NEGOTIATING WITNESSING AND ONTIC INJUSTICE IN VIEWING PHOTOGRAPHY OF DEATH AND VIOLENCE

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Much work has been done on photography as an artistic medium and political call-to-action; oftentimes, photography is seen as carrying a revolutionary capacity in its ability to bear witness and to elicit witnessing in audiences. This function is especially emphasized in instances where photography memorializes and preserves scenes of atrocity, acts of violence, and the *subjects* subjected to both. However, the role of photographs of death and violence in witnessing, affective politics, and revolutionary capacity are largely contested in the literature due to a wide variety of reasons (Foliard and Willcock, 2023; Freeman, 2022; Holert, 2019; Maliszewska, 2023; Nakamura, 2020; Razack, 2007; Rushohora 2023; Sontag, 1977; Sontag, 2003; Turner, 2004). Now more than ever, the current political moment begets constant witnessing in online spaces; we are confronted with violence and must consider the choice to look at, or look away from (Foliard and Willcock, 2023; Maliszewska, 2023; Razack, 2007; Sontag, 2003) photographs of death and atrocity. This is especially true with the proliferation and (re)circulation (Foliard and Willcock, 2023; Maliszewska, 2023) of photos and videos of police brutality against racialized Black and brown bodies (Clark et al., 2017), for example. Indeed, the photographs of death and atrocity which grip the *Zeitgeist* often depict structural, racialized, and gendered forms of violence (Holert, 2019). As is largely the case in this era of *digital photojournalism* and *citizen photography* (Möller, 2017), "civilian smartphones have become the eyes and ears of professional war crimes investigators" (Freeman, 2022, p. 105-106). With all of this in mind, the ambivalence towards photographs of death and violence is increasingly relevant. As such, this paper concerns itself with the tension between witnessing, and what Katharine Jenkins (2020) has coined as *ontic injustice*—the process wherein individuals are "wronged by the very fact of being socially constructed as a member of a certain social kind" (p. 2), and are thus subjected to social constraints and enablements that result in treatment that is in "contravention of the individual's moral entitlements" (p. 4). The guiding research question for this body of work is: how do we engage in an *ethical* (Foliard and Willcock, 2023) witnessing of photographs of death and violence? In answering this, I explore a variety of perspectives on the capacity for the witnessing of death and violence in photography, and of photography as a form of violence. To do this, I draw on Sontag's *photography as violence* (1977), and Saidiya Hartman's (1997) assertion of the *slipperiness of empathy* as articulated by Sherene Razack's (2007) description of *stealing the pain of others*. Ultimately, I present and articulate my own conclusions on how we engage with photographs of death and violence. I wager that individuals captured in photography as *subjects* of an act of violence that results in injury or death are subjected to moral injury as a kind of ontic injustice, in that they are wrongfully constructed as a certain social kind—victims. Specifically, I further the framework of ontic injustice and justify its application to the deceased in what I dub *posthumous* ontic injustice. Further, I will describe the ontological category of 'victim' and will describe the moral injury that occurs as a result of being socially constructed as victim. Notwithstanding this, one must negotiate ontic injustice with the call to witness atrocity, and so, I point towards the question: how do we

acknowledge suffering without reducing the subjects of violence entirely to victims of violence?

Numerous scholars have articulated the capacity for photojournalism to bear witness to human suffering (Foliard and Willcock, 2023; Turner, 2004; Möller, 2017). For some, photographic images have always been carriers and mediators of claims of knowledge, evidence, and truth (Holert, 2019). This function is emphasized in the context of war, famine, and genocide, where photojournalists have been thought to play crucial roles in bearing witness to human suffering, by providing an evidentiary record of crimes against humanity that Turner describes as a "sordid visual chronology of violence" (2004, p. 82). In the context of conflicts such as those in Vietnam, Rwanda, and Bosnia, this visual chronology functions to generate public support for conflict intervention (Turner, 2004). The capacity for photographs of death and violence to bear witness is heightened by their ability immortalize to an event—in the words of Sontag, the photographer creates "the image-world that bids to outlast us all" (1977, p. 8).

While Möller (2017) agrees with the political potential of photojournalism, he places an important distinction between different photographic processes when considering photography as a medium for witnessing. Namely, he believes that photojournalism and citizen photography perform discrete functions when photographically representing death and violence (Möller, 2017). Möller asserts that photojournalists have a tendency to document and inform—to showcase the actual *event* (e.g., war, genocide, violence) *as it is* (2017). Conversely, Möller believes that citizen photographers show us what this event *feels like* (2017). Consequently, Möller asserts that photojournalists serve as political witnesses to structures of evil, dedicated to factual truth, and that citizen photographers act as moral witnesses, depicting affective knowledges through an acquaintance with suffering (2017). Altogether, the function of photography as witnessing to death, violence, and atrocity is especially important in modern times, as we are constantly asked to continuously witness atrocity in online spaces (Foliard and Willcock, 2023; Maliszewska, 2023). In describing the current digital moment, Foliard and Willcock (2023) write that "the pace of our collective looking at images of pain has never been faster" (p. 39). In other words, we are constantly being called to witness in an era defined by the *hyper-proliferation* of violent images (Foliard and Willcock, 2023). With this in mind, the question of whether to witness, or if witnessing is even occurring, becomes more relevant. This latter question is pronounced when one considers the Western and colonial lens through which witnessing often occurs.

While photojournalism and other forms of photographic witnessing often make appeals to objectivity, numerous scholars have pointed to the subjectivity of photographic representations of violence in contributing to *epistemic violence* (Holert, 2019; Maliszewska, 2023; Nakamura, 2020; Razack, 2007; Rushohora, 2023; Sontag, 1977). The claimed objectivity of photographs of death and violence is called into question by Holert (2019), who thinks of photographers as those with authorial positions that enable them to represent their own ideologies. In line with this, Holert (2019) invokes Spivak (1988), by articulating the ways that photographs of death and violence engage in colonialist subject production and epistemic violence. In Holert's (2019) view, these photographs "enact ideology, as they exemplify, codify, and translate written and unwritten laws and social hierarchies, as they bestow or remove citizenship, as they exert epistemic violence" (p. 3). In a similar vein, taking Holert's view into account, historic photographic depictions of death and violence from the colonial era act as a form of epistemic violence used to subjugate racialized photographic subjects (Rushohora, 2023). Rushohora articulates how visual records of death and violence committed by white colonizers against Black bodies serve to shape long-term perceptions

and imaginings of African pasts/future (2023). Razack (2007) believes that photographic depictions of violence against Black subjects serve as vehicles for white enjoyment; in invoking the image of spectacle, wherein "slaves [dance] for the master's enjoyment … [or] a black man [stands] on trial for murdering his white wife" (p. 378), photographic depictions of violence provide white audiences with racial pleasure. In other words, through epistemic violence, white and Western superiority get (re)affirmed through images of Black suffering (Razack, 2007). Maliszewska (2023) echoes these concerns in relation to Holocaust photographic archives of violence, which she believes leave subsequent generations doubtful on "how to read those archives and give justice to the dead" (p. 90), and altogether contribute to epistemic violence.

> To sum up, returning to the words of Holert: photography has served and continues to serve the interests of the state and of capital, of state-bounded knowledge systems, of disciplinary, racialized regimes embodied in the apparatuses of science, education, and police, of the social control of minorities and the racializing orders of colonialism outside and inside the West. (2019, p. 5)

These aforementioned forms of epistemic violence can be further elucidated through an understanding of Susan Sontag's work around photography as violence; Sontag believed that photography has a predatory function, in that the camera will "presume, intrude, trespass, distort, exploit, and, at the farthest reach of metaphor, assassinate" its subjects (1977, p. 9). In this way, photographers and photographs "[teach] us a new visual code" (Sontag, 1977, p. 1), (re)affirming and altering our notions of what is true and worth witnessing. In a similar fashion to Rushohora and Razack, Sontag wrote that "[p]rotected middle-class inhabitants of the more affluent corners of the world—those regions where most photographs are taken and consumed—learn about the world's horrors mainly through the camera" (1977, p. 85); the reproduction of white and Western epistemologies from afar contributes to the violent *mis*construction of racialized subjects of violence. Möller (2017) understands this effect to be worsened in digital settings; as he describes it, the digital witness is a distant one, and is thus physically and temporally disconnected from the time and place in which the photo was taken (2017). As Sontag (1977) asserts that the *truth-telling* abilities of photography depend on the sociocultural context in which photographs are seen, geographic and temporal distance can make epistemic violence more likely.

Elsewhere, Sontag (1977) questions the use of seeing photographs of death and violence; she believed that the incessance of these images desensitize us to their atrocity—violence becomes banal, the horrible becomes ordinary, and the conscience *deadens*. Similarly, the affective function of photographs of death and violence have been questioned by Razack and Nakamura. For Razack, moments of witnessing and their accompanying emotional responses are often consumptive in nature and involve white audiences "stealing the pain of others" (2007, p. 375). In describing this process, Razack (2007) invokes Saidiya Hartman's (1997) concept of the slipperiness of empathy, wherein the suffering of Black bodies only becomes legible when vicariously experienced and 'witnessed' by the white body. Subsequently, through 'witnessing' the pain of others, the subject becomes occupied, and the viewer's privilege and complicity becomes obscured (Razack, 2007). In the words of Sontag: "[t]o photograph is to appropriate the thing photographed" (1977, p. 2). Consequently, 'witnessing' the bodies of racialized subjects in photography primarily serves to (re)affirm the humanity of white people (Razack, 1977). Writing on virtual reality, Nakamura (2020) explains that "the desire to experience empathy for the sufferings of black people while leaving structural racism in place has long underwritten pleasurable forms of cultural appropriation and projection" (p. 56).

These voyeuristic and perverse elements are a common facet of white witnessing of Black suffering—as Sontag describes it, audiences indulge in "[t]he pleasure of flinching" (1977, p. 41).

With a background in the arguments for and against photography as witnessing established, we turn towards ontic injustice. First established by Jenkins (2020), ontic injustice describes the harm caused when individuals are wronged by the *very fact* of being socially constructed as a member of a certain social kind (e.g., wife, Black person). When this status is conferred onto an individual, they receive socially determined constraints and enablements, which alter their social location, making some outcomes inaccessible (Jenkins, 2020). Under the framework of ontic injustice, these constraints and enablements are wrongful, "in the sense that they are in contravention of the individual's moral entitlements" (Jenkins, 2020, p. 4). To be clear, the harm described by ontic injustice is not the harm that occurs when individuals act in accordance with or are psychologically affected by inappropriate constraints and enablements, and is rather the harm cause by the *mere fact* of an individual being allocated as a certain kind of social being (Jenkins, 2020). To further the framework of ontic injustice, Jenkins draws on *diminishment* from Jean Hampton (1991), the process in which a person's moral value appears to be lowered due to *humiliating* violence which conveys the impression that the subject of violence lacks the value that people are normally deserving, resulting in an apparent reduction in moral worth. Specifically, the diminishment of moral worth causes damage in the realization or acknowledgment of a person's moral value, or in Jenkins words, being subject to an act of violence "conveys the impression that this form of treatment would have been appropriate, and hence [the individual] has a lower moral value than [they] in fact ha[ve]" (2020, p. 8). All of this culminates in a *moral injury* against the subject of violence (Hampton, 1991; Jenkins, 2020).

While Jenkins did not directly extend her framework to individuals after their deaths, wherein the harm of ontic injustice occurs *posthumously*, I assert that her framework is useful for understanding the construction of the social kind of *victim* after injury or death. To support this claim, it's necessary to extend the use of ontic injustice to those who have died. As Jenkins describes ontic injustice as pertaining to either a failure to realize or acknowledge a person's moral value, then it follows that the failure of others to acknowledge a person's value alone, constitutes a moral injury and is thus ontic injustice, regardless of self-realization. Moreover, if ontic injustice does not require the *actual* imposition of constraints and enablements, then it reasons that ontic injustice can occur against individuals after their deaths.

Through photographs of violence and death, we see the subjects of violence forever frozen in a moment of fixed and concentrated pain and suffering (Foliard and Willcock, 2023); through photography, "the moment [is] made eternal" (Sontag, 1977, p. 50). Witnessing or not, I believe that when viewing this moment, we unsurprisingly see the subject primarily as a victim of violence as opposed to the vast plurality of identities the subject could possess beyond the moment of the photograph. Throughout the body of work presented above, those thinkers who believe in photography's capacity to witness and those who assert that photography is a form of violence assume the notion that the subjects of violence are victims. The sole exception lies in Rushohora's (2023) description of the process wherein a photograph of a Tanzanian prisoner of war was socially re-constructed; in moving away from the status of racialized victim, the subject of the photo was re-defined as a heroic figure enacting agency and resisting oppression. Drawing from Rushohora, from the white and Western standpoint, we see the photographic subjects of death and violence as victims first and foremost, especially when the subjects are racialized. Altogether, when we see images of death and violence immortalized online, we understand the subjects entirely as victims.

In line with the framework of ontic injustice, being constructed as a victim and defined by being an individual subjected to an act of violence resulting in injury or death, inherently diminishes the recognition of one's moral worth by suggesting that the humiliating violence they have been subjected to is a defining part of their identity. And so, as the social kind of victim becomes all-consuming, constraints are imposed in that the impression that one is deserving of this violence becomes affirmed by the fact that they experienced it. Moreover, I assert that when one views the subjects of violence as victims, all other provided context to their lives appears to become explanatory for the circumstances of their death—*who they were, what they've done and experienced leading up to, during, and after the moment of violence* all become context to suffering and victimhood. More often than not in online spaces, this context accompanying photographs of death and violence functions to exonerate the victim, or justify the violence enacted against them. In this way, their life-story and personhood become defined entirely by their status-as-victim. As such, we fail to acknowledge their full humanity, and so, ontic injustice has occurred. However, even within victimhood, additional permutations of ontic injustice exist depending on the *type of victim* that one is defined to be.

Drawing from Dignan's (2004) work on victimology in relation to restorative justice, the status of *the ideal victim* is defined by six attributes of the victim and offender, which itself come from Nils Christie (1986). To be the ideal victim, one is usually: weak in relation to the offender (e.g., female, sick, very old or young); either virtuous or not wrongdoing; blameless; and unrelated to the enactor of violence; with the offender being "unambiguously big and bad" (Dignan, 2004, p. 17). Finally, the ideal victim "has the right combination of power, influence or sympathy to successfully elicit victim status" (Dignan, 2004, p. 17). With this in mind, Lacerda describes Hannah Arendt's (1951) conception of victim as one defined by a lack of agency; victims are often affirmed "absolute innocence" (Lacerda, 2015, p. 183), which thus denies any potential responsibility or ability to act on the part of the victim, and thus renders the victim an object, rather than subject. When one is socially construed as a *violated object*, they become "paralyzed in the position of an object of the actions of others" (Lacerda, 2015, p. 185). Here, the ontic injustice lies in the constraints and enablements pertaining to the social kind of the ideal victim. As the ideal victim, one receives constraints and enablements related to their supposed blamelessness, weakness, and virtuosity—therefore limiting their capacity to be understood as agents capable of taking action. In this way, the ideal victim lacks agency, and so, the ideal victim is one who does not exist politically or resist the violent acts being committed against them. Under ontic injustice, the ideal victim suffers a moral injury in that they do not have their agency acknowledged. Moreover, if there is a socially conferred *type of person* whose traits (i.e., weak, woman, old) make up the ideal victim, then that implies these individuals are socially conferred to be legible as receiving violence. As a result, these individuals are more readily understood as being subjected to violence, which can serve to enable others to commit acts of violence against them.

If one fails to conform to the social kind of the ideal victim, they become what I dub *the unideal victim* wherein their suffering and pain becomes potentially legitimized or justifiable. Much like the ideal victim, the unideal victim is seen as a legible victim of violence, but for different reasons—usually due to their ability to express agency or being not-weak, not-male, etc. What's more, is that the unideal victim is more likely to have the violence committed against them be legitimized in accordance with their assertion of agency (i.e., 'fighting back'), often along racial and gendered lines. As a result, they fail to have their moral worth acknowledged and are thus subjected to moral injury through ontic injustice.

While there are evident harms in defining

individuals subjected to violence solely as victims, there are additional harms if one fails to acknowledge the violence these individuals have been subjected to. Drawing from Judith Butler's (2006) *Precarious Life*, some lives are not considered lives whatsoever, their deaths not real deaths, and their lives not grievable. Butler asserts that one's *grievability* in the eyes of the public exponentially diminishes along the intersection of race, ethnicity, gender, and sexuality (2006). When one's status is dehumanized, violence becomes justified, which further enacts the dehumanization upon which the violence is founded (Butler, 2006). When one fails to recognize the harm that has been enacted against a person, or when they acknowledge suffering only on the basis of the omission of non-grievable characteristics from that person's obituary (Butler, 2006), you commit ontic injustice in failing to acknowledge the full context of their lives and humanity.

In sum, it is clear that being socially conferred as victim carries numerous apparitions of ontic injustice, which permutate depending on the life-context surrounding the subject of violence. In this digital age, the living and the dead coexist online through a novel visual landscape (Widmaier, 2023). As such, negotiating how to view photographs of death and violence, and the subjects depicted within them, becomes altogether more relevant. Across the literature, the answer to the question of whether we appropriately bear witness to suffering through photography is an ambivalent one. Indeed, while some hold the importance of witnessing death, violence, injury, and atrocity in photography, others believe that these processes are inextricably tied up in white, Western, and colonial forms of epistemic violence, and gendered and racial forms of looking. What few scholars have yet contended with is the way that ontic injustice operates through the viewing of photographs of death and violence in turning the subjects of harm entirely into victims. I assert that reducing the subjects of violence to victims alone creates a moral injury, in that we fail to see their humanity beyond their status as victim—in ways that often map onto race and gender. I extend the framework of ontic injustice to the posthumous subject and believe that the moral injury of victimhood is applicable to both living and non-living subjects. That being said, ontic injustice and harm also persist if one fails to acknowledge the violence committed against the subject. As a result, we must find our way to a novel form of ethical ~~witnessing~~ of ~~victims~~ through photography; in the face of seemingly innumerable amounts of violence and photographs of that violence, how do we appropriately honour those who died? Others still, have questioned the political function and effectiveness of empathetic reactions to photographs of death and violence (Arendt, 1951; Foliard and Willcock, 2023; Hartman, 1997; Nakamura, 2020; Razack, 2007). How do we develop an active ethical ~~witnessing~~ that does not rest in the passive, solely affective realm? How do we move beyond the empathetic moment? The answers to these questions are unfortunately beyond the scope of this paper. What I can say, is that in the face of these considerations, we must turn effigies into monuments, grief into action, and to paraphrase a classmate in ARTSSCI 3B03: in witnessing, our *tears* are not the end goal, and *justice* is.

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