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Lacan at the Scene

**HENRY BOND**

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**IN THE NEW HISTORY OF PHOTOGRAPHY, EDITOR MICHEL FRIZOT CLAIMS THAT HIS APPRAISAL OF PHOTO HISTORY IS ONE WHICH DEMOCRATICALLY INCLUDES HITHERTO IGNORED APPLICATIONS OF THE MEDIUM—A HISTORY NOT SOLELY BASED ON THE *OEUVRES* OF THE TRADITIONAL CANON OF GREAT MASTER PRACTITIONERS. THERE ARE ARTICLES ON SCIENTIFIC PHOTOGRAPHY AND ON THE HISTORY OF THE SNAPSHOT (“UNIVERSAL PHOTOGRAPHY”), BUT NOTHING REALLY ON CRIME SCENE PHOTOGRAPHY (THE HARD-TO-IGNORE HISTORY OF PORNOGRAPHY IS ALSO CONVENIENTLY SIDESTEPED).<sup>1</sup>**

The photography historian Dr. Ian Jeffrey has recently proposed a new and revised history of photography—*Revisions: An Alternative History of Photography*—a study that recognizes the centrality of utility to photography’s development.<sup>2</sup> Dr. Jeffrey offers chapters on military photography, celestial photography, and x-ray imaging. However, it is not surprising to note that even in a book on “overlooked” genres of photography, the crime scene photograph is not considered.<sup>3</sup>

This was the first compelling *clue* that I was confronted with when I began researching crime scene photography: the shortage of any sustained *critical* writing (or other presentation) on the subject—it seemed that for some possibly significant reason, an adequate discourse had failed to evolve.

Certain publications available on this topic deal quite generally with the relationship between photography and law enforcement—these are essentially picture books that normally feature copious reproductions of crime-related images presented as they stand, or accompanied by a series of terse commentaries, and include those edited by Buckland, Hannigan, and Aaronson.<sup>4</sup> I think it is fair to assert that some of these additions to the literature are not intended to be academic studies, and—as with many such “coffee table” books—they tend to be designed and presented in a manner that seems to promote only a brief perusal. The written contributions often include tossed-off generalized statements that are sometimes poorly considered; others echo a prevalent tendency—when confronted with the crime scene photograph—to descend into a prose style that is a parody of *hard-boiled* crime fiction, such as this annotation of a photograph made by Arthur Fellig (“Weegee”), a photographer whose pictures are *de rigueur* in these books: “Roy Bennett, twenty-seven years old, had come from Texas by bus and immediately tried his hand at big city crime. His first attempt at a stickup was his last: detectives shot him dead as he tried to escape on August 11, 1941.”<sup>5</sup>

Another regularly encountered theme is a response that relies upon a heartfelt or personal reaction to the imagery; writing in Mandel and Sultan’s *Evidence*, Sandra Phillips comments: “Recently, there has been an interest in seeing evidentiary photography, such as police pictures made as evidence [for use] in court, aesthetically, a phenomenon probably linked to reality TV and a certain anxiety about reality itself. Photographs of early twentieth-century murders in New York City, published in a book called *Evidence* [Sante, 1999], are pictures of social phenomena compelling and beautiful.

Because of their fascinated regard for violent death [that] . . . volume is really about rapture, the mysterious sacredness of life, and provides . . . an acknowledgment of photography's power."<sup>6</sup> Phillips's notes—on a collection of photographs selected from the archives of the NYPD—are extravagantly wide-ranging (reality TV, global anxiety, mysterious sacredness) but are clearly not based on any relevant academic argument, relying instead on bland casual opinion.<sup>7</sup>

In the literature accompanying a recent exhibition of crime scene photographs (at a well-known US photography center), it is asserted that "some of these images are downright shocking in their detailed depictions of grim homicides. Yet many also have a picturesque beauty verging on the cinematic. Some of the more evocative scenes even come perilously close to resembling stills from film noir classics."<sup>8</sup> Equally, Gail Buckland writes: "We are all wildly ambivalent about crime photographs. We want to look, and we want to look away. Our response to many images of violence is the same as it is to a terrifying scene in a movie: we cover our eyes but leave our fingers just a little apart."<sup>9</sup> The crime scene photograph is often characterized as both picturesque/cinematic and shocking/grim (that paradox is noted); however, it is elementary that looking at crime scene photographs can often be vexatious and troubling to the viewer—such images do seem to often provoke mixed feelings. What is lacking is any psychological explanation (or exploration) of the reasons for such a paradox.<sup>10</sup>

Furthermore, when I made a request to the leading English photography historian Mark Haworth-Booth (who for many years, until his recent retirement, was curator of photography at the Victoria and Albert Museum, London) to conduct an e-mail interview on the subject of crime scene photography, I received only the following terse reply: "Sorry, but I find the whole subject of crime scene photo so unsympathetic."<sup>11</sup>

As these examples perhaps begin to reveal, crime scene photography has not been particularly well served by academic inquiry from within the discipline of photo history. However, several authors working in other allied fields have made important contributions to the production of a basic critical context. Particularly cogent are several studies concerned with documents of trauma, disaster, or war, in which the emphasis is often on a broad social context/reception and includes such works as those by Taylor; Baer; Lesser; Azoulay; and (the difficult to find) Ruby.<sup>12</sup> The art historian Sue Taylor's study of the photographer Hans Bellmer is Freudian in its orientation, and there are also some other highly original studies that cut across the boundaries of literature, art, and art criticism, including those by Parry, Sante, Sternfeld, and Rugoff.<sup>13</sup>

Peter Wollen's text in Rugoff's *Scene of the Crime*, in particular, encompasses a consideration of the major themes that seem relevant to this field of

inquiry, and my research in this volume might be reasonably characterized as a response to—or a sustained elaboration of—his all too brief essay.

In attempting to extend the discourse in this field, the emphasis of my attack has been to pursue a critical engagement with my primary material whereby I have sought, above all, to go beyond readings of murder scene photography that propose to invoke poetic rapture—the mysterious and unknowable. But also those in which the critical challenge posed is diffused and sanitized by rendering the themes under consideration as distinctly separated from the present (the everyday), thus inoculating the viewer/reader against the potentially threatening, distressing, psychological dimension. In this respect I note an affinity with the unflinching and insightful biographies of certain notorious murderers written by Ward Jouve, Masters, and Burn; these exemplary studies undoubtedly remain key texts in this field.<sup>14</sup>

The discovered murder scene is a location that exists primarily as a myth, that which is “close to what Durkheimian sociology calls a ‘collective representation,’ [and] can be read in the anonymous utterances of the press, advertising, mass consumer goods; it is something socially determined, a ‘reflection.’”<sup>15</sup> Crime scenes are frequently depicted across the formats of the mass media, but rarely—for the majority—is such a place ever actually *experienced*.<sup>16</sup> A defining aspect of the murder scene is that it is a privileged place that is inaccessible to all but a few professionals. Even the press photographer is denied access by the Police Line—the ubiquitous yellow- and -black or blue- and -white polythene tape, emblazoned with the injunction: CRIME SCENE DO NOT CROSS—and is confronted by a situation where the scene itself cannot be depicted. The tape defines a specific area that is temporarily subject to extraordinary regulation. Due to the presence of this barrier the photo-journalist may turn instead to suggestion and implication, the lack of access ultimately prompting documents of the familiar coming and going at the perimeter boundary: they may point their lenses at a circling helicopter, or at the police and medical support vehicles which slow to a crawl at the threshold, then abruptly accelerate away.

The press photographer’s pictures are often defined by their distance from the site itself, and such images are precisely those that propagate myth or cliché: the inherent lack of specificity finally supporting their function, that is, their vagueness and generic quality, actually creates a useful space from where the news *story*—in the form of speculation and journalistic musings—can emerge.<sup>17</sup>

Conversely, the Scenes of Crime Officer—whose photographic records are the subject of this inquiry—works *beyond* myth. Such a photographer is not expected to produce a neat story. Instead their task is to photograph *everything*—anything present may be of significance. In the current FBI field manual it is stated that “Nothing is insignificant to record if it catches one’s

attention.”<sup>18</sup> When the (artistic) photographer Garry Winogrand asserted: “I photograph to find out what something will look like photographed,” he also came near to elucidating a sensibility closely allied to the forensic brief, which presumes that *we do not yet know what is important or significant*: that is something which will be considered—or understood—only later.<sup>19</sup>

Practitioners involved in these two equally important disciplines are seemingly polarized: they are literally either side of a (polythene) line.<sup>20</sup> For the first there is a lack or gap: the photographer cannot actually gain access to their supposed subject at all. Whereas the latter is vexed by an excess: there is a seemingly unlimited quantity of material which must be documented.<sup>21</sup> And this is the basic challenge with which the Scenes of Crime Officer is presented upon arriving at such a place. Indeed, the SOCO’s role is now so well known that dominant film language, for instance, has produced no more effective—or simpler—means of introducing a location as a *discovered* crime scene than to portray the act of it being photographed and documented.<sup>22</sup>

Numerous practical handbooks exist to guide the practitioner through the process of photographing a crime scene, including those authored by Siljander, Saferstein, and Redsicker.<sup>23</sup> Each of them reconfirms the point made—somewhat extravagantly—by the technician Kraszna-Krausz, who notes that “photographic coverage [must be] made from several angles to meet *all eventualities*.”<sup>24</sup> A recent FBI briefing document asserts that “the aim should be to record a maximum of useful information,” and includes the following examples of potentially relevant subject material: “cigarette butts, tool marks and impressions of shoe prints . . . [a] telephone receiver off the hook or wires cut, playing cards orderly stacked or scattered, TV and lights turned on, food in cooking stages, coffee cups, drinking glasses or liquor bottles.”<sup>25</sup>

The above directive confirms that a basic paradigm of the CSI’s procedure is to place no greater emphasis on what appears to be striking or spectacular (a bloody corpse, for instance) than on any of the other ordinary, unspectacular, or banal elements present (coffee cups or food in cooking stages), an approach that may be described as one which *democratizes* the subject matter.

This essential requirement or *sine qua non* of the crime scene document has been redeployed by numerous photographers in a fine-art context, including William Eggleston, Keith Arnatt, Boris Mikhailov, and Georg Philipp Pezold.<sup>26</sup> Documenting *the everyday* has also been a concern in my own research/practice since 1988.<sup>27</sup> Such photographers have often depicted—and published images of—familiar objects that are encountered daily: milk bottles, saucepans, shoes, folded newspapers, or the contents of a fridge. This approach to subject matter is more or less opposed to the aims of many others who seek to photograph the exotic/the spectacular, and so on. Characterizing his approach to his daily activity of photo-making with a straightforward clarity, William Eggleston commented: “the word [snapshot] has

never had any meaning [for me]. I am at war with the obvious.”<sup>28</sup> For Eggleston and some others, the everyday is often recorded without a preconceived notion of what might be (or *has* to be) coded as interesting or beautiful. This approach also has parallels in literature—for example, the painstaking evaluations and descriptions of the ordinary supplied by Georges Perec in *La Vie mode d'emploi* [*Life: A User's Manual*].<sup>29</sup> Or Daniel Spoerri's *An Annotated Topography of Chance*, which is constructed using a device that the author describes as the “technique of Sherlock Holmes . . . [who] starting out with a single object could solve a crime.”<sup>30</sup> Spoerri highlighted the mundane objects on his studio table—an egg cup, matches, a piece of baguette—and derived his enthralling text exclusively from associations, memories, and anecdotes relating to them.<sup>31</sup>

For the Swiss photographer Olivier Richon, depicting mundanity is also proposed as a challenge to the traditional hierarchy of fine-art subject matter: “[The everyday is] an aesthetic category based upon the repudiation of the classical regime of representation that assigns a hierarchy to different genres and subjects. The banal and the ordinary raise things to the dignity of objects and the technique of photography enables us to read signs on the photographed body of things and people.”<sup>32</sup> This classical regimentation of representation is not only present in historical fine-art painting, but is also generally determining. For instance, when the French sociologist Pierre Bourdieu asked a group of survey respondents to consider certain photographs and give each a percentage score based on a perception of how “interesting or beautiful” it appeared to be, he drew the following overall results:

A sunset: 78%, a landscape: 76%, a little girl playing with a cat: 56%, a woman breast-feeding: 54%, a folk dance: 46%, a weaver at work: 39%, a still life: 38%, an old master: 37%, the bark of a tree: 35%, a famous monument: 27%, a first communion: 26%, a snake: 20%, a rope: 16%, a metal frame: 15%, cabbages: 12%, a butcher's stall: 9% . . . a car accident: 1%.<sup>33</sup>

According to Bourdieu's research results, there emerges a broadly agreed sense that—for many people—certain photographic subjects are simply more worthwhile than others: there is a consciously asserted typical hierarchy of agreeable subject matter. And it is this often unspoken proposition (assertion) of a sliding scale that many of the pioneers of twentieth-century photography sought to challenge. Characterizing precisely this inclusive democracy of vision, Walker Evans invoked a passage written by his contemporary, the Russian author Vladimir Nabokov: “Vasili Ivanovich would look at the configurations of some entirely insignificant objects—a smear on the platform, a cherry stone, a cigarette butt—and would say to himself that never, never would he remember these three little things here in that

particular interrelation, this pattern, which he could now see with such deathless precision. . . . Nabokov might be describing a photograph in a current exhibition at the Museum of Modern Art."<sup>34</sup> And beyond Evans's recognition of a parallel with fine-art photography there is also, again, a correlation with the forensic work that the SOCO is tasked to carry out: recording spatial relationships between objects; documenting the exact angle at which an object came to rest; the precise distance of one object from another; and so on.<sup>35</sup>

An insight into this seemingly too inclusive mode of visual inquiry may be gained by comparing it with another approach to representing the-world-around-us to which it is also antagonistic: the stock or library photograph—such as those huge commercial collections held by Getty Images, Corbis Corp., or Fotosearch, for example. Typical examples of this genre include many depictions that seem to be intent upon only reiterating a well-known visual motif—a worker at a desk in shirt sleeves, surrounded by several stacks of papers; a smiling couple hand in hand at sunset; dad greets his child, offering a new teddy bear; a smile on the telephone; weary shoppers step out of a New York taxicab. The primary purpose of this—often tedious—photographic language is to close down ambiguity in order that the denotative function remains secure, thus enabling the image to communicate—telegraphically—a preferred connotation, which also very often reconfirms—automaton-like—a well-known theme: happy-in-love; healthy free time; busy at the office; and so on. In terms of technical production, though, the essential factor is the necessity to constantly marshal a *correct* interpretation, and in order to achieve this aim all insignificant, unnecessary, or unusual detail is carefully avoided and removed from the frame by the photographer and art directors. In the stock photograph, daily life is depicted without the leaks, blemishes, stains, pauses, and stumbling that actually characterize it.<sup>36</sup> Most importantly, elements that communicate *nothing really* (Nabokov's cherry stone and cigarette end) are removed on the basis that inclusion would limit the efficiency of the image to make its point. In the Barthesian sense, the stock photo is designed and executed with all possibility of *punctum* wiped out.<sup>37</sup> And it is precisely because such images are sanitized, highly intentional, and predictable that they exist only as banal generic clichés.<sup>38</sup>

In order to develop an explanation for this ongoing dichotomy between the warts-and-all, humdrum depiction and an alternative *more polished version*, it seems plausible, or even essential, to introduce a psychoanalytic framework, and in particular the concept of repression.<sup>39</sup>

Just as the scientific/forensic photographer gains nothing from idealization, the psychoanalyst has no purpose in prioritizing "interesting and beautiful" utterances, and will usually be equally interested in nongeneric and less art-directed phenomena. A slip of the tongue, mispronunciation,

repetition, or a hesitation—like the bits and pieces of detritus noticed on a station platform—may be of as much value as any carefully worked, consciously controlled speech. In order to apprehend material that is marked, distorted, or altered by the unconscious, the analyst declines to insert or impose any thematic hierarchy on the incoming data. Indeed, this strategy, first elucidated by Sigmund Freud, remains the basic analytic rule—the *golden rule*. Stating the analyst's (some use patient or even client these days, in order to avoid this semi-antiquated term) obligations in the session, Freud pronounced: "For the purpose of self-observation with concentrated attention it is advantageous that the patient should take up a restful position and close his eyes; he must be explicitly instructed to renounce all criticism of the thought formations which he may perceive. He must also be told that the success of the psychoanalysis depends upon his noting and communicating everything that passes through his mind, and that he must not allow himself to suppress one idea because it seems to him unimportant or irrelevant to the subject, or another because it seems nonsensical."<sup>40</sup>

The stock photography picture—indeed, promotional imagery in general—might be described as a corollary to the Freudian concept of justification: a presentation that is idealized and artificial.<sup>41</sup> Richard Prince, for example, describes such pages as "too good to be true. Unbelievable. Overdetermined."<sup>42</sup> Equally, a photo strategy that tends to highlight what is "unremarkable, forgotten, cast adrift" does not simply offer up an alternative or antidote to the familiar banality of myth, but, in capturing the incidental, an equalitarian directive is activated with the underlying proposition (or implication) that *all* subjects, views, objects become part of a nonjudgmental continuity—just as in the session it will be for the psychoanalyst to differentiate and select what is to be regarded as significant, by attending to the logic of the unconscious.

The overt hierarchy of photographic subject that Pierre Bourdieu's respondents proposed as "interesting or beautiful" may thus be contrasted—or even replaced—with one that is more open-ended and less restricted by what Freud called the "psychical dams of disgust, shame, and morality."<sup>43</sup> Just such an alternative taxonomy was proposed in a phantasmagoric sequence of images compiled by the French writer and philosopher Georges Bataille:<sup>44</sup>

An abandoned shoe, a rotten tooth, a snub nose, the cook spitting in the soup of his masters . . . an umbrella, a sexagenarian, a seminarian . . . the hollow eyes of judges . . . a dog devouring the stomach of a goose, a drunken vomiting woman, a sobbing accountant, a jar of mustard represent the confusion that serves as the vehicle of love. . . . The *Jesuve* [a Bataillian neologism] is thus the image of an erotic movement that burglarizes the ideas contained in the mind, *giving them the force of a scandalous eruption*.<sup>45</sup>

Bataille includes images that are tawdry or intentionally distressing, but crucially, he also adds several that are entirely unclear or ambiguous in their connotation—a jar of mustard, a snub nose, an umbrella—and it is this movement away from relentlessly identifiable hierarchies and logical groupings that is compelling. Bataille refuses to exclude elements that *do not seem to fit*; his images are provocative—and richly associative—precisely because some of their connotations are opaque.<sup>46</sup>

The creative decision to explore the visual *beyond myth* is, in any case, a strategy that has been sustained since the invention of photography—as long ago as 1839.<sup>47</sup> Edgar Allan Poe, for example, described the initial announcement of the daguerreotype (the forerunner of modern photographic processes) as “the most important and perhaps the most extraordinary triumph of modern science,”<sup>48</sup> and in the tale *The Mystery of Marie Rogêt*, written the following year, he pieces together the probable events of an unsolved murder case (a thinly veiled commentary on the unsolved murder of the cigar vendor Mary Rogers in New York).<sup>49</sup> Poe’s prose seems to be, if not directly dependent on photographs, then at least *photographically informed*; his literary reconstruction foreshadows a slow low-angle camera pan across the murder scene.<sup>50</sup> Poe’s device is to consider certain details *as if he were referring back to a series of photographic images* of the crime scene, and his meticulous appraisal reveals the significance of a hitherto overlooked detail—some torn strips of fabric which had been carefully removed from the deceased’s skirt.<sup>51</sup>

Geoffrey Batchen has noted that “the photograph exercised a hallucinatory presence well before its official invention, being conceived by at least twenty different individuals between 1790 and 1839”; for Poe, however, it seems, photography remained a “hallucinatory presence” even *after* its invention.<sup>52</sup> Reiterating his interest in the mundane—and now foreshadowing Freud—Poe’s M. Dupin reminds his colleagues: “Experience has shown that a vast, perhaps the larger, portion of truth arises from the seemingly irrelevant.”<sup>53</sup>

Many decades later, yet directly influenced by both Freud and Poe, the surrealists—a group of artists, writers, and provocateurs based mainly in Paris—reengaged with this *larger portion of truth*. John Roberts has commented: “[For Breton] Freud produced not just a new diagnostics, but a new hermeneutics of the everyday. The possible truth of things and events lay beyond the initial moment of empirical verification in their unconscious significance. As a consequence, everyday life became filled with motives and intentions whose meaning lay beyond the consciousness of their agents.”<sup>54</sup> Breton himself asserted, for instance: “We have said nothing about [Giorgio de] Chirico until we take into account his most personal views about the artichoke, the glove, the biscuit, or the spool.”<sup>55</sup> Recognizing this phenomenon in the work of the French photographer Eugène Atget, Walter

Benjamin observed that “Atget almost always passed by the ‘great sights and so called landmarks.’ What he did not pass by was a long row of boot lasts; or the Paris courtyards, where from night to morning the handcarts stand in serried ranks; or the tables after people have finished eating and left, the dishes not yet cleared away—as they exist by the hundreds of thousands at the same hour; or the brothel at No. 5, Rue——, whose street number appears, gigantic, at four different places on the building’s façade”<sup>56</sup>—that is to say, Atget often avoided the overdetermined and spectacular views that had already become the photo clichés of Paris, and instead chose to highlight elements from a seemingly mundane reality, such as grilles, banisters, grates, shop window displays, and so on. More recently, the curator and writer John Szarkowski—also a significant contributor to the study of Atget—has proposed that a central preoccupation for the photographic practitioner has been to record, or “point at [that which] was unseen before, or seen dumbly, without comprehension.”<sup>57</sup> Thus, finally, the interpretive work laid out below may be contextualized as a further contribution to a critical trajectory which began with Poe, and has been incrementally evolved through the contributions of Atget, Chirico, Evans, Spoerri, Perec, Nabokov, Eggleston, and so on.<sup>58</sup>

A second theme that is worth reviewing in the context of this study is that of the *photograph of a photograph*—the macro details that I created/worked from are *pictures of pictures*—rephotographed fragments.<sup>59</sup> In a rephotograph the subject matter selected by the photographer is *already* a photograph, and the fundamental signification implicit in the use of this technique (“strategy”) is that—in depicting and re-presenting a preexisting photograph—there is an emphasis placed upon the materiality and processes of photography as media/medium.<sup>60</sup> Michel de Certeau, writing in the 1970s, considers appropriation—in the activity of reading—as unintentional, unavoidable: “[The reader/viewer] insinuates into another person’s text the ruses of pleasure and appropriation: he poaches on it [steals from it], is transported into it, pluralizes himself in it like the internal rumblings of one’s own body. Ruse, metaphor, arrangement, this production is also an ‘invention’ of the memory.”<sup>61</sup> In the 1980s the focus moved away from the whimsical—personalizing—appropriation, and was concentrated instead on highly intentional *theft* and the explicit use of *duplication*; this prompted some commentators—particularly in relation to fine-art practice in 1980s New York—to suppose that photographers/artists involved with rephotography were signaling a failure of originality: the use of rephotography—particularly as it was offered by, say, Richard Prince or Sherrie Levine—was promoted as being redolent of a hastening endgame in which image-making was rapidly becoming limited and repetitive. Andy Grundberg’s critical commentary, for example,

which is predicated on a thematic of finality, now looks, in retrospect, overly dramatic: “[Richard Prince’s] art is troubling because it implies the exhaustion of the image universe; it suggests that a photographer can find more than enough pictures already present in the world without the bother of making new ones. It is a strategy of wide appeal to a generation brought up in an environment saturated with images.”<sup>62</sup> For Grundberg, photographic subject matter is proposed, quite preposterously, as a commodity; one which—much like oil or coal reserves—is presumed to be running out, or becoming used up. And this theme of a “connotation exhaustion” (as depletion) or an even a feared photo saturation was a pervasive attitude in the fine arts at that time: a recognition that it was “Game Over,” that artists were now operating only in the (bombed-out) ruins of art history—the death of art, and so on. More recently those “postmodernist” themes have been forgotten, and attention has been on the so-called “Greater New York” scene of artists, including Wade Guyton, Kelley Walker, and Nate Lowman—a loose quasi-group of rephotographers and appropriationists whose exuberance is not at all in question.

Indeed, it seems not only elementary but essential that an inquiry into the nature of photographic representation is actually enriched through an a priori acceptance of the photographer’s *alienation* from their subject.<sup>63</sup> And it is alienation (which begins with/in the lens itself) which is, for Lacan, implicit to the imposition of language—the fundamental consequence of the subject’s entry into the *Symbolic Order*.<sup>64</sup> This theme of the subject’s alienation—which is the basic paradigm of Lacan’s conceptualization of Oedipus—has been eloquently described by the psychoanalyst Dr. Darian Leader, who recently noted that “we are all immersed in the register of signs. Language is pulverized. The phrase ‘I love you’ is already pulverized. Each [visual] artist creates their own pulverized signs. We struggle to convey intimacy in language: it is already pulverized. We can only get to the *real* feeling through the artificial. The realm of language inherently produces distance.”<sup>65</sup> This factor, that we are doomed to “get to the real feeling [only] through the artificial,” is precisely what the rephotograph highlights: rephotography may be conceptualized/recognized as a useful means with which to emphasize the fundamentally *mediated* quality of subjectivity itself. And Richard Prince—writing in a personal artist’s statement—communicates something of this sensibility; in an explanation of his decision to utilize that technique, he notes how “his own desires had very little to do with what came from himself because what he put out (at least in part) had already been out. His way to make it new was to *make it again*, and making it again was enough for him certainly, personally speaking, *almost* him.”<sup>66</sup> As Douglas Crimp has reflected: “[these photographers are] showing photography to be always a representation, always-already-seen.”<sup>67</sup>

This potentially debilitating pulverization of the sign prompted Roland Barthes (attempting to summarize his theory of photography) to state: "I think that we are victimized by cultural stereotypes."<sup>68</sup> Barthes is not defeatist in delivering this observation, but this state of affairs does seem to demand a response from (create a challenge for) the author, the artist, the poet. Highlighting the work of Gustave Flaubert, he continues: "[Flaubert] also came to grips with cultural codes; he was truly bogged down in them, and he tried . . . to free himself from them through ambiguous attitudes, irony, plagiarism, simulation; as a result we have that vertiginous book, so amazingly modern, *Bouvard et Pécuchet*."<sup>69</sup> Thus—as with the theme of the mundane detail that I have also outlined above—the trajectory curve of the *creative* use of plagiarism, simulation, and so forth may be traced back at least a century to Flaubert's 1881 novel, evolving through, for example, the work of Francis Picabia, the phenomenon of pop art, and the films Jean-Luc Godard (Wollen highlights, for instance, Godard's use of "multiple diegesis, open-endedness, overspill, intertextuality, allusion, quotation, and parody"), before arriving at the "[Metro] Pictures" scene of the 1980s and beyond.<sup>70</sup>

One of the earliest examples of creative appropriation or quotation in so-called *straight* photography can be seen in Walker Evans's notorious image, often referred to simply as *Studio*: a photograph that depicts the window of a commercial photo-portrait studio where rows of photo booth images have been placed.<sup>71</sup> In this image, and others such as *Minstrel Handbill* or *Torn Cinema Poster*, Evans simply re-presents photographic images that were already on display, with no further intervention.<sup>72</sup> Once again Evans's experiments dispose of any argument that the use of appropriation in photography is an explicitly "postmodern" phenomenon. As the art historian Douglas Fogle has recently noted, while also reconsidering some of the grandiose claims made in the 1980s: "One starts to think that the last picture might not have come yet, let alone the last picture show, which today seems like a distant dream."<sup>73</sup>

Equally, Jacqueline Rose, commenting from an overtly Freudian perspective, does not emphasize any end-of-epoch stagnation or desolation of image production, but the fact that "[a psychoanalytic approach] gives back to repetition its proper meaning and status: not lack of originality or something merely derived, nor the more recent practice of appropriating artistic and photographic images in order to undermine their previous status; but repetition as insistence, that is, as the constant pressure of something hidden but not forgotten."<sup>74</sup> Rose's conceptualization of repetition as pressure (being brought to bear on the image) seems cogent: in her reading, repetition actually becomes a valuable tool that can act to intensify and illuminate precisely through re-presentation—pressure—which returns the reader/viewer to some element that has been repressed, removed, rejected.

An alternative—and useful—approach to locating the rephotograph is to completely remove any connotation (context) of artistic practice altogether, and recognize it instead as a technique that has been an important utility since the earliest years of the medium’s history: a technique that has always been used to simply enable the duplication of an important document—like the modern (recently antiquated) photocopy. In the 1840s, during the era of the daguerreotype process, taking a photograph of a photograph was actually the only way a reproduction could be made of an existing image, since the daguerreotype produced only originals and no negative. And that procedure has been paradigmatic—embedded—during the *analogue* era, as the basic mechanism whereby an image, a text, a film, a television program, or an audio recording has been copied. The process of making an analogue copy produces a *next-generation* copy where, crucially, the newer version is always marked by the process: a consequence of making the copy is that the new image is *degraded*. Analogue duplication processes (in photography the jargon is “making dupes”) *always also* produce a loss of clarity when compared to the original. In transfers of audio recording (magnetic tape) this marking of the copy is manifest in increased “noise” or audible hiss, for example, and in the photocopy or dupe photograph evidence of the copying process is often recognizable in a narrowing of the original color gamut that is manifested in a loss of detail in shadow areas, and other often unwanted alterations such as color balance shifts that can render the image as unnatural or unrealistic.

The inherent degradation of analogue reproduction may be contrasted with the typical contemporary means of copying that is achieved through the use of *digital* processing. Of course, the trace (clue, evidence) of the digital process is that it actually *improves* on the original—through techniques such as digital restoration, remastering, image enhancement, image cleaning, noise removal—the object is often returned as better than it ever was before.

The process of digital restoration of antique films, photographs, and audio recordings often reveals extra detail that was not previously visible/audible. Recently, new digital versions have been made from the negatives of several early classic films—including, notably, Fritz Lang’s *M*. As a consequence of these processes, much detail often literally *comes to light* that was present on the original camera negative, but was not actually visible in the early theatrical (analogue) positive prints: the film negative stored these levels of detail which would be seen only decades later.<sup>75</sup> Another—regularly cited—instance of just such a phenomenon is portrayed in the classic sci-fi film *Blade Runner*: the detective Deckard uses an *Esper* workstation to magnify and enhance a photograph, revealing details that were previously hidden in areas of shadow.<sup>76</sup> And although that film is set in the year 2019, much of the functionality of the fictional *Esper* machine actually became commercially available with the introduction of Adobe’s Photoshop computer software

application in 1991.<sup>77</sup> My activity actually paralleled quite precisely the process carried out by Deckard—with his barked voice recognition instructions replaced in my setup by a computer mouse and the digital tools of *curves*, *saturation*, *skew*, *distort*, *perspective*, *warp*, *threshold*, and so on.<sup>78</sup>

Yet equally, I have also allowed included/incorporated the visible evidence of rephotographing as an analogue process in the illustrations included here. I have, for example, made no effort to disguise any evidence of my intervention—indexed through “errors” such as inconsistent color temperature, visible surface reflections, and even lens-based distortions. That is to say, the images reproduced do not escape also being instances of what Walter Benjamin memorably described—and appositely here—as being “like the bloody fingerprint of a murderer on the page of a book [which] says more than the text.”<sup>79</sup> An observation that parallels, for example, the approach taken by conservators and restorers of photography: these professionals, who are constantly in contact with the *materiality* of the image, do not tend to describe a photograph as “a picture” or “an image” (as I am so tediously obliged to) but as *an object* (e.g., “I am working on a very challenging object at the moment,” or “I am still working on that object”). The simple point being that in their line of business a photograph is three-dimensional: it has a back, a front, and (usually) four (very thin) *sides*. For those carrying out such forensic-type activities, commonly held presumptions are often replaced by others that are more specific/specialized. A complete comprehension as to how a particular photograph has been constructed—the condition of each of the layers of substrate, the photosensitive layer, the protective laminate, etc.—may be vital in determining the appropriate method of restoration.

Police photographers document and record scenes of crimes in a manner that is assumed to be scientific. The general approach is to work toward some kind of supposed neutrality; any photographic *effect* produced by the lens—such as foreshortening or the typical stretching caused by wide angles of view—is recognized as a distortion, and dismissed as potentially confusing or even misleading. As the current FBI handbook of guidelines recommends: “Photograph from eye-level to represent the normal view.”<sup>80</sup> Summarizing the purpose of these expectations, Raymond Siljander, a law enforcement professional involved with training such photographers—whose guide to this type of work is a classic desk reference on the subject—qualifies this instruction: “Be sure to always use the camera to document things rather than attempt to create photographs that offer little more than a pleasing artistic quality. . . . The forensic photographer must seek evidence, not a creative work of art.”<sup>81</sup> For those who are on the *other side* of the yellow-and-black-striped tape, the dichotomy between their documentary work and *art* is surely explicit.<sup>82</sup> But the basis for Siljander’s binary opposition is not a traditional antagonism between art (considered highly subjective) and

science (considered highly objective); the true motivation for prioritizing objectivity is simply that such photographs must remain admissible as evidence in court. As they are produced, stored, and referred to, the status of crime scene photographs is seemingly constant: a legal document and a vital visual resource which must never appear to include any element that might be interpreted as exhibiting a bias, nor incorporate anything that a hostile defense lawyer might seize upon in an attempt to discredit the credibility of the forensic evidence—regularly during jury trial proceedings a judge will hear legal argument that a photograph provisionally admitted as evidence is, in fact, prejudicial, that is, not neutral enough, and will therefore rule that it cannot be presented to a jury.

Within fine-art photography, the motif of this “image without a personality,” that is blank, transparent, and reliable, has been extensively utilized, particularly by, for example, the so-called Düsseldorf School of photographers such as Bernd and Hiller Becher or Thomas Struth. Elsewhere, other so-called conceptual artists have emphasized the role of photography as a utility that can be used simply to record a preconceived action or an event (tossing colored balls in the air; photographing every garment of clothing owned; documenting every building on a given street), as in some works of art made by John Baldessari, Bruce Nauman, Edward Ruscha, or Christian Boltanski.<sup>83</sup> In such instances, the idea that the resultant pictures provide documentary evidence is often assumed—or utilized—as a given. However, those who are engaged with a critical approach to photography (and do not actually need to complete the important work of documenting a crime) cannot so easily enter a supposedly binary debate such as the one Siljander proposes between artists and CSIs.<sup>84</sup> For those involved with the philosophy of the *photographic*, it is an established axiom that all images are coded, derived: as Barthes states, a document that is intended to be “a purely mechanical and exact transcription of reality [always] implies some consideration, some ideology behind the shot.”<sup>85</sup> And certain artists—and visual researchers—have responded to this inherent ideological factor which (always) underpins “exact transcription” by reproblematising any simplistic—and potentially complacent—reading of the forensic evidence photograph as merely (and exclusively) a reliable document.

In order to produce the series *Evidence*, Mike Mandel and Larry Sultan selected and exhibited a selection of photographs from various archival sources, including records of industrial trials and documentation of experiments/field research at organizations such as the United States Department of Transportation or U.S. Food and Drug Administration, as well as images produced by the National Semiconductor Association.<sup>86</sup> The selected photographs were removed from any forensic context and placed into the artistic/reflective context of an art gallery. The artist’s Duchamp-like act of appropriation

allowed a series of initially bland scientific documents to resonate in quite unexpected ways.<sup>87</sup> The original intended *purpose* of each photograph is not revealed—it often remains unclear which compositional element is even primary. The photographs are freed from their rigid *raison d'être* and may—in the cultivated, reflective setting of the art space—resonate enigmatically in a similar way to the deliberately open-ended visual images in Morgan and Murray's TAT (Thematic Apperception Test), sparking off diverse associative, interpretive possibilities.<sup>88</sup> And through this process a more or less complete inversion of the original scientific purpose is achieved.<sup>89</sup>

In the exhibited series of photographic works *L'Hôtel*—and a subsequent publication—the French artist Sophie Calle re-presented photographs taken in various occupied hotel rooms.<sup>90</sup> Her images were made using the same “dispassionate” approach as the one that the CSI is also taught to adopt/appropriate. Calle's photographs record and document such incidental details as a winter coat laid on a bed, a cluttered desktop, a pair of shoes carefully placed, or a toothbrush in a glass next to a few coins. In photographing the objects in each of the rooms *as if it were a crime scene*, the artist also challenges the too simple expectation that a supposedly neutral photograph is also a generally reliable image: her pictures *do*—in fact—accurately record the interiors of certain hotel rooms, but Calle's intervention is also an inversion—or short-circuiting—of the viewer's expectations that have been raised and deceived through the use of *the code of objectivity*, that is, the artist records copious evidence of incidental bric-à-brac that has been observed in some entirely arbitrary hotel rooms—these are evidence photos that *lack a crime*. Calle's challenge is to propose evidence in the *absence* of a crime—in spite of no crime; her images function to reaffirm Benjamin's now mantra-like assertion: “It is no accident that Atget's photographs have been likened to those of a crime scene. But isn't every square inch of our cities a crime scene? Every passer-by a culprit? Isn't it the task of the photographer to reveal guilt and point out the guilty in his pictures?”<sup>91</sup>

And these examples of artistic research or experimentation—along with many others—have tested the long-ago-abandoned notion that “the camera never lies.” But the specific appropriation that is going on in *L'Hôtel* and *Evidence* is not of any individual image in particular, but a more generalized *appropriation of context*.<sup>92</sup> Simplifying Barthes's observation that there is an implicit ideology behind every photograph, it is possible to assert an even more compact truism: in photography, *ideology is context*.

Very often murder scene photographs are difficult to access. Those held by individual police forces such as those in London (Metropolitan Police Authority) or Manchester (Greater Manchester Police) are never made available to researchers or any other interested individual; even those that are eventually passed to the National Archive are often censored for various

given reasons, including any ruling a judge may have made during a trial—such as a recognition that making the images public may cause distress to surviving relatives. Similarly, explicitly violent material recorded in the process of news-gathering remains unbroadcast or printed—newspapers and broadcasters in England adhere to a code that allows some limited depictions of death (as a consequence of war, bomb blasts, or natural disaster) but outlaws the depiction of severe injury, suffering, severed body parts, and so on.<sup>93</sup> The material is essentially sanitized, and—in the case of broadcast news—often emerges with an entirely misleading narrative: if the truly harrowing elements are removed, a dangerously disjointed continuity remains, one that is unrealistic because (as with, say, the Hollywood sex scene) it misses/excludes the supposed subject, showing only a rendition that highlights *before* and *after*—a narrative that incorporates repression.<sup>94</sup>

Crime scene photographs are surrounded by taboo—my inquiries as to the possibilities of sustained access for research were often met with a distinctly discouraging tone by those tasked to curate such objects; there was a discernible resistance to making this type of material available.<sup>95</sup> It was as if it had been hidden away in the same manner that psychoanalytic theory proposes that hostile infantile (including murderous) thoughts become subject to the force of repression—they are hidden away because they are unbearable. The psychoanalyst Theodor Reik noted how the decision to imprison a criminal may be understood as a kind of *quarantining*.<sup>96</sup> In his argument, criminals are placed in prison for fear of contagion: their dangerous thoughts and actions are feared because they represent an irresistible temptation to others.<sup>97</sup> And, following Reik, it may be argued that photographs of the taboo of murder are also repressed or censored for the same reason: to diminish any temptation that might emanate—ooze—from them.<sup>98</sup> As Reik noted: “The horror of the crime, the desire for expiation, the urgent need to find the culprit, all these bear witness to a defense against repressed impulses. . . . [It is] our own hidden impulses that account for the haste with which cases [of murder] are dealt with.”<sup>99</sup> And to this list might also be added an apparent need—or wish—to also make the photographic evidence of such crimes highly inaccessible: to forget about them—that is, to repress them.<sup>100</sup>

This dimension of the negative reaction to a taboo—as temptation—was often enforced while I was working at the National Archive. I was, for example, regularly asked by the patrolling guards to move to a cell-like private room designed for those working with documents that require constant invigilation. This request was apparently due to the distressing nature of my material, that is, I was asked to move in order to protect other readers (working in this open-plan setting) from the potentially harmful consequences of looking (glancing) at the images on my desk.

On one occasion I requested to see again a case file that I had previously consulted—I had already photocopied the case notes and made my own photographs from the crime scene images that the folder contained. However, when I placed my follow-up request, the screen of the document-ordering service computer terminal returned an error message: YOU DO NOT HAVE PERMISSION TO REQUEST THIS FILE.<sup>101</sup> I consulted the information desk, and was asked to return to my allocated study area. After fifteen minutes a man came over to me and introduced himself as a senior archivist. I was asked to follow him. We went through a set of doors that seem almost hidden in normal daily use. He led me down a long corridor, at the end of which I was asked to take a seat in a large meeting room. Three men were seated at one end of a large conference table, with the archive box that I had requested placed (tantalizingly) in front of them. As I entered, the archivist turned to me and said, "I think they are going to ask you to sign the Official Secrets Act."<sup>102</sup> Ultimately, the three men did not ask me to sign anything. They only indicated that this file had been inappropriately placed into the public domain, and had now been re-marked as "closed": they had simply made a mistake, the file had been opened *too early*. After this—vaguely uncomfortable—experience, I realized that much material is present at the National Archive which could easily be made available to researchers/readers, but is not. For instance, there are many case files that are physically present at the archive site but are not due to be made accessible to the public for years—or even decades—to come. Such files are ghostlike: they can be located on a specific shelf with precision; they have already been assigned a case number; but nobody may legally consult the contents until the date imposed has passed (often 80 years after the original trial). Such material is not withheld for a logistical reason—that it has not yet been fully prepared or indexed, for example—but solely because a required period of quarantine has not expired; that is—following Reik's assertion—it is simply too *contagious* to release.

Such a quality of contagion also prevails when crime scene examples are introduced into the mainstream more directly. In order to counter the negative connotations of the taboo surrounding the murder scene, general publication of such photographs is often rendered acceptable by the addition of a clearly defined *justification*. When Georges Bataille considered the reproduction of murder scene photographs for consumption by a mass-market audience, such as those that were regularly reproduced in the 1920s—and usually documented the crimes carried out during the era of Prohibition in the USA, often highlighting the gang "hits" of the black marketeers—he noted that they were usually presented in the context of a high moral tone or a specific campaign *against* violence, and the format of *X Marks the Spot* (the book that Bataille reviewed) is retained in the well-known BBC television program *Crimewatch*, in which violent armed robberies and even

murders are “re-created by actors,” but only for the admirable purpose of eliciting new evidence from members of the public.<sup>103</sup> Contemporary book publications that incorporate a convincing justification include Hannigan, Buckland, Phillips, Sante, and Parry, with the intellectual explanations ranging across such themes as historical significance, cautionary tales, poetic value, and so on.<sup>104</sup>

Law enforcement officers who are involved with such gruesome material on a daily basis also retain, for example, the justification of the necessity to consult it. The studied indifference and apparently cynical hard-boiled attitude to violent crime that is so often characteristic thus becomes an index to a phenomenon Lacan also highlighted when he commented: “We have noted that manifest indifference may mask intense latent interest.”<sup>105</sup>

Equally, if the required—and essential—dimension of justification is absent, then the use and display of such imagery is immediately recoded as merely gratuitous, and instantly becomes taboo—for example, the disgust that is reserved for Tejaratchi’s highly explicit book *Death Scenes*, a publication which will be found only in a bookstore’s Cult/Alternative section, often next to books on other peculiar phenomena such as spontaneous combustion or mysterious crop circles.<sup>106</sup> Or, equally, the internet site *goregallery.com*, which is typically derided as being a destination for puerile weirdos; in any case, admitting to browsing to that url will endear the internet user to few. In such contexts, curiosity—or a deficit of shame—will often prevail.

In that circumstance, as Bataille wrote, “the wish to see triumphs over disgust or terror,”<sup>107</sup> and this duality between (appalled) loathing and annoyance and indulgence remains a basic theme that is regularly invoked and requalified—there is a bleeding edge. But it is not a theme that any civilization can solve once and for all. As Freud qualified: “To negate something in a judgement is, at bottom, to say: ‘This is something which I should prefer to repress.’ A negative judgement is the intellectual substitute for repression; its ‘no’ is the hallmark of repression, a certificate of origin—like, let us say, ‘Made in Germany.’”<sup>108</sup>

The taboo that surrounds this type of material may also account for the fact that as a researcher of murder case files at the National Archive (2004 through 2007) I was apparently unique: there were no others studying—in any sustained manner—the DPP files during the time I was involved with them. Indeed, each file that I requested still retained, upon my receipt of it, the unbroken seals of the Home Office (the last Government department that would have been responsible for them), that is, they had never been opened—for each of the cases annotated below, I was undoubtedly the first (and only) reader to interrogate the material since it was placed in front of a jury, more than fifty years before.<sup>109</sup>