RETHINKING DOCUMENTARY PHOTOGRAPHY:

DOCUMENTARY AND POLITICS IN TIMES OF RIOTS AND UPRISINGS

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Introduction

I would like to think about documentary photography. In particular, I would like to rethink the limits of documentary photography for the contemporary.

Documentary, traditionally, concerns itself with the (re)presentation of factual information, constitutes a record. For decades, documentary – and especially social documentary – has been under siege; its ability to capture and convey and adequately represent “truth” thrown into question, victim to the aestheticization of the objects, fading trust in their authors, and technological development. So much so that the past three decades have prompted photographer, documentarian, and art historian Martha Rosler to question first its utility, then its role, and finally its future in society. All of this has opened up the possibility and perhaps the need to reconsider the conditions and purpose of documentary practice, and to consider the ways in which it has been impacted by recent technological and historical developments. The invention of the internet and the refinement of the (video) camera into ever more portable devices and finally into the smartphone, and the rise to ubiquity within society of these inventions, signifies a major shift in documentary. So, too, have certain events of the past two decades – namely, the beating of Rodney King (and the circulation of the video of that event) and the development and adoption of the occupation as a major tactic within the political left.

The Rodney King incident changed the way (white, middle class) people in the United States think about and interact with the police. It revealed the racism that

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1 Typically a direct photographic, video, or audio recording of an event, but some of the work that will be explored here could be considered work in an “expanded field” of documentary.
governs the institution of the police in the United States and the danger – the sheer brutality – that black Americans face in their interactions with the police. It also opened up new possibilities for addressing these problems. The Rodney King tape was an inspiration to police brutality watchdog organizations and spawned the practice of copwatching, adding to the discourse around the police force the idea that people should always record their interactions with the police, that no instance of abuse of power or brutality should go unrecorded. Occupations, meanwhile, injected everyday life (and the logistics thereof) into political protest. Occupations build and are sustained by community, and they force occupiers to rethink the structure of those communities; occupations are not like marches or rallies but like societies in miniature, experiments in the organization of our own lives in/by a collectivity forming around resistance. The images they generate reflect this; they are produced by and large by amateur photographers or non-photographers documenting their life experience. The images are collectively produced. They operate as a sort of collective memory. Both of these practices are augmented/enabled by the deskilling and greater accessibility of photographic/video recording in smartphones and the ease of distribution via social media and the internet more broadly.

These events – the beating of Rodney King and the occupations, Occupy – generated substantial interest in the world of art history. The images they have produced have not. I believe, however, that they answer many of the questions posed by this crisis in documentary that Rosler (among others) has described, and that they speak to radical potential in the field. The writing of both Martha Rosler and Allan Sekula, preeminent theorists of documentary and prominent photographers and
documentarians in the art world, informs my writing, as does their artistic work, which describes the limitations of more traditional forms of documentary practice. It is with their work and the work of other important artists in the field that I would like to begin.
1.

Allan Sekula’s *Fish Story* forms one of the most significant recent entries into the world of fine art documentary photography. *Fish Story* is breathtaking – sprawling and elaborate. It is Sekula’s most complex and successful entry into the genre. The photobook publication accompanying the project states that it began as an investigation of “overdetermined ports” but it gradually grew into a prolonged meditation on globalization and the production and circulation of commodity goods. It “also marked Sekula’s first sustained exploration of the ocean as a key space of globalization,” a theme that has since dominated his artistic production.² The project contains sharp photographs in cool tones of docks, dockworkers, shipping crates, cranes, ships, mechanics, captains, fishing vessels, fish, fishermen, and the sea.

The essays accompanying Sekula’s photographs speak to the demystifying force of seeing the world from a dockworker’s or shiphand’s perspective; one can see the material of capitalism and politics more broadly in motion. It chronicles the rise and fall of economies after the collapse of the Soviet Union, the changing parameters of world trade and the conditions of labor therein. What *Fish Story* takes as its subject(s) is that which is strategically obscured from view everywhere but on the docks, on the waterways – in the circulatory system of global capital. Sekula documents the decline of shipments across the West, and their rise in (then) tiger economies of Asia. On the precarity of labor’s position within the former First World,

² Bill Roberts, “Production in View: Allan Sekula’s *Fish Story* and the Thawing of Postmodernism,” *Tate Papers*, no.18 (October 2012)
Bill Roberts writes: “The neglected spanner [in a bankrupt port photographed in the first chapter of the project] appears to stand not simply for the marginilisation of manual labour at today’s automated container ports, but by extension, […] for the disappearance of labour and production from the broader social imaginary.”

But for all its social referentiality and the complexity of its meditation on the nature and operation of global capital, *Fish Story* functions in much the same way as that which came before it. Thinking of a project produced for the *New Internationalist* on coffee, Martha Rosler wrote: “In time-honored fashion, the images of people engaged in the production of consumer goods at the heart of viewers’ lives are intended to awaken conscience over the disparity between the two sets of life circumstances.” Rosler problematizes the position but does not expound on it. Nonetheless, it feels somewhat dismissive; necessary work that, unfortunately, seldom accomplishes much more than “due diligence.” Have any such projects been truly successful? Sekula here focuses on circulation rather than production, but the project hardly represents a break with traditional social documentary. This is not to belittle Sekula’s monumental and powerful project, but if there is a crisis in documentary photography, *Fish Story* ultimately obeys the same rules and follows the same conventions whose efficacy and potential have been thrown into question.

Martha Rosler’s photomontage project *Bringing the War Home: House Beautiful* seemed to pursue such a goal; it worked with images of American home life taken from popular publications and injected into them the ignored or glossed-over

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photographs of the wars that so defined American politics and policy – first from Vietnam and later from Iraq. It called attention to the nature of those wars and the obfuscation thereof within the culture-producing institutions of the United States. The project insinuated that those wars were as much a part of the fabric of American life as the images that seemed to obscure them, that those invasions perhaps sustained and produced the lifestyle depicted in *House Beautiful* or *Life*.

Many of her projects deal with similar themes of media disinformation (*If It’s Too Bad To Be True It Could Be DISINFORMATION, A Simple Case for Torture, or How to Sleep at Night*) and manufactured social ills generally hidden from public view (*Lesson for Today, Housing is a Human Right*, and to a lesser extent or secondarily *The Bowery in two inadequate descriptive systems*). *Lesson for Today* was a simple graphic intended to be deployed as an intermission slide in movie theatres (it was ultimately repressed). The image shows the bricks constituting a neoclassical building, presumably a university building, disincorporating from the structure and flying across a “seismic split” in the terrain to construct a prison on the other side. The text reads “INCARCERATION: A GROWTH INDUSTRY / Seismic Shift – California budget for prisons now exceeds budget for higher education / maybe it would be cheaper just to change names”. The piece was produced in 1996 in collaboration with her son Josh Neufeld. Alexander Alberro describes *DISINFORMATION* as “a work about the mass media’s extraordinary ability—indeed, tendency—to distort truths and manufacture consent.”

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exaggerated static” until finally “seamlessness is restored with a clip of a Reagan speech.” These two tendencies form a large part of Rosler’s work, which hovers around the idea of documentary, grappling with information, disinformation, recording, statistics, and truth, and the role of each of these things in the sociocultural experience of the United States. Though her methods are quite different, the overall project appears to be not unlike that of Sekula’s – to bring to the fore the structural supports of American (white, middle-class, consumer) life hidden from view in everyday experience, carefully ignored in media and politics.

Rosler’s video and photomontage projects operate as commentary on documentary, leveling strong criticisms at the supposed purveyors of news and documentary (“truth”). Rosler’s desires for documentary (as she describes them here and more clearly in “In, around, and afterthoughts (on documentary photography,” which we will explore at greater length later) are definitively populist, and a certain vein in her artistic production reflects this, designed for public space. Myth Today: Edited for Television and Balance of Trade, both exhibited on billboards (the first in Minneapolis and the second in Toronto, both in 1985) make a similar critique of the news (“the authoritative image,” in Alberro’s words) as much of her video work, but neither articulate it as clearly as one might hope from a billboard. Better representative of her populist interests are Lesson for Today, the suppressed movie theater slide described above, and Housing is a Human Right, a message about crises in housing displayed on a Spectacolor Signboard in Times Square in 1989. Both are strongly worded and formally simple, their aesthetics reinforcing the text. Both are damning

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6 Ibid.
7 Ibid., 100.
presentations of figures related to spending priorities in America, but neither is able to escape a merely presentational mode to one that acts directly on or mobilizes others around the problems it concerns.

Josh Azzarella offers an interesting alternative take on the role of documentary in the contemporary. Where Sekula’s work (and Fish Story in particular) focuses on crisp, clear images of that which is otherwise purposefully obfuscated, mystified, and Rosler’s (in Bringing the War Home: House Beautiful) on the injection of graphic images of America’s wars into banal images of American home life, Azzarella carefully hides or excises the subjects of widely circulated images. He works with sites of national trauma, selecting photographs from Abu Ghraib, Columbine, the Kent State shooting, the Lorraine Motel. The images are digitally manipulated, scrubbed clean of their relevance, the wound that they contained. The images Azzarella selects represent a break or tear in American cultural identity. They are viewed by the public at large again and again, published and broadcast day after day, night after night by news media and cultural commentators, in each instance assaulting their audience with seemingly incomprehensible (absence of) meaning. Azzarella’s carefully edited images almost seem as a cheap palliative, aids for memory repression.

But even as these photographs fail to register in the conscious mind, fail to produce satisfactory meaning or a satisfactory response, they take deep root in our memories, our subconscious; even without clear recognition of the event represented

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8 Bringing (presumably) little seen or thought of images from the periphery of American social life (while proposing the scenes’ centrality in producing that existence) into clear view.
9 This is merely the context in which he works in this series; moreover, the series includes the infamous image of “tank man” from Tiananmen Square.
in the images Azzarella has edited, the viewer can sense that something is wrong in them; they do not follow the conventions of the media image, are if not recognizable for what they are nonetheless immediately distinguishable from the sleek imagery of commercial (or even by and large fine art and documentary) photography. Against the sharp, masterful images, full color images that saturate the American life experience, these images stand out. Two things are immediately noticeable upon viewing the photographs. The first is in their quality. The photographs from Abu Ghraib were produced by a cheap digital camera and show signs of digital compression. Many others are stills from security cameras (from Columbine, or the Hibernia Bank) or details from larger images (the Challenger explosion), grainy and indistinct. Images of this sort are recognizably images of something. They connote documentary value. One does not sell clothing or shampoo or home appliances with such images. When images of this sort enter into the realm of popular visual culture, it is because they show or prove something. The second thing that strikes a viewer upon seeing one of Azzarella’s photographs is that they don’t show anything. Their banality is startling. The compositions are empty and awkward, there’s nothing to see.

The mind is left to fill in the details, to remember what Azzarella has cut out, to know the image. The viewer is prodded to confront the traumatic event directly. Azzarella’s project forms one of the most powerful and studied responses to national trauma in memory. Far more interesting than, say, Fernando Botero’s work on Abu Ghraib, in which he successfully converted the events and photographs thereof into
paintings and drawings by Fernando Botero.\textsuperscript{10} But Azzarella’s images, though they serve as a masterful investigation of trauma and demand a confrontation with the event, they are not capable of describing the structural conditions that produced the traumatic event. The body of work is consumed with state repression and brutality – from Tiananmen Square’s “tank man” to savagery in Vietnam to the Kent State shootings to the assassination of Martin Luther King, Jr. – but is at the same time blind to it. The images cannot recognize the forces that produced them let alone mobilize political action against them.

Each example, among the most political and complex documentary production in postmodern and contemporary art, obeys the same rules that have traditionally governed documentary and whose limitations we are now hitting. Each is presentational (as opposed to interpellative or active), produced by a single artist approaching their material from the outside (as opposed to collective production by those directly involved in an event), aestheticized. Both Rosler and Sekula have published extensively on documentary and Rosler in particular on its limitations, the dangers it faces, and the need for change within it as a field. A review of this literature could help to better lay out the conditions of documentary in the contemporary.

\textsuperscript{10} Though his decision to donate them to any museum that is willing to put them on permanent display – he stated in an interview that his preference would be in America or in Baghdad – was certainly a respectable one. Kenneth Baker, “Abu Ghraib’s horrific images drove artist Fernando Botero into action,” SFGate.com, January 29, 2007.
This thesis was inspired by the final two sentences of Martha Rosler’s meditation on social documentary and the state of documentary photography, “In, around, and afterthoughts (on documentary photography),” originally published in 1981. They read: “Perhaps a radical documentary can be brought into existence. But the common acceptance of the idea that documentary precedes, supplants, transcends, or cures full, substantive social activism is an indicator that we do not yet have a real documentary.”\(^{11}\) This raises a few questions: firstly, what, precisely, must we mean when we say “radical documentary?” And secondly, have we, some thirty years after the publication of that article, actually brought such a documentary into existence? These are the questions that this essay will strive to answer.

Before we address these, though, let us consider what we mean when we say “radical.” The Oxford Dictionary provides us with a useful definition: “(especially of change or action) relating to or affecting the fundamental nature of something; far-reaching or thorough.”\(^ {12}\) Radical practices seek to address a problem, and to the question posed by that problem, their answer is one marked by an extreme break with current conditions. Radical practices must thus be understood as distinct from reformist practices; reformist practices seek to preserve the structural framework of the system or institution at the site of the problem, changing only as much as necessary to correct the problem behaviors. To illustrate the difference, we could

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\(^ {12}\) Oxford Dictionaries Online, s.v. “radical.”
consider the problem of racism in the police force. Reformists continually make demands of various police departments to address this issue – racial sensitivity classes for officers, the recruitment of more people of color into the police force, alterations to the procedure officers follow in primarily people of color neighborhoods, etc. Radical interrogations of such a problem call for deeper solutions – namely, the abolition of the police force and its replacement with a fundamentally different institution. This essay considers radical solutions to be of a higher order than reformist ones. This is partly a result of the nature of the problems examined. Reformist solutions do not consider the possibility that the framework and conditions of an institution structurally encourage and produce the problem at hand; that, say, racism in the police force is not the result of a few “bad apples” but rather something in the nature of the police force itself that directs it to the preservation of white racial/class privilege through the oppression of people of color – that it is an agent for the preservation of power.

As this example indicates, this thesis considers specifically social and political issues. In this realm, we can add to the definition provided by the Oxford Dictionary that radical practice is in constant flux. This should be familiar to students of art history – the radical has something of the avant-garde. Eventually, avant-garde practice and imagery becomes kitsch. It loses its power and ultimately reinforces the systems that it originally sought to dismantle. Such is also true to a certain extent of the radical in the social/political realm. Radical movements are prone to cooptation. Observers commented cynically that Occupy in the U.S. was bound to end up a voter base for some Democratic Party candidate or other. And so it was. Elizabeth Warren, the foreign policy pages of whose website read like they were, in the words of Max
Blumenthal, “cobbled together from AIPAC memos,” rode to power on an electorate mobilized by Occupy. This is sound illustration of the failure of reformist practices, and of the potential for a radical movement (or at the very least a movement with radical potential) to succumb to them. Radical practices, though not necessarily co-optable, are weakened as the institutions they struggle against develop new ways to combat them. This is particularly so in the face of new technologies. There was a general enthusiasm on some parts of the political left for social media during its rise to ubiquity, validated, it seemed, by its deployment in events like the 2011 London riots. But excitement for the potentialities that new technologies open must be tempered with the recognition that these technologies will be just as or more easily tailored to suit the needs of those in power, and every tactical deployment of such a technology is in fact working against the grain.

Allan Sekula describes this phenomenon as it relates to photography in “The Body and The Archive.” He opens: “The sheer range and volume of photographic practice offers ample evidence of the paradoxical status of photography within bourgeois culture. The simultaneous threat and promise of the medium […].” This simultaneous threat and promise of new media and new technology is as realized by a particular class; the promise to one is often the threat to another, and thus each new technology has this duality of purpose, it reinforces and simultaneously threatens a class. Sekula divides the photographic operations of the mid- to late-19th century into the honorific and the repressive (the promise and threat, as realized by the bourgeoisie,

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respectively). To put this in terms more familiar to our line of inquiry, we might recall the anecdote Barthes provided in Camera Lucida (to other ends in his own text, but it is useful here nonetheless): “certain Communards paid with their lives for their willingness or even their eagerness to pose on the barricades: defeated, they were recognized by Thiers’s police and shot, almost every one.”¹⁵ There was a certain joy for the Communards – or perhaps a certain power – in this presentation of self. Maybe it felt like victory. But those same photographs would be used, after the fall of the Commune, to identify the Communards for execution. Sekula, like Barthes, sees this phenomenon manifest itself most strongly in portraiture; photography provided both for “the ceremonial presentation of the bourgeois self”¹⁶ and the means to contain and control the bodies of the growing urban subproletariat. It is to the latter that Sekula devotes the bulk of this article. He begins his article with a quotation from Adolphe Quetelet from 1842 – “On the one side we approach more closely to what is good and beautiful; on the other, vice and suffering are shut up within narrower limits; and we have to dread less the monstrosities, physical and moral, which have the power to throw perturbation into the social framework.”¹⁷ As early as 1843, photography was incorporated into the police departments of Europe. It became part of a growing effort to quantify and catalogue the body, particularly the inferior or pathological body; phrenology and eugenics were gaining popularity and credibility in this period, and Sir Francis Galton, the “father of eugenics,” was among those to adopt photography to aid his own projects. He famously produced “composite portraits” – portraits of persons of

¹⁷ Ibid., 3.
a particular “type” composited into a single image for the purpose of isolating the physical characteristics of such a type (thief, murderer, consumptive, etc.) so that the criminal or pathological body might become identifiable upon cursory examination. Galton’s composite portraits assumed that the character of the person was inscribed upon the body; all characteristics were essential and measurable. One need not spend overmuch time in contemplation to ascertain the final ends of his project. Standing opposite Galton was Bertillon, who worked also to generate an extensive archive of photographic traces of criminal bodies, but for him, the noteworthy measurements and characteristics of the body were not evidence of essential truths but rather the lived experience of an individual inscribed. Bertillon’s system is, in this sense, a truer antecedent of current databases of criminal photographs and fingerprints. Both systems were dedicated to the cataloguing, the archivization, and the control of bodies. Both are telling of the first impressions of the ruling class of a new technology.

Photography has since been deployed by and to the benefit of the poor, oppressed, and marginalized if not to equal effect then at very least with equal or greater devotion and zeal. Martha Rosler provides an account of early social documentary in “In, around, and afterthoughts.” She begins with a discussion of the Bowery and the work of Jacob Riis, a documentary photographer of the late 19th and early 20th century. His is the sort of photography that sought to shine a light into the dark places of the world; Riis wanted to uplift those poor drunks of the Bowery, and hoped that his images of their condition would move the wealthy and powerful of New York to work to alleviate their suffering. Rosler argues that such reformist documentary ultimately works to preserve the privilege of the ruling class, however. It
serves to placate the “dangerous classes below” with charity, and has a similar effect on the viewer; it does not awaken in its audience any radical potential, but rather reassures them of their own status, or calls on them to support the cause in a more mild way, to, say, write a moving letter to their representatives. Here, Rosler asks an important (rhetorical) question: “But which political battles have been fought and won by someone for someone else?” Aside from the issues inherent to begging aid of the dominant class, what potential does this have to accomplish even the modest goals it sets for itself?

She goes on to describe the way framing handles otherwise radical work with the example of W. Eugene and Aileen Mioko Smith’s work in the Japanese fishing village of Minamata. Minamata suffered as a result of “the heedless prosperity of the Chisso chemical firm, which dumped its mercury-laden effluent into their waters.” The Smiths’ work was the documentation of the suffering of the people of Minamata and their battle for redress. The village eventually won its fight in the courts, and the Smiths were to have their text and photographs published in Camera 35. Their photo essay argued for “strong-minded activism” and was to be the featured story of that issue, but was defused by the celebratory frame in which it was published. The editor substituted the Smiths’ own cover layout for a portrait of W. Eugene Smith. The subject of that issue of Camera 35 was not the story of the people of Minamata or the Smiths’ article (with its calls for action), but rather the photographer, Smith (singular), whom the cover proclaimed “Our Man of the Year.” Rosler writes: “The magazine’s

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18 Rosler, “In, around, and afterthoughts,” 177.
19 Ibid., 179.
20 Ibid., 180.
21 Ibid., 181.
framing articles *handle* that directness [in calling for activism/action]; they convert the *Smiths* into Smith; and they congratulate him warmly, smothering his message with appreciation.”

The way an image is framed, Rosler demonstrates clearly here, very much determines its meaning.

The very field of documentary faces a number of challenges, however. These will consume a great deal of Rosler’s attention for the next two decades. She describes the world of documentary at the time of her writing “In, around, and afterthoughts.” As we have previously noted, she is disappointed by what she finds. Rosler attributes much of these failings to a conservatism in the art world that “wishes to seize a segment of photographic practice, securing the primacy of authorship, and isolate it within the gallery-museum-art-market nexus” (18), separating the art object from potential populist understandings of it in a reactionary reductive formalism.

Rosler returns to the subject of documentary photography in 1989 in “Image Simulations, Computer Manipulations.” Her subject, laid bare in the title, was what many in the photographic world considered to be another serious threat to documentary. However, Rosler makes it clear from the start that she does not believe that digital image manipulation spells the death of truth in photography; photographic images have always been manipulated, though perhaps more subtly. She provides an example: early outdoor photographers were very likely to use multiple exposures on a negative or composite several negatives; limitations of film of the period meant that one could not do justice to land and sky at once, so a degree of manipulation was required to capture both. But these manipulations “were in service of a truer truth, one

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22 Ibid.
closer to conceptual adequacy, not to mention experience.” This exonerates image manipulation in general, at least, though some specificities of this practice are left questionable; faked photographs abound, edited or restaged for political reasons, particularly in war photography. Rosler provides the example of the group of U.S. Marines raising the flag on Iwo Jima. The original image (taken by Louis Lowery), rather less glorious, was taken in an active combat zone as Marines raised the flag under fire. It was not considered dramatic enough for the purposes of Marine Corps publicity, however, and Joe Rosenthal was commissioned to recreate the image later with a second group of Marines after the battle had been fought. It is the Rosenthal image that is remembered, and both groups of Marines were required to lie about their involvement in the two images many times. On this note, Rosler states that culture is not bound to technology but vice versa; photomanipulation is not the beast run amok that some photographers and theorists might have it but the (predictable) product of a specific history. Already, retouching the supposedly sacred images of documentarians and news photographers was so commonplace in the news magazine industry that, in an example Rosler provides, an engraver dialed up the blues in an image of a swimming pool destined to accompany a story about vandals dying the pool water red. This becomes more troublesome in the employment of photographs as “evidence.” Digital imagery in particular gives concern, as there can be no “original” image; or at least, no negative.

Curiously, however, this has not affected the believability of the digitally recorded image or video overmuch. Rosler references the Rodney King case, and

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notes (importantly) that the amateur operation of the device may actually be a boon in this regard, as it is assumed that they lack the expertise required for serious manipulation (which is likely still the case, despite the relative de-skilling of photomnipulation). No, the video was found entirely believable, though it was still found to support the police/State. If there is a crisis, then, Rosler lays blame at the feet of politics rather than technological advance, which may through deskilling and opening wider access to the necessary equipment have enhanced the truth value of documentary. Images produced by an observer who lacks the sophistication to manipulate them are generally recognized as “truer” than those produced by even the most trusted professional photojournalists. This describes a process by which documentation of events is increasingly produced by bystanders will little photographic experience or skill.

Rosler comes back to these questions in 2001 in “Post-Documentary, Post-Photography?” She is this time less certain of photography’s future; the article poses serious questions about the current and future roles of documentary and photography, starting already in its title. Published at the turn of the century, it comes at an important juncture technologically, during the early days of the internet’s ascension and the development and standardization of Adobe’s Photoshop (and then the Creative Suite line of products two years later). Though Rosler could not have anticipated it, 2001 would also see a sea change in American politics, leading photography to be more hotly contested (politically, under the guise of (national) security) than ever. So the article concerns itself primarily with the viability of documentary in the contemporary, specifically in the age of digital photography. Early in the article,
Rosler wonders how photography – and particularly documentary, built upon the raw truth of the photographic/filmic image – could possibly survive the digital age; for decades already, the “truth” of the image had been contested ground. How could it survive the advent of digital image manipulation? This issue in particular is perhaps more clear now, some ten years after the publication of the final revision of this article. The problem of truth value in documentary is exacerbated by its artistic dimension; Rosler quotes the cover of New York Times Magazine (1997), “Documentary film makers have to manipulate reality in order to make their art, even if that means exploiting their subjects.”\(^24\) This same dimension, however, is also called upon to save documentary from fading public interest and cries of propaganda. Closing the article, Rosler states that documentary is “teetering on the brink of its demise.”\(^25\) This is the result of a greatly reduced faith in photography in general and documentary in particular; the role of the outside observer is no longer viable, the photograph (window to the truth) is no longer unassailable, and documentarians have come under fire for ethical irresponsibility. Further, images are no longer produced solely for the consumption of privileged classes; the subject and audience of the documentary photograph may be one and the same in the contemporary. But for all of this, photography remains. How, then, after all of Rosler’s anxieties (and she was not alone in them), has documentary photography appeared to have survived into the digital age more or less unchanged? The simple answer is “because we need it.” The forces Rosler described acting upon documentary have taken their toll, however, but they seem to have done little more but reinforce the conclusions the reader was able to


\(^{25}\) Ibid., 230.
draw from “Image Simulations, Computer Manipulations.” As professional
documentarians – both photojournalists and artists – come under assault for unfaithful
representations of reality, images captured by bystanders comes to occupy an even
more privileged position in the in the world of documentary (after a half century of
arbitrating reality, the reputation, technical skill, and sophistication that photo agencies
so carefully cultivated work to their disadvantage).

We can take several lessons from Rosler’s engagement with documentary
photography (and all that has and has not changed since). First and foremost:
documentary photography (to which we can increasingly add video) is clearly still
necessary, and despite all of the technological developments that appeared to spell its
end, people have not lost faith in the ability of the photograph to convey truth, though
they have become more wary. In particular, they have become wary of photographers
with the technical sophistication to manipulate their image, particularly when such
images are so frequently edited to enhance their aesthetics and captivate their
audience. Perhaps even more so, people are distrustful of propagandists, particularly,
in the context of the United States, on the political left. For these reasons and also for
the insularity of the art world, very few photographers who identify/are identified as
artists are seriously considered as purveyors/producers of “truth.” Their work is
typically less accessible (in the sense that it circulates in such a way that it is
uncommonly seen by an audience with no stake in the artworld) and less trustworthy
for their dedication to aesthetics and their perception as “outsiders” to society (an
image many artists traditionally cultivated). With the progression of technology in the
field, documentary is more and more easily produced by common people who happen
to witness an event in the course of their everyday lives, and the images they produce are more and more readily seen as trustworthy.

Now, to return to Rosler’s desire for building a substantive and engaged social activism. It is useful on both levels – to answer Rosler’s call and to satisfy the changing terms of the documentary image – to think of the documentary of an event – say, of a protest – to be produced collectively by those involved. It is useful as an escape from the traditional images taken from “above” or “outside” an event without retreating into equally untrustworthy propagandistic images and opens up more interesting potential understandings of individual images and documentary practice more broadly than either of these models. The common mode of distribution for such images or videos (presumably captured on digital point-and-shoot cameras or smartphones) would be through the internet, particularly through social media. Social media and smartphones have been a significant boon to protesters, activists, and rioters in the course of their brief existence. These tools were easily adapted to the needs of the left in its mobilization; they’ve been picked up with great enthusiasm as organizational tools across the band and acquired a particular notoriety in the 2011 London Riots. This is not to paint too rosy a picture of them. We have noted earlier that new technologies tend to favor the master over the slave, and we should take caution to remember that they not be taken to “precede, supplant, transcend, or cure full, substantive social activism” in physical (public) space. So, then, what must a radical documentary look like? I should think it would be collectively produced as a part of daily life and activism that and not only documents but foments political action.
I would like to consider two examples of tactics that have developed across the past two decades, aided or enabled by recent technologies. Both are representative of substantive social activism with broad support. A certain type of documentary has been produced by each, each has radical potential.
Filming Cops

Recent years have seen a surge in interest in the photographic, video, and audio recording of police officers in the execution of the duties of their office. This accompanies both a general rise in activity and organizations on a regional or national scale calling for police accountability and the technological development to facilitate it; this level of organization is obviously intensified by the internet and social media (now, it is not uncommon for social media to be the primary site for the planning of events, distribution of media, and circulation of news), while the documentary practice is promoted by the growing mobility of recording devices and necessitated by the militarization of the police (inter)nationally. Our purpose here is to develop an understanding of these practices and police responses to them, to examine the nature of their operation, and to determine their political efficacy. The dimensions these documentary practices operate in are particularly interesting; the action is political in and of itself, the document produced sometimes secondary. In other cases, the document is evidentiary in the legal sense, or (in the event that no relevant trial occurs) submitted as evidence in the popular sense.

The actions in the former case are generally framed as the exercise of (threatened) rights, the discourse around them not entirely unlike that around the open carry of firearms – the advocate for the right exercises it in a highly visible or provocative way to reinforce the right. The most obvious precursor to the practices in
the latter two cases would be the Rodney King tape and its deployment at trial and on television, respectively. The King tape marks the genesis of the practice at hand (copwatching). It spread like wildfire, appearing nationally within days. It had an instant notoriety – anyone in the United States could recognize it immediately – all years before the rise of the internet. The impact it had was undeniable. Those images of police brutality gave testimony to a domestic violence – that is, a violence committed by agents of the state against citizens of the United States in American cities – that in this instance could not be ignored. But the tape appeared to be everywhere damning but in the court of law. Its television audiences had considered the tape so evident of a heinous act of brutality that the prosecution in the trial of the officers involved rested their case on it alone. It did not occur to them that the jurors’ “seeing” of the film would be so radically different from that of its television audience. The defense, in an agonizing series of freeze frames, careful incisions, cut and reshaped the video until it had lost the “truth force” that had so characterized its reception before the trial. Infamously, the officers were acquitted.

Louis-Georges Schwartz grapples with this in *Mechanical Witness*, a history of the evidentiary motion picture in the courtroom. How could the jurors have failed to see what was so obvious to the video’s television audiences? The short answer is that the tape operates in entirely different ways and means entirely different things depending on the institution in which it is screened. The motion picture does not obey the same laws, perform the same operations in the courtroom that it does in cinema or on television. In court, the defense also made extensive use of the video, suggesting that what was outside the frame (spatially or temporally) could warrant the officers’
actions, or even that it was King who attacked and officers acted in retaliation. Schwartz, citing Avital Ronell’s reading, writes that the force with which the Rodney King tape affected its television audience was a product of its framework (that it appeared *on television*); “its testimonial power derives from its difference with that context, from the fact that it does not obey the semantic and syntactic rules that govern normal and normative television productions.” The nature of the video and its contrast with usual television programming afford it its power. The tape feels furtive. The sharp movements of the camera attest to distance and duress. The video is of poor quality and the image is dark and shadowed. Only King is illuminated, the officers surrounding him at the edges of the pool of light. It is immediately distinct from the masterful production of normal television programming, and in its rawness possesses a force that such elaborate productions cannot. None of this applied in the courtroom, however; its impromptu framing, rather than implying urgency or immediacy lessened the force of the video, provided the defense an avenue for argument. The case speaks to two different modes of seeing, a legal and a popular, determined by institutional framework.

The opinion of Circuit Judges Torruella, Lipez, and Howard in the case of Glik v. Cunniffe, et al., which we will consider at length later, reads: “The proliferation of electronic devices with video-recording capability means that many of our images of current events come from bystanders with a ready cell phone or digital camera rather than a traditional film crew.” The effect of the Rodney King recording was

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27 Glik v. Cunniffe, Savalis, Hall-Brewster, City of Boston, no. 10-1764 (1st Cir. 2011), 13.
tremendous, but its capture was incidental (a “serendipitous recording”); it was only recently that hardware had progressed to such a point as to make the targeted and purposive recording of police a viable tactic. The smartphone is representative of these developments more than in any other device. It is highly portable, easy to conceal, quickly and easily captures and uploads, and perhaps most importantly of all, is carried everywhere. It is virtually mandatory that one carry one’s smartphone at all times and in all places. The omnipresence and ease of carry/concealment of the smartphone is here as important as the ability to upload the material captured, and has an importance to the work of copwatch organizations similar to the development of the handycam that enabled Holliday to capture the Rodney King tape, or the development of video that so impacted the deployment of motion picture evidence in legal proceedings. The King tape was recorded by George Holliday, an émigré from Argentina, from the balcony of his nearby home on a recently purchased handheld Sony camcorder. It was the product of the slow refinement of the Portapak, and its ease of use and speed of deployment very much enabled the capture of the event. A history of “copwatching” and evidentiary video is inherently a technological history to a certain extent.

To illustrate the impact of the smartphone, one could recall the June 2011 story of Miami man Narces Benoit, who was able to capture the Memorial Day police shooting with his phone, and when discovered and interrogated by officers, was able to hide the SD card on which the material was stored in his mouth. Seeing the events unfolding before him, Benoit was able to use his HTC smartphone to begin recording in lieu of the relatively bulky dedicated camcorder the average bystander would be
unlikely to carry. The video, still widely available online, opens on a score of police officers surrounding the stationary vehicle of an alleged shooter with guns drawn. Shortly after recording begins, all of them open fire and continue for a solid seven or eight seconds. Later, police officers notice Benoit and he runs to his car with his girlfriend. Police officers pursue and confront the unarmed pair in their vehicle at gunpoint. The video ends here, but we learned from the various news agencies and interest sites that picked the story up that the phone itself was first smashed on the street, slipped back into Benoit’s back pocket as he was handcuffed, and then confiscated again and held by the police while Benoit was processed first in a mobile command center and later at police headquarters. The video exists firstly as a result of the video and audio recording capabilities (and omnipresence) of the smartphone, which allowed a bystander entirely unprepared for the events he was to witness to capture a recording without the aid of a dedicated video recording platform. It exists secondly as a result of the small size of the SD card, which Benoit was able to conceal at the first sign of the officers’ telling reaction – the immediate and violent suppression of evidence.

It is instructing that despite the massive media attention Benoit’s story garnered, little reference was made outside of the local news to the second video captured of the event. The video was shot from a balcony above, not unlike Holliday’s

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28 More recent reports show that the police fired 115 rounds into the car of the victim, Raymond Herisse. It was concluded that he had not fired a gun that night. Tim Elfrink, “Man Hit With 115 Police Rounds in Memorial Day Firefight Never Shot at Cops, Report Shows,” Miami New Times, April 11, 2003.
video of the King beating. The news media has been more attracted to the drama of Benoit’s story than the comparatively commonplace event that was the execution of a probably innocent and unarmed black man by a score of police officers. As the Malcolm X Grassroots Movement reports, one Black man or woman was victim of what they term extrajudicial killing every 36 hours for the first six months of 2012. “This wanton disregard for human life,” the report reads, “resulted in the killing of 13 year-old children, fathers taking care of their kids, women driving the wrong cars, as well as people with mental health and drug problems.” A subsequent report released after the year’s end found that 313 Black people were executed in such a way in 2012, or one every 28 hours. Police violence has become a fact of life in America and around the world. One can go on: the Center for Constitutional Rights reports (in a graphic hosted at stopandfrisk.com) that in 2011, the NYPD conducted 685,724 stop and frisks – an increase of more than 80,000 from the previous year. The percentage by race has changed little, however – 51% of those stopped were Black (52% in 2010), and 33% were Latino. In stops of Blacks or Latinos, force was used by officers conducting the stops a combined 129,590 times. In both years, only 2% of those stops resulted in the discovery of contraband. The situation looks little different when one examines the lives of police officers at home – the National Center for Women and

30 The other side of this could be considered in a history of the development of the activist collective we refer to as Anonymous; previously (during the LulzSec period), their focus was on privacy and freedom of speech, and have been said to have declined or even disappeared since their focus has broadened; one might also recall that Google and Wikipedia participated in the protest against SOPA. The attractive story is not the murder but the attempt at repressing Benoit’s story thereof; the murder gained little more attention as a result. Violations of the privacy, the freedom of speech trumps murder by the police.  
Policing finds that relationships involving police officers are between 2 and 4 times more likely to be abusive than those of the general population, citing two studies that “have found that at least 40% of police officer families experience domestic violence.”\textsuperscript{34} What’s more, the problem for the battered partners is made worse by their inability to turn to other police for help; the Center finds that strong bonds of “police family”\textsuperscript{35} translate to “the reality […] that even officers who are found guilty of domestic violence are unlikely to be fired, arrested, or referred for prosecution.”\textsuperscript{36} This fact most of all should stand testament to the systemic nature of the problem; in the face unchecked police violence elsewhere in the world, the common story in the United States is the result of unstable/failing states, undemocratic regimes, a people who “don’t understand freedom,” etc. It is clear, however, from the mountain of data and analysis available – of which I can only scratch the surface here – that these problems are endemic to the police force as an organ, under governments from democratic to fascist. Stop and frisk is an NYPD policy. The execution of poor people of color occurs around the country and the officers involved rarely if ever face a greater consequence than paid vacation. The officers’ abuse of their partners is enhanced by and an effect of the training and instruction they receive as officers; i.e. as instruments in an inherently violent and coercive institution. “Reform” is insufficient; it merely preserves the institution while making cosmetic changes. Reform is ornamental. It is a campaign ticket. The problem of the police force requires

\textsuperscript{34} National Center for Women and Policing, “Police Family Violence Fact Sheet,” WomenAndPolicing.org.
\textsuperscript{35} Christopher Dorner made a similar observation (crossing the “Blue Line”) about his complaints against superior officers and subsequent firing. He was discharged shortly thereafter. Christopher Jordan Dorner, “Letter to America / Subj: Last resort.”
\textsuperscript{36} National Center for Women and Policing, “Police Family Violence Fact Sheet.”
a deep and serious reconsideration of the nature and role in society of “justice.”

The stories of Rodney King, or of Narces Benoit, or of Christopher Dorner (whose story is far beyond the purview of this essay), for that matter – whose letter to America reminded us that the officers behind the King beating and Rampart are no longer officers, they are watch captains – should make that clear.

The line from King to Benoit is easily drawn. Authors writing for sources from the Miami Herald to Al-Jazeera English have made the connection explicit in a growing popular/journalistic commentary on what it means to witness injustice. It is in light of events like these (and fed back into by retaliatory efforts by police unions to outlaw and prosecute the recording of on-duty officers) that copwatch organizations have proliferated. The King tape invigorated police watchdog organizations and inspired the practice of copwatching; that so short a video, so small an action could have had such an impact on the world was incredible. The advent of the internet has allowed the decentralized groups to communicate and organize more effectively on the national scale, and has allowed other such videos to circulate more broadly with significantly less reliance on the fickle television news media (and once a video has “made the rounds” online, it becomes a much more appealing news item).

CopWatch and CopBlock are prominent examples that persist as of this writing – decentralized organizations that advocate nationally for police accountability and encourage filming police whenever one is subject to or witnesses an arrest or home

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37 These are material observations. The greater violence of the police force and its moral and psychological effects on all those involved – or its role as armed revenue collector for the State rather than protector and servitor of the public – cannot begin to be explored here.

entry. The official politics of the groups are of little interest; they take their place in the discourse of the moderates as an effort to reclaim the country by everyday citizens, as though the nation has somehow veered off of a nobler path/past. For the most part, such discussions fail to imagine alternatives other than “return” or “reclamation,” and seldom venture into structural critique (a sidebar advertisement on CopBlock’s main website for LibertyStickers.com reads: “OK, joke’s over. Bring back the Constitution.”). There are hints at more radical attitudes in the rhetoric of these groups nationally but these are usually framed in terms of “freedom,” a suspect term in the politics of the past few decades. These are very much white middle class arguments. The action is framed politically as “exercising rights,” which makes a variety of assumptions in and of itself. As decentralized organizations (and these two are, of course, merely examples), many of the local groups or actors therein hold entirely different views; the more radical and now disbanded Rose City CopWatch stated that its purpose was “to disrupt the ability of the police to enforce race and class lines,” while text on Berkeley CopWatch’s homepage describes an organization dedicated to nonviolence and noninterference whose “hope [is] that, one day, mass outrage at police and government violence will increase to a point where fundamental change in the nature of policing becomes inevitable.”

To examine the practice of the organizations and their locals/affiliates as documentary is rather more interesting, however; the action itself is significant, in some cases more so than the document produced. This practice (when described as an exercise of the rights of the citizen) often provokes (sometimes intentionally) precisely

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39 Copblock, homepage, Copblock.org.
40 Berkeley Copwatch, homepage, BerkeleyCopWatch.org.
the sort of overreaction that the actor anticipates and seeks to record. In more routine cases, the document itself becomes irrelevant; it is here a practice divorced from its traditional product, the “document” secondary to the act of producing it. I alluded before to advocates for the open carry of firearms – the practice is primarily a political statement about the rights of citizens (who may feel besieged by either the increasing militarization of police forces or by violent crime coded young and black, depending on their politics). The actor presumably believes the sight of the openly carried firearm will also deter crime in their presence. Maybe it does. This is, for many, at least, secondary. These actors form the other, typically more conservative element engaged in actively confronting and filming the actions of the police. Many act out their right to open carry in provocative ways or locations, baiting police to violate their right and filming the result in an effort to reinforce their position. Our rights are fought for, the reasoning goes. Copwatching – even while recording their interactions with the police, there are limits to the overlap between these open carry advocates and “copwatchers” – operates similarly. There is a certain amount of provoking the police into violating rights on camera to undermine their authority, establish the importance of the right to film the police, and reinforce the right to. Much like open carriers, many copwatchers believe to one extent or another that their presence (the presence of a (mechanical/digital) witness) will curb the unruliness of police officers. The extent to which this is true is difficult to determine, but the efficacy of the first aspiration/aspect of copwatching-as-political-action can be measured by the retaliation it has provoked among police departments and unions and the decisions of relevant court cases. More on that later.
**Documentary and Evidence**

Beyond the mere action of recording, there is an admirable immediacy to the way the material produced is deployed. It is intended to be evidence in the legal sense to keep people out of jail. Its shortcoming (when considered as a radical practice) could perhaps be said to be that it purposes to keep only “the right people” out of jail (and this is partly a problem of the political framework). It is worth examining nonetheless. As seen in the example of the Rodney King tape, there are two modes of operation that must be considered in such recordings – popular/political (framed by television or internet media players) and legal (framed by the courtroom and the laws that govern evidence submitted therein).

The popular or political operation of such videos, drawing on the model of Holliday’s recording (though few will attain the same infamy), is largely a tool to spur further action. It is popular evidence of an injustice that society must address. Though many such recordings will remain contained to local communities (either geographically or topically), Narces Benoit’s was the event of the week in the internet news community, featured on a diverse range of sites from Gizmodo to Al-Jazeera English. Depending on its framing, such a recording might call for an investigation of certain officers or a certain department, might call for the indictment of officers or the retirement of a police chief, or could go so far as to call for the complete abolition of the police force. Regardless of how broad its aims or its success in attaining them

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41 Arsenault, “US police smash camera for recording killing.”
Biddle, “Police Shooting Video Saved by Hidden Memory Card in Witness’ [sic] Mouth.”
such videos typically inspire discussion about the nature of the police force, institutional racism and violence, and potential reforms or alternatives. Louis-Georges Schwartz describes the Rodney King tape as an image-event, a site of trauma contained in an image to which no satisfactory response can be formed; the image repeats itself endlessly, its audience reviews it compulsively, until it can be “answered.” In the case of the Rodney King tape, the conclusion was the explosion of the Los Angeles riots of 1992 after the acquittal of officers involved in the beating in the District Court trial in Simi Valley. Other videos have been less incendiary, but attest no less to an entrenched domestic violence that decades of activism have done little to change. “Commercial television,” Schwartz writes, “frames brutality as something visible. […] programs have developed an iconography of violence, an iconography of race, in the context of which institutionalized racist violence appears as visible.” This material in the framework of television or internet media contains testimony to trauma.

The legal operation of evidentiary video requires special attention. Despite the long, slow process involved in establishing precedent for and acclimatizing the court to the submission of motion pictures as evidence, video evidence is today commonplace and somewhat pedestrian in the courtroom and is governed by much the same rules as still photographic evidence. It requires testimony to lay foundation – now very streamlined, mostly describing the source and subject of the video – and

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43 Schwartz, Mechanical Witness, 118.
prove relevance to the case, but is rarely barred from admission on any grounds. It becomes particularly interesting at the legal historical moment of the Rodney King tape. Early twentieth century jurists feared that motion pictures possessed a truth-force that would elevate them to the highest position in the hierarchy of evidence, that what video showed was ontologically *more true* than oral testimony on the same matter. What could not be anticipated was the malleability of the truth that motion pictures contained; who could have predicted that the Rodney King tape would lead to the acquittal of officers Koon, Powell, Briseno, and Wind? Schwartz writes that “The King case collapsed the hierarchy [of evidence], and with that collapse a phase of motion picture history also came to an end.”

Video evidence cannot be counted on to “speak for itself” as it could in the 1970s and 1980s. Meaning can be twisted, the tape can serve either party as effectively as the other, and cannot speak with the same force it once did. What is immediately visible, forcefully present in a video framed by commercial television or cinema is not visible in the courtroom. The case of William Cardenas was not unlike that of Rodney King – the man was beaten by officers performing an arrest while a video of the event was captured by an uninterested third party without the officers’ knowledge. When the video appeared on Copwatch LA’s YouTube channel, it provoked both federal and local investigations into the matter, but the officers’ actions were found “more than reasonable” in court based on what the video could or failed to show; that is, though the video may have shown an arresting officer suffocating Cardenas with his knee, it may have also shown Cardenas violently resisting arrest, or

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44 Ibid., 120.
failed to show the violent actions (or a lack thereof) that warranted such a response
that could have taken place before the video was captured.\textsuperscript{45} The video evidence here
played the same role as in the King trial; the defense was able to use its limitations to
misdirect, and the officers involved were ultimately acquitted. It is likely that they are
still officers today. This is not necessarily to imply that “the house always wins,”
however. Video evidence also played a key part in the decision of Superior Court
Judge William Froeberg that sufficient evidence exists to send officers Ramos and
Cicinelli to trial for the July 2011 beating death of homeless man Kelly Thomas.\textsuperscript{46} The
video of Thomas’s murder is the most powerful evidence available in the case; in it,
Thomas can be heard screaming for his father as the officers beat him. The video
spread quickly online and launched the case to prominence nationally. Voters have
since recalled three of Fullerton’s five council members and forced the termination of
a number of officers involved. The trial is set to occur later this year, and both officers
standing trial face a high probability of conviction.

\textbf{Police Retaliation}

It is a common argument that an increase in citizen oversight of police actions
(vis-à-vis recordings of arrests, etc.) would be cause for greater scrutiny on the police
from “above.” This is a reformist argument. In the most marginalized communities –
those that suffer the most from police violence – it is likely that the already brazen
police force would respond with even more aggression (one might again recall the

\textsuperscript{46} Larry Welborn, “Kelly Thomas case: Officers ordered to trial,” \textit{Orange County Register}, January 18,
2013.
case of Narces Benoit – that video would not exist if he had not hidden the SD card in his mouth). Oversight is not sufficient to ward off the violence and corruption endemic to the police force, and the hesitant suggestion from judges, politicians, and the politically moderate white middle class that it could be required (as a recent lawsuit has suggested in New York\textsuperscript{47}) is evidence of just how out of control are many police departments, and just how out of touch are those that do not live under the constant threat of police brutality. This is particularly so in the environment of untouchability/acceptance built by police union efforts to outlaw the photographic, video, and audio recording of police officers, which had for a time seen success in some states. A number of arrests were made in the second half of the 2000s against individuals that attempted (only a few were involved in copwatch organizations) to record their interactions with the police. The reason for the recording varies; one woman had been brushed off or intimidated repeatedly for lodging a complaint against an officer, while a camera in the helmet of motorcyclist Anthony Graber captured the recording at the center of his case serendipitously.\textsuperscript{48} The arrestees were tried largely under state wiretap statutes. These efforts come in retaliation against the proliferation of copwatch organizations and their increased visibility nationally. A few examples follow.

Until the 2010 decision by Harford County Circuit Judge Emory A. Plitt Jr., the right of the state of Maryland to prosecute citizens who had produced audio recordings of police officers in the execution of their duties under a state wiretapping


statute had gone unchallenged. The case that prompted Plitt’s decision was that of Anthony Graber, who was charged with the unlawful interception and disclosure of oral communication (felony charges that could have earned Graber 16 years in prison). On March 5, 2010, Graber, a motorcyclist, was stopped on the highway for speeding and reckless driving by a plainclothes officer in an unmarked car. The officer emerged from his car yelling with his weapon drawn, failing to identify himself as an officer for a considerable time and threatening Graber’s life. The encounter – and the reckless driving that provoked it – was all recorded by a camera in Graber’s helmet, and he uploaded the video to the internet some days later. Graber was promptly arrested and various among his possessions were seized, including the recording device and his computer. In late April, a Hartford county Grand Jury returned an indictment charging Graber with violations of the wiretapping statute (as described above) in addition to his traffic violations. It was not until the appellate court decision of Judge Plitt that a hold was put on Graber’s and any further prosecution on this basis. In his opinion, Plitt references the Rodney King tape, and in short order states that “Under the circumstances, [he] cannot, by any stretch, conclude that the Troopers had any reasonable expectation of privacy in their conversation with the Defendant which society would be prepared to recognize as reasonable.” The circumstances, here, are a traffic stop on a public highway, but can be understood to extend to any public space in which a public official may execute their duty.


50 Ibid., 10.
A similar case comes from the 2007 Boston, Massachusetts arrest of Simon Glik who, walking through the Boston Commons, overheard an arrest in progress and began video and audio recording from his phone.\textsuperscript{51} After the arrest was concluded, an officer noticed Glik and placed him under arrest for the violation of the state’s wiretapping statute. The Municipal Court dropped those charges in 2008. In 2010, Glik filed a civil rights suit against the officers and the City of Boston for the violation of his First and Fourth Amendment rights. The officers moved to dismiss the case on the grounds of qualified immunity, which was denied, and the circuit court decision of Judges Torruella, Lipez, and Howard resulted from the officers’ appeal. On the violation of Glick’s First Amendment rights, the judges opined that “peaceful recording of an arrest in a public space that does not interfere with the police officers’ performance of their duties is not reasonably subject to limitation,”\textsuperscript{52} noting that “In our society, police officers are expected to endure significant burdens caused by citizens’ exercise of their First Amendment rights.”\textsuperscript{53} Torruella, Lipez, and Howard found that not only is the gathering of information about and the peaceable challenging of their government and its officials a right of every citizen of the United States, it “is one of the principal characteristics by which we distinguish a free nation from a police state.”\textsuperscript{54}

A 7\textsuperscript{th} Circuit Court of Appeals judge made a similar ruling in Illinois regarding the case of artist Chris Drew similarly charged with a felony violation of the state

\textsuperscript{51} Glik v. Cunniffe, Savalis, Hall-Brewster, City of Boston, no. 10-1764 (1\textsuperscript{st} Cir. 2011), 3.

\textsuperscript{52} Ibid., 14.

\textsuperscript{53} Ibid.

\textsuperscript{54} Ibid.
These decisions may represent a trend towards greater transparency, and are certainly victories where the control of information and media is concerned. The threat that these decisions checked contained serious implications for the future of protest and legal defense in the United States, and, if nothing else, they moderate the dangerous aspirations of the police forces and their unions to cultivate an atmosphere in which the word of the police officer is the word of law. They close an official avenue through which the police are able to retaliate against copwatchers and police accountability advocates, though this may simply increase some departments’ willingness to turn to unofficial avenues. Reports from February 2013 from Berkeley – home of the original CopWatch local – indicate that local police officers have approached drug dealers with a proposition. The officers have promised to turn a blind eye to the drug dealers’ activities around People’s Park if they were able to evict copwatchers from the region. If not, the dealers say, the police threatened to crack down on their business.

Even if the recording of police officers serves better to guarantee the proper execution of their office than to put an end to the systemic violence inherent in that office, these decisions preserve an avenue through which brutality may be countered. The practice has serious limitations – what it pushes for may be the equivalent of putting a “how’s my driving?” sticker on the back of every officer. This argument is somewhat philosophical, but it must be made; though the practice can give those most

55 People of the State of Illinois v. Christopher Drew. No. 10CR00046 (Circuit Court of Cook County, 2012).

affected by police violence a way to fight back – if only in retaliation (the document is only useful after the fact of the violence) – it hardly offers a true and lasting solution to the problem that is the unchecked violence of the police force, let alone a solution to the greater problem that is the existence of the police force. Though the Illinois decision came just a few months before the NATO summit in that city, the police force was no less aggressive, making preemptive arrests on a number of activists to intimidate others who had flocked to the city for the event. Three of the activists were arrested early in the morning. The police trashed their apartment and confiscated a carboy and home brewing kit, citing this as evidence of the production of Molotov cocktails.57 The recent decisions preventing the arrest of copwatchers for the act of recording the police are, considering the violence and unchecked aggressiveness with which police across the country have lashed out against protesters and police accountability advocates, important victories. For the same reason, however, they are small victories. Copwatchers and police brutality watchdog groups are a necessary but insufficient force in the battle for the reform (or elimination) of the police force. This particular form of documentary, though it provides an important tool for the present, is not able to address the problems at hand on a broader level.

4.

**Activism and Resistance**

If we are to explore the possibility of radical documentary in the contemporary, the logical starting point would be with the image and video production of (leftist) activist groups, protesters, rioters, and the discontent in general. The past five years offer ample material for such an examination, with the occupations of universities picking up in roughly 2008 and the subsequent events of 2010 and 2011, namely the Occupy movement across the United States and Western Europe, the *acampadas* and *indignados* in cities around Spain, anti-austerity protests and riots in Greece, London, and Asturias, and the partial revolution in Egypt and Arab Spring more broadly all producing substantial documentation. Moreover, in the penetration of social media and the tactical mode of the occupation, these manifestations appear altogether different from and have produced their subjects in ways unlike past movements and actions.

Occupations build communities – real and imagined – around the action of protest. In his recent *The Rebirth of History* (itself evidentiary of the phenomena – *rebirth* is both a return and a reconfiguration, old born anew), Alain Badiou explores this briefly:

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58 Occurring largely in the UC system but inspired by the 2008 occupation at the New School in New York.
59 I am more familiar with Spain and the Arabic countries – Egypt in particular – linguistically, culturally, and politically. This may manifest itself as a bias in material examined.
“[I]n the occupation of a square, there are the problems of food, sleeping arrangements, guards, banners, prayers, defensive actions, so that the site where everything is happening - the site that constitutes a symbol - is guarded for its people, at all costs. Problems which, at the level of hundreds of thousands of people who have come from all over, seem insoluble - and all the more so in as much as in this square the state has disappeared. [...] We see young female doctors from the provinces care for the wounded, sleeping among a circle of fierce young men; and they are calmer than they were before, knowing that no one will harm a hair of their head. We also see an organization of engineers addressing young people from the suburbs, begging them to hold the square, to protect the movement through their energy in the fight. We further see a row of Christians on the lookout, standing guard over Muslims bent in prayer. We see shopkeepers feeding the unemployed and the poor. We see everyone talking to neighbours they do not know. We read a thousand placards where each person’s life joins in the History of all, without any hiatus. The set of these situations, these inventions, constitutes movement communism.”

What Badiou is describing here are the operations that sustain the occupation and the communities that grow from and embody the occupation. An occupation produces and is produced by a collectivity; the most essential task of the occupation is its own reproduction. This is what Badiou sees – a multitude that forms around not merely an assault on the institutions and systems that oppress it but its own reproduction, its own vitality. The deployment and weaponization of bodies is in the occupation insufficient; the occupation is a living, breathing thing.

Jasper Bernes and Joshua Clover, in their review of The Rebirth of History, depart sharply from Badiou. Though they express respect and gratitude for the project – particularly for Badiou’s willingness to “[examine] riots from a strategic rather than a moral perspective, and spying something within them other than a maddened reenactment of capitalist consumption” – they find not only his approach to but also

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his logic in examining the events of this cycle of resistance to be flawed. The split is in part one between the materialist Bernes and Clover and the idealist Badiou, but its implications are in this instance much deeper. Badiou emphasizes “the idea of communism, rather than its political practice. […] For him, communist practice follows behind communist idea.”62 But this subordination of practice to idea is indicative of more than a philosophical break an unwillingness to examine the occupations and riots on their own terms or in their own language (Clover and Bernes make much of Badiou’s taxonomy of riots). Ultimately, however, they find a great deal of common ground with Badiou in analyses of occupations; their own writing buttresses Badiou’s on this point: “the kernel of the Occupy movement (is) […] not the insertion of new terms into the national discourse, not the call for a less-poisoned political apparatus, not even the registration of the current catastrophe’s dimensions, but the tentative and partial and still-powerful experiments with self-organized care, defense, and provision,”63 These forms of organization – “kitchens and street clinics, improvised cell phone charging stations and displays of art in places like Tahrir Square”64 – represent a free giving, a reordering of society and community along, in the readings of both Bernes and Clover and Badiou, truly communist lines.

Badiou continues. He writes that “In the wake of an event, the people comprises those who know how to resolve the problems posed by the event.”65 In the occupation, the people reorder themselves as they construct the community and the infrastructure necessary to sustain and protect the site of the event, establishing

62 Ibid.
63 Ibid.
64 Ibid.
65 Badiou, The Rebirth of History, 110-111.
kitchens, gardens, sleeping areas, guard posts, clinics, media stations. So what emerges with the development of the occupation is a form of protest that breaks in radical ways with its predecessors, and what emerges with the development of the smartphone is a type of documentary that breaks in radical ways with its predecessors. Particularly evident in these occupations, in the acampadas in Spain, the Occupy movement in the United States and parts of Western Europe, and the occupation of Tahrir Square in Cairo, sites of protest become living spaces, and the documentary of this protest – as all other things in the site – comes increasingly from occupants or protesters. This in and of itself is not overwhelmingly significant; historically, it has been common practice for a revolutionary or radical movement or organization to have a media department, or to contain professional or semi-professional photographers, etc. In this case, however, some of the most important documentary is produced by protesters or “radicals” who do not self-identify as photographers, just as those cooks, those guards, those doctors’ assistants are “merely” the people. This documentary exists in the great collective memory and imaginary of a mass movement, it is the self-depiction of the movement, figures in the life/lives of the persons that constitute it.

The significance of the difference between this new mode and that which came before could be articulated in the critique of South African struggle photography – exemplary of the model that this one breaks with. Apartheid South Africa was a battleground in which documentary photography played a decisive role. The African National Congress’s photographic corps and associated photographers and collectives deployed a highly weaponized photography to capture images of the white regime’s
brutality and abuse of power to be distributed (covertly; the photographs had to be smuggled out of the country) internationally. This tactic won a great deal of support for the cause of South African liberation across the globe which ultimately led to the end of the apartheid system. The weaponized form of photography that the ANC advocated for is generally referred to as struggle photography, a term which has since been applied to similar photographic practices in other contexts. Albie Sach was an important member of the Afrapix collective, a key photo group that emerged near the end of apartheid on the tail end of struggle photography. Though Afrapix was ultimately engaged in struggle photography to one extent or another, members like Sach (and more famous members like Santu Mofokeng, though less vocally) became key critics of the practice.66 His criticism, essentially, was that the weaponization of photography had become the weaponization of life had become the reduction of life (and documentary thereof and art in general) to struggle; the Marxist-influenced realist social documentary of his colleagues and predecessors obscured something essential in their ultra-sharp images. Something of the real life of South Africans was lost. This criticism of struggle photography is now a common one – as Jon Soske noted in “In Defence of Social Documentary Photography,” one that has become “an art world cliché.”67 Soske concerns himself largely with somewhat more petty complaints regarding a lack of “aesthetic experimentation,”68 however. The criticism is still an important one, but not for the formally simple style of the photographers. The reduction of life to struggle is ultimately unsustainable and a failure of the struggle’s

68 Ibid.
potential for radical change. The importance of the activist-as-documentarian (the everybody/anybody-as-radical-as-documentarian) that emerges in the historical juncture that produced the occupation is in its potential to be precisely the reverse – the vitalization of weapon, of struggle. To merge life and resistance.

To illustrate the difference between this model and the other (images produced by the media committee of a group for press releases or group propaganda), we could look to the Egyptian revolutionary movement. Within it we encounter some quite contained and directed revolutionary groups/organizations with explicit purpose and tactics that are opposed to or contained within the movement more broadly, which is constituted of certain sentiments or classes/demographic groups but is most definitely a mass movement; it moves as a wave breaking on the shore where these organizations have particularity or perhaps singularity. In this movement and its occupations, one encounters committees dedicated to specific tasks but with little or no distinct identity beyond their roles as parts of a whole; such committees are necessary for managing the minutiae of a camp or mass gathering, but do not distinguish their political identity from that of the whole. One encounters also groups (of which the presence of a black bloc in Tahrir Square could be an example, though they define themselves as a sort of autonomous subcommittee forming out of the necessity for an organized defense in Tahrir (a sort of hybridization of both forms described), or one could alternately cite the involvement of the Ultras) that maintain distinct politics and tactics but identify as parts of the whole whose differences could often be filed under “diversity of tactics.” In either case, the group or subgroup has declared its own official tactics and practices as opposed to the organic movements of the mass as a whole composed of discrete
individuals. This is demonstrative of the differences between certain classes of documentary; one presented by the activist on the scene as part of their life and part of their activism and the other presented by the media division of a revolutionary organization.

One characteristic that is striking of this particular brand of documentary, and where I locate its radical potential, is in the fact that it is not specifically marked as radical in an event or field where all else is. What emerges at the intersection of social media’s impact on daily life and the documentation thereof and the radical political practice of the occupation is a subsumption of struggle into life. The bulk of what occurs in the typical encampment is the day-to-day living (as a verb) of its occupants. Their recordings of these life events (their temporary home, their friends, their food, their garden, etc.) – which are executed just as and resemble their recordings of similar such events outside of, before, or after the occupation – are evidentiary of this. The more purposive production of a dedicated media committee, that which is produced for the explicit end of representing the group/movement to a wider audience and is produced as a depiction of the politics of the group/movement, makes no real break with past practices. What I find to be of the most interest in the documentation of an occupation is precisely that which is most interesting about the occupation itself – the living-together of people in struggle. As Bernes and Clover put it (the quote bears repeating), “tentative and partial and still-powerful experiments with self-organized care, defense, and provision.”

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69 Bernes and Clover, “History and the Sphinx.”
Content and Framing

Examining troves of images from occupations and other protests online – any of those kept by particular Occupy movements, specifically Occupy Oakland, or that kept by FotogrAccion, a Spanish photography collective dedicated to producing and collecting images of the struggle (specifically the acampadas in the plazas of the major cities, less so the riots in Asturias) – will reveal a few common subjects. The images in these archives are typically mixed together from photojournalists and professional or semi-professional photographers (whether affiliated with the group or a third party) and the types of images from amateur members that we have considered thus far (and perhaps other, less significant sources as well). From among these images, we can establish certain categories of subjects in the documentation; in particular, one will see repeatedly images of marches and demonstrations; police presence or police brutality; signs held by those demonstrating and signs of support from the community; living space and daily operation of the camp. Of all of these, it is the last category that is of the most interest; the first and third are primarily the realm of professional photographers and photojournalists, and while the second is of definite interest, it has been taken up at length in the previous chapter.

The framing and reception of these images determines their meaning and significance as much as their content, and perhaps, in some cases, as much as their production. The presentation and distribution (or re-distribution) of these images and videos sometimes self-describes as reportage through independent news agencies (one of the news groups associated with Anonymous, for example) or concerned observers.  

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70 Meant as a general rule only.
These may present events as “the news the government/media doesn’t want you to see” and derive their credibility from an integrity defined against the lack in mainstream news sources as evidenced precisely by their failure to report on this event (whatever this event may be). In alleging that an event or news item is not reported on by major news outlets because it runs counter to the image that outlet seeks to present (that is, claiming a bias in favor of “the status quo” or “the system”), the independent reportage of that event gains a respectability based on willingness to “tell the hard stories.” This appeals most, admittedly, to those who are already inclined to disbelieve the reportage of mainstream news agencies, or believe that they willfully exclude reportage on certain kinds of events. These are often secondary or tertiary sources that frame or re-frame material captured by other actors, and they often act (explicitly or implicitly) in solidarity with the actors involved. The original source and site of distribution of the material would most likely be the website, Facebook, Twitter, or YouTube channel of the (media division of the) organization or movement (or from private unaffiliated photographers, as the case may be), but will quickly filter through the more radical news sites. Where the groups and individuals that share and redistribute the material will frame it as they see fit, this original upload will operate in much the same way but it a message controlled by the group involved. They will then form part of the group’s photographic/video archive.

More interesting than these modes of framing (which inevitably take the form of reportage) is the distribution and framing of images – either the distribution of images from photojournalists or media committees or those the likes of which are the subject of the chapter – through the personal networks and systems of representation
of the people involved in or engaged with the events being depicted. Here, the banal (horrid) language of Facebook almost becomes interesting as records of a person’s engagement in struggle politics, in occupations or riots, appear on their “timeline” alongside the events of their daily life as reported to/by the social media engine. This perhaps runs the risk of turning political events into photo opportunities (just as groups of teenagers or twenty-somethings of this generation might take more photographs of themselves at an event than the of the points of interest of the event itself; the going that can be shown off is more important than the impact of the event on them or the impact their presence made on the event), and seems troubling at first. It implies the attraction to the event of a less critically engaged demographic for reasons of self-(re)presentation and self-interest with little consideration of the whole. But it is possible that the recognition of the event and one’s presence in it as worthy of documenting in this way speaks to the heart of what is interesting about this model of documentary, and it is precisely an attraction of an otherwise unengaged and uninterested demographic, a shift into the realm of the cultural – into the realm of a mass movement. It is difficult to say what to make of this; it was definitely experienced with the Occupy movement throughout the United States – having pictures of oneself at an encampment became a way to make a statement about how “politically” and culturally aware one was. It was trendy. It is likely that this is the nature of the mass movement in the contemporary world, for better, worse, or a little of both.
The London Riots

A particularly interesting example (perhaps the peak of that logic which marks the documentary previously discussed as important, \textit{vital}) of this class of documentary (that encounters the phenomenon of a social need to \textit{be present} and document that presence very differently than did Occupy) can be seen in certain images that emerged around the 2011 London riots. The four days of rioting and looting were documented in all of the usual ways, recorded by professional and amateur photodocumentarians alike. More interesting, however, was the (admittedly tremendously ill-advised) self-depiction of the rioters on Facebook in the form of vanity photos, self-shots of rioters with their loot, or cellphone pictures from bystanders and participants simply to serve as evidence that they “were there.” These figure prominently in the identity of the riots, as do the unapologetic attitudes of the rioters interviewed in the aftermath.\textsuperscript{71} These images were evidence of a world-historical event, and by and large not merely evidence of one’s presence in that event but participation and pride in it. These, like some of the photographs generated by occupiers, were documentation of the lives of the participants more than of the event, and are perhaps more explicitly so. They adopt the conventions of the Facebook vanity photo (probably the most common and readily available mode of self-depiction), but almost seem as a perversion of it; Facebook profile pictures and self-shots seem inherently banal (as do the now-dated self-shots posed around a still life of arrayed status symbols (guns, cash, chains, etc.) that the images of rioter and loot also resemble), but these stand testament not to some

professed identity and status but to the violent, radical (in one sense or another) action of rioting/looting.

The riots themselves are of substantial political interest, in part because they made no political demands themselves; though they emerged in the immediate aftermath of the police murder of Afro-Caribbean Tottenham resident Mark Duggan, they are not reducible to that event or a response to it. A single (singular) credible explanation of the event is hard to come by. The intellectual response has been largely dismissive, ranging from patriarchal or patronizing; in their review of *The Rebirth of History*, Bernes and Clover list the characterizations: “a ‘meaningless outburst’ (Slavoj Žižek),” “mere reflections of the rapacity and greed of post-Thatcher capitalism” enacted by “‘mindless rioters’ (David Harvey),” or, “for the Polish sociologist Zygmunt Bauman, looting is simply a violent and risky variant on shopping.” This smacks of the sort of betrayal as that of the students in 1968 France, but is even more dismissive. The riots – in London and across the 2011 cycle of resistance – were at the very least necessary conditions for broad-based social change if not manifestations of the rejection of capitalism’s latest turns and the desire for an alternative. A number of preferable but imperfect alternative explanations (to those of Žižek, Harvey, and Bauman) exist: oppressed populations taking revenge, precarious populations liberating goods that they could not afford (whether the luxury objects of their unrequited desires or necessities they would otherwise struggle to acquire), a bored and angry mix of young and adult poor at times celebrating its own destruction and at others acting out patricidal (tyrannical) fantasies. A Hackney resident

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72 Bernes and Clover, “History and the Sphinx.”
identified as Michelle gave her own explanation to Reuters reporters: “My son is 12 years old, and he already knows that police do not work for black people […] The looting was done, not just because they can't afford the stuff, it was done to show they just don't give a shit. ... We're here and not going away.”73 The riots were, in this reading, a defiant statement of “still alive” to a city that has made it very clear that it would prefer its poor dead.

Bernes and Clover offer an explanation of the looting that makes the honorific dimension of the rioters’ Facebook photos more interesting:

“[T]he looting of stores during a riot is perhaps one of the clearest examples we have in the present moment of communist practice [...] Indeed, we would aver that communism can mean at this point only the elaboration of practices that remove the things we need and want, the things we make, from behind the cordon of property — a cordon in defense of which millions are daily condemned to starvation, disease, imprisonment and a thousand forms of suffering besides.”74

They continue, “consumerism depends on paying for things, with money earned by working. Looting a pair of shoes depends upon hatred of the commodity form and its relationship to social class, not enthrallment to it. This is why, during riots, commodities are as often wantonly destroyed as they are seized for consumption.”75

The photographs document not just (in this understanding) a truly radical action but also necessarily the rage and desire and boredom and more than anything the irreducible presence and existence (following Michelle) of oppressed populations in the face of a city that is slowly killing them. These images, in the banal conventions of

73 Abbas, “London rioters resent media image of hooded teen thug.” This article is tremendously useful, and I find that when asked, the rioters themselves offer much more insightful explanations of the riots than any academic to date.
74 Bernes and Clover, “History and the Sphinx.”
75 Ibid.
the Facebook self-portrait, depict the adoption of radical means into life. Moreover, they recreate the statement contained in the riots as Michelle described them in digital space (in some ways more visible than the physical manifestation).

Unsurprisingly, a number of Facebook pages also grew around the idea of collecting photographic “evidence” from the riots (following the call from the Metropolitan Police to do precisely this\(^{76}\)), with the notable inclusion of the photographs mentioned above, in order to determine the identities of those responsible and aid prosecution. The repressive as well as the honorific dimension in these images plays out over Facebook. This site in particular became a battleground in the aftermath – the frequent usage of real names (or names that can easily be traced back to physical identity) and commonality of photographic evidence made its users easier targets than those of the site Twitter and messaging system BlackBerry Messenger (BBM), which were more widely implicated in the riots but more anonymous or better encrypted.\(^{77}\)

Some of the inspiration for using Facebook as a means to collectively gather evidence for the prosecution likely came from the arrests and convictions – sentenced to as long as 4 years – of several teenagers and 20-somethings accused of inciting riots through

\(^{76}\) Daily Mail Reporter, “Twit and Twitter: ‘Looter’ posts photo of himself and his booty online as police say tweets were used to co-ordinate riots,” *DailyMail* online, August 8, 2011.

\(^{77}\) Twitter has generally rejected violations of its users’ privacy (though indicated that this may not always be the case (Dave Lee, “Twitter embraces UK policymakers after eventful year,” *BBC*, May 15, 2012.) and denied requests to shut down the accounts of rioters (Lauren Dugan, “Twitter Will Not Shut Down Accounts Of London Rioters,” *AllTwitter*, August 10, 2011.), and Research in Motion (RIM), the manufacturer of the BlackBerry product line, was itself unable to breach the encryption on messages already sent via its BBM service, though it vowed to assist the government and law enforcement otherwise, as it has in India, Saudia Arabia, and the United Arab Emirates (Tom Espiner, “RIM helps police inquiries into London riots,” *ZDNet.com*, August 8, 2011.; Michael Carroll, “RIM promises to trace UK rioters,” *Telecoms EMEA*, August 9, 2011.)
posts or events on the site.\textsuperscript{78} The pages have since reportedly been more successful than police attempts at gathering photographic evidence of riot involvement.\textsuperscript{79}

This sort of internet vigilantism isn’t terribly surprising, and must be prepared for in the future. The attitude responsible could be represented by one side of the then-trending \#prayforlondon tag: reactionary or racist white middle and lower-middle class Londoners “praying” for their vision of London – one that explicitly excludes oppressed lower class populations of color and denies their experience of the city. The riots could, as noted above, be framed a number of ways, none of which find purchase in conservative hearts – those swayed by appeals to values of work ethic, property ownership, and tradition. This clash is playing out with greater intensity in areas more deeply affected by the recent crisis – Greece a notable example. Ever greater numbers turn towards fascist parties and organizations (evidenced by the rise of the Golden Dawn, as one example) to restore order to cities run amok with poor, unemployed, nonwhites, immigrants, outsiders, leftists.

\textsuperscript{78} Severin Carrell, “Glasgow Boy arrested for ‘inciting riots’ on Facebook,” \textit{The Guardian}, August 9, 2011.
Mirror.co.uk, “Teenagers arrested for Facebook ‘riot’ posting,” \textit{Mirror}, August 9, 2011.
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