (2009), *Frames of War: When Is Life Grievable?*, Verso Books: London, New York.
4. Camp Tina M. (2017), *Listening to Images*, Duke University Press: Durham, London.
5. Didi-Huberman Georges (2012), *Images in Spite of All. Four Photographs from Auschwitz*, University of Chicago Press: Chicago.
6. Flusser Vilém (1984), *Towards a Philosophy of Photography*, Reaktion Books: London.
7. Fricker Miranda (2003), "Epistemic Injustice and a Role for Virtue in the Politics of Knowing", *Metaphilosophy*, 34, pp. 154-173.

8. Gallop Jane (1990), *Thinking Through the Body*, Columbia University Press: New York.
9. Hartman Saidiya (2008), "Venus in Two Acts", *Small Axe*, 26, pp. 1-14.
10. Medina José (2013), *The Epistemology of Resistance. Gender and Racial Oppressions, Epistemic Injustice, and Resistant Imaginations*, Oxford University Press: Oxford.
11. Medina José (2017), "Varieties of Hermeneutical Injustice", [in:] J. Kidd, J. Medina, G. Pohlhaus (eds.), *The Routledge Handbook of Epistemic Injustice*, Routledge: Oxon, New York, pp. 41-52.
12. Maliszewska Marta (2022), "Remains of the World War I. War against War by Ernst Friedrich and Two Approaches to Reading Archives", *Thémata. Revista de Filosofia*, 65, pp. 82-103.
13. Mirzoeff Nicholas (2016), "The World on Screen", [in:] idem, *How to See the World. An Introduction to Images, from Selfies, Maps to Movies and More*, Basic Books: New York, pp. 142-176.
14. Mitchell William John Thomas (2005), *What Do Pictures Want? The Lives and Loves of Images*, University of Chicago Press: Chicago.
15. Pinney Christopher (2015), "Civil Contract of Photography in India", *Comparative Studies of South Asia, Africa and the Middle East*, 35, pp. 21-34.
16. Rancière Jacques (2004), *The Politics of Aesthetics. The Distribution of the Sensible*, trans. G. Rockhill, Continuum International Publishing Group: London & New York.
17. Rancière Jacques (2009a), *The Future of the Image*, trans. G. Elliot, Verso Books: New York.
18. Rancière Jacques (2009b), "The Intolerable Image", [in:] idem, *The Emancipated Spectator*, trans. G. Elliott, Verso Books: London, New York, pp. 83-105.
19. Schusterman Richard (2006), "Thinking Through the Body, Educating for the Humanities. A Plea for Somaesthetics", *The Journal of Aesthetic Education*, 40, pp. 1-21.
20. Schusterman Richard (2012), "Photography as Performative Process", *The Journal of Aesthetics and Art Criticism*, 70, pp. 67-77.
21. Sekula Allan (1986), "The Body and the Archive", *October*, 39, pp. 3-64.
22. Sontag Susan (2004), *Regarding the Pain of Others*, Picador Books: London.
23. Sontag Susan (2005), *On Photography*, RosettaBooks: New York.
24. Tobing-Rony Fathima (1996), *The Third Eye. Race, Cinema, and Ethnographic Spectacle*, Duke University: Press Durham.
25. Wanderer Jeremy (2017), "Varieties of Testimonial Injustice", [in:] J. Kidd, J. Medina, G. Pohlhaus (eds.), *The Routledge Handbook of Epistemic Injustice*, Routledge: Oxon, New York, pp. 27-40.

