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Introduction

I remember well the drone of the planes and the banister trembling as I tried to clutch it. My mother says I was shaking all over and that my teeth were rattling. When I shut my eyes, I feel as if I'm there, spreading the upper half of my body on the banister, arms wide open, and sliding down. The sliding never ends – a continuous snapshot with nothing before or after it. This is the only image I have of that day, mixed up with the rising-falling shriek of the siren, with strong pounding at the door and shouts of “Get up, get up” directed, I think, at my sister, who was sleeping through the whole thing. All the rest comes from stories. June 1967. I was five. The house we lived in on Weizmann Street in Netanya had no bomb shelter, and we ran to the next building. Two or three bombs fell on Netanya that day.

For years, this war was referred to with pride. My mother said I didn't cry at any point, and I knew this made me a part of the war's success. In time, I understood that this illustrious war, whose victory albums my father sold at his small, crowded shop, was none other than a conquest of people's lives, their ongoing dispossession of many things they had and many other things they would never have. The fact that I failed to understand this sooner, as it was actually taking place, has haunted me since.

I was twelve when I fainted for the first time. In Tul Karm, in the West Bank. My parents used to drive there every Saturday. My father would buy Uhm Kulthum cassettes at half price. I think that more than anything else, though, he loved going there so he could eat baklava. It was

the single foodstuff that disclosed his birth in an Arab country. When I came to my senses after fainting, I immediately was handed a slice of lemon and a glass of water. Someone on the street had taken over the situation and had rushed to provide me with a drink. I have no idea who. My mother was anxious to leave and said we wouldn't go "there" anymore. "The smells affect the child," she told my father. In hindsight, it turned out that I had fainted because I was menstruating, and my blood pressure had dropped. I have since fainted several times in Jewish towns. I knew my mother's decision not to go back "there" was not as well founded as it seemed, but I didn't know why. So I said nothing.

My mother wouldn't allow me to go to the beach on Fridays. That's the day the Arabs go. "They go in with their clothes on," she muttered. Ever since, I've carried around in my head an image of Arabs half-submerged in the middle of the sea, struggling to get up, with the weight of their wet clothes pulling them down. While I remember this image as if it were a photograph I actually saw, I know it was planted in my brain, courtesy of my mother's tongue as she tried to embody her warnings. When I was a bit older, in high school, and I went to the "territories" with Peace Now to demonstrate against the occupation, I saw only Jewish Israelis with crisp white shirts, equipped with a vision of how to wipe out the occupation. Even then, toward the end of the 1970s, the image from the sea remained the only image I had of Palestinians.

It took many years before this phantom picture was replaced by real photographs with Palestinian faces looking out at me. A girl with soldiers pulling her hair as they try to arrest her, a young boy tied up and lying on the ground with a group of soldiers and a rifle aimed at him, an elderly couple on the ruins of what was previously their home, shuttered store fronts with armed soldiers out in front, or an elegant woman of my age, standing tall, her arms hanging at her sides, on a background of magical wallpaper printed with a vista of lakes and palm trees. That was during the first intifada. At the time, I had just returned from a seven-year stay in France, and I avidly read the Hebrew daily *Hadashot*, where Palestinians' portraits and their names and stories

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were printed for the first time in Hebrew daily newspapers: black-and-white photographs in sharp contrast, the Palestinians in most of them taken from very close up, often in close physical proximity to Israeli soldiers. Every such photograph testified to the fact that the occupation should be ended and a Palestinian state established.

Around the same time, I began writing about art. But I was drawn to photography. There was very little writing on photography at the time within the discourse of art, and I was looking for a way to put photographs into words. I didn't know how to break the silence about it. I suppose the difficulty stemmed, for the most part, from the fact that photography wasn't considered an art form, that writing about it ran the risk of the directness necessitated by the writer's duty to look, first of all, at what is photographed, and only then to deal with issues of an artistic order. But the photographed persons went on looking out of the photographs and demanding something else, even when the gaze turned them into a sign to be drawn on in speaking out against the occupation.

Artistic discourse turned out to be an obstacle to seeing what was in the photograph, but it was not the only one. Postmodern theorists — such as Roland Barthes, Jean Baudrillard, and Susan Sontag — who bore witness to a glut of images were the first to fall prey to a kind of “image fatigue”; they simply stopped looking. The world filled up with images of horrors, and they loudly proclaimed that viewers' eyes had grown unseeing, proceeding to unburden themselves of the responsibility to hold onto the elementary gesture of looking at what is presented to one's gaze.

At the beginning of the 1990s, I began curating photography exhibitions. But I knew that my interest in photography didn't end with photographs taken by artists or professional photographers. In photography — and this is evident in every single photo — there is something that extends beyond the photographer's action, and no photographer, even the most gifted, can claim ownership of what appears in the photograph. Every photograph of others bears the traces of the meeting between the photographed persons and the photographer, neither of whom can, on their own, determine how this meeting will be inscribed in the resulting image. The photograph exceeds any presumption of

ownership or monopoly and any attempt at being exhaustive. Even when it seems possible to name correctly in the form of a statement what it shows — “This is X” — it will always turn out that something else can be read in it, some other event can be reconstructed from it, some other player’s presence can be discerned through it, constructing the social relations that allowed its production.

My main interest was in photographs from the Occupied Territories, and the more I looked at them, the more I felt that they showed more than evidence of what was being done to the Palestinians. Over time, it became progressively clearer to me that not only is it impossible to reduce photography to its role as a producer of pictures, but that, in addition, its broad dissemination over the second half of the nineteenth century has created a space of political relations that are not mediated exclusively by the ruling power of the state and are not completely subject to the national logic that still overshadows the political arena. This civil political space, which I invent theoretically in the present book, is one that the people using photography — photographers, spectators, and photographed people — imagine every day.

By that time, at about thirty, I felt a strong desire to go back to the building on Weizmann Street. My photo album from that period of childhood was very slim. I had a feeling that simply going back there would nudge many things toward deciphering themselves. It was evening when I got there. Just entering the dark entrance hall felt oppressive. At the other end of it there was a large opening leading to the yard adjacent to the neighbors’ yard that we ran to in order to reach the bomb shelter. If, in the course of my childhood at this address, I had entrusted anything there, I wasn’t able to get it back on this visit. I don’t know what I thought I would find there, but for days afterward, the picture of that stairwell stayed with me. Every time it began eluding me, I grasped at its edges as if it were a photograph, trying to keep it with me a moment longer. It dawned on me at the time that I could remember all the stairwells of all the buildings I’d lived in — eight in all. I have a fairly orderly archive in my mind. “It’s the entrance hall that’s the most dangerous”; “Don’t open the door for strangers”; “Take a good look and make sure that no one comes into

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the entrance hall behind you.” In the course of adolescence, these warnings were joined by a long series of prohibitions concerning me as a girl, as a woman. An entire world of moving freely through space and its related adventures had been gradually placed beyond my reach, because these had always involved walking at night, entrance halls, and public parks.

Each one of us carries with her an album of these planted pictures. In some cases, the violence needed for their insertion into the album is evident — as happens when the image is engraved through trauma. In other cases, the pictures have been planted while the “owner” of the album remains totally unaware of the violence involved, until the day she is able to see that this or that image that she had taken to be her own was in fact nothing of the kind. What distinguishes such pictures from regular photographs is the mode of their transmission. They are planted in the body, the consciousness, the memory, and their adoption is instantaneous, ruling out any opportunity for negotiations as regards what they show or their genealogy, their ownership or belonging. They lack the *objective* dimension possessed by an image imprinted in a photograph by virtue of its being, always, of necessity, the product of an encounter — even if a violent one — between a photographer, a photographed subject, and a camera, an encounter whose involuntary traces in the photograph transform the latter into a document that is not the creation of an individual and can never belong to any one person or narrative exclusively. The photograph is out there, an object in the world, and anyone, always (at least in principle), can pull at one of its threads and trace it in such a way as to reopen the image and renegotiate what it shows, possibly even completely overturning what was seen in it before. That evening at Weizmann Street made me understand the role of planted pictures in the restriction of my living space as a citizen and a woman, and the potential of photography for dissolving their power.

Photography has served me in ridding myself of these phantom pictures, or at least in reattributing them to their creators and detaching them from myself. Photographs, unlike phantom pictures, have no single, individual author, in principle, they allow civic negotiations about the subject they designate and about their sense. Advertising

photography has come into the world with the wrong users' manual, photos tend to be confused with planted pictures and become phantom images. The existing common manual reduces photography to the photograph and to the gaze concentrated on it in an attempt to identify the subject. It takes part in the stabilization of what is seen, in making it distinct, accessible, readily available, easy to capture, and open to ownership and exchange. The wrong users' manual hinders the spectator's understanding that the photograph — every photograph — belongs to no one, that she can become not only its addressee but also its addresser, one who can produce a meaning for it and disseminate this meaning further.

Photography is much more than what is printed on photographic paper. The photograph bears the seal of the photographic event, and reconstructing this event requires more than just identifying what is shown in the photograph. One needs to stop looking at the photograph and instead start watching it. The verb "to watch" is usually used for regarding phenomena or moving pictures. It entails dimensions of time and movement that need to be reinscribed in the interpretation of the still photographic image. When and where the subject of the photograph is a person who has suffered some form of injury, a viewing of the photograph that reconstructs the photographic situation and allows a reading of the injury inflicted on others becomes a civic skill, not an exercise in aesthetic appreciation. This skill is activated the moment one grasps that citizenship is not merely a status, a good, or a piece of private property possessed by the citizen,¹ but rather a tool of a struggle or an obligation to others to struggle against injuries inflicted on those others, citizen and noncitizen alike — others who are governed along with the spectator.² The civil spectator has a duty to employ that skill the day she encounters photographs of those injuries — to employ it in order to negotiate the manner in which she and the photographed are ruled.

Events about which I wrote in that period, such as the gang rape in Kibbutz Shomrat or Carmela Boukhbout's killing of her violent husband, revealed to me the shape of women's narrowed living space, along with the fact that what has befallen them is a symptom of an *impaired civic* status that is characteristic of women in general.

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The question of citizenship thus gradually became the prism through which I began observing things. At first, my writing progressed in several parallel channels: writing about photography, mainly photographs of Palestinians and the continuing injury caused them by the occupation, writing about women, mainly focusing on the violence directed against them and their abandonment, and writing about impaired citizenship as it concerned both Palestinians and women. It was the concept of citizenship that made it possible for me to conduct an extended discussion of seemingly distinct cases—the assassination of a prime minister, the killing of a husband by a wife whom he had abused and beaten for years, and the liquidation of a Palestinian individual identified as the planner of terrorist attacks. Unavoidably, this discussion led, in turn, to a reformulation of the concept of citizenship itself. When these incidents are discussed from the standpoint of citizenship, it is impossible to retain the label “domestic” with reference to the killing of a husband by his abused wife, just as the murder of a Palestinian can no longer be viewed as a “liquidation.” The common framework of discussion proposed by this book for analyzing the susceptibility to disaster of distinct populations such as Palestinians or women thus resists some of the presuppositions of existing discourses on citizenship.

Because Palestinians are considered stateless persons, they are absent(ed) from the discourse on citizenship; because women are considered full citizens, their susceptibility to a particular type of disaster does not tend to generate an examination of their civic status. Circumscribing the discussion of Palestinians in advance through the scandalous category of “stateless persons” amounts to accepting a narrow reading of citizenship as a “natural” privilege possessed by the members of a certain class that administers the distribution of the good known as citizenship as if it were its own private property. Excluding the discussion of women’s abandonment from the discourse of citizenship through the argument that it represents a factional issue overly narrowing the relevant “general” political perspective amounts to accepting the incidence of rape as a natural disaster or an ahistorical conflict between the sexes, rather than an alterable consequence of impaired citizenship.

In spite of my right-wing upbringing, I became convinced early on that injustice was being done to another people and that the solution lay in the establishment of a Palestinian state. This was what I believed for many years. When I started scrutinizing photographs in a serious, systematic way, I understood that terms such as “occupation,” or “Green Line” or “Palestinian state” that I had been in the habit of using are part of the discursive structures of the regime and support it, even if one formulated her position toward them in just the opposite way than the one intended by the regime. These terms threaten to circumscribe one’s field of vision and, perhaps worse, the boundaries of one’s imagination, as well. They threaten to seal the photographs within a protective shield that will turn the photographed people into evidence that something “was there.” However, in contradiction to the famous statement by Roland Barthes, which sought to capture the essence of photography as testimony to the fact that this something “was there,” when these photographs are watched, not looked at, when they are read both out of and into the space of the political relations instated by photography, they seem – conversely – to testify to the fact that the photographed *people* were there. When the assumption is that not only were the photographed people there, but that, in addition, they are still present there at the time I’m watching them, my viewing of these photographs is less susceptible to becoming immoral. Addressing these photographs is a limited, partial, sometimes imagined attempt to respond to the photographed figure, an attempt to reconstruct the part it played, which is sometimes difficult to discern at first glance, and to realize, even if fleetingly, a space of political relations between those who are governed, a space in which the demand not to be ruled in this way becomes the basis for every civil negotiation.

I began working on this book at the beginning of the second intifada. In hindsight, I can say that observing the unbearable sights presented in photographs from the Occupied Territories, encountering them in the national context within which they were presented and enduring the difficulty of facing them day after day, formed the main motives for writing this book. *The Civil Contract of Photography* is an attempt to anchor spectatorship in civic duty toward the photographed persons who haven’t stopped being “there,” toward dispos-

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sessed citizens who, in turn, enable the rethinking of the concept and practice of citizenship.

I employ the term “contract” in order to shed terms such as “empathy,” “shame,” “pity,” or “compassion” as organizers of this gaze. In the political sphere that is reconstructed through the civil contract, photographed persons are participant citizens, just the same as I am. Within this space, the point of departure for our mutual relations cannot be empathy or mercy. It must be a covenant for the rehabilitation of their citizenship in the political sphere within which we are all ruled, that is, in the state of Israel. When the photographed persons address me, claiming their citizenship in photography, they cease to appear as stateless or as enemies, the manners in which the sovereign regime strives to construct them. They call on me to recognize and restore their citizenship through my viewing. At issue in this book is more than my insistence on using the term “citizenship” in analyzing the act of photography or in understanding the ways in which some populations are more exposed to catastrophe than others. At issue is an effort to disclose the inextricable relationship between the populations facing pending catastrophe and the citizens with whom they are governed, doing so by means of an examination of the civic space of the gaze, speech, and action that is shared by these governed populations.

The book seeks to arouse two dormant dimensions of thinking about citizenship and to recast them as points of departure for a new discussion of this concept. The first of these dimensions consists in the fact that citizens are, first and foremost, *governed*. The nation-state creates a bond of identification between citizens and the state through a variety of ideological mechanisms, causing this fact to be forgotten. This, then, allows the state to divide the governed — partitioning off noncitizens from citizens — and to mobilize the privileged citizens against other groups of ruled subjects. An emphasis on the dimension of being governed allows a rethinking of the political sphere as a space of relations between the governed, whose political duty is first and foremost a duty toward one another, rather than toward the ruling power.

Every day, as I leaf through the paper, looking out at me from its various pages are faces of Palestinians exposed to the rule of Israeli occupation.

Why are these men, women, children, and families looking at me? Why have they agreed to be photographed so as to look at me? At whom, precisely, did they seek to look – was it truly at me? And why? Does their use of photography express a civic skill that they possess? What am I supposed to do with their look? What is the foundation of the gaze I might turn back to toward them? Is it my gaze alone, or is their demand directed toward the civil position I occupy? What happens to my citizenship in its encounter with this look? What happens to it in this encounter with their catastrophe, knowing that they are more vulnerable than I to catastrophe?

The question “Why are they looking at me?” has enabled me to rethink the civic space of the gaze and our interrelations within it. Both the photographer’s vantage point and the process of watching photographs have emerged as only one component within a whole, very complex fabric of relations. Within its weave, the photographed subjects’ act of addressing the spectator bears decisive weight. For example, take the merchant from Hebron, one of many, many people from Hebron who staged protest strikes against the occupation in 1982 (figure I.1). On encountering the photographer, Anat Saragusti, the merchant faced the camera and demonstrated directly, for all to witness, evidence of the damage caused to him, the lock of his store forced open and destroyed by Israeli paratroopers sent in to break the strike. The photographed subjects of numerous photographs participate actively in the photographic act and view both this act and the photographer facing them as a framework that offers an alternative – weak though it may be – to the institutional structures that have abandoned and injured them, that continue to shirk responsibility toward these subjects and refuse to compensate them for damages. The consent of most photographed subjects to have their picture taken, or indeed their own initiation of a photographic act, even when suffering in extremely difficult circumstances, presumes the existence of a civil space in which photographers, photographed subjects, and spectators share a recognition that what they are witnessing is intolerable.

Vis-à-vis such photographed persons it becomes patently insufficient to account for photography through a focus on photographers or spectators, as occurs in any discussion suited to the title *Regarding the Pain of Others* with which Susan Sontag christened her last book.

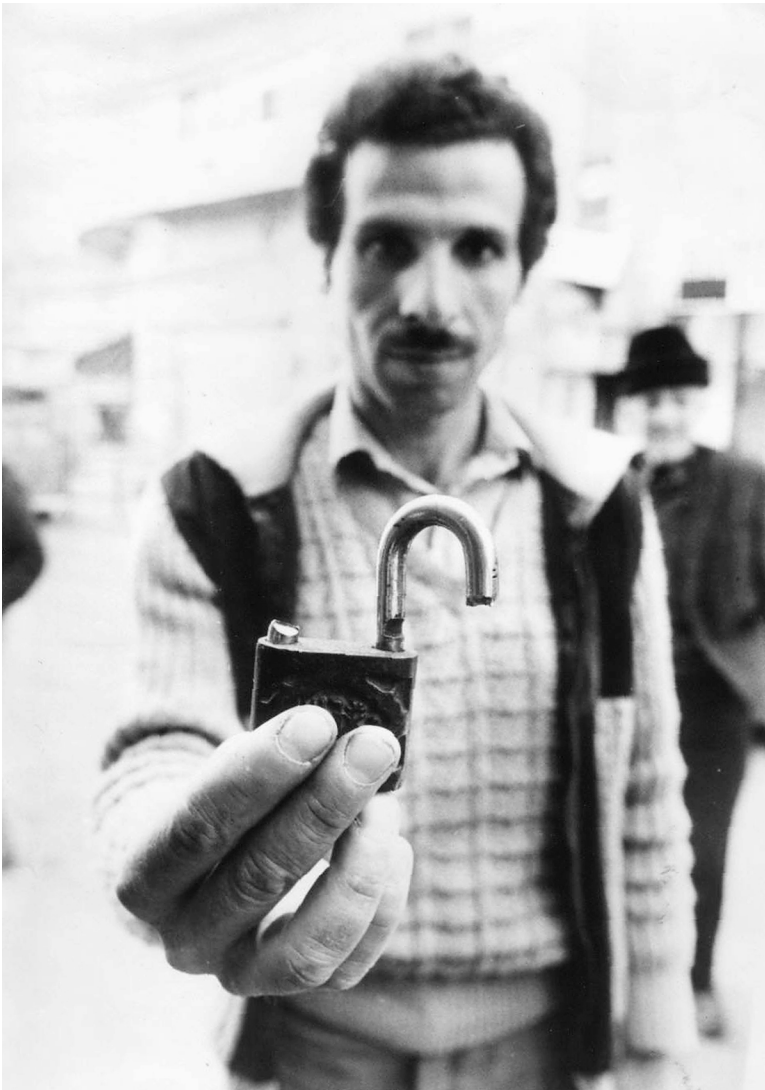


Figure I. 1. Anat Saragusti, Hebron, 1982.

Discussions such as these elide the gaze of the photographed subject, which can vary enormously between sharp, probing, passive, exhausted, furious, introverted, defensive, warning, aggressive, full of hatred, pleading, unbalanced, skeptical, cynical, indifferent, or demanding. The photographed person's gaze seriously undermines the perception that practices of photography and watching photographs taken in disastrous conditions can be described and conceptualized as separate from the witnessed situation. When photographs or the work of particular photographers are characterized as "partisan," "subversive," or "critical," the assumption is that the photographs show or perform something that is already over and done, foreclosing the option of watching photographs as a space of political relations. When the Hebron merchant stands up in front of the camera, lock in hand, he isn't demanding remuneration for the broken lock. His stance is an insistent refusal to accept the noncitizen status assigned him by the governing power and a demand for participation in a sphere of political relations within which his claims can be heard and acknowledged. This book seeks to trace the blueprint of this political space through the construct of a civil contract whose main points it presents. The contract is one between the partner-participants in the act of photography and the various users of photography whom the book proposes to extract from the practices of both picture taking and the public use and display of photographs.³

What is the civil contract? I will present it through the earliest examples of the political use of photography. In 1845, six years after the official birth date of the technology of photography, a photograph of Jonathan Walker's palm was taken (figure I.2). Walker was tried in Florida for attempting to smuggle slaves out of the state northward. His sentence was imprisonment and a fine, as well as the branding of his hand with the letters "SS," denoting "slave stealer," the mark of Cain, as it were.⁴ Following his release from prison, Walker turned to the Boston studio of photographers Albert Sands Southworth and Josiah Johnson Hawes to eternalize his branded palm in a photograph, which he proceeded to distribute as a protest against the court ruling. This resulted in a subsequent reinterpretation of the SS mark as denoting "slave savior."



Figure 1.2. Southworth and Hawes, *The Branded Hand of Captain Jonathan Walker*, daguerreotype, 1845 (reproduced courtesy of the Massachusetts Historical Society).

The photographic act initiated by Walker did not challenge the penalty that had already been seared into his flesh. The challenge was of another type, including three dimensions: to the *content* of the court ruling, according to which the assistance that Walker provided to seven human beings to escape slavery was a criminal act; to the stable *meaning* of the punishment, part of which was manifested through inscribing a mark of shame on the body; and to the boundaries defining the *community* authorized to reinterpret the court ruling.

What the encounter between Walker and the two photographers engendered was not the portrait of an abolitionist, but rather a direct and focused photograph of Walker's palm. The represented hand is reminiscent, in its directness, of a still life — a shell, a hat, a fossil. However, unlike the assorted articles usually photographed at the time in the genre of the still life, this hand was not meant to stay still and silent. Walker, Southworth, and Hawes sought to publicize and disseminate it and assigned it a place and a role in the sphere of speech and action. The daguerreotype had the power to publish the disgrace meant to exclude Walker from the public and, through this very act of publication, to overturn the disgrace.

In their act of photography, the photographers and the photographed person assumed the existence of a hypothetical spectator who would take an interest in the image and be aroused by it to show responsibility toward Walker and toward the ongoing injustice evidenced by the brand burned into his flesh. The spectators that Walker was assuming were not particular, familiar ones to whom he could have displayed his actual palm; he was assuming unfamiliar, anonymous spectators who — so he conjectured, presumed, or at least hoped — would form a community through the act of watching this photograph and others. Walker wasn't directing his attempt exclusively to the members of a particular community of abolitionists, but to possible, potential members of such a community. His photograph presupposes and is addressed to a virtual community, one that is not identical to the local community to which Walker belonged and from which he would supposedly be excluded by his mark of shame. The members of this presupposed community made use of the photograph as photographers, as photographed persons, as spectators.

These various and new uses of photography created a new commu-

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nity, in part actual and in part virtual. It was not a community of professionals or members of any particular church, party, or sect. It was a new political community of people between whom political relations were not mediated by a sovereign ruling power that governed a given territory. Neither were the people of this community subject to such a ruling power. The civil contract of photography that the emergence of this community exemplifies is the hypothetical, imagined arrangement regulating relations within this virtual political community. It is not dictated by the ruling power, even when this power attempts to rule and to control photography. When the ruling power interferes in this sphere, it amounts to no more than an additional player acting alongside the others. Even rude interference on the part of the ruling power in the encounter between the photographer and the photographed person or in a meeting between the spectator and the photographed person will fail to reach various other encounters between the same or other players committed to the civil contract of photography. Some of these will always elude intervention.

The political theory laid out below is founded on this new conceptualization of citizenship as a framework of partnership and solidarity among those who are governed, a framework that is neither constituted nor circumscribed by the sovereign. The theory of photography proposed in this book is founded on a new ontological-political understanding of photography. It takes into account all the participants in photographic acts – camera, photographer, photographed subject, and spectator – approaching the photograph (and its meaning) as an unintentional effect of the encounter between all of these. None of these have the capacity to seal off this effect and determine its sole meaning.

The civil contract of photography assumes that, at least in principle, the governed possess a certain power to suspend the gesture of the sovereign power seeking to totally dominate the relations between us, dividing us as governed into citizens and noncitizens thus making disappear the violation of *our* citizenship. Given the circumstances that Israel is an occupying and colonizing power, speaking of “our” citizenship – that is, of the citizenship of both Palestinians and Israelis – is based on the assumption that being governed along with and beside individuals who are not citizens also causes damage to the seemingly

whole, unimpaired citizenship of the citizens who *are* recognized as such. No attempt is implied here to claim symmetry between populations of citizens and noncitizens or to lay a foundation for their comparison. Rather, this is an attempt to rethink the political space of governed populations and to reformulate the boundaries of citizenship as distinct from the nation and the market whose dual rationale constantly threatens to subjugate it.⁵

Although my claim is that the civil contract of photography is as old as photography itself (and although a lot has been written about citizens and citizenship), civil contracts and photography have been mostly kept apart in the theoretical discourses. Photography, its history, and its philosophy belong to the study of visual culture, media, or art history; contracts and citizens are the business of political theory or political science, sociology, or jurisprudence. *The Civil Contract of Photography* seeks to develop a concept of citizenship through the study of photographic practices and to analyze photography within the framework of citizenship as a status, an institution, and a set of practices.

The widespread use of cameras by people around the world has created more than a mass of images; it has created a new form of encounter, an encounter between people who take, watch, and show other people's photographs, with or without their consent, thus opening new possibilities of political action and forming new conditions for its visibility. The relations between the three parties involved in the photographic act — the photographed person, the photographer, and the spectator — are not mediated through a sovereign power and are not limited to the bounds of a nation-state or an economic contract. The users of photography thus reemerge as people who are not totally identified with the power that governs them and who have new means to look at and show *its* deeds, as well, and eventually to address this power and negotiate with it — citizen and noncitizen alike.

For the governing power, citizens can be equal among themselves, but not equal vis-à-vis others governed by that same power. Much of recent literature on citizenship ignores these two aspects of citizenship: citizens are governed together with noncitizens; citizens are governed differently from and therefore cannot be equal to others.

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Citizens cannot be equally governed if they are governed with others who are not governed as equals. The proposed analysis of the photographic act and the space of photographic relations enables us to overcome the limit set on the concept of citizenship by the nation-state. The nation-state (re)territorializes citizenship. It provides a protective shield to those declared as citizens within a certain territory, and discriminates between them and others, noncitizens, who are governed with them, in the same territory, by the same power. Photography, on the other hand, deterritorializes citizenship, reaching beyond its conventional boundaries and plotting out a political space in which the plurality of speech and action (in Arendt's sense) is actualized permanently by the eventual participation of all the governed. These governed are *equally* not governed within this space of photography, where no sovereign power exists. Thus, citizenship can be restored at one and the same time as a relation to a state and a sovereign power and a relation between equals. These two aspects are constitutive of citizenship, and their logic will be retraced here from the French Revolution onward.

The conceptual valences between photography and citizenship are in fact twofold. Because, as we will see, photographs are constructed like statements (*énoncés*), the photographic image gains its meaning through mutual (mis)recognition, and this meaning (even if not the object itself) cannot be possessed by its addresser and/or addressee. Citizenship likewise is gained through recognition, and like photography is not something that can be simply possessed. Further, plurality is a prerequisite of both citizenship and photography. The principle of equality that citizenship upholds is supposed to preserve the conditions of plurality and to constrain the governing power. When citizenship is conceived and practiced as equality only between citizens, and not more broadly between the governed, it yields to the constraints of the governing power. Citizenship should be indifferent to the ties — from kinship through class or nation — that seek to link part of the governed to one another and exclude others. Free from the nationalist perspective, or any other essentialist conception of the collective of governed individuals, citizenship comes to resemble the photographic relation. Photographs bear traces of a plurality of political relations

that might be actualized by the act of watching, transforming and disseminating what is seen into claims that demand action.

The civil contract of photography is a social fiction or hypostatized construct in the same sense that Rousseau's social contract was conceived of as something that has "perhaps never been formally set forth" previously, yet that is "everywhere the same and everywhere tacitly admitted and recognised."⁶ Its theoretical recognition rests on the fact of its historical existence in every act of photography. It has been conceptualized here via its historical emergence as a convention that regulates the various uses of photography and its relations of exchange.

The book is organized as a progression of different, but related topics. The first chapter analyzes the Declaration of the Rights of Man and the Citizen, written at the time of the French Revolution (1789), and the Declaration of the Rights of Woman and the Female Citizen, formulated two years later (1791), from which it attempts to extract a blueprint of the figures of modern men and women as citizens and of the conditions either protecting them or exposing them to catastrophe.

The second chapter presents the civil contract of photography itself. It is, of course, not a document unearthed in some library or archive. I have encountered the traces this contract leaves at any and every site where there has been photography – that is, almost everywhere. This contract binds together photographers, photographed persons, and spectators. Each of them fulfills her role – persons are being taken in photos, photographers take pictures, spectators look, and all of them know what is expected of them and what to expect from the others. This shared set of expectations is a civil knowledge that amounts to more than just a technical skill. It is an assembly of civil skills that are not subject to nationality, but rather to borderless citizenship, to the modern citizenship of individuals who know, even when they are subject to boundless rule – and this is part of their civil skill – that the actual rule to which they are subject, in its concrete configuration, is always limited, always temporary, never final, even when there seems to be no exit from it. The photographs that they produce, that are made of them, that they look at, are traces of this civil skill, whose contract I have sought to make explicit, based on historical facts and a reliance on the experience of many people.

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In the third chapter, I reconstruct the consent of the partners taking part in the act of photography to the binding contract between them, attempting to clarify the limits of this partnership. In order to outline the ethics of the spectator, I propose to understand the photograph's unique status as a product of the encounter between a photographer, a photographed person and a tool, in the course of which none of these three can treat the other as a sovereign such that even when one of them seems for a moment to possess the means of production, he or she is in fact no less operated than capable of operating. Introducing the dimensions of time and movement into the act of watching stills is the foundation for the ethics of the spectator. This ethics is based on a series of assumptions: Photographs do not speak for themselves. Alone, they do not decipher a thing. Identifying what is seen does not excuse the spectator from "watching" the photograph, rather than looking at it, and from caring for its sense. And the sense of the photograph is subject to negotiation that unfailingly takes place vis-à-vis a single, stable, permanent image whose presence persists and demands that the spectators cast anchor in it whenever they seek to sail toward an abstraction that is detached from the visible and that then becomes its cliché.

The fourth chapter describes the structural conditions of the field of vision in contemporary times, characterizing a certain type of photographic image — the image of horror — and examining the conditions for its transformation into what I will call an emergency claim. An emergency claim is an alert to a disastrous condition demanding urgent and immediate action. Through an analysis of various photographs from the second intifada, I cite the status of Palestinians as noncitizens as a central factor of the creation of conditions in which images of the horrors perpetrated against them were prevented from becoming emergency claims.

The fifth chapter discusses the ways in which injury to women appeared as a new object in discourse — since the 1970s, one distinguished from what had been perceived in the past as rape. This new object is characterized by a new understanding of what rape is, who a rape victim is, and who a rapist is, and also by new tools for dealing with rape that transform it into a phenomenon regarding which data and testimonies can be collected, in turn allowing its treatment and

the implementation of means to prevent it. When the dimensions of rape relative to all women in the world emerge, rape appears as a catastrophe befalling a specific population, and its incidence — despite the change in its status in public discourse since the 1970s — indicates that the civil status of the population vulnerable to this type of injury is still impaired. The chapter points out that this is the only kind of catastrophe with no visibility in public discourse and attempts to understand the absence of pictures of rape as part of what leaves the dimensions of this catastrophe unchanged.

The sixth chapter presents the living conditions of the Palestinians as existence on the threshold of catastrophe and, through an analysis of photos and conversations with several photographers, addresses the question of how the threshold of catastrophe is photographed. The assumption is that the situation in Palestine is not on the verge of a catastrophe about to occur, but rather that it is a “threshold catastrophe” in the sense of a new configuration of catastrophe, a chronic and prolonged situation that doesn’t interrupt routine.

The seventh chapter presents the figure of the universal spectator as an implied absentee presence in the act of photography and analyzes the relations conducted with her on the part of the photographer, the photographed person, and the actual spectator. The universal spectator, hovering, during the photographic act, above the encounter between the photographer and the photographed person, is an effect of the act of photography itself, necessary to the various protagonists taking part in this act so as to continue adhering to their mutual pact. Through observation mainly of portraits of Palestinians, the chapter attempts to reconstruct the face-to-face encounter between the photographer and the photographed person under conditions of threshold catastrophe.

The eighth chapter seeks to reject the prevalent perception of authentic or approved photography and to reconstruct the contours of the penal colony in Palestine (while discussing practices of detainment, imprisonment and torture) through a reading of existing and nonexistent photographs. The chapter points out the way in which the General Security Service (Shabak) employs photography as part of its methods of managing and oppressing the Palestinian population and, through a reading of missing photographs, proposes a rethinking of the category of collaboration.

INTRODUCTION

The ninth and last chapter discusses the figure of the woman collaborator and the sexual violence employed by the Shabak against Palestinian women. Following the discussion of rape at the center of the fifth chapter, this chapter, too, deals with the manner in which the field of vision is sanitized of traces of this sexual violence, which is consequently compressed into an elusive rumor. Based on testimonies collected in the report by B'Tselem (The Israeli Information Center for Human Rights in the Occupied Territories) on collaboration in the course of the first intifada, the chapter tries to reconstruct how the modus operandi of the Shabak inscribes Palestinians with the sign of collaboration, whether or not they have consented to collaborate.

* * *

My work on this book began in parallel with the writing of *Once Upon a Time: Photography after Walter Benjamin*,⁷ and for some time I believed that I was working on a single book or on twin books. While the two have since been separated and each has developed in a distinct direction of its own, there remains a strong link between them. The thinking of Walter Benjamin and the way in which photography percolates throughout his work are present in the background of this book. He wrote very little about photography relative to the whole corpus of his work, but the special way in which he read photographs and the place he allocated to the material aspect of photography — from the camera through the photographer's eye-hand relations — guided my first meeting with photography.

My reading of Benjamin was from the outset Deleuzian, and my debt to Benjamin is therefore also my debt to Gilles Deleuze. His discussion of caring for sense, along with the discourse of Jean-François Lyotard and his description of the duty to link phrases, has served me in discussing photography as a statement (*énoncé*) and in examining how and to whom it is being addressed as a civil act. I could not have developed my discussion of watching as a civil act and a rehabilitation of the political without Hannah Arendt's discussion of action and of the loss of common sense in modernity. The Declaration of the Rights of Woman and the Female Citizen, written by Olympe de Gouges (1791) and enunciating the way in which exclusion from the collective

has been inscribed on women's bodies, as well as Giorgio Agamben's *Homo Sacer* and its development of the concept of exception between the sacred and abandonment, helped me clarify the connection between abandonment and rape.

The discussions of rehabilitating citizenship under contemporary conditions are greatly indebted to the thinking of Étienne Balibar on citizenship and radical violence and to the thought of Azmi Bishara on citizenship in general and on the Israeli-Palestinian case in particular. Adi Ophir's work on the continuum between the particular injury and the condition of catastrophe contributed to my understanding of catastrophe as a preventable event. Joan Copjec's discussion of the condition of the gaze in modernity and her emphasis on its intransitive dimension enriched my formulation of the civil contract while posing an enduring challenge to it. Carole Pateman's discussion of the sexual contract as the repressed contract of the social contract and Juliet Flower MacCannell's work on the regime of the brother that has replaced patriarchy nurtured my thinking on women's impaired citizenship. This book also owes a great deal to my longstanding and unique ties with three artists, all of whom deal with photography and with theoretical thinking about photography: the project *Photographer Unknown* by Michal Heiman and her conception of photographs as subjects to be nursed and treated, Miki Kratsman's long-term work as a photojournalist in the occupied territories and his insights into what the act of photography is in the circumstances in which he practices it, and the tools that Aïm Deüelle Lüschi constructs through which he dismantles the traditional rationale of the camera. To a large extent, their work has formed my understanding of photography and has allowed me to elaborate the civil contract of photography. The writings and photographs of many others likewise have made this book possible, and traces of their contributions are highly evident throughout.

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