Can Photographs Lie? Reflections on a Perennial Anxiety

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Abstract

Drawing on linguistic theories of lying from speech act theory and deconstruction, the paper explores the meaning of the inherent “truth claims” attributed to photographs, claims that have come under increased pressure with the recent digital revolution. Rejecting the simple opposition of a photograph as either documentary evidence or aesthetic construction, it also resists the distinction between the technological apparatus producing a photograph—whether analog or digital—and the institutional context of photography. Instead, it seeks to locate photographs at the crossroads of figuraiity and discursivity, thus allowing us to make sense of the ways in which they may indeed be said, despite their apparent muteness, to have the capacity to lie.

On Thursday, March 4, 2015, The New York Times reported an embarrassing turn of events in the field of professional photography: the revocation of the World Press Photo contest’s first prize, which had been awarded a short time earlier to the Italian photographer Giovanni Troilo. He had won for a series of ten images called “The Dark Heart of Europe” about the city of Charleroi in Belgium. The controversy over his prize focused on one photo in particular in which, to quote the Times’ article, “Mr. Troilo had photographed his cousin having sex with a woman in the back of a car, using a remote-control flash to illuminate the steamy back seat. By putting a flash in the car, critics had said, Mr. Troilo effectively staged the photo, violating the rules of the contest. The photographer disagreed.”1 Troilo’s offense, in other words, had occurred prior to the taking of his photograph, violating a prohibition on staging an allegedly documentary image, which was defined as “something that would not have happened without the photographer’s involvement.” Before their rescinding the first prize, the article also noted, jurors for the World Press Photo prize had already “disqualified 20 percent of the photos that made the contest’s final rounds because they had been digitally manipulated by photographers who added or subtracted key elements of the images in post-processing, violating the rules of photographic integrity.”

In short, the jury for the prize, pressured by critics who insisted that definitions were binding and rules were meant to be followed, reaffirmed the time-honored distinction between photographs deliberately intended as artifacts or even works of art—where presumably staging, post-production manipulation, and something called “the rules of photographic integrity” would not be at issue—and photographs claiming to be accurate records of real events occurring contingently in the world, where they clearly would. Well, maybe not so clearly, as the original jury award had been premised, the Times’ article revealed, on the assumption that Troilo’s photograph “could be seen as documentary photography or portraiture, where such use of a flash is considered acceptable.” What seems to have convinced it to rethink its judgment was less the flash in the car than the caption that had accompanied the image, which read “locals know of parking lots popular for sexual liaisons.” By not

1 Rachel Donadio, “Top Award for Photo is Revoked,” The New York Times, March 5, 2015, C5.
signaling he was one of the locals in the know, the photographer had deceptively elided his complicity in what was being photographed. Troilo later protested that he had never meant the photo to be taken as showing a couple caught unawares *in flagrante delicto*, because he had solicited the prior cooperation of his cousin (although he neglects to mention whether or not the other party in the car was asked for hers). His aim was to “show voyeurism through voyeurism. The camera becomes active; it becomes the sense of shame.”

Whatever the precise merits of this particular case or the plausibility of Troilo’s cryptic explanation, it is worth rehashing because it reminds us that the controversy over photographic mendacity, fueled by anxiety about what Tom Gunning calls the “truth claims” of photographs as trustworthy representations of what they record, continues to rage. And perhaps not coincidentally, it seems to be intensifying at the very same time that “photography matters as art as never before,” to cite the title of Michael Fried’s recent celebration of such contemporary photographers as Jeff Wall, Cindy Sherman, Hiroshi Sugimoto, Philip-Lorca diCorcia, Thomas Demand, Rineke Dijkstra, the Bechers, Thomas Struth, Andreas Gursky, Thomas Ruff and Candida Höfer. That is, there seems to be emerging, at least conceptually, a more categorically rigid distinction between photographs that claim to be truthful, having what we might call evidential weight and providing impersonal testimony about real events, and photographs that willingly bracket truth claims to align themselves with other more self-consciously creative image-making practices, such as painting, which normally privilege imagination and control over mimesis and serendipity.

One way to understand these sharpened categorizations is to see them as reactions to the anxieties unleashed by the digital revolution in photography that began around 1990. There has, of course, been a great deal of ink spilled—or rather pixels generated—over the implications of digitalization, in particular on the widely debated role of so-called “indexicality” in the truth claims of photographs. Without the physical trace of the light rays bouncing off objects in the world and being registered chemically on photographic film, so it was feared, iconic verisimilitude would not be enough to verify the truth claims of images. Indeed, some even talked melodramatically of the resulting “death of photography.” Whether there was a radical break between analog and digital techniques, one with ontological significance, or merely a technological enhancement of methods of doctoring images that were there ever since the first double exposure “spirit” photos of the 19th century, is, however, still being debated, if perhaps without the apocalyptic dread infusing many of the original responses to digitalization.

My own inclination, for what it is worth, is to side with those who hold that Photoshop has not really undermined our still potent faith in photography’s ability to

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4. See, for example, the essays in Martin Lister, ed., *The Photographic Image in Digital Culture* (New York, Routledge, 2013).
represent the world with fidelity, even if we are a smidgeon less confident that it is always being scrupulously maintained. Airbrushing, after all, long antedated what is now called the “rasterization” of pixels on our computers. Significantly, as many observers have noted, we do not ban digital images from our passports or drivers licenses, but consider them trustworthy, if not always very flattering, portraits of their holders, capable of identifying them with just as much accuracy as analog images or even indexical fingerprints. When we hold them up to the immigration officer or highway patrolman, he or she still can recognize us in the face on the page. Whatever the technological changes may imply, the institutional support for believing in photographic veracity remains pretty much in place. Moreover, as W.J.T. Mitchell has pointed out in his discussion of the Abu Ghraib torture photographs, digital images carry with them invisible metadata, which allows the expert to know the precise date and time the picture was taken and with which camera. This information provides evidence within the image—or more precisely, the image file—that is normally archived outside it, if at all, and thus potentially increases our confidence in its veracity or in our ability to detect lies told about it.

From the very beginning of the medium’s invention, such confidence has, to be sure, always drawn on a certain suspension of disbelief. The world, after all, doesn’t appear to our sense of sight in two dimensions or in geometric frames, say three inches by five, or in black and white rather than color, or frozen in time rather than almost always in motion. Nor does it depend on a supporting medium such as photographic paper or a computer screen, whose material presence can never be entirely effaced. Nor does it withhold information about the actual spatial location of objects, producing instead what philosophers, referring to photographs, call “spatially agnostic informants.” Photographs, chemically or digitally enabled, are, in other words, re-presentations of an experienced world with a difference, always mimetically imperfect, always non-identical with the objects or events they capture for later contemplation. Even when they allow us to experience new visual phenomena—or better, old ones in new ways—through arrested motion or enlargement, giving us access to what Walter Benjamin famously called the “optical unconscious,” photographs do so by revealing their secrets to the camera eye first and the human one second. For these reasons, their tacit truth claims require a translation process, in which they signify or represent, to borrow C.S. Pierce’s familiar trichotomy, via a mixture of iconic and indexical signs with the occasional symbolic supplement. However much they may resemble what they depict, they are not equivalent to it. However much they may be said to escape coding and present

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7 This confidence, to be sure, may be misplaced, as Arild Fetveit pointed out to me in a personal communication, when the metadata is itself manipulated.


10 It can, of course, be argued that this is true of all sensual experience, which to one degree or another fashions objects not perfectly equivalent to their external counterparts. As Jonathan Crary shows in Techniques of the Observer: On Vision and Modernity in the Nineteenth Century (Cam-
the world directly, pace commentators like the early Roland Barthes, they are dependent on extra-technological conventions that establish their verisimilitude, those “rules of photographic integrity” cited by the judges in the World Press Photo contest. Although these conventions and mediations may be construed as ways to maintain perceptual contact with the world rather than simply distort it, as some commentators have insisted, they nonetheless trouble the naïve notion of accurate recording of what is photographed.

Or if one prefers to think in very different terms about the idea of truth itself, although defenders of the truth claims of photography may invoke the rhetoric of truth based on the adequate correspondence of an image in the mind’s eye to the object it represents, the Scholastic idea of *adequatio rei et intellectus*, photographs may draw their power instead on an alternative view of truth. That is, they may abet the disclosure or unconcealment of a world hitherto unseen, or truth in Heidegger’s sense of *aletheia*. As such, they may share a certain revelatory capacity with works of visual art, which also do more than merely report or reflect the world as it has always already been seen. Even if we may not be convinced by the Heideggerian account of truth as disclosure, it alerts us to the possibility that the simple opposition between artistic and photojournalist practices of photography may be problematic.

It is for all these reasons that the resistance to photography’s aesthetic pretensions in the name of accurate, documentary realism—or at least resistance to the creative moment in the objective recording of an undoctored truth—has always had something implausible about it. However automatic the recording device, however much contingency may sneak into the finished result against the intention of the photographer, however much the world discloses itself in unexpected ways, there is also always some choice made in the point, click and crop moment that brings a particular image into existence. In other words, the camera eye is itself a function, at least in part, of the intervention of the photographer. Even such a staunch defender of the truth claims of photography as the contemporary critic John Roberts builds his case by acknowledging that “the photodocument is a critically *ostensive* medium, it points at and picks out things because the photographer judges these things to be worth attending.” There is thus a certain continuity between pre-photographic staging defined as “something that would not have happened without the photographer’s involvement” and his or her decision to take the picture at a particular moment from a particular angle in a particular light. If you are skilled enough, to borrow Henri Cartier-Bresson’s famous phrase, it will be the “decisive moment,” capturing something extraordinary, even revelatory. But even if you are not, the resulting representation is still never of the world as it actually is.

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Although often celebrated by those who want to include photography with painting among the visual fine arts, this disparity can also lead to dismay over the ideological potential in photographic practice when it is seen to abet an unwanted and deceptive aestheticization. Take, for example, the case of Walter Benjamin. In his celebrated 1931 essay, “Little History of Photography,” where Benjamin coined the term “optical unconscious,” he approvingly cited the warning of the Russian-born photographer Sasha Stone that “photography-as-art is a very dangerous field.”

Benjamin’s prime example was the much-lauded album by the Neue Sachlichkeit photographer Albert Raenger-Patsch, Die Welt ist Schön:

> The creative in photography is its capitulation to fashion. The world is beautiful—that is its watchword. In it is unmasked the posture of a photography that can endow any soup can with cosmic significance but cannot grasp a single one of the human connections in which it exists, even when this photography’s most dream-laden subjects are a forerunner more of its salability than of any knowledge it might produce.\(^\text{15}\)

What Benjamin, in other words, feared was the capacity of the photographer to prettify the reified world of commodities, imbuing the surface appearances of modern life with an aura of aesthetic value without, however, penetrating to the dialectical relations beneath them that were the deeper truth of that world. Or as he put it when he returned to Raenger-Patsch’s work in his essay “The Author as Producer,” “it has succeeded in transforming even abject poverty, by recording it in a fashionably perfected manner, into an object of enjoyment.”\(^\text{16}\) In contrast, he invoked the images of vacated city streets by Eugène Atget, which had been rightly compared with crime scenes, and posed the rhetorical questions: “But isn’t every square of our cities a crime scene? Every passer-by a culprit? Isn’t the task of the photographer—descendent of the augurs and haruspices—to reveal guilt and to point out the guilty in his pictures?\(^\text{17}\)

Benjamin’s distinction between deceptive and aestheticized appearances and the truer and more brutal realities beneath them depended on a dialectical notion of reality that located truth in occluded contradictions rather than superficial harmonies. Anticipating Guy Debord’s critique of the “society of the spectacle,” he lamented the visual equivalent of commodity fetishism in which the underlying human sources, both in terms of productive labor and the suffering of unjust compensation for it, were forgotten. What he elsewhere damned as the “aestheticization of politics” was also at work, mutatis mutandis, in the duplicitous beautification of a world whose deeper ugliness—and the guilt of the system that produced it—remained hidden. For Benjamin, such images were mendacious, even if they involved no pre-production staging or post-production doctoring.

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\(^{15}\) Ibid.


\(^{17}\) Ibid., p. 527. Haruspices were Roman priests who practiced divination, often from the entrails of animals who had been sacrificed.
What, however, distinguished his position from contemporary defenders of a realistic photojournalism that seeks to distinguish itself as radically as possible from art photography—or a somewhat tendentious versions of it— is the alternative he defended against the Neue Sachlichkeit beautification of the world. He may have invoked Sasha Stone’s warning against “photography-as-art,” but he admired Stone’s own work, which owed a great deal to the constructivist aesthetics of the journal *G*, whose leaders included Moholy-Nagy, El Lissitsky and Mies van der Rohe. Benjamin, in fact, considered the photomontage that Stone did for the book jacket of his own *One-Way Street* in 1928 “one of the most effective covers ever.” In his “Little History of Photography,” he also cited Brecht’s claim that “the reification of human relations—the factory, say—means that they are no longer explicit. So something must in fact be *built up*, something artificial, posed.” And then he added, “we must credit the Surrealists with having trained the pioneers of such photographic construction.”

In other words, for Benjamin, the possibility of overcoming photographic mendacity based on conventional notions of harmonious formal beauty lay in the ability to harness other aesthetic innovations to counteract the reifications of a world whose deeper workings could not be revealed in allegedly “objective” images that stayed on the surface. Here, we might say, the spear that had caused the wound— aestheticization as mere beautification—could be wielded once again to cure it—anestheticization as constructivist juxtaposition and defamiliarization. That latter, however, is not based predominantly on the creative imagination of the artist, who conjures up images *ex nihilo*, but rather his or her manipulation and combination of fragments of images and sometimes texts that existed before. In other words, however much photomontages were the product of a *monteur*, an inspired assembler, they were also still based on the semi-automatic process of photography itself and the re-constellation of the visual readymades that resulted. It was an activity, we might say with a nod to Heidegger, that could disclose a truth hitherto occluded, albeit one that was the truth of historical materialism, not existential phenomenology. Along with the revelation of the “optical unconscious” through techniques like enlargement and fast shutter speed, constructivist juxtapositions could break through the crust of conventional seeing and allow us to gaze at the world with fresh eyes.

Whether photographic truth is advanced by the abjection of the aesthetic, broadly understood as any deliberate staging of a scene, as the jurors for the World Press Photo think, or by its proper employment for critical constructivist purposes, as Benjamin had believed, what is clear is that those who seek it are convinced of the danger that certain photographs can be mendacious, providing a false, ideologically nefarious view of the world. Alerting naïve viewers to the “lies of photography,” to cite the title of an 1899 French newspaper article exposing composite images of alleged political allies during the Dreyfus Affair, is, in fact, frequently advocated by those who worry how easy it is to be taken in by their implicit truth claims.

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18 This qualification is necessary because not all contemporary art photography relies on techniques that favor artifice over mimesis. There are many examples of photographs that have earned acceptance as works of art without sacrificing their truth claims as indexical traces of actual events in the world.


But what, I want to ask, does it mean to say that a photograph can actually lie? Is it the image itself that intentionally deceives or is it something else that is added to it that is responsible? Is a photograph that lies merely one that lacks the qualities that allow others to make convincing claims to be truthful, or does it actively have to do something more? To address these questions, we have to pause with the issue of what constitutes a lie in the first place, an issue that inevitably moves us away from images to language. Although there are, of course, many different ways in which linguistic questions can be approached, let me invoke only two, speech act theory and deconstruction, with a quick nod to Michel Foucault’s thoughts on the subject as well. Pseudologists or students of mendacity indebted to the first tradition tell us that, strictly speaking, a lie is a speech act with four distinct components, and has both constative and performative qualities. The first component is the liar’s conscious, but unexpressed knowledge of the truth or what he or she thinks is true. For example, I look outside the window and know it is a sunny day and not raining. The second is the liar’s utterance, verbally or in writing, of an assertion that is the contrary of or at least at variance with what the speaker knows or thinks is the truth. This is the locutionary or constative aspect of the speech act, a statement about either objective or subjective reality. I say “it is not sunny, it is raining.” The third is the liar’s illocutionary intention to deceive the listener or reader into believing that such an assertion is indeed true, although the speaker knows or thinks he or she knows otherwise. I intend you to believe falsely that it is raining, even though I know or at least believe it is not. A corollary of this intention is to convince the listener that the speaker is trustworthy, or at least to rely on the listener’s unreflective assumption that the speaker indeed is. In other words, I also want you to believe or continue to assume that I am a truth-teller and not a liar. And fourth and finally, if the lie is what can be called a “felicitous” speech act, its perlocutionary effect is indeed to persuade the listener or reader that what is not the case actually is. You fall for my intended deception and now think it is indeed raining, and are thus conned into buying one of the umbrellas I have for sale.

It is important to note the difference between a simple error articulated without an intention to deceive and a lie. In the Middle Ages, for example, honest men and women would have said that the sun went around the earth. Although what they believed was wrong, they were not mendacious or untrustworthy. Ironically, one can intend to mislead and yet tell the truth, if one’s belief in what is the case is itself flawed. In other words, one has to distinguish clearly between the truth and error, however we define them, and the truthfulness or mendacity of a speaker, whose intentions are more important than the veracity of his or her assertions.

There is also a crucial difference between unconscious deception—say, a chameleon changing its color automatically to fit into a new environment—and a conscious decision to lie by a responsible agent. Deception happens all the time in nature, especially when it comes to the dance of death between predators and prey or the competition for sexual partners, but there are no lies involved in the sense we have described above. As Jacques Lacan notes in Écrits, “an animal does not pretend to pretend. He does not make tracks whose deception lies in the fact that they will be taken as false, while being in fact true ones, that is, that indicate his true trail. Nor does an animal cover up its tracks, which would be tantamount to making itself
the subject of the signifier.” Pretence or deception in nature is not dependent on any kind of signifier. Lacan argues, because it is not situated in the general order of signification that is language. He calls this order of signification another locus from the dyadic interaction of predator and prey, “the locus of the Other, the Other witness, the witness Other than any of the partners.” The Other (le grand Autre) is not something constituted empirically through the use of language, not a norm imposed by language, but is rather the transcendental condition out of which languages emerges, the presupposition of truth-telling that underlies all speech acts. As a result, there is always an asymmetry between truth telling and lying, the latter being parasitic on the former. Whereas falsehood is an unjustified truth-claim, telling the truth is not an unjustified lie, but rather a justified assertion of the truth. Significantly, there is a verb "to lie," which suggests an agent who acts on his or her own initiative, whereas there is no verb "to truth," because the premise of telling the truth is hard-wired into language as such as its transcendental a priori, at least when it involves assertions.

What is sometimes called human self-deception, in which one part of the self allegedly knows what is true, but hides it from another, may be understood as hybrid case, as it combines elements of intentional lying with unintentional deception. Or because it rarely involves speech acts, it may be something outside of the problematic of lying entirely, perhaps better understood in terms of the psychoanalytic concept of denial. But however we consider such anomalous cases, by and large the distinction between natural deception without a speech act and human lying through one is worth maintaining.

Finally, we should also understand that lies have an important temporal ambiguity built into them. They involve constative assertions about the current or past state of the world or the actual beliefs and the intentions of the speaker. When they are false promises, they are current assertions about future actions, which they now pretend they will carry out at some later time. But the performative intention of all lies is entirely future-oriented, that is, to produce in the listener or reader a false understanding, a misleading belief in what is or was not the case (or when it comes to false promises, a mistaken belief in what will, in fact, not be the case in the future). All lies, we might say, are based on the imagination of what is not now the case, performatively making a new future reality, or at least a new belief about it. It is for this reason that Hannah Arendt could audaciously contend that there was a critical link between lying and political action, for both were based on imagining a possible change in the status quo and a different future.

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24 Ibid.
25 There are, of course, other types of speech acts, for example prayer or the writing of fiction, in which this transcendental premise does not obtain.
26 For a discussion of denial in philosophical and literary as well as psychoanalytical terms, see Wilfred Ver Eecke, *Denial, Negation, and the Forces of the Negative: Freud, Hegel, Lacan, Spitz and Sophocles* (Albany, SUNY Press, 2006).
With those clarifications behind us, it may seem that we can now return to the question of photographic mendacity. To help answer it, however, we have to widen our lens a bit to consider, if briefly, the larger question of the issue of truth and lying in visual experience in general. Here we may find some inspiration in the work of two stalwarts of 20th-century French theory, Jacques Derrida and Michel Foucault. A number of years ago in a remarkable book called The Truth in Painting, Derrida pondered the implications of Cézanne’s promise in a letter of 1905 to his friend Émile Bernard “I owe you the truth in painting and I will tell it to you.” Examining what he called the painter’s “speech act promising perhaps a painting act,” Derrida noted that Cézanne “promises that he will say the truth in painting.” In exploring the implications of that promise, Derrida first examined the assumption that paintings or other art works were self-sufficient entities unto themselves, disinterested enclaves walled off from the external world and capable of expressing their own internal truth. Deconstructing the distinction between ergon and parergon, a work based on the capturing of creative energia and the frame around it, he showed instead that the boundary between them was always permeable. What seemed an extraneous, ornamental excrescence like columns in front of buildings, the pedestal under a statue or the garment draped over it inevitably intruded on the objects themselves, undermining the integrity of allegedly autonomous and autotelic work of art. Examining then the alternative claim that the truth of a painting could be found outside it in terms of representative fidelity to the object mimetically depicted, he looked carefully at the dispute between Heidegger and the American art historian Meyer Schapiro over the alleged model for Van Gogh’s painting Old Shoes with Lacings. The latter had claimed that they were the artist’s own unlaced shoes, the former that they were those of a peasant, but Derrida said that the dispute could not be definitively resolved on the evidence each provided. The implication he drew was that the truth of a painting could not also be derived externally through reference to the accuracy of its representation. He finished by looking at paintings that contained snippets of writing on the canvas, in particular the work of Valerio Adami, which he denied could be read with confidence in either mimetic, semiotic or formal terms. The upshot of these explorations was the conclusion that radical undecidability thwarted all attempts to find the truth in painting promised by Cézanne to his friend.

In this book, Derrida did not address the specific question of whether paintings, if they can’t, pace Cézanne, tell the truth, can instead be accused of lying. The question of mendacity, however, was treated in one of his later essays entitled “History of the Lie: Prolegomena,” which appeared in the collection Without Alibi in 2002, and it is from this piece that we can perhaps infer his possible answer. In it, he stressed the performative quality of the lie, “which is not a fact or a state; it is an intentional act, a lying. There is not the lie, but rather this saying or this meaning-to-say that is called lying.” In addition to stressing the importance of the action over the deed, he also insisted on “the irreducibly ethical dimension of the lie, where the phenomenon of

29 Ibid., 8-9.
31 Ibid., 34.
the lie as such is intrinsically foreign to the problem of knowledge, the truth, the true and the false.” The liar betrays the trust of the person he or she seeks to mislead, in particular the trust in sincerity on which normal assertions in communicative interaction depend.

A similar stress on the ethical, intersubjective dimension of lying as the breaking of trust between people characterized Michel Foucault’s ruminations on the ancient Greek notion of parrhesia, which he defined as “a verbal activity in which a speaker expresses his personal relationship to truth, and risks his life because he recognizes that truth-telling as a duty to improve or help other people (as well as himself).” Foucault’s interest in the verbal performance of the truth-teller, based on his or her sincerity, is relevant to the question we are addressing because he pitted it against a more modern notion of epistemological validity based on the testimony of the eyes. In an earlier essay, whose arguments I won’t rehearse now, I sought to explore the implications of Foucault’s thoughts on truth and visuality. It concluded that however much he may have favored certain ocular practices over others—for example, the decomposed calligrams of a René Magritte over the traditional Cartesian perspectivalism of mimetic representation—he never supported the ideal of “truth-showing” or visual parrhesia as an antidote to sinister practices such as the surveillance of the panopticon.

There are several lessons that might be drawn from Derrida and Foucault’s analyses of the complex relationship between visuality in general and truth-telling, which bear on the question of photographic mendacity. One is the distinction between lying as a speech act—telling a lie, parasitic on the act of telling the truth—and an image, whether a painting or photograph, which shows something, either in the world or in the imagination (or a mixture of both), but cannot say or tell it. Thus photos lack crucial dimensions of the speech act of lying outlined above, in particular prior consciousness of the truth and the intention of saying otherwise to fool a second party. Although non-verbal images can, of course, have illocutionary intentions once their conventional codes are established—think of a skull and cross bones on a bottle of poison, warning you not to drink it, or a red light at a crossroads—by themselves they are mute, a condition shared by photographs. If there is a transcendental a priori for visual experience—and philosophers like Kant have argued there is in spatial intuitions—it is not “le grand Autre” of language in Lacan’s sense of the term. The implication of all this is captured in Tom Gunning’s observation in his insightful essay “What’s the Point of an Index?, or, Faking Photographs;”
A second plausible lesson to draw concerns the intersubjective and ethical dimension of lying. There is nothing in the taking of a photograph *per se* that is inherently intersubjective, let alone involves an ethical relation between subjects. I can take a picture of my big toe for my own private admiration and never show it to another human being. There are, to be sure, many photographs that do involve interactions between subjects, and elaborate protocols have emerged concerning the implicit contract that ties the photographer with the photographed, one that often has legal ramifications in terms of ownership of the resulting image. And if Ariella Azoulay is right in her controversial study of *The Civil Contract of Photography*, the contract can have profound political and human rights implications as well.36

To return to the offending photograph by Giovanni Troilo, which cost him his World Press Photo prize, was such a civil contract betrayed in the case of his cousin’s unwitting partner in the staging of their illuminated love-making in that steamy back seat in Chaleroi, Belgium? The answer to that question may well be yes, at least in the terms set by the contest, but it is not clear that the reason has anything to do with the mendacity of the image, which simply recorded what the flash revealed. One can even claim that by using a flash, the photographer enabled a sharper image of the event he wanted to capture, and in this sense made possible a “truer” effect—or more precisely, a greater claim to verisimilitude—than if it had been in the shadows. So, although the photo was disqualified because the event it depicted was staged rather than merely captured, the image itself was innocent of any lying in the sense we have been developing.

The upshot of all of these considerations would seem to be that claiming photos can lie is based on a category mistake, a confusion of the logics of figurality and discursivity, of showing and telling. Their temporality is inherently past-oriented, magically preserving an ephemeral moment that no longer is, whereas lies, as we have argued, are future-oriented, seeking to change the status quo rather than merely record it. They are, moreover, only contingently intersubjective, whereas a lie—the ambiguous case of self-deception aside—is essentially so. If photos deceive, and we know of course that they can, perhaps it is best to group them with the unintentional, non-linguistically mediated deception of the natural world rather than with the human-all-too human speech act we call lying.

And yet before we too hastily adopt this conclusion, it may be worth returning to one of the arguments we have encountered in Derrida’s exploration of Cézanne’s promise to show his friend the truth in painting. In his discussion of the distinction between *ergon* and *parergon*, you will recall, Derrida challenged the ideal of aesthetic immanence, the claim that works of art are organic wholes with clear boundaries separating them from extrinsic contexts of production and reception. Instead, he argued that the supplement of the frame always inhabits the interiority of the work, which cannot achieve its effect of self-sufficiency without it. An aesthetics of pure form, seeking to abject materiality, or pit poesis against mimesis, is always haunted by what it banishes. The self-pleasuring of a work, its “auto-affection,” is never complete: “the most irreducible heteroaffection,” Derrida writes “inhabits—intrinsically—the most closed autoaffection.”37 Or to put it in more temporal terms, the reified solidity of the *ergon* cannot contain for very long the *energia* that went

37 Derrida, *The Truth in Painting*, 47.
into its production and that is unleashed by its reception, in the same way that Marx argued that the fetishized commodity cannot entirely obliterate the memory of the labor that went into its production and the use to which it will be put.

If we extrapolate from this argument about paintings and other works of art to photographs, it suggests that however isolated the image may seem from its discursive context, however “bereft of language” the photo may appear to be, it is nonetheless not entirely immune from contamination—or enrichment—by its enabling contexts of generation and reception, which include discursive moments. When we take seriously the concealed intentionality in a photograph, which, as we noted earlier, extends beyond conscious staging of the scene or post-production manipulation to include the choice in deciding to take it at a specific moment and aim in a certain direction, we can say that the finished image, however self-contained it may seem, is always haunted by the process that produced it. Appearing in more than just the added caption or the post facto written interpretation of the image, discursive interruption of the pure figurality of the image already occurs in the residual impact of previous photographs and the ways in which they have been integrated into discursive circuits of meaning. Tom Gunning comes close to acknowledging this integration when he follows his statement about the apparatus’s inability to lie or tell the truth with the acknowledgment that

historically and institutionally, in order to tell the truth, the photograph must be subjected to a series of discourses, become, in effect, the supporting evidence for a statement ... [I]n order to speak the truth the photograph must be integrated into a statement, subjected to complex rules of discourse—legal, rhetorical, even scientific.38

Drawing on Derrida’s argument about the *ergon* and *parergon*, we might push this argument a little further to say that the subjection of the image to a discursive context is not something that happens *after* it has come into the world as a mute object, something that is tacked on from the outside, but rather has *always already* happened in the constitution of the image itself. As in the study of movies in which discrete “films” are best understood as permeated by the forces that constitute “cinema” as an engulfing institution, involving production, distribution, reception, preservation and intermediality, the seemingly isolated image that we call a photograph cannot be entirely extracted from the mediations of the larger context we call photography.

In fact, the very term “photography,” introduced to replace the earlier “photogenic drawing” and promoted by William Henry Fox Talbot in *The Pencil of Nature* (1844), may also alert us to the entanglement of the figural and the discursive. As Hagi Kenan has recently noted in an insightful essay on the role of shadows in the origins of photographic images, the neologism includes “the Greek *graphein* with its double-sense meaning of drawing and writing. The term *photography* thus introduces a certain ambivalence into nature’s pencil, which now operates between drawing and writing, between visual depiction and the codified signs of a language.”39 He then adds that the new process of image-making enabled the “ability to see the shadow

38 Gunning, “What’s the Point of an Index?,” 42.
as a code and, consequently, to create a new visually uprooted image whose self-
sufficiency is no longer indebted to vision. It is perhaps for these reasons that the truth claims of photography are never 
reducible to a simple indexical trace of the real, the automatic registering of an object or event through a chemical or digital process. As we’ve seen in the case of Benjamin 
with his pitting of one tacitly aesthetic practice against another, photomontage versus the beautification of reified surfaces, truth can be understood as a dialectical construct, not a passive recording of the world as it appears. Pure disclosure or unhiddenness, pace Heidegger with his notion of aletheia, needs a helping hand. Not surprisingly, we find Benjamin advocating the conscious imbrication of figuration and discursivity, when he writes “what we require of the photographer is the ability to 
give his picture the caption that wrenches it from the modish commerce and gives it a revolutionary useful value.”

The contemporary critic John Roberts, sharing the same militant political agenda as Benjamin, contends that the truth claim of photography is not based on its direct, unmediated showing of something in the world, but rather the shock it gives to our normal, unreflective experience of sight, the violation of our conventional way of looking. It is what he calls its “indirect or secondary ostension,” based on “an undeclared secondary meaning” which is “essential to the social and discursive claims of photography.” The act of disruption, even one that may violate the privacy of the subject photographed, is what overcomes the soothing aesthetic effect that Benjamin so disliked in his critique of Neue Sachlichkeit superficial beauty. It has a future-oriented intention in unsettling the visual status quo. There is an affective truth in photography, which Roberts identifies with “its unrivaled capacity to reveal the fact that what we see is not convergent with what we know to be true, and therefore that what we know about what we see we are unable to freely assimilate—there is a fundamental gap between representation and truth.”

The implication of these challenges to what we might call the mimetic ideology of the photograph’s truth-showing for our own question of the photograph’s ability to lie is clear. If photographs are necessarily embedded in the larger institutions and practices of “photography” and those institutions and practices have an inevitably discursive moment, we can understand them as the contested sites of figuration and discursivity, which are intertwined, although not collapsible one into the other. If photography’s truth claims are more than just a function of the unintended, indexical moment in the process of recording but also depend on discursive assumptions, and if lying is parasitic on truthfulness, as we have seen it is in linguistic terms, then it may well be the case that mendacity can also be discerned even in the mute world of the photographic image. As the philosopher Arthur Danto once put it when discussing the practice of photographing people unaware, “cameras do not lie, but photographers do.” What in fact makes the hybrid practice we call taking a photograph so richly over-determined is its ability to show and tell at the same time, sometimes with parallel implications and sometimes not. It is ironically because

40 Ibid., p. 570-571.
41 Benjamin, “The Author as Producer,” 230.
42 Roberts, Photography and its Violations, 155.
43 Ibid., 158. Italics in original.
the “rules of photographic integrity,” to cite the normative procedural standards invoked by the jury for the World Press Photo contest, are never really observed in their pure state that we can meaningfully speak of the ability of photographs to be truthful, and also to lie. And to compound the irony, such lying may result from reinforcing the naturalization of a world of reifications that reflect a social reality that needs to be disrupted, even violated, to reveal a potential for an alternative that may have a better claim to the truth. Or to give the screw one more twist, if Arendt is right about the link between lying and resisting the status quo, it too may under certain circumstances have a critical function, pointing to a future truth denied in the present world. Maybe Giovanni Troilo, not despite but because of his staging, deserves his prize, after all.45


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